

LIQUID TRADE WASTE POLICY

Responsible Department:	Planning and Sustainability
Responsible Section:	Regulatory Compliance
Responsible Officer:	Manager Regulatory Compliance

Objective

Key objectives of the regulation of liquid trade waste discharges to the sewerage system are to:

- protect public and workers health and safety and the environment;
- protect council's assets from damage;
- minimise adverse impacts on the sewage treatment processes;
- protect the environment from the discharge of waste that may have a detrimental effect;
- assist in meeting regulatory and licence compliance;
- promote water conservation, effluent recycling and biosolids reuse; and
- promote waste minimization.

Introduction

Liquid trade waste is all liquid waste other than sewage of a domestic nature.

Liquid trade waste includes non-domestic liquid waste discharges to council's sewerage system from:

- industrial premises
- business/commercial premises (such as beautician, florist, hairdresser, hotel, motel, restaurant, butcher, supermarket, etc.)
- community/public premises (including clubs, schools, colleges, universities, hospitals, and nursing homes)
- any commercial activities carried out at a residential premises
- saleyards, racecourses, stables, and kennels that are not associated with domestic households
- tankered human waste, ship-to-shore waste from marina pump-out facilities, portable toilet waste and established sites for the discharge of pan contents from mobile homes/caravans
- any other waste tankered to the sewerage facilities, such as commercial or industrial waste from areas that are not sewered.

Liquid trade waste excludes:

- toilet, hand wash basin (used for personal hygiene only), shower and bath wastes derived from all the premises and activities mentioned above
- wastewater from residential toilets, kitchens, bathrooms, or laundries (that is domestic sewage)
- wastewater from common laundry facilities in caravan parks (discharges from common kitchen facilities in caravan parks are liquid trade waste)
- residential pool backwash

Policy

1. Definitions

Term	Meaning
Assumed Concurrence	Council may apply to the relevant NSW Government Department for delegation to assume concurrence for Classification B or Classification S activities. If granted, Council will no longer need to forward such applications to DWE for concurrence.
Automatic Assumed Concurrence	Councils have been authorised to assume the relevant NSW Government Department concurrence for Classification A activities. Such applications may be approved by Council without forwarding the application to the relevant NSW Government Department for concurrence.
Bilge Water	minor amounts of water collecting in the bilge of a vessel from spray, rain, seepage, spillage, and boat movements. Bilge water may be contaminated with oil, grease, petroleum products and saltwater.
Biochemical Oxygen Demand (BOD₅)	The amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of five days at 20°C. In practical terms, BOD is a measure of biodegradable organic content of the waste.
Bio solids	Primarily organic solid product produced by sewage processing. Until such solids are suitable for beneficial use, they are defined as wastewater solids or sewage sludge.
Bunding	Secondary containment provided for storage areas, particularly for materials with the propensity to cause environmental damage.
Chemical Oxygen Demand (COD)	A measure of oxygen required to oxidise organic and inorganic matter in wastewater by a strong chemical oxidant. Wastewaters containing high levels of readily oxidised compounds have a high COD.
Chemical Toilet	Toilet in which wastes are deposited into a holding tank containing a deodorizing or other chemicals; wastes are stored and must be pumped out (and chemical recharged) periodically.
Commercial Kitchen/Caterer	For the purpose of these Guidelines, a commercial kitchen is a premises that is typically a stand-alone operation and prepares food for consumption off-site. These types of businesses typically cater to wedding functions, conferences, parties, etc. This definition would not apply to a food processing factory supplying pre-prepared meals to an airline company or similar.
Contingency Plan	A set of procedures for responding to an incident that will affect the quality of liquid trade waste discharged to the sewerage system. The plan also encompasses procedures to protect the environment from accidental and unauthorised discharges of liquid trade waste to the stormwater drainage system, and leaks and spillages from stored products and chemicals.
Director-General	Director-General means the Director-General of the relevant NSW Government Department
Due Diligence Program	A plan that identifies potential health and safety, environmental or other hazards (e.g. spills, accidents or leaks) and appropriate corrective actions aimed at minimising or preventing the hazards.
Concurrence	is required before a council may approve an application for the discharge of liquid trade waste (including septic tank and pan waste) to the sewerage system. It is a requirement under <i>Local Government Act 1993</i> (NSW) s 90(1) and <i>Local Government (General) Regulation 2021</i> (NSW) reg 28 that council obtain the written concurrence of the Director-General prior to approving such waste to be discharged to the council's sewerage system.
Effluent	The liquid discharged following a wastewater treatment process.

Term	Meaning
Effluent Improvement Plan (EIP)	The document required to be submitted by a discharger who is not meeting the acceptance limits for discharge waste quality set down in Council's approval conditions and/or liquid trade waste agreement. The document sets out how the discharger will meet the acceptance limits for the discharge of liquid trade waste to the sewerage system within the agreed timeframe.
Galley Waste	In this Policy, a liquid waste from a kitchen or a food preparation area of a vessel; solid wastes are excluded.
Heavy Metals	Metals of high atomic weight which in high concentrations can exert a toxic effect and may accumulate in the environment and the food chain. Examples include mercury, chromium, cadmium, arsenic, nickel, lead, and zinc.
Housekeeping	is a general term, which covers all waste minimisation activities connected with the way in which operations within the premises are carried out.
Industrial Discharges	Industrial liquid trade waste is defined as liquid waste generated by industrial or manufacturing processes.
Local Government Regulation	<i>Local Government (General) Regulation 2021</i> (NSW) under the <i>Local Government Act 1993</i> (NSW).
Liquid Trade Waste	Liquid trade waste means all liquid waste other than sewage of a domestic nature.
Mandatory Concurrence	For the liquid waste in Classification C, councils will need to obtain concurrence from DWE for each discharger.
Methylene Blue Active Substances (MBAS)	These are anionic surfactants (see Surfactants definition) and are called MBAS as their presence and concentration is detected by measuring the colour change in a standard solution of methylene blue dye.
Minimal Pre-treatment	For the purpose of this Policy includes sink strainers, basket arrestors for sink and floor waste, plaster arrestors and fixed or removable screens.
Open Area	Any unroofed process, storage, washing or transport area potentially contaminated with rainwater and substances which may adversely affect the sewerage system or the environment.
Pan	For the purpose of this Policy "pan" means any moveable receptacle kept in a closet and used for the reception of human waste.
pH	A measure of acidity or alkalinity of an aqueous solution, expressed as the logarithm of the reciprocal of the hydrogen ion (H ⁺) activity in moles per litre at a given temperature; pH 7 is neutral, below 7 is acidic and above 7 is alkaline.
Premises	Has the same meaning as defined in the <i>Local Government Act 1993</i> (NSW) and includes any of the following: a building of any description or any part of it and the appurtenances to it; land, whether built on or not; <ul style="list-style-type: none"> • a shed or other structure; • a tent; • a swimming pool; • a ship or vessel of any description (including a houseboat); or • a van.
Prescribed Pre-treatment Equipment	is defined as standard non-complex equipment used for pre-treatment of liquid trade waste, e.g. a grease arrestor, an oil arrestor/separator, solids arrestor, cooling pit (refer to the current <i>Liquid Trade Waste Management Guidelines</i>).
Primary Measurement Device	A device such as a gauging pit, weir tank or flume installed in the liquid trade waste discharge line suitable for installation of instrumentation for flow measurement. In cases of commercial flows this can mean a removable section of pipe (in the fresh water supply to the trade waste area) and the installation of a check meter.

Term	Meaning
Relevant NSW Government Department	The specific department that is responsible for Liquid Trade Waste. This is currently the NSW Department of Planning and Environment.
Septage	Material pumped out from a septic tank during desludging; contains partly decomposed scum, sludge, and liquid.
Septic Tank	Wastewater treatment device that provides a preliminary form of treatment for wastewater, comprising sedimentation of settleable solids, flotation of oils and fats, and anaerobic digestion of sludge.
Septic Tank Effluent	The liquid discharged from a septic tank after treatment.
Sewage Management Facility	A human waste storage facility or a waste treatment device intended to process sewage and includes a drain connected to such a facility or device.
Sewage of Domestic Nature	Includes human faecal matter and urine and waste water associated with ordinary kitchen, laundry, and ablution activities of a household, but does not include waste in or from a sewage management facility.
Sewerage System	The network of sewage collection, transportation, treatment, and by-products (effluent and bio solids) management facilities.
Ship-to-Shore Pump-out	Liquid waste from a vessel that may be considered for disposal to the sewerage system. This includes on-board toilet wastes, galley wastes and dry dock cleaning wastes from maintenance activities.
Sullage	Domestic wastewater excluding toilet waste.
Surfactants	The key active ingredient of detergents, soaps, emulsifiers, wetting agents and penetrants. Anionic surfactants react with a chemical called methylene blue to form a blue-chloroform-soluble complex; the intensity of colour is proportional to concentration.
Suspended Solids (SS)	The insoluble solid matter suspended in wastewater that can be separated by laboratory filtration and is retained on a filter. Previously also referred to as non-filterable residue (NFR).
Total Dissolved Solids (TDS)	The total amount of dissolved material in the water.

2. Legislative Requirements

- 2.1. Pursuant to *Local Government Act 1993* (NSW) s 68, a person wishing to discharge liquid trade waste to the sewerage system must, obtain prior approval from Council.
- 2.2. Discharging liquid trade waste without an approval is an offence under *Local Government Act 1993* (NSW) s 626.
- 2.3. *Local Government Act 1993* (NSW) ch 7 governs the procedure for approving the discharge of liquid trade waste into the sewerage system.
- 2.4. Pursuant to the *Local Government (General) Regulation 2021* (NSW) reg 28 a council must not grant an approval under *Local Government Act 1993* (NSW) s 68 to discharge trade waste (whether treated or not) into a sewer of Council unless the relevant NSW Government department has concurred with the approval.

Part 1 – Exemptions

3. Narrabri Shire Council Exemptions for Obtaining Approval of Liquid Trade Waste Discharge.

- 3.1. The following table lists commercial business activities that the NSW Government has consented to an exemption from the requirement to apply for approval for liquid trade waste discharge to the sewerage system.
- 3.2. Each such business must meet the standard requirements specified below.
- 3.3. An annual trade waste fee applies to each such discharger.

