



Liquid Trade Waste Policy Supplement

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1 PURPOSE

This document provides additional technical and administrative information to support the Liquid Trade Waste Discharge to Sewerage System Policy POL22/129 (LTW Policy) for Shoalhaven City Council.

2 STATEMENT

This document has been developed in conjunction with the LTW policy to ensure the proper control of liquid trade waste discharged to the sewerage system and hence protection of public health, worker safety, the environment, and Council's sewerage system.

3 PROVISIONS

3.1 What is Liquid Trade Waste?

Liquid trade waste is defined in the *Local Government (General) Regulation 2021* as **all liquid waste other than sewage of a domestic nature**.

Liquid trade waste discharges to the sewerage system *include* liquid wastes from:

- business/commercial premises (eg. beautician, florist, hairdresser, hotel, motel, restaurant, butcher, service station, supermarket, dentist, etc)
- community/public premises (including craft club, sporting ground canteen, school, college, university, hospital and nursing home)
- industrial premises
- any commercial activities carried out at a residential premises
- saleyards, racecourses and from stables and kennels not associated with domestic households
- tankered human waste, chemical toilet waste, portable ablution block waste, ship-to-shore waste from marine pump-out facilities and established sites for the discharge of pan content from mobile homes/caravans
- Any other waste tankered to the sewerage facilities, such as commercial or industrial waste from un-sewered areas

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 (ie. domestic sewage)
- wastewater from common use laundry facilities in a caravan park (discharges from common kitchen facilities in caravan parks are liquid trade waste)
- residential swimming pool backwash
- Community/public premises where no fee is charged to use the premises or liquid waste producing facilities; or a fee is charged to use the premises but only includes use of excluded facilities described above

3.1.1 Why Do We Regulate Liquid Trade Waste

Impacts of poor liquid trade waste management include:

- Grease, oil, solid material, if not removed on-site, can cause blockages in the sewerage system and result in overflows of untreated sewage to the environment.
- Strong waste may cause odour problems and corrosion of sewer mains, pumping stations and sewage treatment facilities.
- Volatile wastes may cause hazardous conditions for workers and public.

3.2 Guideline Limits for Discharge Quality

A table of guideline limits for various substances that may be found in the discharge of wastewater are specified in Schedule 2 of the LTW Policy.

Council may periodically vary its guideline limits for a particular sewage treatment works to reflect Federal and State Government regulatory requirements and Council's reuse needs for treated effluent and bio-solids.

The absence of any reference to substances or effluent characteristics in Schedule 2 of the policy does **not** necessarily imply that **no** guideline limits exist for such substances or characteristics in regard to the acceptance of liquid trade waste into Council's sewerage system. It is the applicant's responsibility to inform Council if their liquid trade waste discharges to the sewerage system are to contain substances or possess characteristics not listed in Schedule 2 of the policy. Council will then after consideration advise the applicant in writing of the applicable guideline limits for those substances or effluent characteristics. The substances or characteristics shall, following written notification of the applicant by Council, be considered as specified substances or characteristics.

The quantity and quality conditions of an approval to discharge liquid trade waste to the sewerage system will generally be in accordance with Council's guideline limits. Council may however, under certain circumstances (e.g. ability of receiving sewage treatment plant to take the liquid trade waste discharges or other disposal options available to discharger) and with the concurrence of the Department of Planning and Environment (DPE), implement approval conditions different to those contained within its guidelines.

Where applicants for an approval to discharge liquid trade waste to the sewerage system cannot meet Council's guideline limits or proposed approval conditions, they will need to provide justification for not conforming to these requirements. Depending upon which limits/conditions are to be exceeded and by how much, Council may refuse the application, or may approve it subject to an Effluent Improvement Plan and/or other conditions being implemented.

3.3 Substances and Wastes Restricted or Prohibited from Discharge to Sewer

Section 5.3.1 of the LTW Policy lists the types of discharges that are prohibited or restricted from being discharged to Council's sewerage system. Detailed information regarding Council's requirement for each of these discharges is found below.

3.3.1 Stormwater Discharges from Open Areas

Stormwater is a prohibited discharge under this policy. 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. Under 137A of the Local Government Regulation,

the discharge of roof, rain, surface, seepage or groundwater to a sewerage system is prohibited unless specifically approved. Therefore, Council does not generally accept the discharge of stormwater to the sewerage system.

However, it is recognised that it may not always be possible or practical to prevent stormwater contamination and ingress into the sewerage system at some liquid trade waste premises.

The discharge of limited quantities of stormwater (generally, the first 10 mm of rain) from sealed areas can be considered where roofing cannot be provided because of safety or other important considerations. In such instances, the applicant should take measure to minimise the contamination of stormwater and the volume of stormwater entering the sewerage system (e.g. first flush systems, flow separation, bunding, on-site detention, etc). The discharge from unsealed areas is not permitted.

Before the stormwater will be considered for discharge to the sewerage system, the applicant must provide the following information:

- reasons why the area cannot be fully or partially roofed and bunded to exclude stormwater
- the dimensions and a plan of the open area under consideration
- whether the open area is sealed
- the estimated volume of the stormwater discharge
- information on rain gauging
- 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 runoff)
- measures proposed for diverting stormwater away from the liquid trade waste generating area, and
- report on other stormwater management options considered and why they are not feasible.

3.3.2 Contaminated Groundwater

Similar to stormwater, discharge of groundwater or seepage water to a sewerage system is prohibited under clause 137A of the Regulation. Accordingly, groundwater extracted during construction activities (e.g. building/road construction activities, vacuum excavation, mining/exploration works, etc.) is not permitted to be discharged to Council's sewerage system directly or indirectly.

However, groundwater previously contaminated by human activities (e.g. service station remediation sites) may be considered for discharge to the sewerage system. Limited quantities of groundwater from remediation projects may be accepted under controlled conditions after appropriate pre-treatment for a limited period.

3.3.3 Discharge of Landfill Leachate

The discharge of leachate from municipal waste landfills to the sewerage system may be considered under controlled conditions, if there is no other viable option of managing this waste and the discharge is within the Council's acceptance limits.

When seeking approval to discharge leachate to sewer, the applicant needs to demonstrate that a sound stormwater management plan has been developed and implemented. The plan needs to address:

- Segregation of potentially contaminated areas from uncontaminated areas

- Prevention of surface runoff entering leachate collection ponds/dams and to Council sewerage system
- Appropriate pre-treatment to meet Council's acceptance limits

Only the excess leachate after on-site management within the premise will be considered for sewer discharge, if it meets Council's acceptance criteria. On-site pre-treatment to reduce ammonia levels (and other substances, e.g. PFAS) may also be required.

3.3.4 Discharge from Float Tanks

Float tanks, often referred to as floatation pods, iso-pods (isolation tanks), sensory deprivation systems, or REST tanks (restricted environmental stimulation therapy tanks) are typically small, enclosed pods containing about 1,000 litres of water. This water usually contains large quantities of Epson salts (300 – 700 kg of magnesium sulphate), resulting in total dissolved solids concentration up to 700,000 mg/L.

Discharge of such water to sewer is not permitted due to potential adverse impacts associated with the high salt content on the sewer infrastructure and treatment processes. It is also not appropriate to dispose of such waste to septic tanks or on-site soak well.

If wastewater is proposed to be transported away for off-site management, the operator of such facilities must provide details of liquid waste transporters and written verification from the receiving facilities acknowledging and agreeing to receive such wastewater.

3.3.5 Discharge from Service Station Forecourts and other Refuelling Points

New Premises

The discharge of wastewater from service station forecourts and other refuelling points (e.g. at Bus or Truck Depots) to Council's sewerage system is not permitted.

Existing Premises

Businesses with discharges from refuelling points with existing approvals first issued prior to 1 June 2012 may continue to discharge to Council's sewerage system in accordance with their approval and any additional applied conditions:

- If the existing business is sold, then the new operator may continue to discharge to Council's sewerage system with the appropriate approval in force.
- If the existing premises with a refuelling point is refurbished, then the discharge from this area must be disconnected from Council's sewerage system.
- If the existing business is not abiding by the conditions of their approval, the discharge may be required to be disconnected from the Council's sewerage system.

Further information is provided in Chapter 3 and Appendix F of the Liquid trade Waste Management Guidelines 2021.

