



muswellbrook
shire council

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

BUSINESS PAPER

TUESDAY 23 MAY 2023



MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
17 May, 2023

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Training Room, Level 2, 87 Hill Street, Muswellbrook, NSW 2333 Australia on **Tuesday 23 May 2023** commencing at 6:00 pm.

Derek Finnigan
GENERAL MANAGER



Council Meetings

Meeting Principles

Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Public Forums

The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by no later than 9.00 am two (2) days prior to the day of the meeting before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than 3 days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.



Declarations of Interest

Statement of Ethical Obligations

Councillors are reminded of their oath or affirmation of office, made under section 233A of the NSW Local Government Act 1993, to undertake the duties of the office of Councillor in the best interests of the people of Muswellbrook Shire and Muswellbrook Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them, under the Local Government Act 1993 or any other Act, to the best of their ability and judgment. Pursuant to the provisions of the Muswellbrook Shire Council Code of Meeting Practice and the Muswellbrook Shire Council Code of Conduct, Councillors are reminded of their obligations to disclose and appropriately manage conflicts of interest.

Section 451 of the Local Government Act requires that if a Councillor or Member of a Council or committee has a pecuniary interest in any matter before the Council or Committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A Councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.



Order of Business

| | |
|--|----------|
| 1. Applications for Attendance via Audio Visual Link..... | 7 |
| 2. Acknowledgement of Country..... | 7 |
| 3. Civic Prayer | 7 |
| 4. Apologies and Applications for a Leave of Absence | 7 |
| 5. Confirmation of Minutes | 7 |
| 6. Disclosure of any Pecuniary or Non-Pecuniary Interests..... | 7 |
| 7. Mayoral Minute..... | 7 |
| 8. Public Participation | 7 |
| 9. Business Arising (From Previous Meetings) | 7 |
| 10. Business (Specific Reports) | 8 |
| 10.1. Planning and Environment | 8 |
| 10.1.1. DA 2022-154 Multi-Dwelling Housing 47 Osborn Avenue Muswellbrook | 8 |
| 10.1.2. Muswellbrook Battery (BESS) revised Planning Agreement General Terms | 49 |
| 10.1.3. Membership into Mining & Energy Related Council..... | 60 |
| 10.1.4. Monthly Report to Council - Planning, Environment and Regulatory Services | 77 |
| 10.2. Community Infrastructure | 92 |
| 10.2.1. Liquid Trade Waste Regulation Policy MSC31E for ADOPTION..... | 92 |
| 10.2.2. Mangoola Coal Continued Operations Project Yarraman Road Upgrade s.138 Roads Act 1993 Permit..... | 201 |
| 10.2.3. Section 138 Roads Act 1993 Approval Mangoola Coal - Wybong Road Culvert Replacement..... | 210 |
| 10.2.4. Merton Street Denman Road Upgrade Funding | 309 |
| 10.2.5. CBD Stage 7 - Concept Pocket Park | 313 |
| 10.3. Property and Place | 325 |
| 10.3.1. Requested reallocation of Small Capital Grant Funding | 325 |
| 10.3.2. Establishment of Easement for ARTC Access to Rail Corridor from Wilkinson Avenue..... | 328 |
| 10.3.3. Major Projects Status Report | 331 |
| 10.4. Corporate Services..... | 340 |
| 10.4.1. Corporate Card Policy MSC28E for ADOPTION | 340 |
| 10.4.2. Policy on Policy Making MSC25E for ADOPTION | 350 |
| 10.4.3. Privacy Management Plan MSC037E and Data Breach Policy MSC038E for ADOPTION..... | 360 |
| 10.4.4. Human Resources Policies Recommended for Rescission | 429 |



| | |
|--|------------|
| 10.4.5. DRAFT Management of Undetected Water Leaks Policy MSC044E for Public Exhibition..... | 439 |
| 10.4.6. 2023/2024 Councillor Fees | 447 |
| 10.4.7. Sponsorship - Young Endeavour Youth Scheme..... | 497 |
| 10.4.8. 2022/2023 Operational Plan - 31 March, Quarterly Review..... | 511 |
| 10.4.9. Monthly Financial Report - April 2023 | 516 |
| 10.4.10. Report on Investments held as at 30 April 2023 | 532 |
| 10.4.11. March 2023 Quarterly Budget Review Update..... | 546 |
| 10.4.12. Report on Council Grant Funding and Community Engagement..... | 559 |
| 10.5. Community and Economy | 562 |
| 10.5.1. Rock'n the Brook Post Event Report 2023..... | 562 |
| 10.5.2. Economic Development Update..... | 633 |
| 10.5.3. Conditions of Entry (Age) - Council Facilities..... | 648 |
| 10.5.4. Community Services | 655 |
| 11. Minutes of Committee Meetings..... | 659 |
| 11.1. Event Steering Committee Meetings - 13 December, 2022 and 11 April, 2023 ... | 659 |
| 11.2. Finance Review and Advisory Committee - 18 April, 2023 | 667 |
| 11.3. Olympic Park Precinct Development Advisory Committee - 8 May, 2023..... | 670 |
| 11.4. State Significant Development Committee - 8 May, 2023 | 673 |
| 11.5. Local Traffic Committee Meeting - 9 May, 2023..... | 676 |
| 11.6. Regional Entertainment Centre Development Advisory Committee - 9 May, 2023 | 680 |
| 12. Notices of Motion..... | 683 |
| 13. Councillors Reports | 683 |
| 14. Written Questions..... | 683 |
| 15. Questions for Next Meeting | 683 |
| 16. Adjournment into Closed Council..... | 683 |
| 17. Closed Council..... | 683 |
| 17.1. Regional Procurement Tender T022324HUN - Supply and Delivery of Ready Mixed Concrete | 684 |
| 17.2. Regional Procurement Tender T012324HUN - Provision of Road Resurfacing... | 684 |
| 17.3. Tender 2021-2022-0538 - Design and Construction of Ground Mounted Solar PV Array | 684 |
| 17.4. Muswellbrook Marketplace - Solar Panel Installation | 684 |
| 17.5. Denman Children's Centre Extension | 685 |
| 17.6. Just Jeans - Consent Order - Debt Resolution..... | 685 |
| 18. Resumption of Open Council | 685 |
| 19. Closure | 685 |



1. Applications for Attendance via Audio Visual Link

2. Acknowledgement of Country

3. Civic Prayer

4. Apologies and Applications for a Leave of Absence

5. Confirmation of Minutes

Ordinary Council Meeting held in 27 April, 2023

RECOMMENDATION

The Minutes of the Ordinary Council Meeting held on **27 April, 2023** a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

6. Disclosure of any Pecuniary or Non-Pecuniary Interests

7. Mayoral Minute

Nil

8. Public Participation

9. Business Arising (From Previous Meetings)

Nil



10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. DA 2022-154 Multi-Dwelling Housing 47 Osborn Avenue Muswellbrook

| | |
|---------------------------------|--|
| Attachments: | 1. DA 2022 154 Assessment Report [10.1.1.1 - 12 pages] |
| | 2. DA 2022-154 Plans Council Report [10.1.1.2 - 10 pages] |
| | 3. DA 2022 154 Draft Conditions [10.1.1.3 - 13 pages] |
| | 4. DA 2022-154 Objection Council Report [10.1.1.4 - 2 pages] |
| Responsible Officer: | Sharon Pope - Director - Planning & Environment |
| Author: | Alisa Evans (Development Planner) |
| Community Plan Issue: | <i>Not Applicable</i> |
| Community Plan Goal: | <i>Not Applicable</i> |
| Community Plan Strategy: | <i>Not Applicable</i> |
| | Not applicable |

APPLICATION DETAILS

| | |
|------------------------|--|
| Applicant: | Botanica IM Pty Ltd |
| Owner: | Cosmo Vista Pty Ltd |
| Proposal: | Multi-Dwelling Housing - Five (5) Single Storey Dwellings |
| Location: | Lot 315 DP 1131731 47 Osborn Ave Muswellbrook NSW 2333 |
| Permissibility: | The proposed development is permissible as Multi dwelling housing within R1 General Residential. |

PURPOSE

This report has been prepared to assist Council in determining DA 2022-154 Multi-Dwelling Housing - Five (5) Single Storey Dwellings at Lot 315 DP 114731 47 Osborn Avenue, Muswellbrook.

The development application is being reported to Council for determination, as the application received two (2) public submission during the notification period.

**OFFICER'S RECOMMENDATION**

Development Application No. 2022-154 proposing Multi-Dwelling Housing - Five (5) Single Storey Dwellings at Lot 315 DP 1131731 47 Osborn Avenue, Muswellbrook, NSW, 2333 be approved subject to the conditions specified in Appendix C to the report.

Moved: _____ **Seconded:** _____

☐

Cr A. Barry

☐

Cr M. Bowditch

☐

Cr D. Douglas

☐

Cr J. Drayton

☐

Cr L. Dunn

☐

Cr J. Lecky

☐

Cr R. Mahajan

☐

Cr D. Marshall

☐

Cr G. McNeill

☐

Cr S. Reynolds

☐

Cr R. Scholes

☐

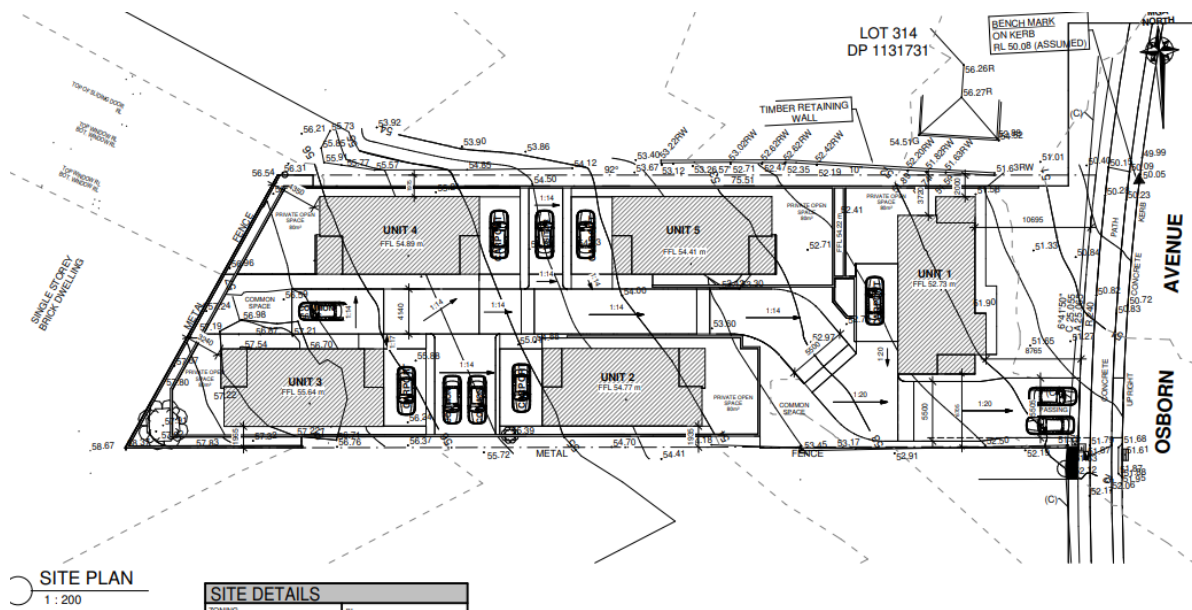
Cr B. Woodruff

DESCRIPTION OF PROPOSED DEVELOPMENT

DA 2021-58 was lodged on 23 December 2023. The proposal seeks approval to erect Multi-Dwelling Housing - Five (5) Single Storey Dwellings on Lot 315 DP 1131731, No. 47 Osborn Ave Muswellbrook NSW 2333.

Aerial Photograph Identifying Development Site

Site Plan from the development application has been included below showing the

**layout of the proposed development**

The proposal is for the erection of five (5) single storey, 2-bedroom dwellings. The following works will be undertaken to facilitate the above:

- Bulk earthworks – cut and fill and retaining walls;
- 5 single storey dwellings with 2 bedrooms/baths
- Shared driveway accessing from Osborn Avenue;
- Private open spaces with landscaping and a small communal space;
- Nine (9) carparking spaces.

A full set of plans for the development are provided in Attachment B.

ASSESSMENT SUMMARY

The proposal has been assessed against the relevant matters prescribed by s4.15 of the Environmental Planning and Assessment Act 1979. A copy of the Development Assessment Report is provided in Attachment A. Staff recommend that the application be approved subject to conditions.

A summary of the key assessment issues and findings are provided below:

- The Proposal is permitted with consent in the applicable zone.
- The application is compliant with Muswellbrook Development Control Plan 2009.
- Submissions were received and addressed by the applicant and appropriate conditions applied to mitigate concerns.
- Council Engineers raised no objection to the proposed development and comments related to the final design and requirements for stormwater management and access have been incorporated into recommended conditions of consent.
- The relevant contributions have been considered and applied to the application.

COMMUNITY CONSULTATION

The proposed development was publicly notified in accordance with the requirements of the Muswellbrook Community Participation Plan from 25 January 2023 until 8 February 2023. This included letters to nearby landowners, advertisements on Council's website and social media sites.



Two (2) submissions were received in relation to the proposal raising concerns in relation to the privacy, noises, and density.

Issues were addressed by the applicant and appropriate conditions applied to mitigate concerns. More information regarding the submissions is in the Assessment Report (Attachment A).

OPTIONS

Council may:

1. Grant development consent to the proposed application subject to the recommended conditions of consent;
2. Grant development consent to the proposed development subject to different conditions of consent; or
3. Refuse consent to the development application for the proposed development and nominate reasons for refusal.

LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application, they have an opportunity under the provisions of the Environmental Planning and Assessment Act 1979 to appeal that determination in the Land and Environment Court.

CONCLUSION

The application has been assessed by Council Officers in accordance with the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Staff recommend that Council approves the proposed development subject to the conditions of consent recommended in Attachment C.

Extended
DEVELOPMENT ASSESSMENT REPORT

Attached: Site Plan

REPORT TO:

**DEVELOPMENT COORDINATOR
EXECUTIVE MANAGER ENVIRONMENT AND PLANNING
GENERAL MANAGER
REGIONAL PLANNING PANEL
COUNCIL**

| | | | | |
|------------------------|---|----------|------|----------|
| ADDRESS: | LOT: 315 DP: 1131731 47 Osborn Avenue MUSWELLBROOK | | | |
| APPLICATION No: | 2022/154 | | | |
| PROPOSAL: | Multi-Dwelling Housing 5 single storey Dwellings | | | |
| PLANS REF: | Drawings no. | Drawn by | Date | Received |
| | | | | |
| OWNER: | Cosmo vista Pty Ltd | | | |
| APPLICANT: | Botanica IM Pty Ltd | | | |
| AUTHOR: | Alisa Evans | | | |
| DATE LODGED: | 23/12/2022 | | | |
| DATE OF REPORT: | 14/5/2023 | | | |

1. RECOMMENDATION

It is recommended that development consent be granted to DA 2022-154 subject to the recommended conditions of consent.