Table 3: Exemptions

Activity	Requirements
1. Beautician	1.1. Nil.
2. Bed and Breakfast (not more than 10 persons including the proprietor)	2.1. Sink strainers in food preparation areas. 2.2. Housekeeping practices (see Note 4).
3. Community hall (minimal hot food)	3.1. Sink strainers in food preparation areas. 3.2. Housekeeping practices (see Note 4).
4. Day care centre (no hot food prepared)	4.1. Sink strainers in food preparation areas. 4.2. Housekeeping practices (see Note 4).
5. Delicatessen – no hot food prepared	5.1. Sink strainers in food preparation areas. 5.2. Housekeeping practices (see Note 4).
6. Dental technician (no X-ray)	6.1. Plaster arrestor required.
7. Companion Animal Groomers	7.1. Floor waste basket and sink strainer required (see Note 3). 7.2. No organophosphorus pesticides may be discharged to sewer.
8. Florist	8.1. Floor waste basket and sink strainer required. 8.2. No herbicides or pesticides may be discharged into the sewer.
9. Fruit and vegetable – retail	9.1. Floor waste basket and sink strainer required (see Note 3).
10. Funeral parlour	10.1. Floor waste basket required. 10.2. Formaldehyde is not to be discharged to the sewer.
11. Hairdresser	11.1. Floor waste basket and sink strainer (where available).
12. Jewellery shop	Miniplater: 12.1. Miniplater vessel to contain no more than 1.5 litres of precious metal solution Ultrasonic Washing: 12.2. Nil Precious Stone Cutting (if < 1000 Litre per day): 12.3. plaster arrestor required Precious Stone Cutting (if > 1000 Litre per day): 12.4. general purpose pit required
13. Mixed business (minimal hot food)	13.1. Floor waste basket and sink strainer required (see Note 3). 13.2. Housekeeping practices (see Note 4).
14. Mobile cleaning units	Carpet Cleaning: 14.1. 20-micron filtration system fitted to a mobile unit. Garbage Bin Washing: 14.2. Floor waste basket required. 14.3. Discharge is via grease arrestor (if available).
15. Motel (no hot food prepared and no laundry facility)	15.1. Floor waste basket and sink strainer required (see Note 3). 15.2. Housekeeping practices (see Note 4).
16. Nut Shop	16.1. Floor waste basket and sink strainer required (see Note 3).
17. Optical service - retail	17.1. Solids settlement tank or pit required.
18. Pet shop – retail	18.1. Floor waste basket and sink strainer required (see Note 2).
19. Pizza reheating for home delivery	19.1. Housekeeping practices (see Note 4).

20. Sandwich shop, salad bar, coffee shop (no hot food prepared)	20.1.Floor waste basket & sink strainer required (see Note 3). 20.2.Housekeeping practices (see Note 4).
21. Venetian blind cleaning	21.1.Nil (see Note 2).

Notes:

1. Where “required” is used it means as required by Council.
2. If activity is conducted outdoors, the work area is to be roofed and bunded to prevent stormwater ingress into the sewerage system.
3. All drainage from floors in food preparation areas is required to pass through a floor waste basket.
4. Food preparation activities need to comply with sound housekeeping practices including:
 - a. Floor must be dry swept before washing.
 - b. Pre-wiping of all utensils, plates, bowls etc. to the scrap bin before washing up.
 - c. Use of a food waste disposal unit is not permitted

Part 2 – Criteria for Approval to Discharge Liquid Trade Waste into Council’s Sewerage System

4. Factors for Consideration:

- 4.1. Council’s decision to accept liquid trade waste into the sewerage system will be based on the discharge meeting Council’s requirements.
- 4.2. When determining an application to discharge liquid trade waste into the sewerage system, Council will consider the following factors:
 - (a) The potential for the liquid trade waste discharge to impact on public health;
 - (b) The possible impacts the discharge may pose to the environment (land, water, air, noise, or nuisance factors);
 - (c) The potential impacts of the discharge on the health and safety of the Council’s employees;
 - (d) The possible impact of the discharge on Council’s sewerage infrastructure or sewage treatment process;
 - (e) The capability of the sewerage system (both transportation and treatment components) to accept the quality and quantity of the proposed liquid trade waste discharge;
 - (f) The impact the liquid trade waste will have on the ability of the sewerage scheme to meet Department of Environment and Climate Change (DECC) licence requirements;
 - (g) Compliance of the proposed liquid trade waste discharge with guideline limits in this policy;
 - (h) The potential impacts of the discharge on the quality of, and management practices for, effluent and bio solids produced from the sewage treatment process;
 - (i) The adequacy of the pre-treatment process(es) to treat the liquid trade waste to a level acceptable for discharge to the sewerage system, including proposed safeguards if the pre-treatment system fails; and
 - (j) Whether appropriate safeguards are proposed to avoid the discharge of other, non-approved wastes to the sewerage system.
- 4.3. The quality of trade waste from some low-risk commercial activities in Classification A will exceed guideline limits in Council’s trade waste policy.
- 4.4. As a higher level of pre-treatment is not cost-effective, such waste is acceptable if the discharger installs and properly operates and maintains the required pre-treatment equipment (refer to current Liquid Trade Waste Management Guidelines).

- 4.5. Septic and pan waste may exceed some guideline limits in the following circumstances:
- (a) The adequacy of any chemical storage and handling facilities, and the proposed safeguards for preventing the discharge of chemicals to the sewerage system;
 - (b) Whether prohibited substances are proposed to be discharged;
 - (c) The potential for stormwater entering the sewerage system and adequacy of proposed stormwater controls;
 - (d) Waste minimisation and water conservation programs; and
 - (e) The adequacy of the proposed Due Diligence Program and Contingency Plan, where required.

5. Discharge Quality:

- 5.1. Council has guideline limits for the acceptance of discharges.
- 5.2. Council may vary the guideline limits for a particular sewage treatment works.
- 5.3. Where the guideline limits cannot be met, applicants are required to provide justification for exceeding the limits.
- 5.4. Based on the type and the proposed contaminant levels, Council may refuse the application, or may approve it subject to an effluent improvement program, or other conditions being implemented.

6. Prohibited Substances

- 6.1. Some substances are not suitable for discharge to the sewerage system.
- 6.2. This Policy sets out those substances which must not be discharged to the sewerage system.
- 6.3. Council may not grant approval for the discharge of these substances into the sewerage system unless it is specifically approved under the *Local Government Act 1993* (NSW) s 68.

7. Stormwater Discharges from Open Areas

- 7.1. Stormwater is a prohibited discharge under this policy.
- 7.2. The ingress of stormwater into the sewerage system can cause operational problems to the system and result in sewer overflows, as the sewerage system does not have the capacity for such flows. Therefore, Council does not generally accept the discharge of stormwater to the sewerage system.
- 7.3. It is, however, recognised that it may not always be possible or practical to prevent all stormwater entering the sewerage system at some liquid trade waste premises.
- 7.4. The discharge of limited quantities of first flush water from sealed areas will be considered where roofing cannot be provided because of safety or other important considerations.
- 7.5. The discharge from unsealed areas is not permitted.
- 7.6. Before the stormwater will be considered for discharge to the sewerage system, the applicant must provide the following information:
 - (a) reasons why the area cannot be fully or partially roofed and bunded to exclude stormwater;
 - (b) the dimensions and a plan of the open area under consideration;
 - (c) whether the open area is sealed;
 - (d) the estimated volume of the stormwater discharge;
 - (e) information on rain gauging;
 - (f) where a first-flush system is proposed, details on how the stormwater will be diverted to the drainage system after the first flush is accepted (the first flush to be limited to first 10 mm of storm run-off);

- (g) measures proposed for diverting stormwater away from the liquid trade waste generating area; and
- (h) report on other stormwater management options considered and why they are not feasible.

7.7. Trade waste charges for the acceptance of stormwater to the sewerage system are outlined at clause 4 of this Policy.

8. Food Waste Disposal Units

- 8.1. The use of food waste disposal units (also known as in-sinkerators, in-sink food waste disposers, or garbage grinders) is not permitted.
- 8.2. Existing installations in hospitals and nursing homes may be permitted, so long as wastewater is discharged through an adequately sized grease arrestor.
- 8.3. For existing premises, a food waste disposal charge will be levied based on the number of beds in the hospital or nursing home (refer to clause 18.13 of this Policy).
- 8.4. If the hospital or nursing home kitchen is refurbished, the food waste disposal unit must be removed.

9. Devices that Macerate or Pulverise Waste

- 9.1. Macerators and any other similar devices that are used for pulverising of solid waste are not authorised to connect to Council’s sewerage system (Refer to the current NSW Code of Practice: Plumbing and Drainage).
- 9.2. Solid waste includes, but is not limited to, sanitary napkin, placenta, surgical waste, disposable nappy, mache bedpan and urine containers.
- 9.3. Council will not accept any discharges from such devices into its sewerage system.

10. Use of Additives in Pre-treatment Systems

- 10.1. Council does not allow solvents, enzymes, bio additives, and odour control agents to be used in pre-treatment systems (except neutralising chemicals designated for the pre-treatment) except by specific written application and subsequent approval.

11. Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System

Table 11(a) – Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System

Parameter	General Acceptance Guideline Limits
1. Flow Rate	1.1. The maximum daily and instantaneous rate of discharge (1 kL/h) is set on the available capacity of the sewer. 1.2. Large dischargers are required to provide a balancing tank to even out the load on the sewage treatment works.
2. BOD₅ and Suspended Solids	2.1. Normally, approved at 300 mg/L each. Concentration up to 600mg/L and in some cases higher concentration for low mass loadings may be acceptable if the treatment works has sufficient capacity and odour will not be a problem.
3. COD	3.1. Normally, not to exceed BOD ₅ by more than three times. 3.2. This ratio is given as a guide only to prevent the discharge of non-biodegradable waste.