3.3.6 Discharge from Liquefaction and/or Pulverisation of Solid Waste by Physical or Chemical Processes

The wastewater arising from liquefaction or pulverisation of solid waste by physical (e.g. pulping, macerating) or chemical means (e.g. dissolving solid waste in highly acidic or alkaline solutions) is not permitted to be discharged to the sewerage system.

Accordingly, discharges from the following devices/processes are not permitted.

- **Macerators** or similar devices that pulverise solid waste. Solid waste includes, but is not limited to sanitary napkin, placenta, surgical waste, disposable nappy, mache bedpan/urine containers, food waste, disposable products and animal waste (dog/cat faeces, cat litter).
- **Food waste disposal units**, also known as in-sink food waste disposers or garbage grinders in commercial premises. Discharges from existing installations in hospitals and nursing homes may be permitted, provided that wastewater is discharged through an adequately sized grease arrestor (additional charges will be applied). **Note:** if the kitchen is refurbished, the food waste disposal unit must be removed.
- **Alkaline hydrolysis waste**, process where human or animal tissue is broken down using alkaline solutions at elevated temperatures and pH. The process may be used in animal care facilities, veterinary premises, animal research laboratories, funeral parlours etc. The generated wastewater is of a high strength and may exert high loadings on the sewerage system. Accordingly, the wastewater generated by this process is not permitted to be discharged to the sewerage system.

3.3.7 Discharge from Solid Food Waste Processing Units (digesters/composters, etc.)

Discharge from a solid food waste processing unit (digester/composter, etc) to Council's sewerage system is a Concurrence Classification C discharge (i.e. Charging Category 3), hence Council needs to obtain concurrence to its approval from the DPE for individual applications.

The quality of wastewater from this equipment depends on the type of solid waste fed into it and the effectiveness of the on-site pre-treatment, hence frequent sampling will be required for monitoring and charging purposes. Sampling needs to be undertaken by an independent party acceptable to council.

Appropriate on-site pre-treatment needs to be provided prior to combining with any other liquid waste stream that discharges to Council's sewerage system.

Each application will be assessed on a case-by-case basis; however Council strongly discourages and is unlikely to accept the installation of solid food waste digesters.

3.3.8 Use of Additives in Pre-treatment Systems

Council does not allow bacterial, enzyme, and/or odour control agents to be used in pre-treatment systems (except neutralising chemicals designated for the pre-treatment) unless specifically approved by Council with DPE concurrence.

3.3.9 Discharge of Disposable Products Marketed as Flushable

Any disposable solid products including those marketed as "flushable" (e.g. wet wipes, cleaning wipes, cat litter, etc.) is not permitted to flush down to the sewerage system.

Contrary to manufacturers' claims, flushable wet wipes do not break down in the sewerage system similarly to toilet paper and may cause blockages within the premises or in the Council's sewerage system and may cause raw sewage overflow to the environment.

3.4 The Approval Process

The approval process is as per the Shoalhaven Local Approvals Policy, with additional information available in the LTW policy. Approval to discharge liquid trade waste to a sewer of the Council is required under S68 of the Local Government Act. Approval is obtained by lodging the appropriate liquid trade waste application form. These can be found on Shoalhaven Water's website.

Once the application has been assessed, an acknowledgement letter will be issued to the applicant to indicate acceptance of the application, and to detail the required inspections.

Inspections will generally be undertaken prior to issue of the approval, to confirm that requirements have been met, and pre-treatment equipment has been installed as proposed in the application.

These inspections may include:

- An inspection of the installation of pre-treatment equipment (e.g., grease arrestor, oily water separator etc.). When the installation is in ground, the inspection needs to be completed prior to backfilling of the equipment and pipe connections.
- A final inspection prior to occupation (where it is subject to a Development Application), or on completion of final fit out (e.g., kitchen fit out) prior to commencement of the activity.

These inspections are carried out by the Shoalhaven Water Regulatory Team.

3.5 Valid Applicants

3.5.1 General

Where an application is made to discharge liquid trade waste to the sewerage system from particular land, Council will generally accept either the occupier of the land/operator conducting the activity generating liquid trade waste or the owner of the land (property owner), as an applicant. Unless advised in writing otherwise, it will be assumed that the occupier of the land/operator conducting the activity generating liquid trade waste will be responsible for submitting an application. It is however required that where the applicant is not the owner of the land from which liquid trade waste will be discharged to the sewerage system, the landowner must also signify their consent by signing the application form.

3.5.2 Strata Titled Property

The registered owner of the strata title will generally be recognised as the owner of the land (property owner) for the purposes of signing a liquid trade waste application. Where liquid trade waste pre-treatment equipment is located on common property the responsible body corporate may be required to signify consent for the application in addition to the strata title owner.

3.5.3 Application By Proxy

Council will **not** accept applications for an approval to discharge liquid trade waste to the sewerage system signed by consultants, contractors, managing agents or other proxy acting on behalf of either the person making the application or owning the land subject to the application, unless a power of attorney exists which explicitly authorises the proxy to do so.

3.6 Concurrence

Liquid trade waste discharges are divided into four classifications for the purpose of the concurrence process, A, B, S and C, as set out in Section 6.12 of the LTW Policy.

If Council supports an application and has a notice stating that concurrence of the Secretary, DPE can be assumed for the type of liquid trade waste relevant to the application, Council will approve the application, without the need to seek DEP concurrence for the approval.

Council has been given notice of assumed concurrence for A, B and S discharges and include the activities listed in table 1 below.

Table 1: Liquid Trade Waste Discharges with Assumed Concurrence

Food preparation/serving generating liquid waste up to 16 kL/day	Other activities generating liquid waste up to 5 kL/day
Bakery (retail)	Animal wash (pound, stables, racecourse, kennels, mobile animal wash)
Bed & Breakfast (<10 persons)	Auto dismantler
Bistro	Beautician
Boarding house/hostel kitchen	Boiler blowdown
Boutique or artisan food (eg honey processing, confectionary, condiments etc, less than 1kL/day)	Bus/Coach depot
Butcher shop (retail)	Car detailing
Café/coffee shop/coffee lounge	Cooling tower
Canteen	Craft activities (pottery, ceramics, cutting and polishing of gemstones or making of)
Cafeteria	Comfort Cooling Towers over 500 L/h (non-industrial)
Chicken/poultry shop (only fresh chickens/game, retail, BBQ/roast chicken)	Construction equipment maintenance and cleaning
Club (kitchen wastes)	Dental surgery/dental specialist
Commercial kitchen/caterer	Dental technician
Community hall/civic centre/function centre (kitchen waste)	Dry-cleaning (separator water, boiler)
Day care centre	Education Facilities - tertiary institution
Delicatessen	Engine reconditioning
Doughnut shop	Equipment hire, maintenance and cleaning

Fast food outlet (McDonalds, KFC, Burger King, Hungry Jack's, Pizza Hut, Red Rooster, etc.)	Florist
Fish shop (retail – fresh and/or cooked)	Funeral parlour, morgue
Fish Co-op	Hairdressing (includes barbers)
Fruit and vegetable shop (retail)	Hospital
Hotel	Jewellery shop
Ice cream parlour	Laboratory (pathology/analytical/autopsy/ dental/photographic/tertiary institution)
Juice bar	Laundry or laundromat (coin operated)
Mobile Food Van	Lawnmower repairs
Mixed business	Mechanical repairs/workshop
Motel	Medical centre/doctor surgery/physiotherapy – plaster of paris casts, laboratory
Nightclub	Microbrewery
Nursing home kitchen	Mobile cleaning units
Nut shop	Nursing home (other than food-related activities)
Oyster processing - shucking	Optical service (including medical or educational facilities and workshops)
Patisserie	Panel beating
Pie shop	Pet shop (retail)
Pizza shop	Photographic tray work/manual development/ waterwash minilab/graphic arts/X-ray
Restaurant	Plants retail (no nursery or open space)
Salad bar	Radiator repair
Sandwich shop	School (other than kitchen waste)
School – canteen, home science	Screen printing
Snack Bar	Service station covered forecourt/ refuelling point (existing only)
Supermarket (with butcher/ bakery/ seafood/ delicatessen/or roasted chickens)	Shopping complex
Take-away food outlet	Stone working

	Surfboard manufacturing (wet process only)
	Swimming pool/spa/hydrotherapy pools
	Tankered human wastes (septic effluent, septage etc, subject to volume limits)
	Vehicle washing (including drive through car wash and car detailing, truck washing – external/platforms/flatbed, garbage truck external)
	Venetian blind cleaning
	Veterinary surgery
	Waterless minilab
	Chemical Toilet Waste Dump Points
	Ship-to-Shore Pump Outs

Note: The volume of liquid trade waste must not exceed 5 kL/d except in the case of commercial retail food preparation activities, where up to 16 kL/d is included for concurrence A activities. If the waste discharged into the sewer exceeds these volumes, the application must be treated as Concurrence Classification B. Discharges over 20 kL/d must be treated as Classification C.