2. SITE LOCALITY AND DESCRIPTION

The Site subject to this development application is Lot 315 DP 1131731, 47 Osborn Ave Muswellbrook. Access will be from Osborn Avenue with a wide driveway that allows for dual egress to and from site.

Figure 1. – Site Aerial Image (Source: Spectrum)



| | |
|------------------------------------|---|
| Flood Prone Land | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Bushfire Prone Land | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Terrestrial Vegetation | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Heritage Conservation Item | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Heritage Conservation Zone | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Contaminated Land | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Mine Subsidence | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Classified Road Frontage | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Council Infrastructure within Site | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Other | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |

3. DESCRIPTION OF PROPOSAL

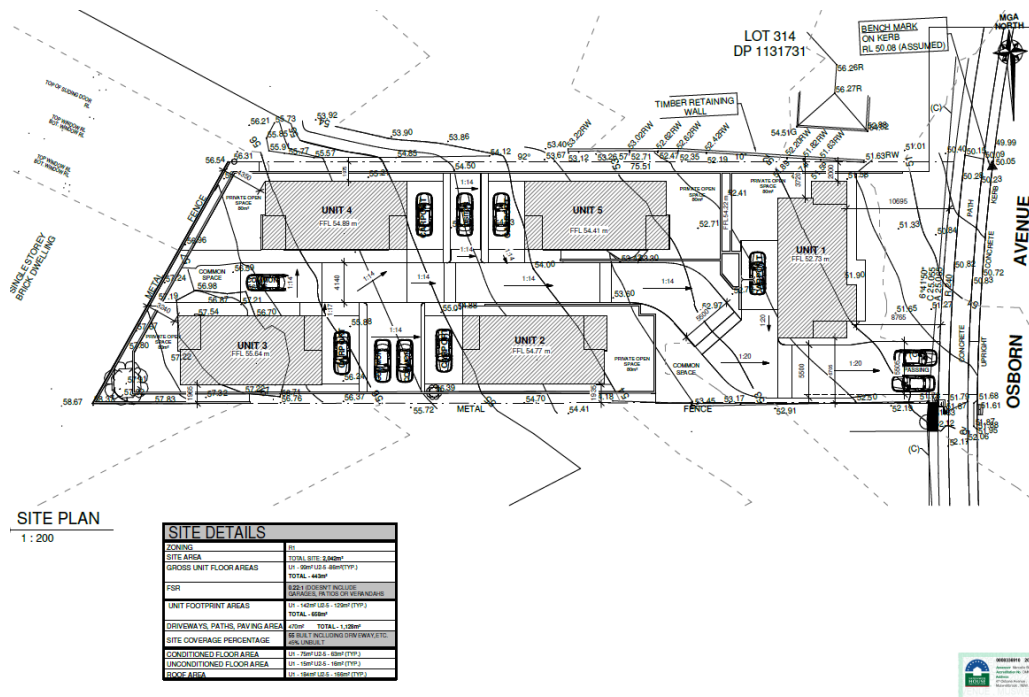
The proposal seeks development approval for multi dwelling housing for five (5) two-bedroom single storey dwellings

The proposal involves:

- Construction of five (5), two 2-bedroom, single storey dwellings;

- Construction of internal vehicle access road and parking;
- Construction of stormwater infrastructure;
- Associated Earthworks;
- Removal of Vegetation; and
- Landscaping.

Figure 2. – Site Plan (Source: Applicant)



| | |
|------------------------------------|---|
| Notification Required | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| Notification Dates | 25/01/2023 until 08/02/2023 |
| Number of Submissions | Two (2) |
| Standard Local Development | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| Regionally Significant Development | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Designated Development | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Integrated Development | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |

4. RELEVANT HISTORY

Previous Approvals

| Indicator | Formatted Account | Document Type | External Reference | Precis | Received Date | Court Date | Court Determination | Determination Date | Determination |
|-----------|-----------------------|--------------------------|--------------------|---|---------------|------------|---------------------|--------------------|---------------------|
| | 005.2022.00000154.001 | Development Applications | PAN-295464 | Multi dwelling housing - Five (5) single storey dwellings | 09/01/2023 | | | | |
| | 005.2011.00000082.001 | Development Applications | APPLICATION | MULTI DWELLING HOUSING - SIX (6) UNITS | 15/04/2011 | | | 11/07/2011 | Approved by Council |
| | 005.2002.00000237.002 | Development Applications | S96 APPLICATION | SECTION 96 AMENDMENT - CHANGE OF STAGING OF SUBDIVISION | 26/05/2005 | | | 17/08/2005 | Approved |

DA 2011-82 for multi dwellings housing (6 dwellings) was previously approved by Council. That approval has now lapsed.

5. REFERRAL COMMENTS

| | |
|------------------------------|---|
| Internal Comments | |
| CI – Roads and Drainage | Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA The application was reviewed and no objections were raised in relation to the application. Relevant Conditions have been applied to the draft conditions. |
| CI – Water and Waste | Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA The site has connection to both water and sewer. It was noted by Councils officer that water pressure/capacity would need to be confirmed by the proponent due to the number of dwellings. If pressure could not be obtained the service would require upgrading at the developers cost. ETs calculated and applied to consent conditions. |
| Environmental Health Officer | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| Building Surveyor | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| Community Services | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| Sustainability | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| Heritage Advisor | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| Other | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| | |
| External Comments | |
| TfNSW | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| NSW Heritage | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| RFS | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| NSW Police | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| NSW Fire & Rescue | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| EPA | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| NSW Health | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| DPIE | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| Local Traffic Committee | Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |

6. ASSESSMENT - Section 4.15 Matters for Consideration

This report provides an assessment of the material presented in the Application against the relevant State and local planning legislation and policy.

Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)

A. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009 are:

Part 2 Permitted or prohibited development

| | |
|-----------------------|-------------------------|
| Land use Zone | R1 General Residential |
| Proposed Use | Multi Dwelling Housing |
| Permissibility | Permitted with Consent |
| Zone Objective | Complies with Objective |

The objectives under the [property zoning] Zone are as follows:

- Objectives of zone

- a. To provide for the housing needs of the community.
- b. To provide for a variety of housing types and densities.
- c. To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- d. To enable sensitive infill development of other housing types.
- e. To allow people to carry out a reasonable range of activities from their homes, where such activities do not adversely affect the living environment of neighbours.
- f. To promote the principles of ecological sustainable development including energy and water efficient subdivision and housing design.
- g. To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.
- h. To ensure that development is carried out in a way that is compatible with the flood risk of the area.

The proposed development is not contrary to the objectives under the R1 General Residential Zoning.

Part 4 Principal Development Standards

| Relevant Clause | Control | Proposed | Compliance |
|--|---------|----------|---|
| 4.1 Minimum subdivision lot size | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| 4.3 Height of buildings | 8.5m | 5.7m | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 4.4 Floor space ratio | 1 : 0.5 | 1 : 0.45 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 4.6 Exception to Development Standards | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |

Part 5 Miscellaneous Provisions

| Relevant Clause | Compliance |
|---|---|
| 5.4 Controls relating to miscellaneous uses | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| 5.8 Conversion of fire alarms | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| 5.10 Heritage Conservation | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |

Part 7 Additional Local Provisions

| Relevant Clause | Compliance |
|------------------------------|---|
| 7.1 Terrestrial Biodiversity | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| 7.4 Subdivision services | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| 7.6 Earthworks | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| Other | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |

B. State Environmental Planning Policies Relevant to Muswellbrook Shire

| |
|---|
| SEPP (Biodiversity and Conservation) 2021 |
| Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| SEPP (Building Sustainability Index: BASIX) 2004 |
| Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |
| SEPP (Housing) 2021 |
| Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| SEPP (Industry and Employment) 2021 |

| |
|---|
| Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| SEPP No 65—Design Quality of Residential Apartment Development |
| Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| SEPP (Planning Systems) 2021 |
| Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| SEPP (Primary Production) 2021 |
| Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| SEPP (Resilience and Hazards (2021) |
| Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| SEPP (Resources and Energy) 2021 |
| Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| SEPP (Transport and Infrastructure) 2021 |
| Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |

Section 4.15(1)(a)(ii) the provisions of any draft EPI.

There are no draft EPIs relevant to the subject Application.

Section 4.15(1)(a)(iii) the provisions of any development control plan

Muswellbrook DCP 2009

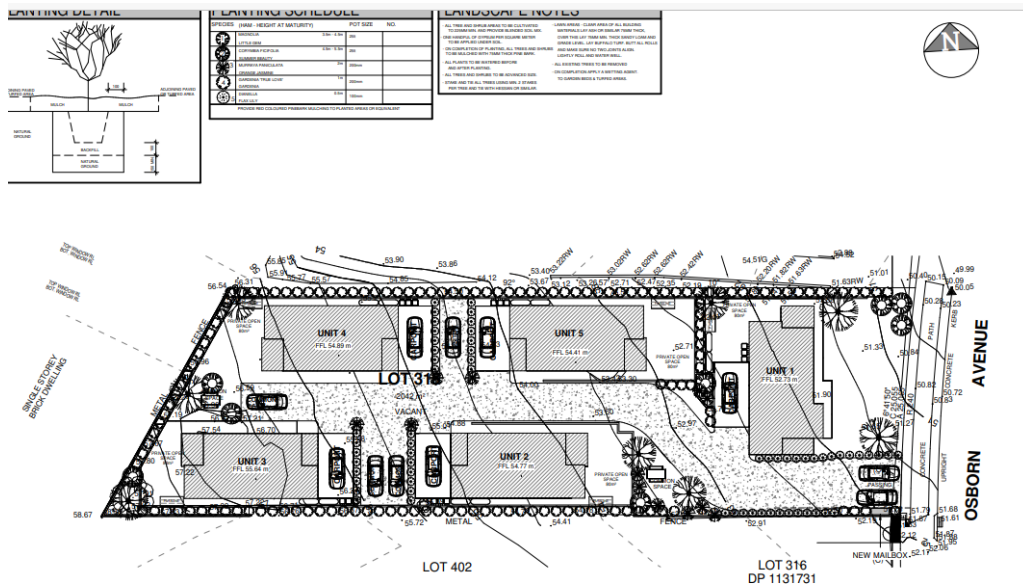
| |
|--|
| Section 3 Site Analysis |
| Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA The design considers the terrain of the site and the surrounding dwellings. |
| Section 5 Subdivision |
| Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA |
| Section 6 Residential Development |
| Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA 6.1.4 Building Height and Scale Muswellbrook DCP 2009 requires multi dwelling housing to appear to be separate domiciles. The five dwellings are separate structures and provided with their own amenities and private open spaces. A common driveway is utilised to reduce paving. 6.1.8 Accessibility and Adaptability The application has several accessible design features and allows adaptive housing. The bathrooms and main bedrooms have adequate circulation space to allow for high accessibility for people with reduced mobility using mobility assistance devices. 6.2.1 Usable Open Space Under the DCP the dwellings are required to have a minimum area of 35m sq. with minimum width of 4m. Each dwelling has an area of approximately 80m Sq. with minimum width of 5m. |

6.2.2 Carparking

The proposal has a total of nine (9) carparking spaces on site. This is compliant with the DCP which requires 1.5 carparking per 2-bedroom unit. The calculation is 7.5 car parking spaces required.

6.2.4 Landscaping.

In accordance with the DCP the application was submitted with a landscaping plan. The design has a range of planting. Plantings have been used to break up hardstand areas (parking bays) and as features on the boundary and adjoining lands.



6.3 ENVIRONMENTAL

Due to the topography of the land the buildings have been stepped on the site. This has reduced the bulk of the structures as well. The site slope and filling has the potential for privacy impacts on the northern boundary. The applicated has advised that a fence will be erected on the top of the retaining wall to maintain privacy to the adjoining property's private open space.

This is an acceptable solution and a condition is proposed to ensure the fence design and placement achieves the desired outcome.

Section 16 – Car Parking and Access

Satisfactory: ☒ Yes ☐ No ☐ NA

As discussed above the following requirement is applied to multi dwelling housing under DCP:

| | | | |
|--|--|--|--|
| Multi dwelling housing (including residential flat buildings) | Cars 1-bedroom or studio: 1 space per unit 2-bedroom: 1.5 space per unit (the 0.5 space to remain as common property) 3-bedroom or more: 2 spaces per unit Visitors 1 per 5 units or part thereof Bicycles Residents: Minimum 1 space per 5 units or part thereof Visitors: Minimum 1 space per 10 units or part thereof Car Wash Bay Any development containing 10 dwellings or more shall provide a minimum of 1 car wash bay/area | | |
|--|--|--|--|

The development required 7.5 carparking spaces with nine (9) being supplied being compliant with the DCP requirements.

All vehicles will enter and exit in a forward direction and the driveway crossover has been allowed for vehicles access to site can enter and exit simultaneously.

Section 19 – Use of Public Footpaths

Satisfactory: ☐ Yes ☐ No ☒ NA

During construction, this will be managed with standard conditions of consent.

Section 20 – Erosion and Sediment Control

Satisfactory: ☐ Yes ☐ No ☐ NA

The relevant objective of this section states:

‘to demonstrate through the preparation of an Erosion and Sediment Control Plan or Strategy for developments over 250m² of disturbance that appropriate controls are planned to be installed’.

The total floor area of the proposed development is 443m². An Erosion and Sediment Control Plan has been provided and assessed as adequate. A condition of consent is recommended to ensure that the proposed works are carried out in accordance with the proposed plan.

Section 21 – Contaminated Land

Satisfactory: ☐ Yes ☐ No ☒ Not Applicable

Section 22 – Land Use Buffers

Satisfactory: ☐ Yes ☐ No ☒ Not Applicable

Section 23 – On-Site Sewage Management

Satisfactory: ☐ Yes ☐ No ☒ Not Applicable

The subject site is serviced by town sewer services.

Section 24 – Waste Minimisation and Management Systems

| |
|---|
| <p>Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable</p> <p>A waste management plan has not been submitted with the development application. A condition of consent is recommended requiring a Waste Management Plan be provided prior to the issue of a Construction Certificate.</p> |
| Section 25 – Stormwater Management |
| <p>Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable</p> <p>Stormwater management plan has been submitted and reviewed by Council Community and Infrastructure. A few minor amendments are required and will include in draft conditions with a S68 being required.</p> |
| Section 26 – Site Specific Controls |
| <p>Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable</p> |

Section 4.15(1)(a)(iia) the provisions of any planning agreement

There are no planning agreements relevant to the subject Application.

Section 4.15(1)(a)(iv) the provisions of the regulations

Division 8A of the Environmental Planning and Assessment Regulation 2000 applies to the development.