Parameter	General Acceptance Guideline Limits
4. Total Dissolved Solids	4.1. Between 1000 to 2000 mg/L ((inclusive) may be accepted. 4.2. The acceptance limit may be reduced depending on available effluent disposal options and will be subject to a mass load limit.
5. Temperature	5.1. Less than 38°C.
6. pH	6.1. Within the range 7.0 to 9.0.
7. Oil and Grease	7.1. 100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the treatment works, and 50 mg/L if the volume is greater than 10%.
8. Detergents	8.1. All industrial detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade wastes.
9. Colour	9.1. No visible colour when the waste is diluted to the equivalent dilution afforded by domestic sewage flow.
10. Radioactive Substances	10.1. The discharge must comply with the <i>Radiation Control Act 1990</i> (NSW)

Table 11(b) – Inorganic Compounds: Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System

Parameter	Maximum Concentration (mg/L)
Ammonia (as N)	50
Boron	25
Bromine	5
Chlorine	10
Cyanide	5
Fluoride	20
Nitrogen (total Kjeldahl)	100
Phosphorus (total)	20
Sulphate (as SO ₄)	100
Sulphide (as S)	1
Sulphite (as SO ₃)	15

Table 11(c) – Organic Compounds: Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System

Parameter	Maximum Concentration (mg/L)
Benzene	0.1
Benzene, Toluene, Ethyl benzene, Xylene (BTEX)	1
Formaldehyde	50
Phenolic compounds (except pentachlorophenol)	10

Parameter	Maximum Concentration (mg/L)
Petroleum hydrocarbons (non-flammable)*	30
Pesticides general (except organochlorine and organophosphorus)*	0.1
Polynuclear Aromatic Hydrocarbons (PAHs)	5

Table 11(d) – Metals: Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System

Parameter	Maximum concentration (mg/L)	Allowed daily mass limit
Aluminium	100	-
Arsenic	1	2
Cadmium	2	6
Chromium (Note 1)	5	15
Cobalt	5	15
Copper	5	15
Iron	100	-
Lead	2	6
Manganese	10	30
Mercury	0.02	0.05
Molybdenum	10	30
Nickel	5	15
Selenium	5	15
Silver (Note 2)	2	6
Tin	5	15
Zinc	5	15
Total metals excluding aluminium, iron, manganese, and molybdenum	Less than 30 mg/L and subject to total mass loading requirements	Total metals excluding aluminium, iron, manganese, and molybdenum

Notes:

1. Where hexavalent chromium (Cr^{6+}) is present in the process water, pre-treatment will be required to reduce it to the trivalent state (Cr^{3+}), prior to discharge into the sewer. Discharge of hexavalent chromium (Cr^{6+}) from chromate compounds used as corrosion inhibitors in cooling towers is not permitted.
2. This limit is applicable to large dischargers. The concentration of silver in photo processing waste where a balancing tank is provided is not to exceed 5 mg/L.

12. Substances Prohibited from being Discharged into the Sewerage System

- 12.1. Pursuant to the *Local Government Act* 1993 (NSW) s 638, the following substances are prohibited from being discharged into the sewerage system:
- (a) animal matter (including carcasses but not including human waste), wool, hair, grease outside acceptance guidelines (refer to clause 11 of this Policy), dust, ashes, cinders, soil, rubbish, filth, oil, salt, mud, sand, gravel, garbage, offal, vegetable or fruit parings, rags, house refuse, steam, or solid matter;
 - (b) any flammable or explosive substance;
 - (c) any substance assessed as not suitable to be discharged into the sewerage system;
 - (d) any substances liable to produce noxious or poisonous vapours in the sewerage system;
 - (e) chromate from cooling towers;
 - (f) discharges from 'Bulk Fuel Depots';
 - (g) natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions;
 - (h) organic solvents and mineral oil;
 - (i) organochlorine weedicides, fungicides, pesticides, herbicides, and substances of a similar nature and/or wastes arising from the preparation of these substances;
 - (j) organophosphorus pesticides and/or waste arising from the preparation of these substances;
 - (k) rain, surface, seepage, or subsoil water, unless specifically permitted;
 - (l) solid matter;
 - (m) waste liquids that contain pollutants at concentrations which inhibit the sewage treatment process – refer Guidelines for Sewerage Systems: Acceptance of Trade Waste (Industrial Waste) (ARMCANZ/ANZECC);
 - (n) waste liquids that contain a percentage of any substance, or is of a temperature, that Council considers is likely to:
 - (i) endanger public health, public safety or public amenity or the environment;
 - (ii) be damaging to Council's sewerage system or treatment works;
 - (iii) form compounds that may because damage to Council's sewerage system or treatment works; or
 - (iv) injure employees engaged in the operation or maintenance of the council's sewerage system or treatment works or the health of those employees;
 - (o) any other substances listed in a relevant regulation.

Part 3 – Matters Relating To Liquid Trade Waste Approvals

13. Application Procedures

- 13.1. The relevant application forms (available from Council's website) must be completed to obtain Council's approval to discharge liquid trade waste to Council's sewerage system.
- 13.2. If a person wishes to discharge liquid trade waste to the sewerage system but is not the owner of the premises, the person must obtain the owner's consent to the application.
- 13.3. The applicant must provide the following information:
 - (a) Site owner's full name, address, contact telephone number;
 - (b) Address of the business/industry where discharge to the sewerage system will occur;
 - (c) Name of contact person for the premises and telephone contact for the business/industry;
 - (d) Type of process/activity generating the liquid trade waste;
 - (e) Normal hours of business operation;
 - (f) Rate of discharge, including:

- (v) The average per day, maximum per day and per hour, and
 - (vi) Hours of the day during which discharge will take place;
- (g) Characteristics of wastes, including:
- (i) Nature of source, and
 - (ii) Expected maximum and average concentrations of pollutants;
- (h) Chemicals to be used – must supply Material Safety Data Sheets;
- (i) Details of any proposed pre-treatment facilities, location and site plan, details should include:
- (i) Pre-treatment process details,
 - (ii) Internal wastewater drainage,
 - (iii) Pump size;
 - (iv) Rising main size, length, and profile;
 - (v) System operational characteristics,
 - (vi) Operational procedures,
 - (vii) Provisions for sampling and flow measurement, where required; and
 - (viii) Proposed connection point to the sewerage system;
- (j) Flow diagram and hydraulic profile of proposed liquid trade waste pre-treatment facilities;
- (k) Maintenance schedule for pre-treatment equipment, including contractor's details;
- (l) Stormwater drainage plan;
- (m) Measures for prevention of stormwater ingress into the sewerage system;
- (n) Manifest showing the location, nature and chemical composition of all substances stored/used on site;
- (o) Justification for disposing of the waste into the sewerage system over other possible options (if any);
- (p) Methods of disposal for other wastes that are not discharged to the sewerage system;
- (q) Any relevant environmental impact assessments; and
- (r) Any additional information as requested by council.
- 13.4. Where sampling and testing are required to establish the quality of the liquid trade waste, the testing should be carried out in accordance with the procedures set out in the *Standard Methods for the Examination of Water and Wastewater* published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation.
- 13.5. The following information needs to be provided regarding the discharge of septic tank and pan waste to the sewerage system:
- (a) Identification of the pump out service provider;
 - (b) Proposed method of discharge including plans and drawings if appropriate;
 - (c) Details of any proposed facilities for a disposal point, location and site plan (if applicable). Details should include the proposed connection point to the sewerage system;
 - (d) Security arrangements at the proposed disposal site (if applicable);
 - (e) The provision of freshwater for hosing down where needed;
 - (f) Bunding and measures to prevent the ingress of stormwater at the proposed dump point, if applicable
 - (g) The use of odour inhibiting or other chemicals, if any, and their dosage rates;
 - (h) Statement that septic effluent will not be mixed with septage, or grease trap pump out, ie. Dedicated tankers will be used for each type of waste;
 - (i) For boat marina facility – the type and number of vessels either moored at the marina and/or would utilise the pump-out facility on a regular basis:
 - (i) private
 - (ii) commercial.

14. Approval of Applications

- 14.1. Council may request an applicant to provide more information to enable it to determine the application, pursuant to the *Local Government Act 1993* (NSW) s 86.
- 14.2. Where an application is approved, Council will notify the applicant as soon as practical of the approval and any conditions of the approval.
- 14.3. The duration of the approval will be as stated in the approval.
- 14.4. In cases where Council requires a discharger to enter into a Liquid Trade Waste Services Agreement (refer to clause 20 of this Policy) Council will issue a deferred commencement approval under *Local Government Act 1993* (NSW) s 95 requesting the discharger do so within the time specified in Council's letter.
- 14.5. In such cases, the approval will not be operative until the agreement has been executed by the discharger.
- 14.6. An applicant may make a minor amendment or withdraw an application before it is approved by Council. An applicant may also apply to Council to renew or extend an approval, pursuant to *Local Government Act 1993* (NSW) s 107.
- 14.7. If an application is refused, Council will notify the applicant of the grounds for refusal.
- 14.8. An approval to discharge liquid trade waste to Council's sewer is not transferable. A new application must be lodged, and a new approval obtained if there is a change of the approval holder or the activity.
- 14.9. Council must be notified of change of ownership and/or occupier in all cases as soon as reasonably practicable, whether a new approval is required or not, to allow updating of records.

15. Concurrence of the Department of Water and Energy

- 15.1. If Council supports an application and has a notice stating that concurrence of relevant NSW Government department, can be assumed for the waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence from the relevant NSW Government department in accordance with the requirements of *Local Government Act 1993* (NSW) s 90(1).
- 15.2. Liquid trade waste discharges are divided into four (4) classifications for the purpose of the concurrence process.
 - (a) **Concurrence Classification A:** liquid trade waste dischargers for which Council may automatically assume concurrence to the approval subject to certain requirements.
 - (b) **Concurrence Classification B:** liquid trade waste dischargers whereby Council may apply to the relevant NSW Government Department for assumed concurrence to the approval subject to certain requirements; and
 - (c) **Concurrence Classification S:** the acceptance of septic tank, pan waste and ship-to-shore pump-out. Council may apply to the NSW Government Department for assured concurrence to the approval subject to certain conditions.
 - (d) **Concurrence Classification C:** all other liquid trade waste dischargers that do not fall within Concurrence Classification A, B or S, and therefore require Council to apply to NSW Government Department for concurrence.
- 15.3. Councils have already been given notice of assumed concurrence for Concurrence Classification A liquid trade waste discharges. These are listed in clause 16 of this Policy and Council will not need to

seek concurrence from the relevant NSW Government department for approval of trade waste applications for these activities.