3.7 Liquid Trade Waste Pre-treatment Equipment Acceptable to Council

The Liquid Trade Waste Management Guidelines prescribe the pre-treatment requirements for most Concurrence Classification A & B activities. A list of prescribed standard, non-complex pre-treatment equipment types for these activities can be found in Table 8 of the Guidelines.

Generally for liquid trade waste pre-treatment equipment to be acceptable to Council such equipment must be of a brand/model/capacity currently authorised by an appropriate authority¹.

In the case of existing dischargers with already installed liquid trade waste pre-treatment equipment not of a brand/model/capacity currently authorised, Council may accept such equipment as qualifying the discharger for Category 2A status after an extended testing program or if it can otherwise be proven to satisfy Council's requirements.

The details relating to a testing program and the criteria for acceptance of non-authorised pre-treatment equipment will be considered by Council on an individual basis. All costs related to a testing program, including those incurred by Council for administration, are the responsibility of the applicant. If the liquid trade waste pre-treatment equipment fails the testing program then Council may require it to be removed and replaced with currently authorised equipment.

Council's acceptance of liquid trade waste pre-treatment equipment not currently authorised will only apply to an individual discharger and in no way constitutes a wider endorsement of such equipment.

¹ Council considers the NSW Department of Planning and Environment, and Sydney Water to be appropriate authorities but reserves the right to accept or reject pre-treatment equipment authorised by them.

3.8 Exception From Installing Required Pre-treatment Equipment

3.8.1 Requirements for an Exception Request

A request for an exception from installing the prescribed standard pre-treatment equipment will only be considered for an **existing** premises.

In addition to a completed liquid trade waste application, the applicant needs to provide:

- A letter from the applicant requesting an exception and the grounds for the exception (e.g. site restrictions)
- A letter from a hydraulic consultant, plumber or the company that provides the pre-treatment equipment outlining the reasons the installation of the appropriate pre-treatment equipment is not feasible
- Details of the proposed frequency of cleaning, maintenance and the nominated licensed contractor undertaking these functions, and
- A drainage diagram.

When assessing the application, Council will consider whether:

- the sewerage system has the capacity to accept the waste load and/or that the modifications, alterations, or undersized pre-treatment equipment will not adversely impact on the sewage treatment processes, sewage transportation system, by-product management and the environment
- the site precludes the installation or maintenance of the appropriate pre-treatment equipment.

3.8.2 Information Relating to Exceptions

- Council has assumed concurrence for classification A, B and S liquid trade waste dischargers and for existing dischargers with undersized grease arrestors who meet the requirements listed in the concurrence notice. Applications not satisfying these requirements will need to be forwarded to the NSW DPE for consideration and concurrence
- Any exception granted only applies to the nominated existing applicant and is not transferable
- In the event the business is sold new documentation requirements supporting an exception may apply. If renovations/refurbishments are carried out, then Council will require the appropriate prescribed pre-treatment equipment to be installed.

Where the prescribed liquid trade waste pre-treatment equipment (or alternative acceptable to Council and DPE) cannot be installed or the effluent quality is not improved to a standard satisfying Council and DPE the appropriate liquid trade waste usage charge will be applied.

3.9 Application of Liquid Trade Waste Fees and Charges

3.9.1 General

For liquid trade waste charging purposes there are seven charging categories: 1A, 1B, 2A, 2B, 2S, 3A and 3B as outlined in Section 7 of the LTW policy.

Council has introduced “Deemed to be Approved” dischargers into the Shoalhaven Local Approvals Policy and the Liquid Trade Waste Discharge to Sewerage System Policy, both to be adopted in

2022. No charges are applicable for “Deemed to be Approved” dischargers. Any existing fees for these discharges are to be removed from the water account on adoption of the 2022 policies.

Council’s proposed liquid trade waste fees and charges will be advertised annually in Council’s draft Delivery Program & Operational Plan for public comment.

3.9.2 Liquid Trade Waste Application Fee

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. The application fee will be allocated based on the category into which the discharger is classified and reflects the complexity of processing the application. The application fee is invoiced to the applicant after the initial assessment has been undertaken to determine the correct charging category. Application fees will be set annually by Council.

Initial Applications or Applications Requiring Significant Changes to the Conditions of a Current Liquid Trade Waste Approval

In the case of an application to discharge liquid trade waste to the sewerage system for properties where a liquid trade waste discharge has not previously been approved or where an application made to renew a current liquid trade waste approval involves, in Council’s opinion, a significant change to existing approval conditions a fee will be applied to recover the costs of administration and technical services provided by Council in determining the application.

However, if the new application is due to a change of operator only, with no other changes, Council may at its discretion waive the application fee if the work involved in processing the new approval is minimal.

Renewal of a Liquid Trade Waste Approval Not Requiring Significant Changes

Where an application is made to renew a liquid trade waste approval either prior to, or within three (3) months after the date of its expiration, Council may at its discretion waive the application fee if it considers that the work involved in processing the renewal is minimal. Otherwise, the applicable application fee may be charged.

Change of Property Owner

Where there is a change to the owner of the land from which liquid trade waste is to be discharged, no fee shall be charged for obtaining the new owner’s consent to the application or for the existing approval.

3.9.3 Annual Liquid Trade Waste Fee

The purpose of this fee is to recover the cost incurred by Council for administration and scheduled inspection(s) and/or other monitoring to ensure the discharge complies with the approval conditions.

As part of an inspection, Council or its agents may undertake monitoring which may include but is not limited to, flow measurement and the sampling of the liquid trade waste. 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.

Annual liquid trade waste fees are determined based on the category of the discharger and are proportionate to the complexity of their inspection and administration requirements. Annual liquid trade waste fees will be set by Council and is charged based on full cost recovery.

The annual liquid trade waste fee is applicable to all premises that discharge liquid trade waste to Council's sewer regardless of whether or not a liquid trade waste approval is current for the premises. The annual liquid trade waste fee will continue to be applied until Council is made aware that all liquid trade waste discharges from the premises have ceased.

The Annual Liquid Trade Waste Fee is charged in four equal instalments and included on the quarterly water account issued for the property.

3.9.4 Liquid Trade Waste Re-inspection Fee

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. Council may impose a fee for each re-inspection.

The re-inspection fee will be set annually by Council based on full cost recovery. The re-inspection fee is invoiced directly to the approval holder.

3.9.5 Liquid Trade Waste Usage Charge - General

The liquid trade waste usage charge is imposed to recover the additional cost of treating non-domestic wastewater and will be levied based on the volume of liquid trade waste discharged at the appropriate unit price. The unit prices used for calculating liquid trade waste usage charges will be indexed annually on the basis of the change in the All Groups Consumer Price Index (CPI) for Sydney in the preceding 12 months to December.

3.9.6 Liquid Trade Waste Usage Charge - Category 1A & 1B Dischargers

There are no liquid trade waste usage charges for Category 1A & 1B dischargers who have appropriate equipment installed (where required) and are operating to their approval conditions.

Category 1A & 1B dischargers will be subject to a liquid trade waste (non-compliance) usage charge where they do not have the prescribed pre-treatment equipment acceptable to Council installed or fail to maintain /clean such equipment in accordance with their liquid trade waste approval or as otherwise notified in writing by Council. Should a liquid trade waste (non-compliance) usage charge be applied to a Category 1A or 1B discharger then it will be calculated as follows:

$$\text{Liquid Trade Waste (non-compliance) Usage Charge (\$)} = Q \times U_{1A \text{ or } 1B}$$

Where Q = Volume (kL) of liquid trade waste discharged to sewerage system

$$U_{1A \text{ or } 1B} = \text{Unit price (\$/kL) applicable to Category 1A/1B dischargers (non-compliance)}$$

The liquid trade waste discharge volume is generally estimated by applying a Liquid Trade Waste Discharge Factor (LTWDF) to the total water consumption.

