



NSW Government

Department of Water & Energy

Circular No. LWU 9

Date	3 July 2008	
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New Approval Process for Liquid Trade Waste Applications by the Crown

As set out in approval Part C4 in the table to section 68 of the *Local Government Act 1993*, a person wishing to discharge liquid trade waste to a council's sewerage system must obtain prior approval from that council. Under section 90 of the *Local Government Act* and Clause 28 of the *Local Government (General) Regulation 2005*, the concurrence of the Director-General of the Department of Water and Energy is required to the approval.

Any approval of such discharges is subject to the conditions specified by the council and concurred by the Department of Water and Energy. Under section 72 of the *Local Government Act*, if a trade waste application is made by the Crown, the council cannot impose any conditions of approval except with the written consent of the applicant or the Minister for Local Government and cannot refuse to grant approval without the written consent of the Minister for Local Government.


To simplify the approval process for trade waste applications by the Crown, the Minister for Local Government has delegated his powers for determination of trade waste applications under sections 72, 73 and 111 of the *Local Government Act* relating to approval Part C4 of section 68 of that Act, to the Director-General, Department of Water and Energy (Attachment 1).

The new approval process for liquid trade waste applications by the Crown is set out in Attachment 2.

The conditions of approval must be in accordance with clause 32 of the above Regulation, which references Table 5 of the *Liquid Trade Waste Management Guidelines 2005*. Councils when issuing approvals must adhere to the standard conditions indicated in these Guidelines.

The relevant State Government Agencies have been advised of the simplified approval process for trade waste applications by the Crown and the need to comply with the requirements indicated in the Guidelines.

Any enquires on this matter should be directed to Mrs Padmini Vitharana,
Trade Waste Coordinator, on (02) 8281 7429.

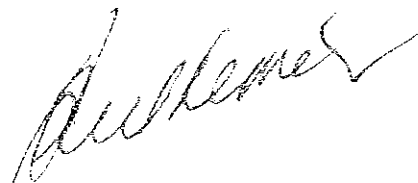

Mark Duffy
Director-General

Encl.

INSTRUMENT OF DELEGATION

PURSUANT to section 744 of the Local Government Act 1993, I, PAUL LYNCH MP, Minister for Local Government, DO HEREBY DELEGATE those of my powers, authorities, duties and functions as are contained in the sections of the Local Government Act listed in the Schedule hereunder to the Director General, Department of Water and Energy.

Dated this *21ST* day of *JANUARY* 2008



(PAUL LYNCH)

Minister

SCHEDULE

In respect of approval number C4 ONLY in the table to Section 68, the following:

- Section 72
- Section 73
- Section 111

Approval Process for Liquid Trade Waste Applications by the Crown

1. If the council intends to approve the application and the council has been granted assumed concurrence¹ for such applications, the application should be processed as indicated in Figure 4 on page 21 of the *Liquid Trade Waste Management Guidelines 2005* (Guidelines).
2. For applications for which the council has not been granted assumed concurrence, the council needs to request DWE concurrence to its approval as set out on page 17 of the Guidelines.
3. If the council proposes to refuse approval of the trade waste application, it must notify the applicant and forward a copy of the application, supporting documentation and the reasons for council's determination to DWE. DWE will determine the trade waste application and notify the council and the applicant of its consent to the council's refusal of the approval or its decision not to agree to the refusal and the timeframe for the council to submit to DWE suitable conditions of approval.
4. If the applicant has any objections to the council's conditions of approval, the council needs to forward to DWE a copy of the application, supporting documentation, draft conditions of approval and council's recommendations in regard to the applicant's objections. DWE will determine the trade waste application and notify the council and the applicant of its concurrence to the council's approval and any necessary amendments to the proposed conditions of approval.
5. The Department will notify the council and the applicant of the reasons for its determination.
6. If concurrence to the trade waste approval is granted under item 4 above, the council needs to finalise the approval and issue the approval to the applicant.
7. A council must not revoke or modify any trade waste approval to the Crown, except with the written consent of the Department of Water and Energy.

¹ All councils have been granted assumed concurrence for Classification A (low risk) discharges. In addition, a number of councils have been granted assumed concurrence for Classification B (medium risk) and Classification S (septic tank and pan waste) discharges.