16. Liquid Trade Waste Discharges with Automatic Assumed Concurrence

16.1. Commercial retail food preparation activities with automatic assumed concurrence:

- (a) Bakery (retail);
- (b) Bed & Breakfast (<10 persons);
- (c) Bistro;
- (d) Boarding house/hostel kitchen;
- (e) Butcher shop (retail);
- (f) Café/coffee shop/coffee lounge;
- (g) Canteen;
- (h) Cafeteria;
- (i) Chicken/poultry shop (only fresh chickens/game sold);
- (j) Chicken/poultry shop (retail BBQ/charcoal chicken);
- (k) Club (kitchen wastes);
- (l) Commercial kitchen/caterer;
- (m) Community hall/civic centre;
- (n) Day care centre;
- (o) Delicatessen;
- (p) Doughnut shop;
- (q) Fast food outlet (McDonalds, KFC, Burger King, Pizza Hut, Red Rooster, etc.);
- (r) Fish shop (retail – fresh and/or cooked);
- (s) Food caravan;
- (t) Fruit and vegetable shop (retail);
- (u) Function centre;
- (v) Hotel;
- (w) Ice cream parlour;
- (x) Juice bar;
- (y) Mixed business;
- (z) Motel;
- (aa) Nightclub;
- (bb) Nursing home kitchen;
- (cc) Nut shop;
- (dd) Patisserie;
- (ee) Pie shop;
- (ff) Pizza shop;
- (gg) Restaurant;
- (hh) Salad bar;
- (ii) Sandwich shop;
- (jj) School canteen;
- (kk) Snack bar;
- (ll) Supermarket (with butcher/delicatessen/ seafood/or charcoal chickens); and
- (mm) Take-away food outlet;

16.2. Other commercial activities with automatic assumed concurrence:

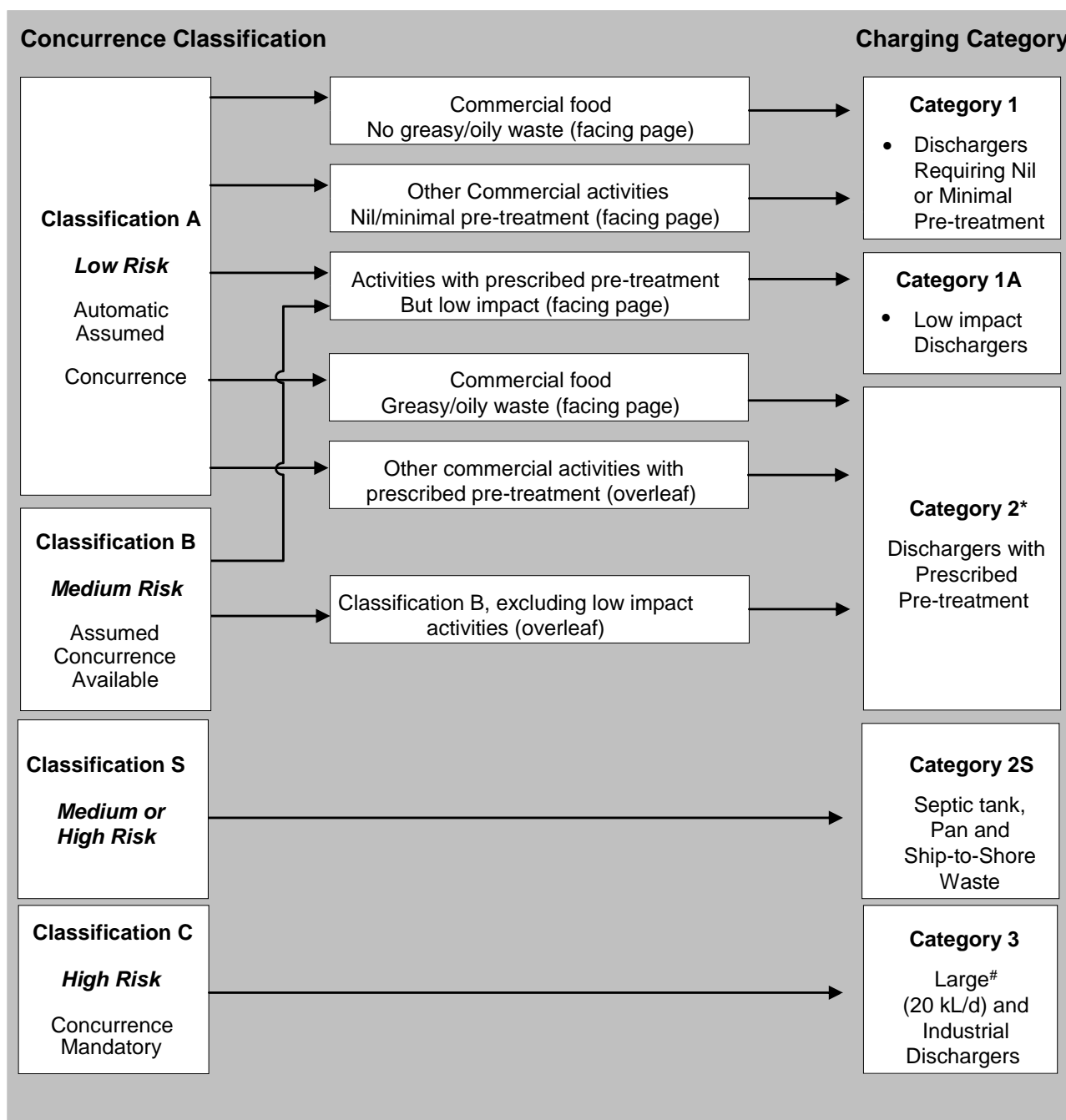
- (a) Other commercial activities;
- (b) Animal wash (pound, stables, racecourse, kennels, mobile animal wash and veterinary with no X-ray);
- (c) Beautician;
- (d) Boiler blowdown;

- (e) Car detailing;
- (f) Cooling tower;
- (g) Craft activities (making of clay pottery, ceramics, cutting and polishing of gemstones or making of jewellery at clubs, cottage industries);
- (h) Dental surgery/dental specialist;
- (i) Dental technician;
- (j) Doctor's surgery-plaster casts (no X-rays, no laboratory);
- (k) Florist;
- (l) Funeral parlour, morgue;
- (m) Hairdressing (includes barbers);
- (n) Jewellery shop;
- (o) Laboratory (pathology/analytical);
- (p) Laundry or laundromat (coin operated);
- (q) Lawnmower repairs;
- (r) Mechanical repairs/workshop;
- (s) Mobile cleaning units;
- (t) Optical service;
- (u) Pet shop (retail);
- (v) School (Primary and Secondary);
- (w) Service station workshop;
- (x) Stone working;
- (y) Swimming pool/spa/hydrotherapy;
- (z) Vehicle washing (by hand/wand, automatic car wash, external truck wash or underbody/engine degrease only);
- (aa) Venetian blind cleaning;
- (bb) Veterinary /animal kennels with X-ray; and
- (cc) Waterless minilab.

- 16.3. The volume of liquid trade waste must be less than 5 kL/d or 1000 kL/a except in the case of commercial retail food preparation activities, where up to 16 kL/d is included in this category.
- 16.4. If the waste discharged into the sewer exceeds these volumes, the application must be treated as Concurrence Classification B (Chapter 5 of Liquid Trade Waste Management Guidelines).
- 16.5. Discharges over 20 kL/d must be treated as Classification C.

17. Liquid Trade Waste Charging Categories

- 17.1. Four (4) classifications of liquid trade waste have been established for concurrence purposes, Classification A, B, C and S (refer clause 15.2 of this Policy).
- 17.2. For trade waste charging purposes liquid trade waste dischargers there are also four (4) Charging Categories: Category 1, 1A, 2, 2S and 3 (refer clause 17.3 of this Policy).
- 17.3. Figure 17: Liquid Trade Waste Classifications:



- (a) Classification A dischargers fall into Charging Category 1, 1A or Category 2.
- (b) Classification B dischargers fall into Charging Category 2, except for a few dischargers with low impact on the sewerage system which fall into Category 1A.
- (c) Classification S dischargers fall into Charging Category 2S.
- (d) Classification C dischargers fall into Charging Category 3. Also includes fish shop (fresh fish for retail). Exceptions are: shopping complexes and institutions (hospital, educational facilities, correctional facilities, etc).

Category 1 Discharger

- 17.4. Category 1 liquid trade waste dischargers are those conducting an activity deemed by Council as requiring nil or only minimal pre-treatment equipment and whose effluent is well defined and of a relatively low risk to the sewerage system.
- 17.5. Trade waste dischargers requiring nil or minimal pre-treatment include:

(a) **Classification A activities – Retail food outlets with food preparation activities that do not generate an oily/greasy waste:**

- (i) Bakery (only bread baked on-site);
- (ii) Bistro (sandwiches, coffee only);
- (iii) Café/coffee shop/coffee lounge;
- (iv) Canteen, community hall (minimal food);
- (v) Day care centre;
- (vi) Delicatessen;
- (vii) Fruit and vegetable shop;
- (viii) Hotel;
- (ix) Ice cream parlour (take away only);
- (x) Juice bar;
- (xi) Mixed business;
- (xii) Motel;
- (xiii) Nightclub;
- (xiv) Nut shop;
- (xv) Pizza cooking/reheating (no preparation or washing up on-site, pizza heated and sold for consumption off-site);
- (xvi) Potato peeling (small operation);
- (xvii) Sandwich shop/salad bar; and
- (xviii) Take away food outlet.

(b) **Classification A activities – Other commercial activities:**

- (i) Animal wash;
- (ii) Beautician;
- (iii) Hairdresser;
- (iv) Crafts <200 l/d, dental surgery (plaster casts, no x-ray unless digital);
- (v) Doctor's surgery (plaster casts, no x-ray);
- (vi) Florist;
- (vii) Funeral parlour;
- (viii) Mobile cleaning units;
- (ix) Morgue;
- (x) Jewellery shop;
- (xi) Optical service (retail);
- (xii) Pet shop;
- (xiii) Public swimming pool;
- (xiv) Tray work/manual development;
- (xv) Venetian blind cleaning; and
- (xvi) Veterinary (no x-ray).

Category 1A Discharger

17.6. Category 1A liquid trade waste dischargers are those conducting an activity deemed by Council as requiring prescribed pre-treatment but having low impact on the sewerage system as their effluent is usually of low strength.

17.7. If Council's inspection reveals that the pre-treatment equipment for such a discharger had not been properly maintained, a trade waste usage charge per kL (as determined by Council's Fees and Charges established in the current Operational Plan) will be applied for the relevant billing period. This charge will also apply for any such dischargers who have not installed appropriate pre-treatment equipment.

(a) **Classification A or B activities - Trade waste dischargers with prescribed pre-treatment but low impact on the sewerage system include:**

- (i) Boiler;
- (ii) Blowdown;
- (iii) Cooling tower;
- (iv) Educational facilities (primary and secondary school, tertiary institution laboratory);
- (v) Industrial boilers;
- (vi) Jewellery (stone cutting);
- (vii) Laboratory, laundry;
- (viii) Medical centre (no X-ray);
- (ix) Mobile garbage bin washing;
- (x) Optical services;
- (xi) Plants retail; and
- (xii) Vehicle washing.