3.9.7 Liquid Trade Waste Usage Charge - Category 2A and 2B Dischargers

$$\text{Liquid Trade Waste Usage Charge (\$)} = Q \times U_{2A \text{ or } 2B}$$

Where Q = Volume (kL) of liquid trade waste discharged to sewerage system

$$U_{2A} = \text{Unit price (\$/kL) applicable to Category 2A dischargers}$$

$$U_{2B} = \text{Unit price (\$/kL) applicable to Category 2B dischargers}$$

The U_{2A} or U_{2B} unit price shall be applied according to the classification of the discharger (Refer Appendix B of the Policy).

Note: **existing** Category 2A dischargers who have **not** installed and/or maintained **appropriate** pre-treatment facilities will be required to pay the non-compliance liquid trade waste usage charge.

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

Where grease arrestors are not being maintained to Council’s approval requirements, the non-compliance usage charge shall be applied to the water account for the property until three scheduled pump-outs have been completed. Council has discretion to reduce this period of non-compliance charges where the time between each scheduled pump out is greater than three months.

The liquid trade waste discharge volume is generally estimated by applying a Liquid Trade Waste Discharge Factor (LTWDF) to the total water consumption unless a discharge meter is installed.

3.9.8 Liquid Trade Waste Usage Charge - Category 2S Dischargers

Dump points and ship to shore pump out facilities that are located in public places and that provide a service to the general public (and for no fee) will not be charged a usage charge as the monitoring of discharge volumes may not be practical. However, annual fees may still apply.

Transported Human Waste

This charge is imposed to recover the cost of accepting and treating septic tank, chemical toilet, ablution block wastewater etc to Council’s Sewage Treatment Plants (STPs).

Human waste disposal charge (\$) = $Q \times S_s$

Where: Q = Volume (kL) of waste discharged to sewer

S_s = Charging rate in \$/kL for transported human septic tank wastewaters

Volumes are calculated based on the size of the tanker truck delivering the waste to the STP. This information is logged via swipe cards issued to individual truck/tanker registration numbers as part of the liquid trade waste approval for the transporter.

Chemical Toilet Waste Usage Charge

This charge is for premises directly connected to the sewer for disposal of portable toilet wastes, or those who operate “dump points” as a business for buses, caravans, motor homes etc.

Chemical toilet waste usage charge (\$) = $Q \times S_c$

Where: Q = Volume (kL) of waste discharged to sewer

S_c = Charging rate in \$/kL for chemical toilet waste

Volumes log sheets are usually required to be completed and forwarded to Council quarterly or as specified in the individual dischargers’ approval conditions. Larger dischargers will be required to install a discharge meter.

3.9.9 Liquid Trade Waste Usage Charge - Stormwater and Groundwater Discharge

The discharge of roof, rain, surface, seepage or ground water to the sewerage system is prohibited under clause 137A of the Local Government (General) Regulation 2021 and the liquid trade waste policy.

Consideration will be given to the acceptance of limited quantities of contaminated stormwater (first flush stormwater) from category 2A/2B dischargers based on a case-by-case assessment. In these instances, the liquid trade waste usage charge for Category 2A or 2B are applicable.

Where approval is given for the treatment and discharge of contaminated groundwater or large quantities of contaminated stormwater for one-off discharge (both are considered Category 3A/B discharges), the approval holder will be charged a liquid trade waste usage charge in lieu of excess mass charges. A separate usage charging rate is listed in Council's Fees & Charges, and calculations are carried out as for Category 2B dischargers above. These dischargers will generally be required to install a discharge meter for the duration of the treatment activities being conducted.

3.9.10 Liquid Trade Waste Excess Mass Charges

Excess Mass Charges are applicable to Category 3A and 3B dischargers only. These dischargers will generally be required to install a discharge meter to determine the volume discharged for a period specified in the approval conditions (usually monthly). Excess mass charges are calculated for each month of discharge (unless a different period has been specified) and invoiced to the property owner.

Council will set the charging rates in line with those provided by the DPE, which are indexed annually on the basis of the change in the All Groups Consumer Price Index (CPI) for Sydney in the preceding 12 months to December.

Excess Mass Charge Calculation

Liquid trade waste excess mass charges will be calculated based on the excess mass of specified substances at concentrations above those deemed to be present in domestic sewage (Table 2).

Table 2 - Deemed Concentration of Specified Substances in Domestic Sewage

SPECIFIED 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
Sulphate	50*
Total Phosphorus	10
Total Dissolved Solids	1,000

*The higher of 50 mg/L sulphate and that concentration of sulphate found in the potable water supply (LWU's historical average from source water treatment plant) shall apply as the deemed concentration of sulphate in domestic sewage.

For the purpose of calculating liquid trade waste excess mass charges, specified substances not listed in Table 1 will be deemed not to be contained in domestic sewage and thus should they be

detected in a discharge to the sewerage system will be considered to be present in excess mass. For excess mass charge calculation, equation (E1) will be applied.

$$\text{Liquid Trade Waste Excess Mass Charge (\$)} = \frac{(S - D) \times Q \times U_E}{1,000} \quad (\text{E1})$$

Where S = Concentration (mg/L) of specified substance in sample.

D = Concentration (mg/L) of a specified substance deemed to be present in domestic sewage.

Q = Volume (kL) of liquid trade waste discharged to sewerage system.

U_E = Unit charging rate (\$/kg) for disposal of excess mass of specified substance to the sewerage system, as shown in Council's Fees and Charges.

Regarding BOD₅, equation (E1) applies for BOD₅ up to 600 mg/L.

Excess mass charges for BOD exceeding 600mg/L

If Council approves the acceptance limits for BOD₅ higher than 600mg/L, an exponential type equation will be used for calculation of the charging rate (\$/kg) as shown in equation (E2) below. This provides a strong incentive for dischargers to reduce the strength of waste. In addition, equation (E5) below will be used where the discharger has failed to meet their approved BOD limit on 2 or more instances in a financial year.

Excess mass charging rate for BOD (\$/kg) is calculated as:

$$U_{\text{BOD}} = 2C \times \frac{(\text{Actual BOD} - 300\text{mg/L})}{600\text{mg/L}} \times 1.05^{\frac{(\text{Actual BOD} - 600\text{mg/L})}{(600\text{mg/L})}} \quad (\text{E2})$$

Where C = the charging rate (\$/kg) for BOD₅ 600mg/L.

Actual BOD = the concentration of BOD₅ as measured in a sample

For example, if C = \$0.64/kg, equation (E2) would result in the following excess mass charging rates:

\$0.64/kg for BOD₅ 600mg/L

\$2.02/kg for BOD₅ 1200mg/L

\$5.19/kg for BOD₅ 2400mg/L

The excess mass charge for BOD is calculated using equation (E1):

$$\text{Excess Mass Charge for BOD (\$)} = \frac{(S - D) \times Q \times U}{1,000}$$

Where $U = U_{\text{BOD}}$ calculated from equation (E2).

3.9.11 Liquid Trade Waste Non-compliance Excess Mass Charges

The non-compliance excess mass charges shown in this section are for Category 3A and 3B dischargers only and are in lieu of the excess mass charges in Section 3.9.10.

NB. Council will continue applying non-compliance excess mass charges 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. 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 Section 3.9.12.

Non-compliance pH charge

Where the pH of wastewater discharged to the sewerage system is outside the range specified in the applicant's liquid trade waste approval, or if no such approval is in place, the pH range specified in Council's liquid trade waste policy, then the following equation (E3) shall apply:

Charging rate for pH where it is outside the approved range for the discharger =

$$K \times |\text{actual pH} - \text{approved pH}|^* \times 2^{|\text{actual pH} - \text{approved pH}|^*} \quad (\text{E3})$$

* absolute value to be used

Where K = pH coefficient in \$ (this is the charge as listed in Council's fees and charges)

This equation provides an incentive for dischargers to apply appropriate pH correction, so their waste remains within the approved pH limits. Council may require industrial and large dischargers to install and permanently maintain a pH correction system to minimise odour and corrosion problems in the sewerage system.