Development Contributions

A contribution under Section 7.12 of the Environmental Planning and Assessment Act 1979 will be applied to the application. A condition of consent is included.

Section 4.15(1)(a)(v) the provisions of any coastal zone management plan

Not applicable - The Application does not relate to a coastal area.

Section 4.15(1)(b) the likely impacts of that development

Potential Impact on Adjacent Properties

Due to the slope of the site the design has had to consider the privacy and overlooking of adjoining properties. Fencing will be utilised to maintain and manage the impact by providing screening between the development and adjoining properties.

Access, Transport and Traffic

The site has adequate parking access to the site.

Public Domain

The development has been designed with one dwelling addressing the Street and the remaining four dwellings behind, which reflects the appearance of other dwellings in the Street. Pedestrian access (footpath) is located with the road frontage of the development. The design maintains the footpath and does not encroach on the locality public domain.

Utilities

Utilities are provided to the site. As discussed previously water may be a concern and the applicant will be required to test supply and upgrade at their cost to provide adequate coverage to the site and the dwellings.

Waste

Waste Management Plan will be required prior to CC. The development is residential and is not expected to generate abnormal amounts of waste.

Energy

BASIX Compliant

Noise & Vibration

Construction will generate in the short term. The use is consistent with the locality and is not a noise generating use.

Safety, Security & Crime Prevention

The site has adequate passive surveillance to adjoining units and street.

Social Impact on the Locality

The use is residential and is consistent with the locality.

Economic Impact on the Locality

Short term construction employment and long-term more diverse housing will be available to cater for all household types.

Site Design and Internal Design

The design has been in response to the sites attributes. The retaining walls have been stepped in from boundaries and fencing has been used to screen and assist is privacy between dwelling on the subject land and adjoining land.

Cumulative Impacts

The proposed development is not expected to have a significant negative impact on the site, locality, or nearby residents.

Section 4.15(1)(c) the suitability of the site for the development

The proposed development is compatible with surrounding land uses and site characteristics, subject to consent conditions.

Section 4.15(1)(d) any submissions made

The Application was notified to adjoining owners from 25/01/2023 until 8/02/2023. A notice was also placed on Council's website and Facebook page at the commencement of the notification period.

A total of two (2) submissions were received during the notification period. The matters raised in the submissions are summarised below:

- Overlooking and privacy;
- Retaining walls impacting existing properties; and
- Maintenance of gardens

Planners Comments

1. Overlooking and Privacy- the placement of fencing and the bulk earthworks with retaining walls will ensure that adjoining dwellings privacy is maintained and not diminished by the development of the site. A condition is imposed to ensure the fence location and design achieves this requirement.
2. Retaining walls - the proposed retaining walls are stepped due to the slope of the site. The construction of the retaining walls is masonry due to height. The walls with be

designed to retain the expected load and will be independent of the existing on adjoining lands. An engineer will need to certify the design of the retaining walls.

3. The landscaping within the site is sized for the development. There will be access for maintenance of the landscaping.

Section 4.15(1)(e) the public interest.

Considering all heads of consideration, the proposal is in the public interest.

7. CONCLUSION

The proposed development has been assessed against the relevant heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979. As outlined above it is considered that the proposed development would be in accordance with the relevant planning provisions.

Accordingly, it is recommended the application be approved subject to conditions of consent.

Signed by:



Alisa Evans
Project Planner

Date: 14/05/2023

Attachment A – Internal and external referral comments

Internal Referrals

CI – Roads and Drainage

CI – Water and Waste

Building Surveyor

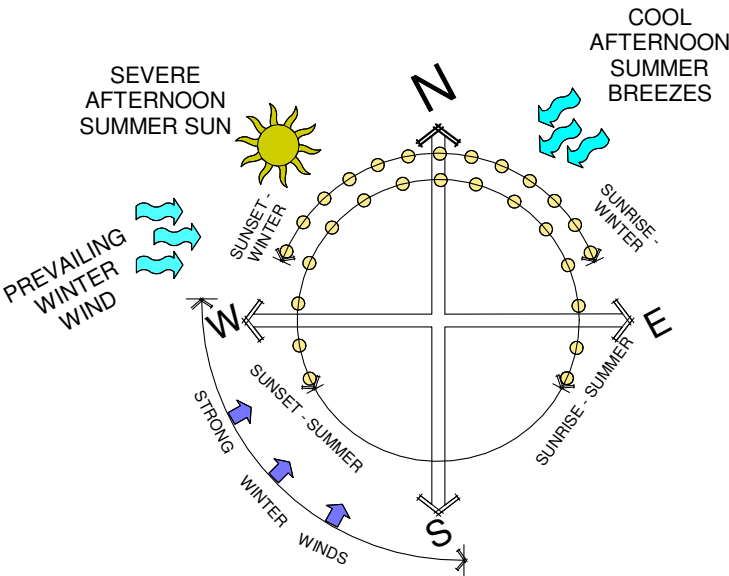
External Referrals

Nil

PROPOSED MULTI-UNIT DEVELOPMENT LOT 315, D.P.1131731, OSBORN AVENUE, MUSWELLBROOK FOR COSMO VISTA UNIT TRUST


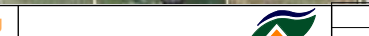
DRAWING SCHEDULE

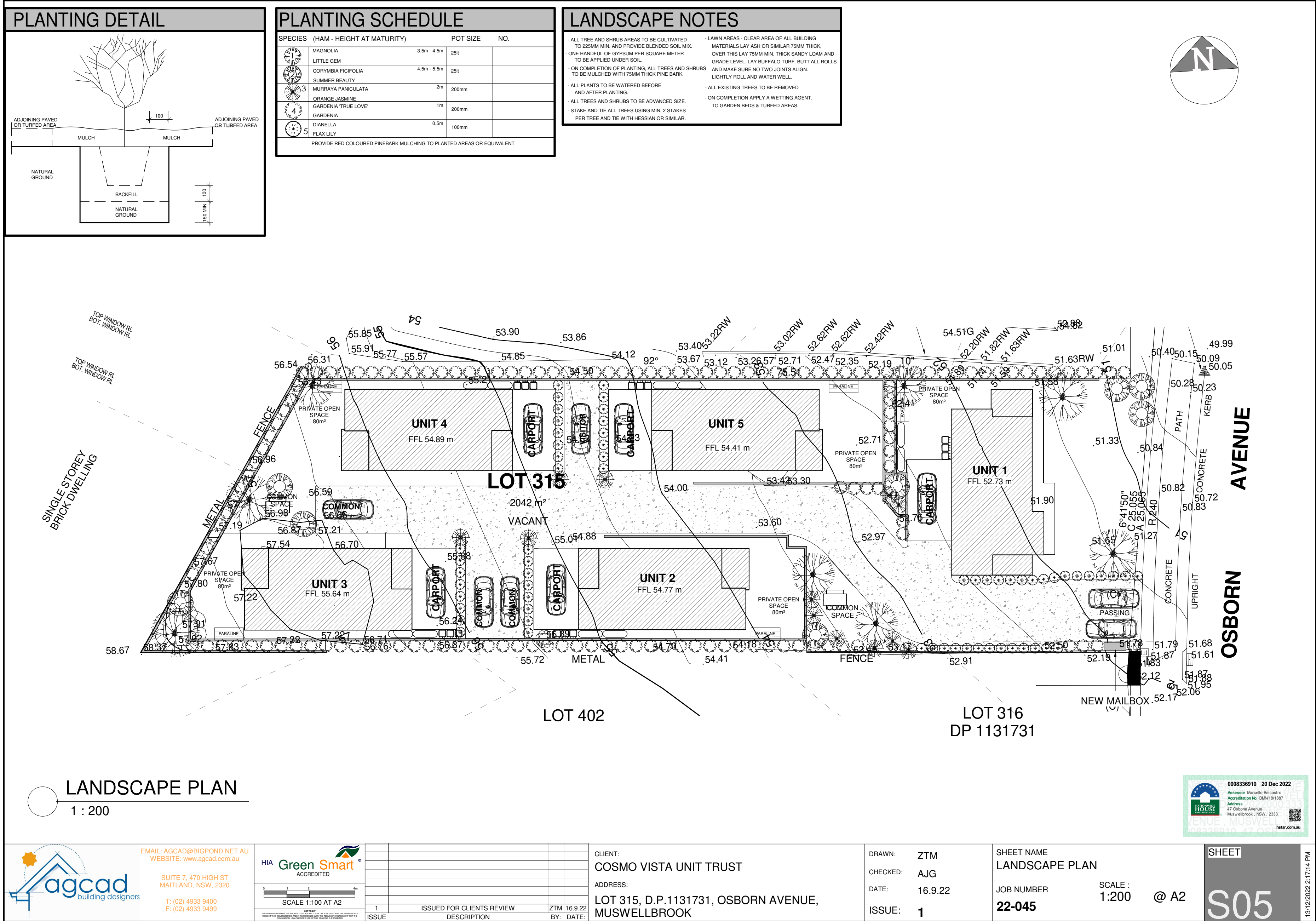
| SHEET NO. | SHEET NAME | ISSUE DATE | REVISION |
|-----------|----------------------|------------|----------|
| S01 | COVER PAGE | 8.12.22 | 2 |
| S02 | SITE ANALYSIS | 8.12.22 | 2 |
| S03 | SITE PLAN | 8.12.22 | 2 |
| S04 | BULK EARTHWORKS PLAN | 16.9.22 | 1 |
| S05 | LANDSCAPE PLAN | 16.9.22 | 1 |
| S06 | TURNING TEMPLATES | 8.12.22 | 2 |
| S07 | FLOOR PLANS | 8.12.22 | 2 |
| S08 | WINDOWS - ROOF PLANS | 16.9.22 | 1 |
| S09 | ELEVATIONS - SH1 | 8.12.22 | 2 |
| S10 | ELEVATIONS - SH2 | 8.12.22 | 2 |
| S11 | PERSPECTIVES - SH1 | 8.12.22 | 2 |
| S12 | PERSPECTIVES - SH2 | 8.12.22 | 2 |



LOCATION MAP



| | | | | | | |
|---|---|--|---|--------------------------|---------------------|-----|
|  <div>EMAIL: AGCAD@BIGPOND.NET.AU WEBSITE: www.agcad.com.au</div> <div>SUITE 7, 470 HIGH ST MAITLAND, NSW, 2320</div> <div>T: (02) 4933 9400 F: (02) 4933 9499</div> |  <div>SCALE 1:100 AT A2</div> <div><div>2</div><div>ISSUED FOR COMMENT</div><div>ZTM 8.12.22</div></div> <div><div>1</div><div>ISSUED FOR CLIENTS REVIEW</div><div>ZTM 16.9.22</div></div> <div><div>ISSUE</div><div>DESCRIPTION</div><div>BY: DATE:</div></div> | CLIENT: COSMO VISTA UNIT TRUST | DRAWN: ZTM | SHEET NAME COVER PAGE | SHEET | |
| | | ADDRESS: LOT 315, D.P.1131731, OSBORN AVENUE, MUSWELLBROOK | CHECKED: AJG DATE: 8.12.22 ISSUE: 2 | JOB NUMBER 22-045 | SCALE : NTS @ A2 | S01 |
| | | | | | | |



UNIT 1 WINDOW / DOOR SCHEDULE

| MARK | ORIENTATION | TYPE | OPERATION | AREA | MATERIAL | GLAZING | SHADING | U-VALUE | SHGC | O-SHAD. |
|--------|-------------|--------------|-----------|------|-----------|---------|-----------|---------|------|---------|
| U1-D1 | SOUTH | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 2300 | 5.75 | 0.47 | NONE |
| U1-D2 | EAST | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 4000 | 5.75 | 0.47 | NONE |
| U1-D3 | WEST | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 4200 | 5.75 | 0.47 | NONE |
| U1-D4 | NORTH | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 2800 | 5.75 | 0.47 | NONE |
| U1-W1 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U1-W2 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U1-W3 | EAST | 0609 AWN OBS | AWNING | 0.54 | ALUMINIUM | OBSCURE | EAVE 4200 | 6.44 | 0.75 | NONE |
| U1-W4 | EAST | 0609 AWN OBS | AWNING | 0.54 | ALUMINIUM | OBSCURE | EAVE 4200 | 6.44 | 0.75 | NONE |
| U1-W5 | EAST | 1515 AWN | AWNING | 2.25 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U1-W6 | NORTH | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U1-W7 | NORTH | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U1-W8 | NORTH | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U1-W9 | NORTH | 1209 AWN | AWNING | 1.08 | ALUMINIUM | CLEAR | EAVE 2800 | 6.44 | 0.75 | NONE |
| U1-W10 | EAST | 1209 AWN | AWNING | 1.08 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U1-W11 | EAST | 1209 AWN | AWNING | 1.08 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U1-W12 | EAST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U1-W13 | EAST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U1-W14 | EAST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U1-W15 | EAST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |

UNIT 2 WINDOW / DOOR SCHEDULE

| MARK | ORIENTATION | TYPE | OPERATION | AREA | MATERIAL | GLAZING | SHADING | U-VALUE | SHGC | O-SHAD. |
|--------|-------------|--------------|-----------|------|-----------|---------|-----------|---------|------|---------|
| U2-D1 | WEST | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 6200 | 5.75 | 0.47 | NONE |
| U2-D2 | NORTH | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 4000 | 5.75 | 0.47 | NONE |
| U2-D3 | EAST | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 2900 | 5.75 | 0.47 | NONE |
| U2-W1 | WEST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 4400 | 6.44 | 0.75 | NONE |
| U2-W2 | WEST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 4400 | 6.44 | 0.75 | NONE |
| U2-W3 | SOUTH | 0609 AWN OBS | AWNING | 0.54 | ALUMINIUM | OBSCURE | EAVE 600 | 6.44 | 0.75 | NONE |
| U2-W4 | SOUTH | 0609 AWN OBS | AWNING | 0.54 | ALUMINIUM | OBSCURE | EAVE 600 | 6.44 | 0.75 | NONE |
| U2-W5 | SOUTH | 1515 AWN | AWNING | 2.25 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U2-W6 | EAST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U2-W7 | EAST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U2-W8 | EAST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U2-W9 | EAST | 1209 AWN | AWNING | 1.08 | ALUMINIUM | CLEAR | EAVE 2900 | 6.44 | 0.75 | NONE |
| U2-W10 | NORTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U2-W11 | NORTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U2-W12 | NORTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U2-W13 | NORTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U2-W14 | NORTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |

UNIT 3 WINDOW / DOOR SCHEDULE

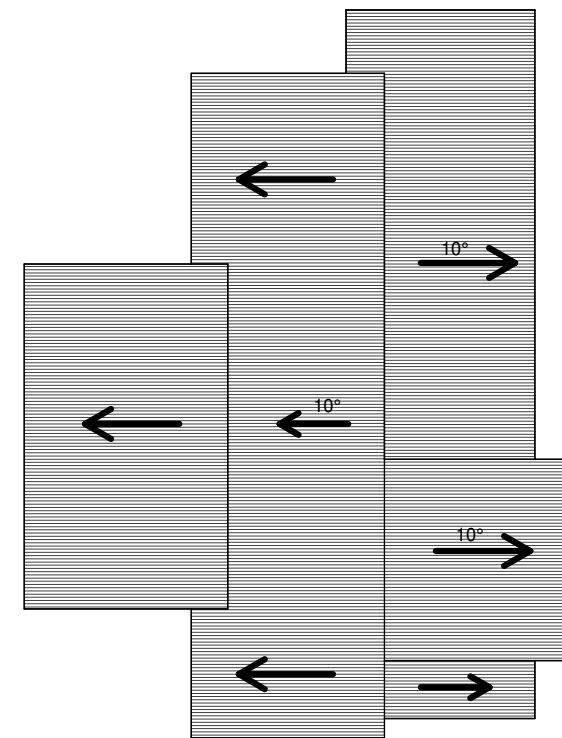
| MARK | ORIENTATION | TYPE | OPERATION | AREA | MATERIAL | GLAZING | SHADING | U-VALUE | SHGC | O-SHAD. |
|--------|-------------|--------------|-----------|------|-----------|---------|-----------|---------|------|---------|
| U3-D1 | EAST | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 6200 | 5.75 | 0.47 | NONE |
| U3-D2 | NORTH | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 4000 | 5.75 | 0.47 | NONE |
| U3-D3 | WEST | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 2900 | 5.75 | 0.47 | NONE |
| U3-W1 | EAST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 4400 | 6.44 | 0.75 | NONE |
| U3-W2 | EAST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 4400 | 6.44 | 0.75 | NONE |
| U3-W3 | SOUTH | 0609 AWN OBS | AWNING | 0.54 | ALUMINIUM | OBSCURE | EAVE 600 | 6.44 | 0.75 | NONE |
| U3-W4 | SOUTH | 0609 AWN OBS | AWNING | 0.54 | ALUMINIUM | OBSCURE | EAVE 600 | 6.44 | 0.75 | NONE |
| U3-W5 | SOUTH | 1515 AWN | AWNING | 2.25 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U3-W6 | WEST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U3-W7 | WEST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U3-W8 | WEST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U3-W9 | WEST | 1209 AWN | AWNING | 1.08 | ALUMINIUM | CLEAR | EAVE 2900 | 6.44 | 0.75 | NONE |
| U3-W10 | NORTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U3-W11 | NORTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U3-W12 | NORTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U3-W13 | NORTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U3-W14 | NORTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |

UNIT 4 WINDOW / DOOR SCHEDULE

| MARK | ORIENTATION | TYPE | OPERATION | AREA | MATERIAL | GLAZING | SHADING | U-VALUE | SHGC | O-SHAD. |
|--------|-------------|--------------|-----------|------|-----------|---------|-----------|---------|------|---------|
| U4-D1 | EAST | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 6200 | 5.75 | 0.47 | NONE |
| U4-D2 | SOUTH | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 4000 | 5.75 | 0.47 | NONE |
| U4-D3 | WEST | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 2900 | 5.75 | 0.47 | NONE |
| U4-W1 | EAST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 4400 | 6.44 | 0.75 | NONE |
| U4-W2 | EAST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 4400 | 6.44 | 0.75 | NONE |
| U4-W3 | NORTH | 0609 AWN OBS | AWNING | 0.54 | ALUMINIUM | OBSCURE | EAVE 600 | 6.44 | 0.75 | NONE |
| U4-W4 | NORTH | 0609 AWN OBS | AWNING | 0.54 | ALUMINIUM | OBSCURE | EAVE 600 | 6.44 | 0.75 | NONE |
| U4-W5 | NORTH | 1515 AWN | AWNING | 2.25 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U4-W6 | WEST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U4-W7 | WEST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U4-W8 | WEST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U4-W9 | WEST | 1209 AWN | AWNING | 1.08 | ALUMINIUM | CLEAR | EAVE 2900 | 6.44 | 0.75 | NONE |
| U4-W10 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U4-W11 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U4-W12 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U4-W13 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U4-W14 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |

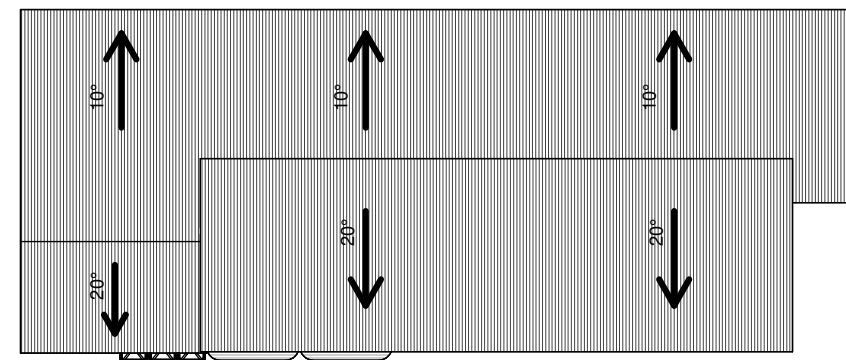
UNIT 5 WINDOW / DOOR SCHEDULE

| MARK | ORIENTATION | TYPE | OPERATION | AREA | MATERIAL | GLAZING | SHADING | U-VALUE | SHGC | O-SHAD. |
|--------|-------------|--------------|-----------|------|-----------|---------|-----------|---------|------|---------|
| U5-D1 | WEST | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 6200 | 5.75 | 0.47 | NONE |
| U5-D2 | SOUTH | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 4000 | 5.75 | 0.47 | NONE |
| U5-D3 | EAST | 920 | HUNG DOOR | 1.89 | TIMBER | CLEAR | EAVE 2900 | 5.75 | 0.47 | NONE |
| U5-W1 | WEST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 4400 | 6.44 | 0.75 | NONE |
| U5-W2 | WEST | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 4400 | 6.44 | 0.75 | NONE |
| U5-W3 | NORTH | 0609 AWN OBS | AWNING | 0.54 | ALUMINIUM | OBSCURE | EAVE 600 | 6.44 | 0.75 | NONE |
| U5-W4 | NORTH | 0609 AWN OBS | AWNING | 0.54 | ALUMINIUM | OBSCURE | EAVE 600 | 6.44 | 0.75 | NONE |
| U5-W5 | NORTH | 1515 AWN | AWNING | 2.25 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U5-W6 | EAST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U5-W7 | EAST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U5-W8 | EAST | 1506 AWN | AWNING | 0.90 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U5-W9 | EAST | 1209 AWN | AWNING | 1.08 | ALUMINIUM | CLEAR | EAVE 2900 | 6.44 | 0.75 | NONE |
| U5-W10 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U5-W11 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U5-W12 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U5-W13 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |
| U5-W14 | SOUTH | 1509 AWN | AWNING | 1.35 | ALUMINIUM | CLEAR | EAVE 600 | 6.44 | 0.75 | NONE |



UNIT 1 ROOF PLAN

1 : 150



TYPICAL ROOF PLAN

1 : 150

DMN Assessor #18/1887 20th December 2022 Reference: 773/2022

Evergreen Energy Consultants

Email address: enquiries@evergreenecc.com.au

Ph: 1300 584 010

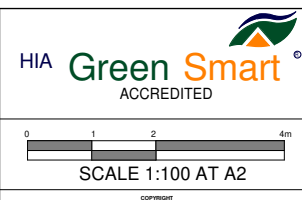
Important Note for Development Applicants:

The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate. If they vary from drawings or other specifications this Specification shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the whole project. If alternate specifications are detailed, the location and extent of the alternate specification must be detailed below and / or clearly indicated on referenced documentation.

Once the development is approved by the consent authority, these specifications will become a condition of consent and must be included in the built works. If you do not want to include these requirements, the proposed construction varies to those detailed or need further information, please contact Evergreen Energy Consultants.

This assessment has assumed that the BCA provisions for building sealing will be complied with at construction.

| Thermal Performance Specifications | | | |
|---|--|---------------------------|-------------------|
| External Wall Construction | Insulation | Colour (Solar Absorbance) | Detail |
| Fibro Cavity Panel Direct Fix | Anti-glare foil with bulk insulation R2.0 | Medium | |
| Internal Wall Construction | Insulation | Detail | |
| Cavity wall, direct fix plasterboard, single gap | None | Internal walls | |
| Ceiling Construction | Insulation | Detail | |
| Plasterboard with Timber | Bulk insulation R3.5 | | |
| Roof Construction | Insulation | Colour (Solar Absorbance) | Detail |
| Corrugated Iron | Bulk, reflective side down, no air gap above R1.3 | Dark | 10° and 20° pitch |
| Floor Construction | Insulation | Covering | |
| 175mm Waffle Pod Slab | None | Vinyl, Carpet and Tiles | |
| Windows | Glass and frame type | U Value | SHGC Area m2 |
| ALM-001-01 A Aluminium framed | Group B Windows Single Glazed Clear | 6.70 | 0.57 |
| All Group A windows are Awning, Bifold, Casement, Tilt 'n' Turn, Entry, French & Hinged windows and doors. All Group B windows are Double Hung, Louvre, Fixed, Sliding & Stacker windows and doors. | | | |
| U and SHGC values are according to NFRC. Alternate products may be used if the U value is lower and the SHGC is less than 5% higher or lower than the above figures. | | | |
| Fixed shading – Eaves | Width includes guttering, offset is distance above windows | | |
| As drawn | Nominal only, refer to plan for detail | | |
| Fixed shading – Other | Verandah to certain units only | | |
| Shaded areas and shade devices as drawn, adjoining buildings and boundary fences | | | |
| For construction in NSW the BCA Vol 1 or 2 must be complied with, in particular the following: | | | |
| - Thermal construction in accordance with Vol 1 Section J1.2 or Vol 2 Part 3.12.1.1 | | | |
| - Thermal breaks in accordance with Section J1.3(d) & 1.5(c) or Part 3.12.1.2(b) & 3.12.1.4(b) | | | |
| - Compensating for loss of ceiling insulation in accordance with Section J1.3(c) or Part 3.12.1.2(e) | | | |
| - Floor insulation in accordance with Section J1.6(c) & (d) or Part 3.12.1.5(a)(iii) or (c) & (d) | | | |
| - Building sealing in accordance with Section J3 or Part 3.12.3.1 to 3.12.3.6. | | | |



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| ISSUE | DESCRIPTION | ZTM 16.9.22 |

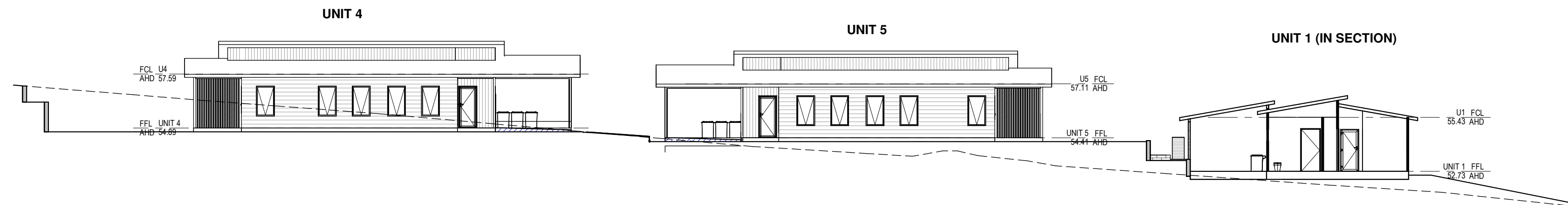
CLIENT:
COSMO VISTA UNIT TRUST

ADDRESS:
LOT 315, D.P.1131731, OSBORN AVENUE,
MUSWELLBROOK

DRAWN: ZTM
CHECKED: AJG
DATE: 16.9.22
ISSUE: 1

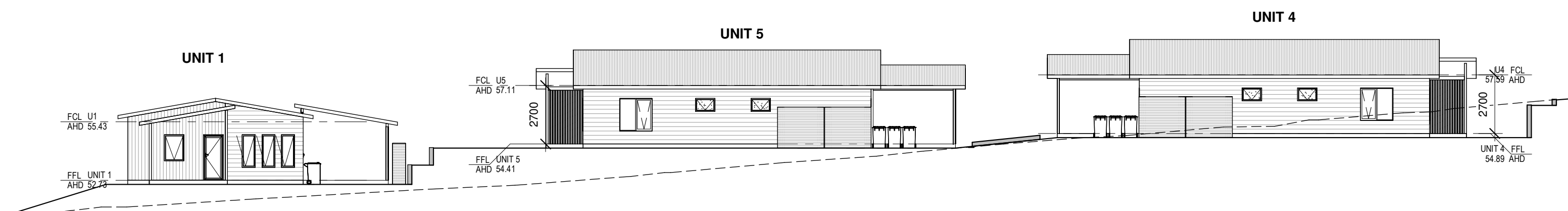
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WINDOWS - ROOF PLANS

JOB NUMBER
22-045



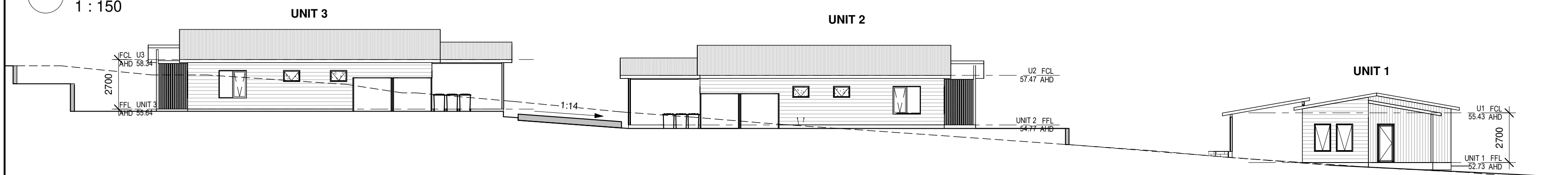
INTERNAL ELEVATION (SOUTH)

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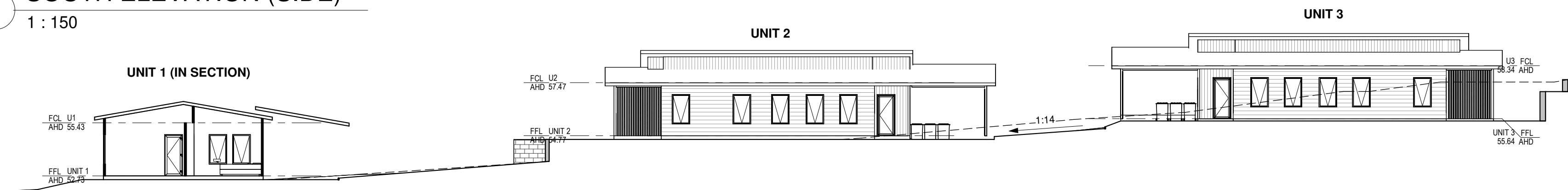
NORTH ELEVATION (SIDE)