17.8. If significant hot food preparation is carried out, Category 2 charges may be levied by Council.

Category 2 Discharger

17.9. Category 2 liquid trade waste dischargers are those conducting an activity deemed by Council as requiring a prescribed type of liquid trade waste pre-treatment equipment and whose effluent is well characterised.

(a) **Classification A activities - Trade Waste dischargers with prescribed pre-treatment¹ - Include premises that prepare and/or serve hot food or foods that generate an oily/greasy waste such as:**

- (i) Bakery (pies, sausage rolls, quiches, cakes, pastries with creams or custards);
- (ii) Bistro;
- (iii) Boarding house/hostel kitchen;
- (iv) Butcher;
- (v) Café/coffee shop/coffee lounge;
- (vi) Cafeteria;
- (vii) Canteen;
- (viii) Fast food outlet;
- (ix) Chicken/poultry shop;
- (x) Club;
- (xi) Community hall²;
- (xii) Commercial kitchen/caterer;
- (xiii) Nursing home;
- (xiv) Patisserie;
- (xv) Supermarket;
- (xvi) Doughnut shop;
- (xvii) Fish shop (cooking on-site);
- (xviii) Fish shop (fresh fish for retail);
- (xix) Function centre;
- (xx) Hotel;
- (xxi) Ice cream parlour;
- (xxii) Motel;
- (xxiii) Nightclub;

² Excludes low impact activities, listed under Category 1A.

² If the type and size of kitchen fixtures installed enable catering for large functions.

- (xxiv) Pizza cooking;
- (xxv) Restaurant;
- (xxvi) Sandwich shop/salad bar; and
- (xxvii) Take away food outlet.

(b) **Classification A activities - Trade Waste dischargers with prescribed pre-treatment other commercial:**

- (i) Car detailing;
- (ii) Craft activities (more than 200 litres per day);
- (iii) Dental surgery with x-ray;
- (iv) Lawnmower repairs;
- (v) Mechanical workshop;
- (vi) Stone working;
- (vii) Veterinary (with x-ray); and
- (viii) Waterless mini-lab.

(c) **Classification B activities:**

- (i) Auto dismantler;
- (ii) Bus/coach depot;
- (iii) Construction equipment maintenance and cleaning;
- (iv) Equipment hire;
- (v) Maintenance and cleaning;
- (vi) Glass cutting and grinding;
- (vii) Graphic arts;
- (viii) Hospital (with or without x-ray);
- (ix) Medical centre (with x-ray);
- (x) Optical services (at medical or educational facilities, workshops);
- (xi) Oyster processing – shucking;
- (xii) Panel beating;
- (xiii) Photographic lab;
- (xiv) Radiator repairer;
- (xv) Screen printing;
- (xvi) Service station forecourt;
- (xvii) Shopping complex;
- (xviii) Water wash mini-lab; and
- (xix) X-ray radiologist.

Category 2S Discharger

17.10. Category 2S dischargers are those conducting an activity of transporting and/or discharging septic tank or pan content waste into the sewerage system.

(a) **Classification 2S activities - Trade waste dischargers include the following activities:**

- (i) Bus/rail coaches/caravan/motor home/caravan park waste dump points;
- (ii) Mooring/marina dump points;
- (iii) Pan waste;
- (iv) Portable chemical toilet waste;
- (v) Septage;
- (vi) Septic tank effluent; and
- (vii) Ship-to-shore pump-outs (galley waste and toilet waste).

Category 3 Discharger (Large Or Industrial Waste Dischargers)

- 17.11. Category 3 liquid trade waste dischargers are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes (over 20 kL/d) of liquid trade waste to the sewerage system.
- 17.12. Any Category 1 or 2 discharger whose volume exceeds 20 kL/d becomes a Category 3 discharger, except shopping complexes and institutions (such as hospitals, educational facilities, and correctional facilities).

(a) **Classification C activities - Large trade waste dischargers and other activities include:**

- (i) Abattoir;
- (ii) Bakery (wholesale);
- (iii) Brewery;
- (iv) Cooling towers;
- (v) Cosmetics/perfumes manufacture;
- (vi) Dairy processing (milk/cheese/yoghurt/ice cream and like matters.);
- (vii) Food processing (cereals, cannery, condiments, confectionary, edible oils, fats, essence, flavours, fish, fruit juice, gelatine, honey, meat, pickles, smallgoods, tea and coffee, vinegar, yeast manufacture etc.);
- (viii) Fruit and vegetable processing;
- (ix) Flour milling;
- (x) Glue manufacturer;
- (xi) Egg processing;
- (xii) Pet food processing;
- (xiii) Plants nursery (open areas);
- (xiv) Potato processing;
- (xv) Poultry processing;
- (xvi) Saleyards;
- (xvii) Seafood processing;
- (xviii) Soft drink/cordial manufacture;
- (xix) Starch manufacture;
- (xx) Sugar refinery;
- (xxi) Tanker washing;
- (xxii) Tip leachate;
- (xxiii) Transport depot/ terminal;
- (xxiv) Water treatment backwash;
- (xxv) Wholesale meat processing;
- (xxvi) Winery; and
- (xxvii) Wine/spirit bottling.

(b) **Dischargers of industrial waste include the following Classification C activities:**

- (i) Acid pickling;
- (ii) Adhesive or latex manufacture;
- (iii) Agricultural and veterinary pharmaceuticals;
- (iv) Anodising;
- (v) Bitumen and tar;
- (vi) Bottle washing;
- (vii) Cardboard and carton manufacture;
- (viii) Carpet manufacture;
- (ix) Caustic degreasing;
- (x) Chemicals manufacture and repackaging;
- (xi) Contaminated site treatment;
- (xii) Cyanide hardening;

- (xiii) Detergent and soaps manufacturing;
- (xiv) Drum washing;
- (xv) electroplating;
- (xvi) Engine gearbox reconditioning;
- (xvii) Extrusion and moulding (plastic/metal);
- (xviii) Feather washing;
- (xix) Fellmonger;
- (xx) Felt manufacture;
- (xxi) Fertilisers manufacture;
- (xxii) Fibreglass manufacture;
- (xxiii) Filter cleaning;
- (xxiv) Foundry;
- (xxv) Galvanising;
- (xxvi) Glass manufacture;
- (xxvii) Ink manufacture;
- (xxviii) Laboratories;
- (xxix) Liquid wastewater treatment facility (grease trap receival depot and other pump-out waste depot);
- (xxx) Metal finishing;
- (xxxii) Metal processing (refining, rumbling, non-cyanide heat treatment, phosphating, photo engraving, printed circuit etching, sheet metal fabrication etc.);
- (xxxiii) Mirrors manufacture;
- (xxxiv) Oil recycling (petrochemical) and refinery;
- (xxxv) Paint stripping;
- (xxxvi) Paint manufacture;
- (xxxvii) Paper manufacture;
- (xxxviii) Pharmaceuticals manufacture;
- (xxxix) Plaster manufacture;
- (xl) Powder coating;
- (xli) Printing (newspaper, lithographic);
- (xlii) Sandblasting;
- (xliii) Slipway;
- (xliv) Tannery;
- (xlv) Timber processing (joinery and furniture/plywood/hardwood);
- (xlvi) Textile manufacture (wool dyeing, spinning, scouring); and
- (xlvii) Waxes and polishes.

18. Liquid Trade Waste Fees and Charges

- 18.1. Council provides sewerage and liquid trade waste services on a commercial basis, with cost recovery through sewerage and liquid trade waste fees and charges.
- 18.2. Council's proposed fees and charges are advertised annually for public comment whilst the annual Operational Plan is on public exhibition.
- 18.3. In addition to the trade waste fees and charges described below, Council may elect to include any trade waste charges shown in the current *Liquid Trade Waste Regulation Guidelines*.
- 18.4. Liquid trade waste discharged to the sewerage system from industrial, commercial, or other non-residential customers can impose significant costs on sewage transport and treatment facilities.
- 18.5. To recover these costs and to ensure removal of existing significant cross-subsidies from residential customers, in addition to a two-part tariff with an appropriate sewer usage charge/kL for non-residential sewerage, appropriate fees and charges are levied for liquid trade waste.

18.6. Council's liquid trade waste fees and charges may include:

- (a) Application fee;
- (b) Annual trade waste fee;
- (c) Re-inspection fee;
- (d) Trade waste usage charge;
- (e) Septic tank and pan waste disposal charge;
- (f) Excess mass charges;
- (g) Food waste disposal charge;
- (h) Non-compliance excess mass charge; and
- (i) Non-compliance penalty

18.7. **Application Fee:**

- (a) The application fee recovers the cost of administration and technical services provided by Council in processing applications for approval to discharge liquid trade waste to the sewerage system.
- (b) The application fee will be allocated on the basis of the category into which the discharger is classified and reflects the complexity of processing the application.
- (c) Application fees will be set annually by Council.

18.8. **Annual Trade Waste Fee:**

- (a) The purpose of this fee is to recover the cost incurred by Council for administration and the scheduled inspections each year to ensure a liquid trade waste discharger's ongoing compliance with the conditions of their approval.
- (b) As part of an inspection, Council or its agents may undertake monitoring of the liquid trade waste discharges from premises or business.
- (c) Such monitoring may include but is not limited to, flow measurement and the sampling of the liquid trade waste.
- (d) Where more than one instance of such monitoring is undertaken by Council, or its agents, in a financial year, the cost involved may be recovered from the discharger.
- (e) Annual liquid trade waste fees are determined on the basis of the category of the discharger and are proportionate to the complexity of their inspection and administration requirements. Annual trade waste fees will be set by Council.
- (f) Where the discharger is required to pay for monitoring this will be charged on the basis of full cost recovery.
- (g) In view of the adverse impact of wastes with a high concentration of oil and grease on Council's sewage transportation system, Council will carry out inspections of commercial premises preparing hot food at least four (4) times per annum.
- (h) The cost of these scheduled inspections is included in the annual trade waste fee for such premises.
- (i) Similarly, for Classification A or B activities with prescribed pre-treatment but low impact.

18.9. **Re-inspection Fee:**

- (a) Where non-compliance with the conditions of an approval has been detected and the discharger is required to address these issues, Council will undertake re-inspections to confirm that remedial action has been satisfactorily implemented.
- (b) Council will impose a fee for each re-inspection.
- (c) The re-inspection fee will be set annually by Council based on full cost recovery.
- (d) A re-inspection may include the monitoring of liquid trade waste discharges, the cost of which may be recovered from the discharger.