Example: Council has approved the pH range 7.0 to 9.0 for a large discharger generating high strength trade waste to prevent corrosion and odour problems in the sewerage system. (assume K = \$0.45 – note this will not be the current value of K)

Case 1: pH measured 6.0

$$\text{Charging rate (\$/kL)} = 0.45 \times |6 - 7| \times 2^{[6 - 7]} = \$0.90/\text{kL}$$

Case 2: pH measured 11.0

$$\text{Charging rate (\$/kL)} = 0.45 \times |11 - 9| \times 2^{[11 - 9]} = \$3.60/\text{kL}$$

This charging rate can then be used to calculate the charge as follows:

$$\text{Non-compliance pH charge (\$)} = Q \times S_{\text{pH}}$$

Where: Q = Volume (kL) of waste discharged to sewer

S_{pH} = Charging rate in \$/kL for the out of approved range pH value

Non-compliance excess mass charges

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 liquid trade waste policy), Council incurs additional costs in accepting and treating that waste. Council may also face problems with the effluent and biosolids management.

To recover Council's costs, equation (E4) shall apply for non-compliance excess mass charges, except for BOD where equation (E5) shall apply.

$$\text{Non-compliance Excess Mass Charges (\$)} = \frac{(S - A) \times Q \times 2U_E}{1,000} + \frac{(S - D) \times Q \times U_E}{1,000} \quad (\text{E4})$$

Where:

S = Concentration (mg/L) of substance in sample

A = Approved maximum concentration (mg/L) of pollutant as specified in Council's approval (or liquid trade waste policy)

Q = Volume (kL) of liquid trade waste discharged for the period of non-compliance

U_E = Excess mass charging rate (\$/kg) for discharge of pollutant to sewerage system, as shown in Council's Fees and Charges

D = Concentration (mg/L) of substance deemed to be present in domestic sewage

Non-compliance Excess Mass Charges for BOD

If a discharger has failed to meet the approved maximum concentration of BOD on 2 or more instances in a financial year, the non-compliance excess mass charging rate for BOD will be levied based on equation (E5) below:

BOD₅ non-compliance excess mass charging rate (U_B) =

$$2C \times \frac{(A - 300 \text{ mg / L})}{600 \text{ mg / L}} \times 1.05^{\frac{(A - 600 \text{ mg / L})}{600 \text{ mg / L}}} + 4C \times \frac{(\text{Actual BOD} - A)}{600 \text{ mg / L}} \times 1.05^{\frac{(\text{Actual BOD} - A)}{600 \text{ mg / L}}} \quad (\text{E5})$$

For example, if C = \$0.64/kg, BOD₅ actual (measured) level is 2400mg/L and the approved maximum concentration of BOD (A) is 1000mg/L, equation (E5) would result in a non-compliance excess mass charging rate of \$8.24/kg.

Non-compliance Excess Mass Charge for BOD₅ is calculated using equation (E1):

$$\text{Non-compliance Excess Mass Charge (\$)} = \frac{(S - D) \times Q \times U_B}{1,000}$$

Where U_B is the non-compliance excess mass charging rate calculated using equation (E5).

3.9.12 Liquid Trade Waste Non-compliance Penalty Charge

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:

- *Protection of the Environment Operations Act 1997, Section 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)
- *Local Government Act, 1993, Section 627* (Failure to comply with an approval), Section 628 (Failure to comply with an order). Refer Section 7 regarding penalty notice charge.

These penalties will be issued to the approval holder where a current liquid trade waste approval is in force. Where there is no current approval, the penalty may be issued to the property owner.

3.9.13 Food Waste Disposal Unit Charge²

Where a food waste disposal unit is installed for a hospital, nursing home or other eligible facility, the following additional food waste disposal charge will be payable annually.

² For existing installations only. New installations are not permitted.

Food Waste Disposal Charge (\$) = $B \times U_F$

Where B = Number of beds in hospital or nursing home.

U_F = Annual charging rate (\$/bed) for a food waste disposal unit at a hospital or nursing home.

NB. This charge for food waste disposal units shall apply in addition to all other applicable charges.

3.9.14 Charges for Solid Food Waste Processing Units

Discharge of waste from a solid food waste processing unit (e.g., digester) is classified as Concurrence Classification C and is in charging Category 3B.

Excess mass charges for all parameters in excess of the deemed concentrations in domestic sewage and non-compliance charges, above the Council's acceptance limits, will be applicable to the waste stream from such equipment (refer section 3.9.10).

In addition, the discharger needs to bear the cost of frequent sampling as the quality of wastewater is dependent on the solid waste input to the processing unit and the effectiveness of the on-site pre-treatment equipment.

3.9.15 Determination of Liquid Trade Waste Discharge Volume

The following methods can, with the consent of Council, be used in the measurement/ estimation of liquid trade waste discharge volumes. Council may at any time review and require modification to the method of volumetric measurement/estimation for liquid trade waste discharges.

Where the applicant/discharger proposes an alternate method for determining liquid trade waste discharge volumes, Council may require independent verification by persons Council considers qualified to undertake this work. Any cost incurred in the verification of liquid trade waste discharge volumes is the responsibility of the applicant/discharger.

Direct Measurement by a Permanent Discharge Flow Metering System

A permanent volumetric flow metering system may be employed to directly measure liquid trade waste discharges to the sewerage system. This flow metering system must be of a type/brand/model that is acceptable to Council for the application and shall be installed at a position/in a manner agreed to by Council. The flow metering system should incorporate an accurate and reliable means of recording and retaining the readings of both cumulative volume and instantaneous rate of discharge.

The accuracy of the flow metering system must be periodically verified, at least as stipulated by the flow meter manufacturer. The accuracy verification testing of the flow metering system is to be conducted by a Council approved facility. Arranging this testing and the payment of costs involved is the responsibility of the discharger, who must also provide to Council the certificate of verification for the flow metering system's accuracy within one (1) month of receiving it.

Should the volumetric flow metering system fail verification testing or in any other way cease to function as designed then the discharger must advise Council within seven (7) days and take such action, as is necessary and acceptable to Council, to provide the required flow measurements of liquid trade waste discharges within the timeframe advised by Council. The cost of any repairs to, or replacement of the volumetric flow metering system is the discharger's responsibility.

Use of a Liquid Trade Waste Discharge Factor

A liquid trade waste discharge factor (LTWDF) is the percentage of the metered water consumption volume that is discharged to Council's sewerage system as liquid trade waste and is calculated as follows:

$$LTWDF = \left(\frac{\text{Liquid Trade Waste}}{\text{Total Water Consumption}} \right) \times 100$$

I.e., the volume of liquid trade waste discharged to the sewerage system from premises divided by the metered water consumption of the premises, expressed as a percentage.

This percentage once determined can then be multiplied by the discharger's future metered water consumption to provide an estimate of their liquid trade waste discharge volume over a given period.

Unless, in Council's opinion, the discharger can provide convincing argument to the contrary, such discharge factors will be taken from the list provided in the Liquid Trade Waste Regulation Guideline, April 2009.

If no relevant LTWDF is referenced in the list, Council has cause to believe the LTWDF from the list is not applicable or the discharger contests a listed LTWDF, Council may after investigation determine an LTWDF it considers appropriate.

Where at any time the discharger seeks to amend Council's assessed LTWDF independent verification by a qualified person acceptable to Council may be required. The cost of such services is the responsibility of the discharger. Council will genuinely consider but reserves the right not to adopt any LTWDF determined by this process.

Should, after negotiation, the applicant/discharger refuse to accept Council's assessed LTWDF then Council may require the installation of a flow measurement system to determine the volume of liquid trade waste discharges as outlined above.

Other Methods

Council may, where it considers such measures practicable, allow alternate means for determining liquid trade waste discharge volumes. This may include but not be limited to:

- Installation of a permanent flowmeter(s) to measure water supplied only to liquid trade waste generating activities within the premises
- Use of a permanent deduct flowmeter(s) to measure water supplied only to non-liquid trade waste generating activities
- Consideration of the volume of liquid trade waste generated by like activities, and
- Indirect calculation by estimation of the liquid content of process inputs and products.