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SOUTH ELEVATION (SIDE)

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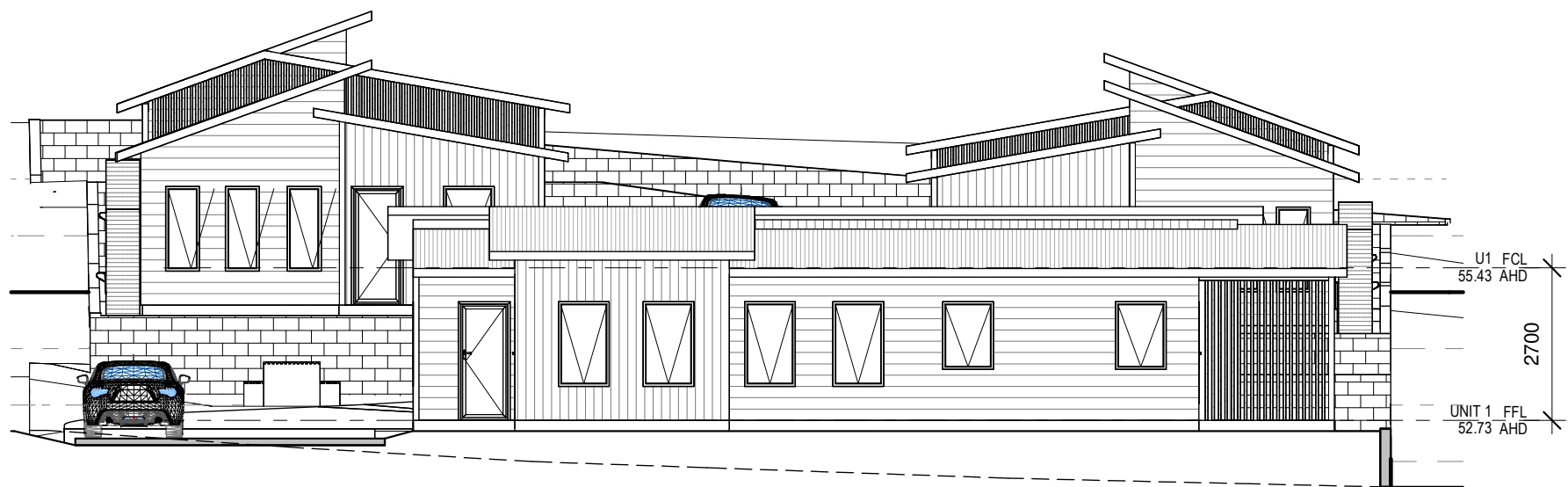


INTERNAL ELEVATION (NORTH)

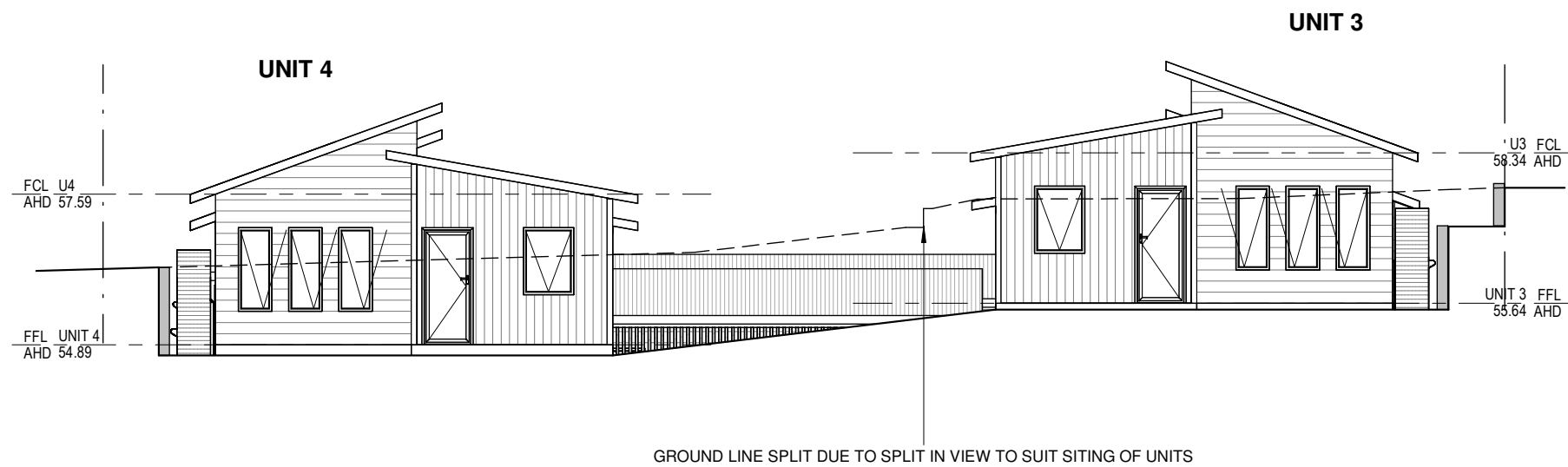
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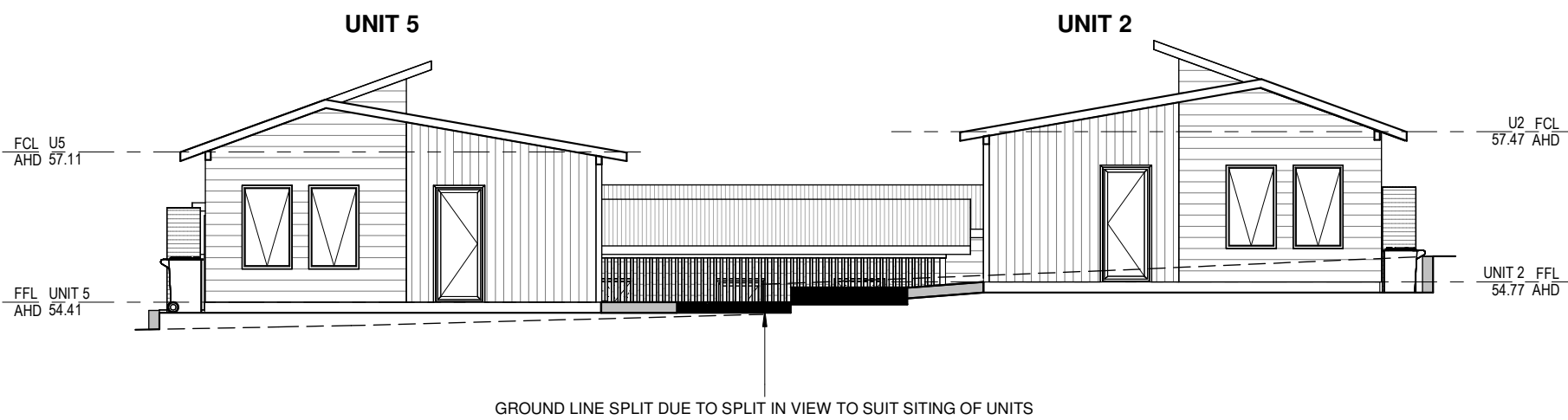
| <p>EMAIL: AGCAD@BIGPOND.NET.AU WEBSITE: www.agcad.com.au</p> <p>SUITE 7, 470 HIGH ST MAITLAND, NSW, 2320</p> <p>T: (02) 4933 9400 F: (02) 4933 9499</p> | <p>SCALE 1:100 AT A2</p> | <p>CLIENT: COSMO VISTA UNIT TRUST</p> <p>ADDRESS: LOT 315, D.P.1131731, OSBORN AVENUE, MUSWELLBROOK</p> | | <p>DRAWN: ZTM</p> <p>CHECKED: AJG</p> <p>DATE: 8.12.22</p> <p>ISSUE: 2</p> | <p>SHEET NAME ELEVATIONS - SH1</p> <p>JOB NUMBER 22-045</p> <p>SCALE : 1:150 @ A2</p> | <p>SHEET</p> <p>S09</p> <p>13/12/2022 2:17:20 PM</p> | | | | | | | | | |
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| | | <table border="1"> <thead> <tr> <th>ISSUE</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>ISSUED FOR COMMENT</td> <td>ZTM</td> <td>8.12.22</td> </tr> <tr> <td>1</td> <td>ISSUED FOR CLIENTS REVIEW</td> <td>ZTM</td> <td>16.9.22</td> </tr> </tbody> </table> | ISSUE | DESCRIPTION | BY | DATE | 2 | ISSUED FOR COMMENT | ZTM | 8.12.22 | 1 | ISSUED FOR CLIENTS REVIEW | ZTM | 16.9.22 | |
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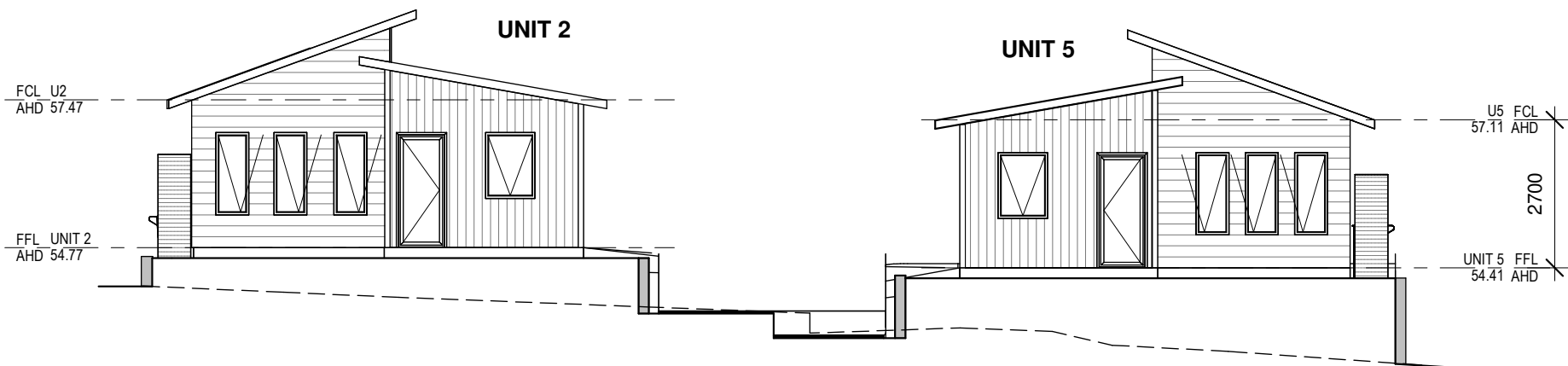
EAST ELEVATION (FRONT)
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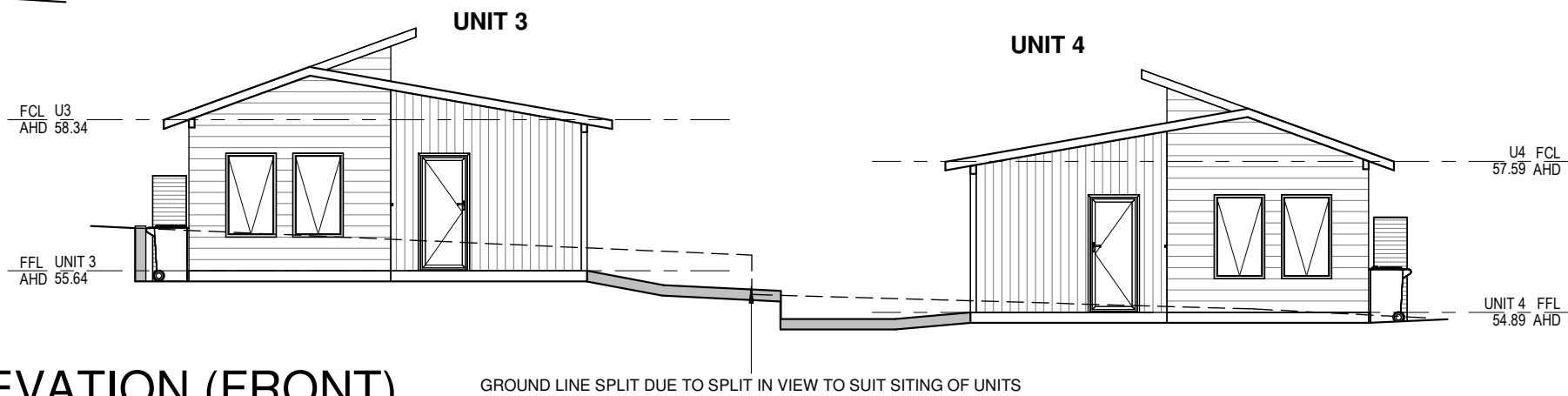
WEST ELEVATION (REAR)
1 : 100



UNIT 2&5 WEST ELEVATION (REAR)
1 : 100



UNIT 2 & 5 EAST ELEVATION (FRONT)
1 : 100



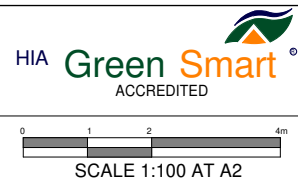
UNIT 3 & 4 EAST ELEVATION (FRONT)
1 : 100



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CLIENT:
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ADDRESS:

LOT 315, D.P.1131731, OSBORN AVENUE,
MUSWELLBROOK

DRAWN: ZTM
CHECKED: AJG
DATE: 8.12.22
ISSUE: 2

SHEET NAME
ELEVATIONS - SH2

JOB NUMBER
22-045

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ISSUE: 2

SHEET NAME
PERSPECTIVES - SH1

JOB NUMBER
22-045

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Assessor: Marcello Belcastro
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CHECKED: AJG
DATE: 8.12.22
ISSUE: 2

SHEET NAME
PERSPECTIVES - SH2
JOB NUMBER
22-045
SCALE :
Approver @ A2

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S12

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IDENTIFICATION OF APPROVED PLANS

1. Approved Plans and Supporting Documents

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

| Job No. | Rev. No. | Drawing Title. | Drawn by. | Dated. |
|-----------------------------|----------|---------------------------------|---------------------------|-----------|
| 22-045 Sheet No. S01-S12 | 2 | Proposed Multi-Unit Development | Agcad building and design | 8/12/2022 |

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

2. Approved Landscaping Plan

Landscaping works on the site are to be undertaken in accordance with the landscaping plan endorsed with Council's approval stamp.