18.10. **Trade Waste Usage Charge:**

- (a) The trade waste usage charge is imposed to recover the additional cost of transporting and treating liquid trade waste from Category 2 dischargers.
- (b) Trade Waste Usage Charge (\$) = $Q \times \$1.20/kL^*$
- (c) Where Q = Volume (kL) of liquid trade waste discharged to sewer.
- (d) Existing Category 2 dischargers who have **not** installed and maintained **appropriate**³ pre-treatment facilities will be required to pay a trade waste usage charge per kL (as set by Council's Fees and Charges as established in the current Operational Plan).

18.11. **Excess Mass Charges:**

- (a) Excess mass charges will apply for substances discharged in excess of the deemed concentrations in domestic sewage shown in the table below.

Table 2118(a) – Deemed Concentration of Substances in Domestic Sewage

SUBSTANCE	CONCENTRATION (mg/L)
Biochemical Oxygen Demand (BOD ₅)	300
Suspended Solids	300
Total Oil and Grease	50
Ammonia (as Nitrogen)	35
Total Kjeldahl Nitrogen	50
Total Phosphorus	10
Total Dissolved Solids	1000
Sulphate (SO ₄)	50 ⁴

- (b) For excess mass charge calculation, the following equation will be applied:

Equation 1: (\$) =
$$\frac{(S - D) \times Q \times U}{1,000}$$

Where:

- (i) S = Concentration (mg/L) of substance in sample.
- (ii) D = Concentration (mg/L) of substance deemed to be present in domestic sewage.
- (iii) Q = Volume (kL) of liquid trade waste discharged to the sewerage system.
- (iv) U = Charging rate (\$/kg) for disposal of substance to the sewerage system.
- (v) Charging rates (U) used in Equation 1 are as shown in Council's Fees and Charges (as established in Council's current Operational Plan).

- (c) With regard to BOD, the Equation 1 applies for BOD₅ up to 600 mg/L.

18.12. Excess mass charges for BOD exceeding 600mg/L

- (a) If Council approves the acceptance limits for BOD higher than 600mg/L, an exponential equation will be used for calculation of a charging rate (\$/kg) as shown in Equation 2 below.

³ Effluent from some undersized grease arrestors could be improved by increasing the pump out frequency, improving housekeeping practices and/or installing another suitable device. Such devices and/or measures are deemed by Council to be appropriate pre-treatment (for that discharger only).

⁴ The concentration in the potable water supply to be used if it is higher than 50mg/L. NB. Substances not listed above are deemed not to be present in domestic sewage

- (b) Equation 2 provides a strong incentive for dischargers to reduce the strength of waste.
- (c) In addition, Equation 5 will be used where the discharger has failed to meet their approved BOD limit on 2 or more instances in a financial year.

$$\text{Equation 2: } (\$/\text{kg}) = 2C \times \frac{(\text{Actual BOD} - 300\text{mg/L})}{600\text{mg/L}} \times 1.05 \frac{(\text{Actual BOD} - 600\text{mg/L})}{(600\text{mg/L})}$$

Where:

- (i) *C = the charging rate (\$/kg) for BOD₅ 600mg/L*

Example: if *C* = \$0.623/kg, equation (2) would result in the following excess mass charging rates:

- \$0.623/kg for BOD₅ 600mg/L
- \$1.96/kg for BOD₅ 1200mg/L
- \$5.05/kg for BOD₅ 2400mg/L

The excess mass charge for BOD is calculated using Equation 1.

- (d) The excess mass charge for BOD is calculated by using Equation 1.

$$\text{Equation 1: } (\$) = \frac{(S - D) \times Q \times U}{1,000}$$

Where:

- (i) *U is the excess mass charging rate calculated by using Equation 2.*

18.13. Food Waste Disposal Charge:⁵

- (a) Where Council has approved installation of a food waste disposal unit for a hospital, nursing home or other eligible facility, the following additional food waste disposal charge will be payable annually.

$$\text{Equation 3: } (\$) = B \times U_f$$

Where:

- (i) *B = Number of beds in hospital or nursing home.*
- (ii) *U = Annual charging rate (\$/bed) for a food waste disposal unit at a hospital or nursing home.*

18.14. Non-compliance Charges (pH Charge):

⁵ For existing installations only. New installations are not permitted.

- (a) Equation 4 is used for waste with pH being outside the approved range (charging rate for pH where it is outside the approved range for the discharger).
- (b) Equation 4 provides an incentive for dischargers to apply appropriate pH correction, so their waste remains within the approved pH limits.
- (c) Council may require industrial and large dischargers to install and permanently maintain a pH chart recorder or data logger as control of pH is critical to minimising odour and corrosion problems in the sewerage system.

Equation 4: (\$) = $K \times (\text{actual pH} - \text{approved pH})^* \times 2^{(\text{actual pH} - \text{approved pH})^*}$

Where:

- (i) * absolute value to be used.
- (ii) K = pH coefficient and needs to be adjusted in accordance with changes in the CPI.

Example: Council has approved the pH range 8.0 to 9.0 for a large discharger generating high strength trade waste in order to prevent corrosion and odour problems in the sewerage system.

Case 1: pH measured 7.0
 Charging rate (\$/kL) = $0.3 \times [7 - 8] \times 2^{[7 - 8]} = \$0.6/\text{kL}$

Case 2: pH measured 11.0
 Charging rate (\$/kL) = $0.3 \times [11 - 9] \times 2^{[11 - 9]} = \$2.4/\text{kL}$

18.15. Non-compliance excess mass charges:

- (a) Where a discharge quality fails to comply with the approved concentration limits of substances specified in Council’s approval conditions (or the acceptance criterion listed in Council’s trade waste policy), Council incurs additional costs in accepting and treating that waste. Council may also face problems with the effluent and biosolids management.
- (b) To recover Council’s costs, Equation 5 shall apply for non-compliant excess mass charges, except for BOD where Equation 6 overleaf shall apply.

Equation 5: (\$) = $\frac{(S - A) \times Q \times 2U}{1,000} + \frac{(S - D) \times Q \times U}{1,000}$

Where:

- (i) S = Concentration (mg/L) of substance in sample.
- (ii) A = Maximum concentration (mg/L) of pollutant as specified in Council’s approval (or liquid trade waste policy).
- (iii) Q = Volume (kL) of liquid trade waste discharged for the period of non-compliance.
- (iv) U = Excess mass charging rate (\$/kg) for disposal of pollutant to sewerage system, as per clause 18.11.
- (v) D = Concentration (mg/L) of substance deemed to be present in domestic sewage.

18.16. Non-compliance Excess Mass Charges for BOD:

- (a) If the discharger has failed to meet the approved BOD limit on two (2) or more instances in a financial year, non-compliance excess mass charging rate for BOD will be calculated using Equation 6 below:

Equation 6: (\$) =

$$2C \times \frac{(A - 300\text{mg/L})}{600\text{mg/L}} \times 1.05 + 4C \times \frac{(A - 600\text{mg/L})}{600\text{mg/L}} + 4C \times \frac{(\text{Actual BOD} - A)}{600\text{mg/L}} \times 1.05$$

Example: if C = \$0.54/kg, BOD5 measured level is 2400mg/L and the acceptance limit in Council's approval is 600mg/L, Equation 6 would result in a non-compliance excess mass charging rate of \$8.04/kg.

- (b) Non-compliance Excess Mass Charge for BOD is calculated using equation (1):

$$\text{Equation 1: } (\$) = \frac{(S - D) \times Q \times U}{1,000}$$

Where:

- (i) Where U is the non-compliance excess mass charging rate calculated using Equation 5.
- (c) Council will continue applying the above non-compliance excess mass charge until the quality of discharge complies with Council's approved quality (or the trade waste policy) limits, within the time frame determined by Council for remedying the problem.
- (d) If the discharger fails to rectify the problem within this time frame, the discharger may be required to cease discharging liquid trade waste into Council's sewerage system and may also be required to pay a 'non-compliance penalty' as indicated in the following section.

18.17. Non-compliance Penalty:

- (a) The non-compliance penalty covers instances where Council may seek compensation for its costs relating to legal action, damage to infrastructure, incurred fines and other matters resulting from illegal, prohibited or unapproved liquid trade waste discharged to the sewerage system. Also included are fines under:
 - (i) *Protection of the Environment Operations Act 1997* (NSW) s 120(1) Pollution of any waters by a discharger who fails to comply with the conditions of approval for discharge of liquid trade waste to sewer;
 - (ii) *Local Government Act 1993* (NSW) s 627 Failure to comply with an approval), section 628 (Failure to comply with an order.
- (b) Non-compliance penalties will be pursued by legal action.

18.18. Discharge of stormwater to the sewerage system:

- (a) The discharge of storm water, surface and subsoil waters to the sewerage system is prohibited under this policy.
- (b) As indicated in clause 7, the acceptance of first flush stormwater runoff may be permitted.
- (c) A charge (pursuant to Council's Fees and Charges in the current Operational Plan) will be applied to Category 3 dischargers in accordance with the non-compliance trade waste usage charge, if approval is granted to accept the above waters.
- (d) Excess mass charges will be also applied in accordance with clause 18.11

18.19. Septic and Pan Waste Disposal Charge:

- (a) This charge is imposed to recover the cost of accepting and treating septic tank and pan waste.

$$\text{Equation 7: } (\$) = Q \times S$$

Where:

- (i) Q = Volume (kL) of waste discharged to sewer
- (ii) S = Charging rate in \$/kL for septic tank effluent, septage or chemical toilet waste as indicated in Council's Fees and Charges (as established in the current Operational Plan).

18.20. Responsibility for Payment of Fees and Charges:

- (a) Property (land) owners are responsible for the payment of fees and charges for water supply, sewerage and liquid trade services provided by Council. This includes property owners of marina, caravan park, if a dump point located at their premises is connected to the sewerage system.
- (b) Where another party (lessee) leases premises any reimbursement of the lessor (property owner) for such fees and charges is a matter for the lessor and the lessee.
- (c) Council will charge a septic tank and pan waste disposal charge for services it provides to transporters of septic tank and pan waste tankered and discharged to the sewerage system.
- (d) All dischargers of liquid trade waste to Council's sewerage system should be aware that they are subject to prosecution and imposition of fines under the *Local Government Act 1993* (NSW) and the *Protection of the Environment (Operations) Act 1997* (NSW) and Regulations.
- (e) In addition to fines, Council may recover costs of damages and fines incurred by Council as a result of an illegal liquid trade waste discharge.