3.9.16 Fees and Charges – Other Considerations

Estimation of Missing or Erroneous Liquid Trade Waste Discharge Volumes

Where the discharger fails to submit, within the time-frame specified by Council, the volume of liquid trade waste discharged to the sewerage system or Council has a valid reason(s) to consider the data provided on the volume of liquid trade waste discharged to be erroneous, Council may estimate the discharge volume to be used for the calculation of applicable charges. Unless in Council's opinion a

cogent argument can be made to the contrary, this estimation will be on the basis of the highest result submitted by the discharger for the volume of liquid trade waste discharged to the sewerage system over the previous twelve (12) months and calculated on a pro rata basis if necessary.

Unlisted Excess Mass Charges for Specified Substances

Where the discharge of specified substances that are other than those given in the list of excess mass unit prices is permitted by Council the default unit price for such specified substances will be those applied by the DPE, Sydney Water or Hunter Water at the time of discharge. Should there be no applicable DPE, Sydney Water or Hunter Water specified substance unit price then Council reserves the right to base its specified substance unit prices on those charged by another Water Utility or Council or on advice obtained from qualified consultants.

Estimation of Missing or Erroneous Analytical Results

Where, for any reason, an applicant/discharger undertaking self-monitoring fails to submit, within the time-frame specified by Council, the analytical results required by the conditions of their liquid trade waste approval, liquid trade waste services agreement or as otherwise notified in writing by Council, or Council has a valid reason to consider the analytical results provided to be erroneous, then Council may estimate the analytical results to be used for the calculation of liquid trade waste usage and non-compliance usage charges. Unless, in Council's opinion, a cogent argument can be mounted to the contrary by the discharger, this estimation will be on the basis of the highest concentration result for the specified substance (or in the case of pH the most extreme result) obtained from samples of liquid trade waste discharged to the sewerage system over the previous twelve (12) months.

Sampling and Analysis by Council

Council may at any time take samples and conduct analysis on liquid trade waste discharged to the sewerage system. Where both Council and the discharger have conducted sampling and analysis of the discharger's liquid trade waste discharges within the same billing period then Council reserves the right to use its results for the calculation of applicable liquid trade waste charges.

Change to Charging Category of the Discharger

Where the charging category of a liquid trade waste discharger changes within a financial year all applicable liquid trade waste charges (except for re-inspection charges) will be applied on a pro rata basis from the next quarterly water account.

3.10 Inspections and Monitoring

3.10.1 Council Inspections and Monitoring

Council will carry out inspections of liquid trade waste discharging premises and their treatment facilities according to the risk level of the discharger category. Risk for inspection purposes is determined by the discharger category and the history of compliance of the discharger. Generally, most dischargers will be inspected at least once per annum.

Council will not carry out inspections of "Deemed to be approved" dischargers but may periodically carry out audit activities for these dischargers, to check on general compliance with their requirements.

Inspection of Category 3 dischargers shall be carried out according to the risk level of the discharge, which could be up to six times (but not less than once) per year.

Self-monitoring of large, industrial or high risk dischargers, or other activities as specified in the *Liquid Trade Waste Management Guidelines*, is to be carried out as specified in the Approval conditions.

For monitoring purposes, an inspection/sampling point, where the waste can be inspected and sampled, will be specified in the approval and/or agreement. This point will normally be located after the pre-treatment facility. In the case of large or industrial dischargers, Council may require the discharger to provide a system which allows obtaining a flow weighted composite sample.

Testing of samples is to be undertaken by a NATA-registered or other laboratory recognised by the DPE to ensure reliable and accurate results. Where the discharger is sampling the effluent, Council may randomly take duplicates to confirm the waste characteristics.

3.10.2 Self-Monitoring by Dischargers

As a condition of Council's approval and/or a Liquid Trade Waste Services Agreement the applicant may be required to undertake self-monitoring of their liquid trade waste discharges. The samples for self-monitoring must be collected at a frequency and in a manner representative of the liquid trade waste being discharged, as agreed with by Council. Duplicate samples may be taken by Council in order to confirm results obtained from the discharger's self-monitoring.

Unless otherwise agreed with by Council, analysis of all samples is to be undertaken 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, at a laboratory with NATA certification for the substances/parameters to be tested.

The results from a discharger's self-monitoring program are required to be forwarded to Council within seven (7) days of receipt by the discharger or arrangements made for the transfer of results to Council directly from the analytical laboratory.

3.11 The NSW Framework for Regulation of Sewerage and Trade Waste

The NSW framework is driven by the NSW Government's *Regulatory and Assurance Framework for Local Water Utilities, 2022*. Sound regulation of sewerage and liquid trade waste is a key element of the regulatory framework, and requires each council to implement all the following integrated measures:

- 1) Preparation and implementation of a sound liquid trade waste regulation policy, assessment of each liquid trade waste application, and determination of appropriate conditions of approval. Conditions must be consistent with Council's strategic planning.
- 2) Preparation and implementation of a sound development servicing plan with commercial sewerage developer charges to ensure new development pays a fair share of the cost of the required infrastructure.
- 3) Full cost recovery with appropriate sewer usage charges and liquid trade waste fees and charges to give the necessary pricing signals to dischargers. These charges must include non-compliance trade waste usage charges and non-compliance excess mass charges to

give the necessary incentives for dischargers to consistently comply with their conditions of approval.

- 4) Monitoring, mentoring, and coaching of dischargers to achieve cleaner production and assist them to comply with their conditions of approval.
- 5) Enforcement, including appropriate use of penalty notices in the NSW legislation. Orders may also be issued under the *Local Government Act 1993* (see section 2.8.3 of the Liquid Trade Waste Management Guidelines).
- 6) Disconnection of a liquid trade waste service in the event of persistent failure to comply with Council's conditions of approval (see section 2.8.5 of the Liquid Trade Waste Management Guidelines).

Together, the above 6 measures comprise the NSW framework for regulation of sewerage and trade waste and is aligned with the National Wastewater Quality Management Framework as set out in the *Australian Wastewater Quality Management Guidelines, July 2022, WSAA*. The NSW framework involves a preventive, risk-management approach developed to address the use of common resources by giving economic incentives for dischargers to minimise their waste and to consistently comply with their conditions of approval.

3.12 Due Diligence Programs and Contingency Plans

For *Concurrence Classification A*, a discharger is not required to submit either a due diligence program or a contingency plan.

A discharger may be required to submit a due diligence program and a contingency plan for *Concurrence Classification B or Classification S* where it is considered that the discharge may pose a potential threat to the sewerage system. If required, a due diligence program and contingency plan must be submitted to Council before receiving a liquid trade waste approval.

For *Concurrence Classification C*, a discharger may need to provide a due diligence program and contingency plan to Council before receiving a liquid trade waste approval.

It should be noted that:

- (1) If the discharger has an accredited environmental management system in place, a due diligence program and contingency plan may not be required. However, proof of accreditation must be provided to Council with the application. On some occasions, the EMP may not include all necessary provisions in regards to trade waste. In such cases the Council may require that the due diligence program and the contingency plan be developed and submitted.
- (2) Where Council considers there is potential risk to the sewerage system from a discharge, it may request a due diligence program and contingency plan to be submitted prior to commencing the discharge.

3.13 Liquid Trade Waste Services Agreement

In addition to its approval under the Local Government Act, Council may require certain dischargers to execute a liquid trade waste services agreement. The 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. The conditions will be binding on the applicant and the Council. The agreement

will be for a period of up to five years. No discharge is to be made to Council's sewerage system until an agreement or an interim agreement has been executed.

In cases where Council requires a discharger to enter into an agreement, Council may issue a deferred commencement approval under Section 95 of the *Local Government Act* requesting the discharger to do so within the time specified in Council's letter. In such cases, the approval will not be operative until the agreement has been executed by the discharger.

Provision can be made in the agreement for (in addition to Council's approval conditions):

- 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
- entry by Council officers to inspect the liquid trade waste collection, treatment, monitoring and disposal systems
- the applicant to notify Council in advance of any changes that may affect the quality and quantity of the liquid trade waste, and
- the amount of bond/security to be lodged with Council prior to discharging to the sewerage system.