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

4. Home Building Act

- (1) Building work that is residential building work (under the meaning and exemptions of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - (a) In the case of work being carried out by a licensed builder :
 - (i) Has been informed in writing of the licensee's name and license number, and;

- (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.
 - (b) In the case of an Owner Builder:
 - (i) Has been informed in writing of the persons name and Owner Builder permit number where the cost of works is greater than \$10,000, or;
 - (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$10,000.
 - (2) A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
 - (3) If arrangements for doing residential building work are changed while the work is in progress, so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.
- Note:
- (1) The amounts referred to in point 1 may be subject to change as regulations are amended.
 - (2) An owner that engages multiple licensees/contracts or contracts for part of the work and completes work themselves is considered an Owner Builder under the *Home Building Act 1989*.

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

5. Accessible Car Parking

Prior to the issue of Construction Certificate, one (1) accessible parking space must be provided, complying with Australian Standard AS 2890.1 and 2890.3. The accessible space must be marked in the northwest parking space, and the shared area must not have bollards to serve as reversing space for relocation trucks. The shared area must be signposted as "No Parking at any time" to prevent obstruction of access to the accessible space.

6. Section 7.11 Contributions

A contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council section 7.11 contribution plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

| A | B (\$) |
|-------------------------------------|--------------------|
| Urban Roads and Drainage | 4 ET at \$1,139.00 |
| Open Space and Community Facilities | 4 ET at \$2,113.50 |
| TOTAL CONTRIBUTION | \$13,010.00 |

The contribution SHALL BE paid prior to determination of the application for Construction Certificate, where applicable.

The above amount shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the Muswellbrook Shire Council section 7.11 contribution plan can be viewed at the office of Council.

7. BASIX Commitments

Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. Details and plans demonstrating compliance with these requirements are to be submitted to the Certifying Authority for approval with the Construction Certificate.

In this condition:

(a) relevant BASIX Certificate means:

- i. a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- ii. if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

(b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

8. Notice of Requirements – Water and Sewer Connection

Prior to the issue of a Construction Certificate and the carrying out of any works associated with the provision of reticulated water to the development, a 'Notice of Requirements pursuant to the provisions of the *Water Management Act 2000*, is to be obtained from Council.

Prior to issue of Construction Certificate, Council will require the payment of water and sewer headworks. Water and sewer headworks contributions are applicable under Council's current fees and charges for the development are specified the table below:

| Headworks Contribution | ET calculated per additional Lot created | Contribution per 1 ET | Total Contribution calculated for 1 Lot |
|-------------------------------|---|------------------------------|--|
| Water | 3 | \$8,223.00 | \$16,446.00 |
| Sewer | 3.75 | \$6,384.00 | \$17,556.00 |
| Total | | | \$34,002.00 |

The contributions payable are subject to annual adjustments in accordance with Council's Fees and Charges and the Consumer Price Index. The contributions paid in relation to this approval shall be the contributions applicable under Council's Fees and Charges at the time of any application for a Compliance Certificate.

NOTE: There is a 20 mm water service available for this property. The pressure may not be enough to serve 5 units. The proponent may required to design and upsize the service size at no cost to the council. Should the developer require to upsize the service, a Notice of Requirement must be applied for an approved by Council.

To inform the process of obtaining a 'Notice of Requirements' it is recommended that early contact is made with Council's Water & Waste Division on (02) 6549 3840. It is recommended that early contact in relation to the required water connections as the construction of water/sewer extensions can be time consuming and may impact on other services, building, driveway, or landscape design.

9. Waste Minimisation Management Plan

Prior to the issue of a Construction Certificate the person acting with this consent must submit a Waste Minimisation Management Plan for the development.

The waste minimisation management plan is to be prepared in accordance with the requirements of the Muswellbrook Development Control Plan and documentary evidence is to be provided to the Principle Certifying Authority to demonstrate the document has been submitted to and approved by Council prior to the issue of a Construction Certificate.

10. Section 68 Local Government Act 1993 Approvals

Prior to the issue of a Construction Certificate the person acting with this consent shall obtain approval under Section 68 of the Local Government Act 1993 for the carrying out of stormwater works.

The Section 68 permit is to be accompanied by updated stormwater drainage plans for the development which, include the following in addition to the

stormwater drainage measures shown on the proposed plans:

- The detailed design for stormwater must include a DRAINS model that considers Annual Recurrence Intervals (ARI) events following Muswellbrook Shire Council (MSC) drainage design requirements. The model must include proper calculations to justify the retention volume, ensuring that pre-development stormwater discharge does not exceed post-development discharge up to a 1% AEP event.
- The stormwater model and design details must be submitted to the Council for approval before the Construction Certificate (CC) stage.
- A legal point of discharge for stormwater must be established, which can be achieved by obtaining written consent from the owner to break into an existing pit (900x900) or connect directly with the site pit to the existing Council stormwater lintel pit.

Documentary evidence is to be provided to the Principle Certifying Authority demonstrating that these approvals have been obtained prior to the issue of a Construction Certificate.

The person acting with this consent shall ensure that mandatory stage inspections prescribed by the Section 68 Approval are carried out by Council Officers at the relevant stage of development.

11. Construction Certificate Requirement

No works shall commence on-site until a Construction Certificate has been issued for either part or all of the works to be undertaken. If a Construction Certificate is issued for part of the approved works, it must relate to all works being undertaken.

Note: a construction certificate issued by an Accredited Certifying Authority must be provided to Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

12. Sediment and Erosion Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with *'The Blue Book'* published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

13. Stabilised access (Residential)

Unless a suitable existing site access is utilised, stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size and a minimum of 3m in width must be provided from the road edge to the front of the building being constructed prior to the commencement of work. The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

14. Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight-fitting lid is to be provided for disposal of all food scraps and papers from the work site prior to building work commencing, and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

15. Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited,

- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours, and
- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out but must be removed when the work has been completed.

This condition does not apply to building works being carried out inside an existing building.

16. Water Meter

A water meter issued and installed by Muswellbrook Shire Council must be connected to the town's reticulated water supply prior to any commencement.

17. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit to Council, in writing and/or photographic record, evidence of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work, it will be assumed that the infrastructure was undamaged, and the applicant will be required to restore all damaged infrastructure at their expense.

18. Section 68 Local Government Act Approval

Prior to the commencement of any works it shall be necessary for the applicant to obtain a Section 68 Local Government Act approval for all stormwater, water supply and sewer drainage works.

The application shall include the submission of Hydraulic Engineers details for all water supply and sewer drainage works.

19. Vehicle Entry

Prior to commencing construction of the driveway/vehicle crossing/layback within the road reserve, a permit for the work must be obtained from Council, under Section 138 of the Roads Act 1993.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

20. Mandatory Inspections under Section 68 Local Government Act 1993

The person acting with this consent shall ensure that all mandatory sewer, water, and stormwater inspections are carried out by Council at the relevant stages of construction in accordance with any Section 68 approval issued for the development.

Note: a minimum notice of 48 hours is required when booking an inspection.
Inspection fees will be charged in accordance with Council's adopted fees and charges and must be paid prior to the issue of the Construction Certificate.

21. Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

22. Construction Hours

- (a) Subject to this clause, building construction is to be carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 6.00pm
 - ii. on a Saturday—8.00am to 1.00pm
- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) The builder and excavator must display, on-site, their 24-hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

23. Erosion and Sediment Controls

The approved Sediment & Erosion controls shall be reinstated daily prior to workers leaving the site where modified at any time. Any sediment that escapes from the allotment shall be cleaned, collected and disposed of to Council's waste management facility or the sediment shall be returned to the subject allotment on a daily basis.

24. Prohibition on Use of Public Land

Building materials and equipment must be stored wholly within the work site, unless prior written approval has been obtained from Council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

25. Excavation/Demolition

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.
- (d) The builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.

26. Residential Utility Services

Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council or the relevant public authority.

27. Sewer Main – Location of building/structure

The building or structure shall not to be located over any manhole, access point, riser, junction or the like to the sewer main.

| |
|--|
| CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE |
|--|

28. Occupation

The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

29. Fence Construction

Prior to the issue of an Occupation Certificate, the person acting with this consent is to install colorbond fencing adjacent to each property boundary, between the development and an adjoining residential property, at their cost.

The Colourbond fencing along the northern boundary is to be constructed with a minimum height of 1.5m and be located at the top of the retaining wall to ensure privacy. A plan is to be submitted showing the details and approved by Council.

30. Damage to Adjoining Properties

All precautions must be taken to prevent any damage likely to be sustained to **adjoining properties. Adjoining owner property rights and the need for owner's** permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

On completion of the works and prior to the issue of an Occupation Certificate, a certificate is to be prepared to the effect that that no damage has resulted to adjoining premises and is to be provided to Council and the Principal Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to the issue of a final Occupation Certificate.

31. Redundant Vehicle Crossings

Where a redundant layback will occur at the frontage of the property, a new concrete kerb and gutter must be constructed to replace the redundant layback prior to the issue of an occupation certificate.

32. Installation of Driveways

Prior to the issue of any Occupation Certificate, a sealed vehicular crossover shall be constructed between the property boundary and the road in accordance with the profile on the approved plans.

33. Off-Street Car Parking

Prior to the issue of an Occupation Certificate all nine (9) off-street car parking spaces are to be fully constructed in accordance with the requirements of this consent.

34. Final Compliance Certificate for Water Supply and Sewerage Works

The final compliance certificate if required for water supply and sewerage works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to the Principal Certifying Authority prior to release of any Occupation Certificate.

35. Connection to Sewer

The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

36. Installation of landscaping

Prior to the issue of any Occupation Certificate landscaping is to be installed at the site in accordance with the approved Landscape Plan, the requirements of this consent or as otherwise directed by Council in writing.

37. Cloths drying facility

Prior to the issue of an Occupation Certificate all dwellings are to be provided with an open-air clothes drying facility situated in a sunny location in accordance with the requirements of Council's Development Control Plan.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**38. Stormwater Disposal**

All stormwater from the development including all hardstand areas and overflows from rainwater tanks is to be collected and disposed of to:

The approved stormwater management plan, per the Section 68 permit issued in accordance with this consent.

39. Landscaping

The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan

40. Vehicle Access

At all times vehicle access to and from the site is to be in a forward direction.

REASON FOR IMPOSITION OF CONDITIONS:

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;

- (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:

- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.
- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.
Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.
- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
 - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

RIGHT OF APPEAL:

Sections 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 provide that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act, 1979 give you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

To: [REDACTED]
Subject: [Muswellbrook Shire Council](#)
Date: Objection to Development Application No:2022/154
Sunday, 5 February 2023 10:27:46 AM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Attention: General Manager Muswellbrook Shire Council

RE: DA2022/154

We wish to submit an objection to the proposed development application for the property located at 47 Osborn Avenue, Muswellbrook.

We own the property [REDACTED] on to the proposed development. Unit 3 of the development will sit squarely behind our house. It is our concern that due to elevation of these units above the fence line we will lose all privacy in our back yard and into our main bedroom of our home. The window to our main bedroom and ensuite will be in the direct line of vision to unit 3's windows.

Also, with 3 young daughters we don't want strangers being able to watch them while they play in their own back yard. This also raises a safety concern for our children and our personal belongings if everything we own can be clearly seen by neighboring properties.

Not knowing exactly how many people will be living in these units but with the potential of 15 or more people with 11 car spaces allocated we already have to have security cameras installed for theft in the area without the addition of all of these extra people on one block.

Thank you for considering our objection. Please accept this as a declaration we have made no political donations in the past and have no affiliation with any councillors.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

General Manager, Muswellbrook Shire Council

RE: DA No. 2022/154 Multi Dwelling for 47 Osborn Ave

OBJECTION IN CONFIDENCE

As the neighbours of [REDACTED] of the development we have a couple of concerns.

Our first concern is loss of privacy due to the raised height of unit 1 and unit 5 as their "private open spaces" will be overlooking our private open space. What measures will be used to make them private?

As there are no fencing details on the plans, we can only assume fencing will be installed on the boundary line. If 1800mm high fencing is installed this would mean that unit 5's highest retained point (1500mm) would be only 300mm below fence top. Not very private or safe. We would prefer the fence on top of the proposed retaining wall.

Also of concern would be the maintainability of the shrubbery shown on the drawings between the boundary line/fence and retaining wall.

Our second concern would be the method of retaining used for unit 5 applying additional load to the retaining wall we have installed. The provided drawings seem generic and perhaps don't take into account the presence of our retaining wall. Maybe a cantilever design would be more appropriate.

[REDACTED]



10.1.2. Muswellbrook Battery (BESS) revised Planning Agreement General Terms

| | |
|---------------------------------|--|
| Attachments: | 1. Comparative residual analysis [10.1.2.1 - 2 pages] |
| Responsible Officer: | Sharon Pope - Director - Planning & Environment |
| Author: | Theresa Folpp (Development Compliance Officer) |
| Community Plan Issue: | 6 - Community Leadership |
| Community Plan Goal: | Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community. |
| Community Plan Strategy: | 6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves. 6.2.1.2 - Seek funding opportunities to support the interests and aspirations of the Shire identified by the Community Strategic Plan and Delivery Program |

PURPOSE

The purpose of the report is for Council to consider the general terms of Firm Power's Benefit Sharing Offer/Planning Agreement for the Muswellbrook Battery Energy Storage System (Muswellbrook BESS) (SSD-29704663).

This report has been tabled at the Ordinary Council meeting on two previous occasions: 28 March 2023 and 27 April 2023. A brief discussion is included below.

OFFICER'S RECOMMENDATION

Council:

1. Notes the principles of the draft Community and Economic Development Fund Policy and the revised Planning Agreement Policy;
2. Supports the following key elements of the Muswellbrook Battery Energy Storage System (BESS) Planning Agreement:
 - a. Contributions to the value of \$400 per megawatt (MW) of installed capacity, provided every year of operation.
 - b. Funds will be managed as part of Council's proposed Community and Economic Development Fund (CEDF), or in the interim where the CEDF is not in place, funds will be paid to Council, managed in accordance with the Environmental Planning and Assessment Act Regulations, and allocated via a committee involving Council, the Proponent and community. The Proponent will retain veto rights in the event of breach of their mandatory ethics and compliance requirements.
 - c. Expenditure of contributions will be in the following ratios: 15% Environmental Officer and 85% Community and Economic Development benefit.

Moved: _____ **Seconded:** _____



BACKGROUND

In late 2022, Firm Power lodged a State Significant Development (SSD) application and associated Environmental Impact Statement (EIS) for the Muswellbrook BESS (the Project) with the Department of Planning and Environment (DPE).

During the exhibition of the EIS, Council staff requested either a Planning Agreement or a s.7.12 contribution.