Table 18(b) - Summary of Trade Waste Fees and Charges⁶

Charging Category	1	1A	2	2S	3
Application Fee	Yes ⁷	Yes	Yes	Yes	Yes
Annual Non-Residential Sewerage Bill WITH Appropriate Sewer Usage Charge/Kl	Yes	Yes	Yes ⁹	Yes ⁹	Yes
Annual Trade Waste Fee	Yes	Yes	Yes ⁹	Yes ⁹	Yes
Re-Inspection Fee (When required)	Yes	Yes	Yes ⁹	Yes ⁹	Yes
Trade Waste Usage Charge/Kl	No	Yes ⁸	No	No	No
Septic Waste Disposal Charge	No	No	Yes	Yes	No
Excess Mass Charges/Kg	No	No	No	No	Yes
Non-Compliance Excess Mass & pH Charges (If required)	No	No	No	No	Yes
Non-Compliance Penalty (If required)	Yes	Yes	Yes	Yes	Yes

⁶ In addition, a Food Waste Disposal Charge will apply where Council has approved the use of an existing food waste disposal unit for a hospital, nursing home or other eligible facility.

⁷Not applicable for dischargers exempted in Table 3.

⁸ A trade waste usage charge will be applied for Category 1A dischargers and for Category 2 dischargers who have not installed or properly maintained appropriate pre-treatment equipment.

⁹ Only applicable if the discharger has a dump point located at their premises which is connected to the sewerage systems.

19. Monitoring

- 19.1. Council will carry out inspections of the premises of all liquid trade waste dischargers and their treatment facilities at least once per annum.
- 19.2. Inspections of commercial premises preparing hot food may be carried out at least four (4) times per annum (refer to clause 17.9).
- 19.3. Monitoring of the large and industrial dischargers is to be carried out as specified in the approval conditions.
- 19.4. The Applicant may be required to:
 - (a) Monitor the liquid trade waste discharge as a condition of an approval or agreement; and
 - (b) Pay for any sampling and testing of liquid trade waste undertaken by Council.
- 19.5. An inspection/sampling point, where the waste can be inspected and sampled, will be specified in the approval or Trade Waste Agreement (whichever applies).
- 19.6. An inspection/sampling point will normally be located after the pre-treatment facility.
- 19.7. The discharger may need to install a suitable method of flow measurement.
- 19.8. Council may require the discharger to:
 - (a) install a permanent primary measurement device;
 - (b) measure the volume and flow rate using the permanently installed flow measurement system (such as a flow metering system); OR
 - (c) install a flow measurement device on a temporary basis and obtain enough data to determine a basis for assessing the flow rate and volume; and
 - (d) provide a system which allows obtaining a flow weighted composite sample.
- 19.9. Testing of samples is to be undertaken by a NATA-registered or other laboratory recognised by the relevant NSW Government department to ensure reliable and accurate results.
- 19.10. Where the discharger is sampling the effluent, Council may randomly take duplicates to confirm the waste characteristics.

20. Liquid Trade Waste Services Agreement

- 20.1. In addition to its approval under the *Local Government Act 1993* (NSW), Council may require certain dischargers to execute a Liquid Trade Waste Services Agreement (refer to Attachment 1). These dischargers include those who discharge:
 - (a) liquid trade waste in large volumes (discharge of more than 20 kL/d); or
 - (b) industrial waste (Concurrence Classification C discharges or Classification S).
- 20.2. A Liquid Trade Waste Services Agreement will set out the conditions associated with the discharge and execution of the Agreement will be a condition of the approval issued by Council (refer to clause 14 of this Policy).
- 20.3. The Liquid Trade Waste Services Agreement conditions will be binding on the applicant and the Council.
- 20.4. The Liquid Trade Waste Services Agreement will be for a period of up to five (5) years.
- 20.5. No discharge is to be made to Council's sewerage system until an Liquid Trade Waste Services Agreement or an Interim Liquid Trade Waste Services Agreement has been executed.

- 20.6. The following provision can be made in the Liquid Trade Waste Services Agreement for (in addition to Council's approval conditions):
- (a) Additional conditions for discharge of liquid trade waste;
 - (b) Cancellation of the agreement and/or order to cease the discharge if the discharger is found to be in breach of the agreement or the liquid trade waste approval or, in the opinion of council, the waste is adversely affecting the sewerage system or the environment;
 - (c) Entry by council officers to inspect the liquid trade waste collection, treatment, monitoring, and disposal systems;
 - (d) The applicant to notify council in advance of any changes that may affect the quality and quantity of the liquid trade waste; and
 - (e) The amount of bond/security to be lodged with council prior to discharging to the sewerage system.

21. Enforcement of Approvals and Agreements

- 21.1. Refer to Attachment 1 - Liquid Trade Waste Services Agreement.
- 21.2. Any person who fails to obtain Council's approval to discharge liquid trade waste into the sewerage system or fails to comply with the conditions of the approval, may be liable to a penalty as provided under the *Local Government Act 1993* (NSW) ss 626-628, 634-639.
- 21.3. Polluting of any waters by a discharger of liquid trade waste who does not have a Council approval or who fails to comply with the conditions of the approval is an offence under *Protection of the Environment Operations Act 1997* (NSW) s 120(1) and consequently Council may issue a Penalty Infringement Notice for the offence, pursuant to *Protection of the Environment Operations Act 1997* (NSW) s 222.
- 21.4. Any person who fails to comply with the terms or conditions of a Liquid Trade Waste Services Agreement will be required to indemnify the Council against any resulting claims, losses, or expenses in accordance with section 9 of the Liquid Trade Waste Services Agreement.
- 21.5. Council may also suspend a Liquid Trade Waste Services Agreement via a Notice to Cease the Discharge in circumstances where a breach of the agreement has occurred.

22. Modification and Revocation of Approvals

- 22.1. Council reserves the right to modify or revoke an approval to discharge liquid trade waste to the sewerage system in any of the following circumstances:
 - (a) If the approval was obtained by fraud, misrepresentation, or concealment of facts;
 - (b) For any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the council not to have granted the approval;
 - (c) For failure to comply with a requirement made by or under the *Local Government Act 1993* (NSW) relating to a condition of the approval; or
 - (d) For failure to comply with a condition of the approval.

23. Prevention of Waste of Water

- 23.1. Water must be used efficiently and must be recycled where practicable.
- 23.2. It is an offence under the *Local Government Act 1993* (NSW) s 637 and related Regulation to waste or misuse water.
- 23.3. Dilution of trade waste with water from any non-process source including Council's water supply, bore water, groundwater, or stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.

24. Effluent Improvement Plans

- 24.1. Where the existing liquid trade waste discharged does not meet Council’s requirements, the applicant may be required to submit an ‘Effluent Improvement Plan’ to outline how Council’s requirements will be met.
- 24.2. An Effluent Improvement Plan must detail the methods and actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions.
- 24.3. Actions proposed in an Effluent Improvement Plan may include any of the following:
 - (a) More intensive monitoring;
 - (b) Improvements to work practices; or
 - (c) Pre-treatment facilities to improve the effluent quality and reliability.

25. Due Diligence Programs and Contingency Plans

- 25.1. Due Diligence Programs and Contingency Plans must be drafted in accordance with the current *Liquid Trade Waste Guidelines* and ISO14001.
- 25.2. For **Concurrence Classification A**, a discharger is not required to submit either a Due Diligence Program or a Contingency Plan.
- 25.3. For **Concurrence Classification B or Classification S**, where it is considered that the discharge may pose a potential threat to the sewerage system, a discharger is required to submit a Due Diligence Program and a Contingency.
- 25.4. For **Concurrence Classification C**, a discharger is required to submit a Due Diligence Program and a Contingency.
- 25.5. If required, a Due Diligence Program and a Contingency Plan must be submitted to Council within the following timeframes:
 - (a) A Due Diligence Program - Within six (6) months of receiving a liquid trade waste approval; and
 - (b) A Contingency Plan - Within three (3) months of receiving a liquid trade waste approval.
- 25.6. A Due Diligence Program and a Contingency Plan are not required where the Discharger has an accredited Environmental Management System.
- 25.7. Where Council considers there is potential risk to the sewerage system from a discharge, it may request a Due Diligence Program and a Contingency Plan to be submitted prior to commencing the discharge.

26. History

Minute Number	Meeting Date	Description of Change
527/2001	November 20, 2001	Adopted
40/2002	February 19, 2002	Amended fee structure
716/2010	November 16, 2010	Reviewed
26/2012	February 21, 2012	Reviewed
607/2013	September 3, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
336/2022	October 18, 2022	Endorsed for Public Exhibition
362/2022	November 22, 2022	Adopted

Attachment 1

LIQUID TRADE WASTE SERVICE AGREEMENT

TRADE WASTE SERVICE CONTRACT

BETWEEN

Narrabri Shire Council

AND

Applicant

TRADE WASTE SERVICE AGREEMENT made this day of 20__

BETWEEN

1. Narrabri Shire Council ("the Council")

AND

2. ("the Applicant")

RECITALS

- A. The Council is the owner and operator of a sewerage system within the Narrabri area.
- B. The Applicant has made application to the Council to discharge trade wastes into the Council's sewerage system which has been approved by the Council on the terms and conditions set out in this Service Agreement.
- C. The Director-General of the Department of Water and Energy has concurred in the approval in accordance with clause 28 of the Local Government (General) Regulation 2005
- D. The Council has issued this Service Agreement to the Applicant as a condition of approval pursuant to the provisions of the Local Government Act 1993 ("the Act") and the Local Government (General) Regulations 2005 (or as amended) and in consideration of the conditions contained herein.
- E. The Approval does not operate until this Agreement has been executed by both parties
- F. The parties enter this Agreement in consideration of the mutual promises contained herein

OPERATIVE PART

1. Definitions and Interpretation

1.1. In this Agreement, unless the context otherwise requires:

"Act" means the *Local Government Act 1993* (NSW).

"Annexure" means the annexure to this Agreement.

"Annual Management Plan" means the annual management plan of the Council, as adopted by the Council from time to time.

1.2. Unless the context otherwise requires:

- (a) A reference to this Agreement is a reference to this Agreement, including the Annexure, as amended from time to time in accordance with its terms.
- (b) A reference to the discharge of liquid trade waste means the discharge of liquid trade waste by the Applicant from the Premises to the Council's sewerage system.
- (c) A reference to any legislation is a reference to such legislation as amended from time to time.
- (d) Where the Applicant is comprised of more than one person, each obligation of the Applicant will bind those persons jointly and severally and will be enforceable against them jointly and severally.