3.13.1 Sample Liquid Trade Waste Services Agreement

Appendix B contains a sample Liquid Trade Waste Services Agreement that Council may require an applicant to enter into before their approval to discharge liquid trade waste to the sewerage system becomes operative. The Liquid Trade Waste Services Agreement provided in this sample may be adapted as required by Council in the case of a particular discharger.

3.14 Local Government (General) Regulation 2021 Provisions

Provisions in the Local Government (General) Regulation 2021 in regard to acceptance of Liquid Trade Waste into the sewerage system:

Clause 25 Matters to accompany applications relating to discharge into sewers

An application for approval to discharge trade waste into a sewer under the control of a Council or that connects with such a sewer must be accompanied by the information required by Table 1 to the Liquid Trade Waste Management Guidelines#.

Clause 28 Approval to discharge waste into sewers: concurrence required

A council must not grant an approval under Section 68 of the Act to discharge trade waste (whether treated or not) into a sewer of the council unless the Secretary of the Department of Planning and Environment*, has concurred with the approval.

Note: Section 90 (2) of the Act permits any person or authority whose concurrence is required before an approval may be granted to give the council notice that the concurrence may be assumed (with such qualifications or conditions as are specified in the notice).

Clause 32 Disposal of trade waste

- (1) An approval to dispose of trade waste into a sewer of the council is subject to such conditions (if any) as the council specifies in the approval.

- (2) In imposing any such conditions, the council is to have regard to the matter set out in Table 5 to the Liquid Trade Waste Management Guidelines#.

Clause 159 Prevention of waste and misuse of water

The owner, occupier or manager of premises to which water is supplied by the council must:

- (a) prevent waste of water by taking prompt action to repair leaking taps, pipes or fittings located on the premises, and
- (b) take any other action that is reasonable to prevent waste and misuse of water.

Clause 137A Substances prohibited from being discharged into public sewers

- (1) For the purposes of [section 638](#) of [the Act](#) (Discharge of prohibited matter into sewer or drain), roof, rain, surface, seepage or ground water is prescribed as prohibited matter.
- (2) This clause does not apply in relation to:
 - (a) a discharge that is specifically approved under [section 68](#) of [the Act](#), or
 - (b) a discharge into a public drain or a gutter of a council, or
 - (c) a discharge in an area of operations within the meaning of the [Sydney Water Act 1994](#) or the [Hunter Water Act 1991](#).

Clause 143 Inspection of pipes and drains and measurement of water and sewage

- (1) The council may, at any reasonable time:
 - (a) inspect any service pipe connected to a water main, and
 - (b) inspect any drain connected to a sewer main, and
 - (c) install meters or other devices for measuring the quantity of water supplied to, or the quality and quantity of sewage discharged from, premises, and
 - (d) measure the quantity of water supplied to, or the quality and quantity of sewage discharged from, premises, and
 - (e) inspect any pre-treatment devices connected to the council's sewerage system.
- (2) The occupier of the relevant premises must provide to the council such information as it requires to enable it to estimate the quantity of water actually supplied to, or the quality and quantity of sewage actually discharged from, the premises.
- (3) In this clause,
"pre-treatment device" means any device used to reduce or eliminate contaminants in trade waste, or to alter the waste's nature, before it is discharged into a sewer.

SCHEDULE 12 – Penalty notice offences

Column 1	Column 2
Offence under Local Government Act 1993	Penalty
Section 626 (3)-carry out without prior approval of council an activity specified in item 4 of Part C (Management of waste) of the Table to section 68	\$330
Section 627 (3)-having obtained the council's approval to the carrying out of an activity specified in item 4 of Part C (Management of waste) of the Table to section 68 , carry out the activity otherwise than in accordance with the terms of that approval	\$330

#“Liquid Trade Waste Management Guidelines” means the Guidelines of that name produced by the Department of Energy, Utilities and Sustainability in March 2005, as in force from time to time. The 2005 Guidelines have now been superseded by *Liquid trade Waste Management Guidelines, 2021*.

4 IMPLEMENTATION

Shoalhaven Water as Council's Water utility has responsibility for the implementation of this procedure.

5 REVIEW

This procedure shall be reviewed at least within one year of the election of a new Council and in tandem with the Liquid Trade Waste Discharge to the Sewerage System Policy, or more frequently if required.

6 APPLICATION OF ESD PRINCIPLES

This procedure applies the principles of Ecologically Sustainable Development by supporting measures for the proper disposal of liquid trade waste to Council's sewerage system for the prevention or reduction of contamination of land, estuarine or ocean environments.

APPENDIX A: Glossary of Terms, Abbreviations and Acronyms

Applicant: An entity being an individual(s)/company/partnership/trust etc which lodges an application for approval to discharge liquid trade waste to the Council sewerage system as required by Section 68 of the Local Government Act, 1993.

Authorised Assumed Concurrence: Councils with significant experience in liquid trade waste regulation are encouraged to apply to the Secretary, Department of Planning and Environment seeking to obtain concurrence for council's approval for Classification B and Classification S discharges. If granted, Council will no longer need to forward such applications to the department for concurrence, provided that council complies with the conditions outlined in the notice of concurrence.

Automatic Assumed Concurrence: Council has been granted assumed concurrence for approval for Classification A discharges, provided that council complies with conditions outlined in the notice of concurrence. Such applications may be approved by council without forwarding the application to the 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, and 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.

Biosolids: 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.

Blackwater: Wastewater containing human excrement (i.e. faeces, urine).

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 retail discharge: commercial discharges can be described as wastes that are discharged from businesses dealing directly with the public.

Commercial Caterer: A commercial caterer 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 a third party.

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.

Council: In this document a reference to Council means the Shoalhaven City Council.

Concurrence: under s. 90(1) of the *Local Government Act 1993* and cl. 28 of the Local Government (General) Regulation 2021, council must obtain the written concurrence of the Secretary of the Department of Planning and Environment prior to approving the discharge of liquid trade waste to council's sewerage system. The department's Water Utilities Branch provides concurrence on behalf of the Secretary.

Director-General: Director-General means the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS).

Discharger: The industrial, commercial, community and state or local government entity responsible for the discharge of liquid trade waste from any premises to Council's sewerage system.

Discrete Oil, Fat or Grease: Free oil, fat or grease which is not mixed or emulsified with wastewater.

Domestic Sewage: refer sewage of a domestic nature

Due Diligence Program: A plan that identifies potential health and safety, environmental or other hazards (eg. spills, accidents or leaks) and appropriate corrective actions aimed at minimising or preventing the hazards.

Effluent: The liquid discharged following a wastewater treatment process.

Effluent Improvement Plan (EIP): The document required to be submitted by a discharger who fails to meet the acceptance limits 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.

Fast food outlet: a food retailing business featuring a very limited menu, precooked or quickly prepared food, and take-away operations. Premises of this nature include KFC, McDonalds, Red Rooster, Pizza Hut, Hungry Jack's, Burger King, etc.

First Flush Water: Stormwater that has been isolated and collected from a segregated open area, and which is potentially contaminated.

Galley Waste: liquid waste from a kitchen or a food preparation area of a vessel; solid wastes are excluded.

Greywater—wastewater from showers, baths, spas, hand basins, laundry tubs, washing machines, dishwashers or kitchen sinks.

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: a general term, which covers all waste minimisation activities connected within the premises as part of its operation.

Industrial Activity: Generally a larger scale manufacturing or service provision undertaking dealing predominantly, although not necessarily exclusively, with intermediate companies rather than directly with the general public.

Industrial Discharges: industrial liquid trade waste is defined as liquid waste generated by industrial or manufacturing processes. Examples are provided in Trade Waste Management Guidelines 2021.

Liquid Trade Waste: means all liquid waste other than sewage of a domestic nature.

Liquid Trade Waste Management Guidelines: NSW Department of Planning and Environment (previously Department of Planning Industry and Environment) document that outlines the minimum standards and requirements for the discharge of liquid trade waste to the sewerage system. Council reserves the right to apply standards or conditions more rigorous than promulgated in this document.

Local Water Utility: (LWU): The agency responsible for managing the water supply and/or sewerage services in a region of non-metropolitan NSW. Shoalhaven City Council is the Local Water Utility for the City of Shoalhaven.