On 23 November 2022, the Applicant provided draft General Terms for a Benefit Sharing Offer. This was discussed at the SSD Committee on 19 December 2022. Based on the recommendation of staff, the Committee resolved:

1. *Notes the draft General Terms of the Applicant's Benefit Sharing Offer;*
2. *Authorises staff to continue to negotiate with Firm Power to translate the Offer into a Planning Agreement to provide a monetary contribution along the principles established by the recent mining project approvals:*
 - a. *The payment be calculated as CIV/100/MW/years with adjustments for CPI;*
 - b. *That the annual instalments be spent in the following ratios: 15% Environmental Officers; 25% local road maintenance and 60% community & economic benefits.*
 - c. *The instalments may be pooled with contributions from other projects and aggregated over several years to fund a specific project; and*
 - d. *A panel comprising Muswellbrook Shire Council, the proponent, and members of the local community make recommendations to Council on the community and economic projects that are funded.*
3. *Supports a proposal from staff to prepare a Community and Economic Development Fund Policy (CEDF) for the consideration of Council, to better manage monetary contributions from State Significant Development projects.*

On 20 February 2023, Firm Power provided a Revised Offer of \$200/MW and asked that Council reconsider the contribution amount. This matter was reported to the 28 March 2023 Council meeting where it was deferred to allow Councillors to participate in a workshop on the related matter of rating sub-categories.

The rating sub-category workshop was held on 04 April 2023 and Council resolved the Rating Sub-Category Amendment report at the subsequent Council meeting on 27 April 2023.

The matter was then reported to the 27 April 2023 Council meeting, however on this occasion, Firm Power proposed to amend the resolution to include an updated contribution amount of \$300/MW, and asked that "the proponent will retain veto rights in the event of a breach of their mandatory ethics and compliance requirements", and the removal of point (d) which required contributions to be considered for the Northview Estate Play Space.

The matter was deferred for the Proponent to provide more information on the mandatory ethics and compliance requirements. This information is provided below:

A Code of Conduct supports every employee, contract staff and contractor who works for or on behalf of the Company. It sets out expected behaviours of our employees and how they relate to their Business Principles and Core Values. The Ethics and Compliance Manual builds on the Companies' General Business Principles and the Code of Conduct to provide practical advice on how to comply with laws and regulations and how to relate to customers, communities, and colleagues. The Ethics



and Compliance Manuals offers detailed guidance on being compliant, helping their staff do the right thing every day. The Companies' General Business Principles are central to how they conduct their business and living by them is crucial to their continued success. They promote trust, openness, teamwork, and professionalism, as well as pride in what they do and how we conduct business.

Code of Ethics for Executive Directors and Senior Financial Officers of the Company is accompanied by the Statement of General Business Principles ("SGBP") which governs how each of the companies which make up the group conducts its affairs.

The SGBP has been adopted by all subsidiaries and, amongst other things, provides that all persons must avoid conflicts of interest between their private financial activities and their part in the conduct of company business.

This Code is specifically intended to meet the requirements of Section 406 of the Sarbanes Oxley Act and the listing requirements of the New York Stock Exchange by providing for a number of implementing requirements in the area of disclosure controls and the avoidance of conflicts of interest. Additionally the Transparency and anti-corruption principles are informed by the UN Global Compact Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.

The inclusion of this clause, which is to be negotiated within the long form of the Voluntary Planning Agreement, aims to retain the Companies' right to comply with their obligations relating to their ethics, compliance, and governance requirements.

On 8 May 2023, Firm Power provided a presentation on the mandatory ethics and compliance requirements to the SSD Committee. During the meeting, Councillors indicated that a contribution of \$400/MW would be more appropriate. Firm Power provided a letter on 15 May 2023 confirming this contribution.

Table 1 provides a comparison of the Original Offer provided by the Applicant compared to the Current offer. A discussion is also provided below.

Table 1: Voluntary Planning Agreement Outline

| VPA Element | Offer presented at 27 April Council Meeting | Current Offer |
|---------------------|---|---|
| Contribution Amount | <ul style="list-style-type: none"> Contributions to the value of \$200 per megawatt (MW) of installed capacity, provided every year. This amount would be available at year 0, year 5, year 10 and year 15 to cover the planned 20-year life of the project. This \$200/MW figure would be adjusted by the consumer price index (CPI) every five years. This voluntary planning agreement would come into effect upon the realisation of project construction, following project approvals, contracting, and financing. Total value estimated to be \$600k NPV. Contributions for the first five years will be considered for the | <ul style="list-style-type: none"> Contributions to the value of \$400 per megawatt (MW) of installed capacity, provided every year. This voluntary planning agreement would come into effect upon the realisation of project construction, following project approvals, contracting, and financing. Total value estimated to be \$1.2M NPV. |



| VPA Element | Offer presented at 27 April Council Meeting | Current Offer |
|----------------|---|--|
| | upgrade of the Northview Estate Play Space, however design, safety and maintenance aspects of the upgrade are still unknown and will be assessed in accordance with the CEDF Fund. The VPA contributions may not be used to fund the already approved Play Space design under DA 2013-232. | |
| Administration | <ul style="list-style-type: none"> The community grant fund would be paid into and managed by the Muswellbrook Community and Economic Development Fund, which is currently in development. The Fund is to be administered in line with the <i>Environmental Planning and Assessment Regulation 2021</i>. If the Muswellbrook Community and Economic Development Fund is not developed prior to the time required by the project, the community grant fund would be managed via e-grants and administered by the project. | <ul style="list-style-type: none"> The community grant fund would be paid into and managed by the Muswellbrook Community and Economic Development Fund, which is currently in development. The Fund is to be administered in line with the <i>Environmental Planning and Assessment Regulation 2021</i>. If the Muswellbrook Community and Economic Development Fund is not developed prior to the time required by the project, funds will be paid to Council, managed in accordance with the Environmental Planning and Assessment Act Regulations, and will be allocated via a committee involving Council, the Proponent and community. The project owners would retain final veto rights for due diligence and compliance considerations. |

REPORT

Planning Agreements for renewable energy projects

The NSW Government has not published guidelines to establish a consistent approach for payments by mines, quarries and energy generating development to compensate for residual impacts of development on local communities. Staff are aware that:

- Current negotiations with the Bowmans Creek wind farm project have reached an agreement where the project will pay a contribution calculated on CIV/MW/turbine/years of operation with the total contribution being 1% of CIV over the life of the project.
- The 'Large-scale Solar Energy Guideline' (DPE, 2022) states that the "total funding for benefit sharing (including planning agreements and any other programs facilitated by the applicant) should be between \$200 and \$300 per MW per annum (indexed to CPI) over the life of the development".
- The contributions to be paid by the recently approved Wallerawang BESS and Wellington BESS are 1,000 per megawatt (MW) of installed capacity, provided every five years.
- Council did not require a contribution from AGL for the Liddell BESS as we have an agreement that AGL contribute \$3.5million toward employment diversification in the Shire as part of the closure of Liddell Power Station.
- Council's s7.12 Plan requires a contribution of 1% of CIV.



Firm Power have stated that “due to the nature of the project having a small footprint but large capital investment value, they do not consider a 1% CIV contribution appropriate”.

Muswellbrook Shire is currently the location for several renewable energy projects, such as solar arrays, a wind farm proposal and battery energy storage. A pumped hydro project is in early planning phase, and the Shire is well located for green hydrogen production.

While each project will have its own unique residual impacts, it is also important to provide a consistent approach to Planning Agreement contributions. Staff have created a table that attempts to compare the residual social impacts, traffic generation and ongoing council staff involvement for the different forms of mining and renewable energy projects (see attachment A). This comparative residual impact table will be included in the revised Planning Agreement Policy that will be submitted to Council in the next few months.

The comparative residual impact analysis does support the claim by Firm Power that the BESS will have fewer residual impacts compared to alternative types of renewable energy projects.

Community and Economic Development Fund Policy

A Community and Economic Development fund (CEDF) Policy is currently being drafted. It will be similar to the CEDF recently adopted by Singleton Council. Key principles include the following:

- Decisions on projects and initiatives to which the funds are allocated will be agreed and approved in accordance with the ‘Muswellbrook Community and Economic Development Fund Deed’.
- The management structure will consist of a Joint Management Committee and a Joint Management Team.
- The community would be invited to nominate potential projects for funding by the CEDF annually or biannually.
- The Joint Management Team will evaluate community nominated projects against a number of criteria including quantifying the short, medium and long-term benefits to the community, and ongoing maintenance costs.
- The Joint Management Team will evaluate and endorse funding proposals and make recommendations to the Joint Management Committee for approval.
- The Joint Management Committee will recommend funding proposals for final Council approval.
- The membership of the Joint Management Committee would comprise three members appointed by Council and one representative from each SSD project.

Planning Agreement Policy

Council's Planning Agreement (PA) Policy is currently being revised and will be presented to Council for consideration with the draft CEDF policy in the near future. Unfortunately, the timeframes given by DPE to deal with this current project require a decision prior to finalising the new Planning Agreement Policy. Key principles of the revised Policy include the following:

- A. Where a development contribution is in the form of a monetary contribution, the contribution will generally be distributed to cover the costs of employing an Environmental Officer, Local Road Maintenance, and Community and Economic Development.
- B. As at the date of this report (and subject to change):

I) For Wind Farms

- Contributions will be calculated as 1% of capital investment value (CIV) but payable as \$/MW of installed capacity per annum (indexed to CPI) over the life of the development (i.e., until the project is decommissioned).
- Include a clause regarding employment of apprentices from the Muswellbrook Local Government Area or surrounding local government areas.

II) For Solar Arrays

- Contributions will be calculated as 0.6% of CIV but payable as \$/MW of installed capacity per annum (indexed to CPI) over the life of the development (i.e., until the project is decommissioned).
- Include a clause regarding employment of apprentices from the Muswellbrook Local Government Area or surrounding local government areas.

III) For Battery Energy Storage Systems

- Contributions will be calculated as 0.4% of CIV but payable as \$/MW of installed capacity per annum (indexed to CPI) over the life of the development (i.e., until the project is decommissioned).

IV) For Pumped hydro on former open-cut mine or quarry sites

- Contributions will be calculated 0.7% of CIV but payable as a \$/MW of installed capacity per annum (indexed to CPI) over the life of the development (i.e., until the project is decommissioned).
- Include a clause regarding employment of apprentices from the Muswellbrook Local Government Area or surrounding local government areas.

V) For Pumped Hydro utilising underground mine workings

- Contributions will be calculated 0.5% of CIV but payable as a \$/MW of installed capacity per annum (indexed to CPI) over the life of the development (i.e., until the project is decommissioned).
- Include a clause regarding employment of apprentices from the Muswellbrook Local Government Area or surrounding local government areas.

VI) For Green Hydrogen production

- Contributions will be calculated 0.6% of CIV but payable as a \$/Kg of production per annum (indexed to CPI) over the life of the development (i.e., until the project is decommissioned).
- Include a clause regarding employment of apprentices from the Muswellbrook Local Government Area or surrounding local government areas.

VII) For other forms of Hydrogen production

- Contributions will be calculated 1% of CIV but payable as a \$/Kg of production per annum (indexed to CPI) over the life of the development (i.e., until the project is decommissioned).
- Include a clause regarding employment of apprentices from the Muswellbrook Local Government Area or surrounding local government areas.

VIII) For Open Cut mining development:

- Contributions will be calculated at 1% of CIV but payable as cents/tonne of material transported to and from the site per annum (indexed to CPI) over the life of the development (i.e., until mine rehabilitation is complete).
- Include a clause regarding employment of apprentices from the Muswellbrook Local Government Area or surrounding local government areas.



IX) For Underground mining development:

- Contributions will be calculated 0.7% of CIV but payable as cents/tonne of material transported to and from the site per annum (indexed to CPI) over the life of the development (i.e., until mine rehabilitation is complete).
- Include a clause regarding employment of apprentices from the Muswellbrook Local Government Area or surrounding local government areas.

X) For Quarries

- Contributions will be calculated using a cents/tonne of material transported to and from the site as the preferred option.
- The Contribution will be higher where the site is accessed from local roads as compared to State Roads.

Muswellbrook BESS - Planning Agreement Discussion

Contribution Amount

The Current Offer is a contribution of \$400/MW of installed capacity, per annum. The estimated Capital Investment Value (CIV) of the Project is \$157 million. A contribution for 1% of CIV would equate to \$78,500pa.

The Current Offer is 0.8% of the CIV. This contribution exceeds the proportion of capex expenditure required for a BESS in the draft Planning Agreement Policy.

Annual Payments

The Current Offer offers contributions paid every year (and subject to CPI increases). From a budget preparation, invoicing and project management perspective, it is the preference of Council's Finance staff that an annual contribution be received.

The Project will be required to report installed capacity, either in an Annual Report or directly to Council Officers (as requested to DPE in Council's response to the Submissions Report).

Administration

The Revised Offer allows for funds to be managed via the proposed CEDF (consistent with Officers' request), unless the CEDF is not developed prior to the time required for the Project. If the Muswellbrook Community and Economic Development Fund is not developed prior to the time required by the project, the community grant fund would be managed via e-grants and administered by the Proponent.

Planning Agreement contributions are a form of compensation to the local community toward residual impact of the development. Council's experience with the Ridgeland Mine project is that the management of community benefit funds by private companies is not regulated to the same degree as councils, so staff do not recommend that Council accept the request by Firm Power.

The project owners also wish to retain final veto rights for due diligence and compliance considerations. The requested veto clause was discussed at the SSD Committee Meeting on 8 May 2023, and Firm Power provided a presentation that included publicly available information around the drivers of this requirement.

Staff recommend that funds be managed as part of the proposed Community and Economic Development Fund (CEDF), or in the interim where the CEDF is not in place, funds be paid to Council, managed in accordance with the Environmental Planning and Assessment Act Regulations, and allocated via a committee involving Council, the Proponent and community. The Proponent will retain veto rights in the event of breach of their mandatory ethics and compliance requirements.



Distribution of Funds

The Applicant has stated that the project is not expected to have notable surplus impacts that cannot be mitigated via the consent conditions for the SSD. During the operations phase, there will be people and vehicles visiting the site, which will largely remain unmanned, similar to a substation. All impacts to roads during construction will be handled via a dilapidation study, and road maintenance during and post construction will be a condition of consent from the Department of Planning. The project does not expect to have ongoing reporting environmental obligations.

The Shire is currently home to several mines, quarries, and power stations, and is now part of the Hunter Renewable Energy Zone – so renewable energy projects, such as solar arrays, wind farms, battery energy storage, pumped hydro project and green hydrogen production are anticipated. Council's experience is that the cumulative impact of these projects on the environment, the community and Council's operations is significant. For example, Council employs an officer full-time to coordinate Council's responses to SSD projects. There would not be many rural or regional council areas in the State that manage so many SSD projects. While the Shire does benefit from employment and economic opportunities that arise, so do many nearby council areas, and the wider region, which do not host and manage the impacts of the projects. Nor does the Council receive development application fees (these go to the NSW Government). Accordingly, it benefits the ratepayers of the Shire to offset some of these costs through Planning Agreement contributions.