2. Liquid Trade Waste Services

2.1. The Council will provide the Liquid Trade Waste Services to the Applicant on the terms of this Agreement.

3. Additional Conditions for discharge of liquid trade waste

3.1. The Applicant may discharge liquid trade waste to the Council's sewerage system in accordance with the Approval and subject to this Agreement.

3.2. The Applicant must comply with all applicable Acts, regulations, by laws, proclamations, and orders and with any lawful direction or order given by or for the Council or any other competent authority.

3.3. The Applicant must not discharge liquid trade waste contrary to this Agreement or the Approval or in any manner which may have an adverse effect on any person or property (including the sewerage system and the ecological system in the waters, land or area receiving sewage treatment works effluent or biosolids), or which may cause the Council to be in breach of any applicable Act, regulation, by law, proclamation or order or of any lawful direction given by or for any competent authority.

3.4. The Applicant must at its own cost monitor its discharges in accordance with the requirements set out in the Approval and must maintain records of such monitoring for inspection by the Council for such period as may be specified in the Approval.

3.5. The Council will carry out routine sampling and testing of the waste stream.

3.6. Where any flow-metering device is installed, the Applicant must at its own cost cause the device to be calibrated at least annually by a person or company approved by the Council. The Applicant must obtain a calibration certificate and provide a copy of the certificate to the Council within one month of receiving it.

3.7. If the Applicant is required to cease discharging liquid trade waste for any period, then the Applicant must cease discharging such waste for the period specified.

3.8. Where the Applicant ceases to discharge waste in the circumstances prescribed in clause 3.7, the Council may, at its discretion, elect to refund part of the annual trade waste fee on a pro rata basis, calculated according to the period of suspension.

3.9. If this Agreement is terminated, the Applicant must immediately cease to discharge liquid trade waste.

4. Fees and Charges

4.1. In accordance with the section 560 of the Local Government Act 1993 (NSW), Council will levy all water supply, sewerage and liquid trade waste fees and charges on the owner of the property.

4.2. In consideration of provision of the Liquid Trade Waste Services, the fees and charges as specified in the Council's Annual Management Plan and notified by Council to the owner and the Applicant must be paid to the Council, including fees for sampling and testing by Council in accordance with the Approval.

4.3. Fees and charges payable will include both non-residential sewerage charges and liquid trade waste fees and charges.

4.4. All monies payable to the Council must be paid within the time specified in the notice of charge.

5. GST

5.1. To the extent that a party to this Agreement ("GST Supplier") is or becomes liable to pay GST in connection with any Supply made under this Agreement and the amount of any such GST is not included in the amount payable under this Agreement:

- (a) the GST Supplier may add to the price of the Supply an amount equal to the GST payable on the Supply ("GST Amount").
 - (b) the other party will pay the GST Supplier the price for the Supply in accordance with this Agreement plus the GST Amount.
- 5.2. If, for any reason, the GST Supplier's GST liability in respect of a particular Supply is different from the amount of GST paid by the other party:
- (a) the GST Supplier must immediately repay to the other party the amount of any excess paid by the other party above the GST Supplier's GST liability; or
 - (b) the other party must pay the deficiency in the amount previously paid by the other party to the GST Supplier for that Supply, as appropriate
- 5.3. The Applicant warrants that it is registered for GST purposes as at the date of this Agreement and will continue to be so for the term of this Agreement.

6. Term

- 6.1. This Agreement will commence from the date it is signed on behalf of the Council, and will continue until the Applicant's Approval is revoked or the Applicant permanently ceases to discharge liquid trade waste pursuant to the Approval, whichever is the earlier. Upon such revocation or permanent cessation of the approved activity this Agreement shall automatically terminate by operation of this clause.
- 6.2. Termination of this Agreement is without prejudice to any accrued rights or obligations of either Party.

7. Powers of the Council

- 7.1. The Council may enter the Premises at a reasonable hour in the daytime or at any hour during which business is in progress or is usually carried on at the Premises for the purpose of conducting any inspection, examination, testing, monitoring or sampling to determine whether the Applicant is complying with the conditions of this Agreement.
- 7.2. The Applicant acknowledges that the Council has statutory powers available to it under the Act and other Acts to issue orders and directions to the Applicant in relation to the discharge of liquid trade waste. The Applicant undertakes to comply with each such order or direction that may be notified by the Council to the Applicant within the time specified for compliance in that order or direction.
- 7.3. The Applicant releases the Council from any liability to the Applicant for any loss or damage due to the disruption of the Applicant's business arising out of the exercise of Council's rights pursuant to this clause.

8. Information supplied by the Applicant

- 8.1. The Applicant warrants that all information in its application for approval is true, complete and accurate to the best of its knowledge.
- 8.2. The Applicant must immediately notify the Council in writing of any error or omission in that information or any change to the information of which the Applicant becomes aware.
- 8.3. The Applicant must not provide any false or misleading information to the Council.

9. Indemnity

- 9.1. The Applicant indemnifies the Council from and against any claims, losses or expense (including legal costs on a solicitor and client basis) which the Council pays, suffers, incurs or is liable for as a result of:

- (a) any unlawful, negligent, reckless or deliberately wrongful act or omission of the Applicant or its personnel or agents in connection with the discharge of liquid trade waste, including (without limitation) such acts or omissions which cause damage to property, personal injury or death; and
- (b) a breach of this Agreement by the Applicant.

9.2. The Applicant's liability to indemnify the Council shall be reduced proportionally to the extent that any unlawful, negligent, reckless, or deliberately wrongful act or omission of the Council caused or contributed to the liability or loss.

10. Insurance

10.1. The Applicant must effect and maintain for the term of this Agreement a public risk policy of insurance in the minimum of the sum specified in the Annexure and must, upon request by the Council, produce evidence of such insurance to the Council.

11. Bond

11.1. The Applicant must pay to the Council a bond in the sum specified in the Annexure.

11.2. The Council may at any time and without prior notice to the Applicant have recourse to the bond for the recovery of any sum due and owing by the Applicant to the Council.

11.3. Where the applicant fails to cease discharging trade waste as prescribed in clause 3.7, the Council may require the applicant to forfeit 50% of the bond.

11.4. The Council must return the bond to the Applicant, less any amount deducted by the Council under this clause, upon termination of this Agreement.

12. No Assignment

12.1. The Applicant may not assign or otherwise transfer its rights and/or obligations under this Agreement.

13. Notices

13.1. A notice under this Agreement must be:

- (a) in writing, directed to the representative of the other party as specified in the Annexure; and
- (b) forwarded to the address, facsimile number or the email address of that representative as specified in the Annexure or the address last notified by the intended recipient to the sender.

13.2. A notice under this Agreement will be deemed to be served:

- (a) in the case of delivery in person - when delivered to the recipient's address for service and a signature received as evidence of delivery.
- (b) in the case of delivery by post - within three business days of posting.
- (c) in the case of delivery by facsimile – at the time of dispatch if the sender receives a transmission report which confirms that the facsimile was sent in its entirety to the facsimile number of the recipient.
- (d) in the case of delivery by email, on receipt of confirmation by the recipient that the recipient has received the email.

13.3. Notwithstanding the preceding clause 13.2, if delivery or receipt of a communication is on a day which is not a business day in the place to which the communication is sent or is later than 5 pm (local time in that place) it will be deemed to have been duly given or made at 9 am (local time at that place) on the next business day in that place.

14. Variation

14.1. If the Applicant's Approval to discharge liquid trade waste from the Premises is varied, this Agreement shall be deemed to be varied in accordance with the variation made to that approval or to the fees, by operation of this clause

14.2. In addition to automatic variation under clause 14.1, this Agreement may be varied by written agreement of the parties, provided that a variation to this Agreement that is inconsistent with:

- (a) the Approval, including rights granted under, and conditions attached to, the Approval;
- (b) any applicable legislation; or
- (c) Council's Annual Management Plan in respect of applicable fees and charges,

shall have no force or effect.

15. Severability

15.1. If any part of this Agreement is prohibited, void, voidable, illegal or unenforceable, then that part is severed from this Agreement but without affecting the continued operation, so far as possible, of the remainder of this Agreement.

16. Applicable Law

16.1. This Agreement is governed by, and must be construed in accordance with, the laws in force in the State of New South Wales.

16.2. Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in the State of New South Wales and the courts of appeal there from.

17. Rights Cumulative

17.1. The rights and remedies provided under this Agreement are in addition to, and not exclusive of, any other rights or remedies provided by law.

Executed as an agreement

Execution by the Council:

THE COMMON SEAL OF

(Corporate Seal)

..... was affixed this

.....day of 20.....

in the presence of:

.....

General Manager

And

.....

[print name of witness]

Executed by the Applicant (corporate entity):

)
)
)
)
)
)
)
) [signature of General Manager]
)
)
)
)
) ...
) [signature of witness]

The **COMMON SEAL** of.....

.....PTY LIMITED

was affixed thisday of

.....20..... in the

presence of:

.....

[name of Director]

.....

[name of Director/Secretary]

Executed by the Applicant (individual):

Signed by:

[name of Applicant]

This.....day of.....20.....

in the presence of:

.....

[print name of witness]

)
)
)
)
)
)
)
) [signature of Director]
)
)
) [signature of Director/Secretary]
)
)
) [signature of Applicant]
)
)
) [signature of witness]
)

A. THE COUNCIL

1. FULL NAME OF COUNCIL _____
2. ABN: _____
3. ADDRESS _____

4. TELEPHONE _____
5. EMERGENCY CONTACT _____
TELEPHONE _____

B. THE APPLICANT

1. FULL NAME OF APPLICANT _____
2. ABN: _____
3. BUSINESS OR TRADING NAME _____
4. ADDRESS _____

5. TELEPHONE _____
6. EMERGENCY CONTACT _____
TELEPHONE _____

C. THE PREMISES

1. LOT & DP NUMBER: Lot(s) _____ DP _____
2. LOCATION _____

3. DESCRIPTION _____
4. NATURE OF BUSINESS _____

D. NOTICES

Applicant's Representative:

Postal address:

Facsimile:

Email:

Council's Representative:

Postal address:

Facsimile:

Email address:

E. PUBLIC LIABILITY INSURANCE

Minimum cover: \$ 20 000 000

F. BOND

\$

General Condition of Approval

Name and business address of Applicant

Type of Business

List here the general Conditions of Approval from Appendix E from Liquid Trade Waste Management Guidelines