Mandatory Concurrence: For the liquid waste in Classification C, councils will need to obtain concurrence for each discharger. The Water Utilities Branch of the Department of Planning and Environment provides concurrence on behalf of the department's Secretary.

Methylene Blue Active Substances (MBAS): anionic surfactants. Their presence and concentration is detected by measuring the colour change in a standard solution of methylene blue dye.

Minimal Pre-treatment: For the purposes of the LTW Policy and this document, this means sink strainers, waste arrestors for sink and floor waste, plaster arrestors and fixed or removable screens.

Mixed Business—a general store that sells a variety of goods and may also prepare some food.

NATA: National Association of Testing Authorities.

Open Area: Any unroofed process, storage, washing or transport area where rainfall potentially can be contaminated.

Pan: any moveable receptacle kept in a closet and used for the reception of human waste.

PFAS: group of manufactured chemicals, containing a component with multiple fluorine atoms, with many specialty applications. Examples are perfluoro octane sulfonate (PFOS) and perfluorooctanoic acid (PFOA). They are used in a range of products, such as textiles, leather, cosmetics, non-stick coatings in cookware, food packaging, and in some types of fire-fighting foam. These chemicals take a long time to break down in humans and the environment and their persistence and bioaccumulation potential pose concerns for the environment and for human health.

Pit latrines/long-drop toilet/pit toilet: a type of toilet that collects faeces and urine directly into a tank or a hole in the ground

Portable Toilet: toilet in which wastes are deposited into a holding tank used on construction sites, caravans, motor homes, boats, trains and at outdoor gatherings. If chemicals are used to control odours, it is referred to as a chemical toilet.

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 *Local Government Act Dictionary* and includes any of the following:

- (a) a building of any description or any part of it and the appurtenances to it;
- (b) land, whether built on or not;
- (c) a shed or other structure;
- (d) a tent;

- (e) a swimming pool;
- (f) a ship or vessel of any description (including a houseboat); or
- (g) a van.

Prescribed Pre-treatment Equipment: 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.

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.

Regional NSW: the areas of the state that are not serviced by the Sydney Water Corporation or the Hunter Water Corporation.

Regulation: Local Government (General) Regulation 2021 under the *Local Government Act 1993*.

Residential/Domestic Discharger: Residential dischargers are described as private premises used solely for personal usage and not for the purposes of conducting a trade or business. Residential (or domestic) type liquid wastes can be described as liquid wastes generated from private premises and would include toilet, hand basin, shower, domestic (non-commercial) kitchen and laundry wastes. Domestic type liquid wastes may be generated at commercial and industrial premises but are not considered to be liquid trade waste.

Secretary—the head of the Department of Planning and Environment

Safety Data Sheets (SDS): A document which provides pertinent information and profile of a particular compound or mixture. A SDS is normally developed by the manufacturer or formulator of the product. Usually a SDS will contain information on physical and chemical properties, health hazard information and advice on first aid, safe handling and disposal procedures. An Australian Standard specifies the appropriate standard format for the preparation of an SDS.

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 a 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.

Sewage Treatment Plant (STP): Council facility used for the treatment of domestic and liquid trade waste. The sewage treatment plant constitutes part of the sewerage system.

Sewerage System: The network of sewage collection, transportation, treatment and by-products (effluent and biosolids) 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 waste from maintenance activities.

Sludge: the solids that are removed from wastewater by treatment.

Stormwater Run-off: Run-off resulting from rainfall.

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.

Total Dissolved Solids (TDS): The total amount of dissolved material in the water.

Total Recoverable Hydrocarbons (TRH): Both biological and petroleum hydrocarbons which have been extracted (recovered) from a sample. TRH are equivalent to the previously reported Total Petroleum Hydrocarbons (TPH). TRH is reported in fractions with Carbon chain ($C_6 - C_{40}$). TRH with carbon chain $C_6 - C_{10}$ are flammable.

Unit Price: Monetary value applied for the volume, excess mass of specified substances or other parameters of liquid trade waste discharged to the sewerage system (eg. \$/kL = Dollars per kilolitre, \$/kg = Dollars per kilogram).

Units of Measurement: °C = degrees Celsius, kg = kilogram, kL = kilolitres

g/d = grams per day, mg/L = milligrams per litre.

Waste Arrestor: Also referred to as basket waste arrestor, basket arrestor, dry basket arrestor, bucket trap

Waste Minimisation: Procedures and processes implemented by industry and business to modify, change, alter or substitute work practices and products that will result in a reduction in the volume and/or strength of waste discharged to sewer.

WSAA: Water Services Association of Australia

APPENDIX B: Sample Liquid Trade Waste Services Agreement

LIQUID TRADE WASTE SERVICES AGREEMENT

BETWEEN

THE SHOALHAVEN CITY COUNCIL

AND

[APPLICANT]

LIQUID TRADE WASTE SERVICES AGREEMENT

BETWEEN

1. The Council

AND

2. The Applicant

RECITALS

- A. The Council is the owner and operator of a sewerage system within the Shoalhaven City Council area.
- B. The Applicant has made application to the Council to discharge liquid trade waste from the Premises into the Council's sewerage system.
- C. The application has been approved by the Council on certain conditions ("the Approval"), including the condition that the Council and the Applicant enter into this Agreement.
- D. The Director-General, Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS), has concurred in the Approval in accordance with clause 28 of the *Local Government (General) Regulation 2005*.
- 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.

“**Applicant**” means the entity named as such in the Annexure.

“**Approval**” means the approval described in Recital C.

“**Council**” means the council named as such in the Annexure.

“**Liquid Trade Waste Services**” mean the making available by the Council of its sewerage system for connection to the Premises, for the purpose of discharge by the Applicant of its liquid trade waste.

“**Premises**” means the premises described in the Annexure.

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

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 bio-solids), 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, 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 Term

- 5.1 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.
- 5.2 Termination of this Agreement is without prejudice to any accrued rights or obligations of either Party.

6 Powers of the Council

- 6.1 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.

- 6.2 The Applicant acknowledges that the Council has statutory powers available to it under the Local Government Act 1993 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.
- 6.3 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.

7 Information supplied by the Applicant

- 7.1 The Applicant warrants that all information in its application for approval is true, complete and accurate to the best of its knowledge.
- 7.2 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.
- 7.3 The Applicant must not provide any false or misleading information to the Council.

8 Indemnity

- 8.1 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.
- 8.2 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.

9 Insurance

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.

10 Bond

- 10.1 The Applicant must pay to the Council a bond in the sum specified in the Annexure.
- 10.2 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.

- 10.3 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.
- 10.4 The Council must return the bond to the Applicant, less any amount deducted by the Council under this clause, upon termination of this Agreement.

11 No Assignment

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

12 Notices

- 12.1 A notice under this Agreement must be:
- in writing, directed to the representative of the other party as specified in the Annexure; and
 - 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.
- 12.2 A notice under this Agreement will be deemed to be served:
- in the case of delivery in person - when delivered to the recipient's address for service and a signature received as evidence of delivery.
 - in the case of delivery by post - within three business days of posting.
 - 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.
 - in the case of delivery by email, on receipt of confirmation by the recipient that the recipient has received the email.
- 12.3 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.

13 Variation

- 13.1 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.
- 13.2 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:
- the Approval, including rights granted under, and conditions attached to, the Approval;
 - any applicable legislation; or
 - Council's Annual Management Plan in respect of applicable fees and charges, shall have no force or effect.

14 Severability

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.

15 Applicable Law

- 15.1 This Agreement is governed by, and must be construed in accordance with, the laws in force in the State of New South Wales.
- 15.2 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.

16 Rights Cumulative

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

..... was affixed this (corporate seal)
.....day of 20.....

in the presence of:

.....
General Manager *[signature of General Manager]*

and

.....
[print name of witness] *[signature of witness]*

Executed by the Applicant (corporate entity):

The COMMON SEAL of

.....PTY LIMITED
was affixed thisday of
.....20.....

in the presence of:

.....
[name of Director] *[signature of Director]*

.....
[name of Director/Secretary] *[signature of Director/Secretary]*

Executed by the Applicant (individual):

Signed by:
[name of Applicant] *[signature of Applicant]*

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

in the presence of:

.....
[print name of witness] *[signature of witness]*



ANNEXURE**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: \$ _____

F. BOND

\$ _____