Following the initial discussions of the PA funding ratios, Officers undertook a review of the land rating applicable for different categories of land. The purpose of the review was to determine the reasonability of applying a 25% Local Road Maintenance charge under a PA if a proponent is required to pay rates on a property.

In the case of the Muswellbrook BESS, it is understood that the land will be leased from the owner, Ausgrid (currently rated *General – Business*).

In comparison to other projects, the Residual Impact Analysis shows that a BESS will have minimal traffic impacts after construction compared to a range of other SSD activities. These traffic movements would be commensurate with many other business premises.

Officers recommend that annual instalments be spent in the following ratios: 15% Environmental Officer and 85% Community Economic Development Fund.

Nomination of a Project for Initial Five-Year Funding

In its Revised Offer, the Proponent requested that the initial five-year funding payment under the VPA be contributed toward the Northview Estate Play Space (Play Space), subject to assessment under the CEDF.

However, this was not supported by Council as communicated during an SSD Committee meeting and has been removed from the resolution with support from the Proponent.

OPTIONS

Option 1: Contributions will be calculated as 0.8% of CIV payable as \$400/MW of installed capacity per annum (indexed to CPI) over the life of the development (i.e., until the project is decommissioned) with the division of any Contribution using the ratios of 15% for the employment of an Environmental Officer and 85% for Community Economic Development Fund as the recommended option. This is the preferred option as this is the amount offered in accordance with the requirement that the planning agreement is voluntary.

Option 2: Contributions will be calculated as 0.8% of CIV payable as \$400/MW of installed capacity per annum (indexed to CPI) over the life of the development (i.e., until



the project is decommissioned) **with the division of any Contribution** using the ratios of 15% for the employment of an Environmental Officer, 25% for local road maintenance and 60% for Community Economic Development Fund.

Option 3: Contributions will be calculated as 1% of (capex expenditure) payable as \$500/MW of installed capacity per annum (indexed to CPI) over the life of the development (i.e., until the project is decommissioned) **with the division of any Contribution** using the ratios of 15% for the employment of an Environmental Officer, 25% for local road maintenance and 60% for Community Economic Development Fund. This is not the recommended option as the contribution rate does not reflect the residual impacts the project is likely to generate.

SOCIAL IMPLICATIONS

A Planning Agreement is intended to offset any negative impacts on the community that are not addressed by the conditions of consent (these are usually focused on environmental impacts) but are not of sufficient scale to warrant refusal of the project.

FINANCIAL IMPLICATIONS

Contributions will allow Council to complete projects that advance community strategic goals.

POLICY IMPLICATIONS

Staff are working on a Community & Economic Development Fund Policy and revising the Planning Agreement Policy for consideration by Council in 2023 to make the desired outcomes of a Planning Agreement negotiation process more consistent and transparent in the future.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Nil known.

Comparative Residual Impact

The following table provides a comparative residual impact assessment. The lower the score, the less residual “adverse” impact.

| | Mine | Quarry | Wind Farm | Pumped Hydro | Green Hydrogen | Solar Arrays | BESS |
|------------------------------------|------|--------|-----------|--------------|----------------|--------------|------|
| Visual Impact | 10 | 7 | 7 | 5 | 5 | 6 | 3 |
| Noise | 7 | 6 | 5 | 4 | 4 | 0 | 2 |
| Traffic Generation | 8 | 7 | 6 | 6 | 7 | 4 | 3 |
| Local Economic Benefit | 2 | 4 | 6 | 4 | 2 | 6 | 10 |
| Airborne Pollutants | 8 | 5 | 2 | 3 | 3 | 1 | 2 |
| Light Pollution | 7 | 5 | 5 | 5 | 5 | 1 | 1 |
| Local Biodiversity | 9 | 6 | 6 | 5 | 3 | 6 | 1 |
| Emergency Services | 5 | 4 | 7 | 4 | 7 | 5 | 5 |
| Staff Resources | 10 | 10 | 8 | 7 | 7 | 7 | 7 |
| Water Consumption | 9 | 6 | 4 | 9 | 10 | 2 | 1 |
| Impact to Agriculture Productivity | 7 | 4 | 3 | 2 | 3 | 5 | 1 |
| Contamination | 8 | 6 | 2 | 2 | 4 | 3 | 3 |
| Impacts to Local Landfill | 7 | 4 | 9 | 2 | 2 | 7 | 7 |
| <i>Total</i> | 97 | 74 | 70 | 58 | 62 | 53 | 46 |

Assessment of Impacts

Visual Impact: Will impact be restricted to a few adjoining properties or will it be seen from many vantage points including public places. Will the cumulative visual impact of a number of similar types of projects be limited or extensive. After closure and rehabilitation, is there permanent visual impact or minimal visual impact. Does impact include disrupting historic landscapes, sense of place and/or Aboriginal cultural landscapes.

Noise: Will impact be restricted to a few adjoining properties or will it affect properties for some distances, including public places. Will the cumulative noise impact of a number of similar types of projects be limited or extensive. Is the noise regular or intermittent. Is the noise dull/background or noticeable even if of short duration e.g., blasts, rock crushing.

Traffic Generation: Will operational traffic be limited, mainly light vehicles, or regular with medium to high volumes including heavy vehicles.

Local Economic Benefit: Will the project result in regular employment opportunities for local residents. Will the project create opportunities for traineeships and apprenticeships for local youth. Will the project result in the establishment of supporting secondary businesses and purchases from local businesses. Will the project create demand for new long-term housing.

Airborne Pollutants: Will impact be restricted to a few adjoining properties or will it affect properties for some distances, including public places and schools. Will the cumulative impact of airborne pollutants from a number of similar types of projects be limited or extensive. Is the airborne pollution regular or intermittent.

Light Pollution: Will impact be restricted to a few adjoining properties or will it affect properties for some distances, including public places.

Local Biodiversity: Will the project result in nett loss of native vegetation in the Shire for the life of the project or permanently. Will the impact be limited to a small area or more extensive area. Will the impact increase the distance between patches of native vegetation of a similar plant community type (i.e. corridor values and movement impacted). Is the vegetation lost likely to be habitat for threatened or endangered animal species.

Emergency Services: Will the development generate the potential need for bush fire fighting resources and personnel. Can paramedics readily access the site to assist injured workers

Staff Resources: Will there be an ongoing chance for modifications to the development post-approval e.g. rapidly changing technology; complex type of development where full infrastructure needs or changes could not be anticipated initially. Are annual reports required to monitor compliance. Will the community (including new residents) reach out to Council to understand the nature of the approval or to lodge complaints. Will staff attend subsequent CCC meetings.

Water Consumption: Will the project result in a long-term permanent impact on water availability in the local catchment impacting the water sharing regime and employment diversification.

Impacts to Agricultural Productivity: does the project require large portions of contiguous land disrupts rural activities and reduces supporting rural industries and professions e.g. large animal vets.

Contamination: After closure and rehabilitation, is there a risk of permanent contamination impacts that will disrupt future potential use of the site or parts of the site.

Impacts to Local Landfill: Will the project result in a high proportion of project elements being disposed of in local waste management facilities i.e. project components are unable to be recycled and/or large-scale recycling technology is not yet available.



10.1.3. Membership into Mining & Energy Related Council

| | |
|---------------------------------|---|
| Attachments: | 1. MERC Constitution [10.1.3.1 - 14 pages] |
| Responsible Officer: | Sharon Pope - Director - Planning & Environment |
| Author: | Theresa Folpp (Development Compliance Officer) |
| Community Plan Issue: | 3 - <i>Environmental Sustainability</i> 6 - <i>Community Leadership</i> |
| Community Plan Goal: | An environmentally sensitive and sustainable community Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community. |
| Community Plan Strategy: | 3.1.1 - Meet with other levels of government to achieve improved rehabilitation outcomes for disused mining lands and ongoing employment for local workforce. 6.1.1 - Engage with the community and other stakeholders to determine service level expectations and appropriate measures. |
| | Not applicable |

PURPOSE

The purpose of this report is to recommend that Council becomes a member of the Mining and Energy Related Councils (MERC) NSW for a two-year trial period.

OFFICER'S RECOMMENDATION

Council APPROVES becoming a member of the Mining and Energy Related Councils NSW for an initial two-year period, following which a review will be undertaken to confirm whether membership should continue.

Moved: _____ **Seconded:** _____

REPORT

Overview of Mining and Energy Related Councils (MERC) NSW

The MERC was formed in 1978 and represents mining and energy related councils and their communities throughout NSW. Several nearby councils are current members, including Mid-Western, Dubbo, Gunnedah, and Warrumbungle councils. Singleton, Upper Hunter, and Cessnock Councils are currently not members. However, Singleton has recently been approached by MERC to become a member.

Muswellbrook Shire Council was a member prior to 2016.

The Executive Committee consists of six members including Cr Kevin Duffy (Orange City Council), Cr Dennis Brady (Lachlan Shire Council), Cr Phyllis Miller (Forbes Shire Council), Cr Scott Ferguson (Blaney Shire Council), Cr Dennis Todd (Warrumbungle Shire Council) and Cr Liz McGlynn (Bland Shire Council).



The Executive Committee is elected annually by delegates at the Annual General Meeting of the Association. Further information on the Constitution of the MERC is provided in Attachment A.

MERC has recently:

- Made representation on the NSW Government's Resources for Regions Panel to be involved in funding decisions by the state government for the provision of social and physical infrastructure where mining has expanded.
- Been involved in developing guidelines on voluntary planning agreements (VPAs) with the Department of Planning, Infrastructure and Environment (DPE) and stakeholders.
- Been consulted by the state government and its departments in relation to changing legislation surrounding mining, energy, and coal seam gas development.
- Been approved by the Minister for Energy, the Hon Matt Kean, to be part of the discussions on the Reference Panels for the Renewable Energy Zone pilots being established throughout NSW.

In the future, MERC will have an increasing focus on renewable energy. MERC is developing various Position Statements as guides for its members to consider, and continues to educate its members on what affected councils are doing with solar, battery and wind farming, etc. This was reviewed and updated on 22 February 2023.

As an example of the engagement possible by being part of MERC, Courtney Houssos, when still the Shadow Minister for Resources and Shadow Minister for Better Regulation, addressed MERC delegates in Sydney on 22 February 2023, where she outlined Labor's platform if elected on 25 March 2023, as follows:

- New to portfolio of Resources with the new Minister willing to learn from entities like MERC on issues associated with Critical Minerals, Resources for Regions, Royalties for Rejuvenation, VPAs, etc., in an endeavour to address them.
- Planning for what happens after mines close in communities.
- Introduce a Coal Reservations Policy in opposition to the Coalition's Coal Directions Policy.
- Speed up the slow roll out of the Renewable Energy Zones and the lack of engagement with communities and affected landholders.
- Correct the Coalition's Energy Plan to include manufacturing to generate jobs from the Energy Plan initiatives roll out.
- Making mining companies accountable for their emissions and air quality.
- Introduce a State-owned Energy Commission to ensure a consistent supply of energy for everyone in the State – it will be modelled on the Federal Government's Clean Energy Corporation.
- Labor will focus on hydro, pumped-hydro, batteries, solar, and wind, but not nuclear energy at this stage.
- Willing to attend future meetings and build up a relationship with MERC.

Reasons to become a member

Advantages of being a member of MERC include:



- Access to a panel of environmental, planning, mining, social and economic impact consultants.
- Appointment to working parties set up by industry on specific matters. For example, VPA Framework, Regional Advisory Forum, Resources for Regions, Renewable Energy Zones Reference Panel, etc.
- Opportunities to network with experienced Councillors and planning staff at quarterly meetings, as well as being able to raise specific issues with higher-level decision makers such as Members of Parliament, relevant Departmental Staff, and other keynote speakers.
- Access to expert advice. For example, MERC engaged with DPE, the NSW Minerals Council and the University of Technology Sydney (UTS) on improving the current planning consultation process on developments prior to the release of an Environmental Impact Statement using the 'participatory consultation modelling' system.
- Access to up-to-date information. For example, MERC has been liaising with the University of Western Australia and Queensland in the Commonwealth Research Centre for Transformation of Mining Economies (CRC TiME) to rejuvenate economic development and communities post mining. MERC also recently joined the Inland NSW Growth Alliance with RDA Orana, which has links to the University of Newcastle.
- Access to consultants and research agencies to undertake studies or prepare submissions. See www.miningrelatedcouncils.asn.au for latest submissions.

CONSULTATION

This report was presented to MANEX on 26 April 2023, and the State Significant Development Committee on 8 May 2023. Both committees supported the recommendation.

If requested, MERC has offered to address Councillors.

FINANCIAL IMPLICATIONS

The membership fee for 2022-23 is \$8024.09 (GST included). This will increase by 3% for the next financial year.

Membership fees are based on MERC's Annual Budget, and are determined at the Annual General Meeting.

There would also be additional costs for attendance at meetings. Meetings are held quarterly (two in Sydney and two in regional NSW). Representation can be one or two voting delegates, plus observers. Zoom facilities can be set up in exceptional circumstances.

The source of funding for membership costs should be from Planning Agreement contributions.

Attendance at all meetings would not be essential. The ability for staff and Councillors to access information and to be a participant in preparing submissions or commenting on draft legislation and policy would be of considerable value.

CONSTITUTION

ASSOCIATION OF MINING & ENERGY RELATED COUNCILS (NSW) INCORPORATED

1 Name

The name of the Association is the New South Wales Association of Mining & Energy Related Councils (NSW) Incorporated.

2 Objects

The objects of the Association are:

- to identify emerging issues in mining and energy related developments as they affect member councils and their communities and acquaint member councils of those issues and alternative strategies;
- to advocate on behalf of member councils and their communities on mining and energy related issues;
- to ensure Commonwealth and State Governments are aware of emerging issues in mining and energy related developments and to represent the interests of member councils and their communities to those governments and their departments;
- to pursue sources of financial assistance and resources for member councils to assist in dealing with the impacts of mining and energy related developments in their areas and upon their communities;
- to strengthen the impact of Local Government in relation to the mining and energy related industries and the relevant agencies of the New South Wales and Commonwealth Governments;
- to ensure member councils work together on problems and projects of joint interest and concern, and harness the expertise and resources of member councils and their staff on mining and energy related development issues, to the benefit of all member councils.

3 Membership of the Association

- 3.1 Membership of the Association is available to any local authority and any other body, association or similar entity affected by mining or energy related development and approved by the Executive Committee.
- 3.2 The Public Officer of the Association will maintain a register of members of the Association and this will be available on the Association's website, along with current delegates.

4 Representation

- 4.1 Each member shall be entitled to two delegates, who shall be nominated in writing by the member.
- 4.2 Each member may nominate one or more alternative delegates who may attend meetings as delegates, in the absence of the nominated delegates.
- 4.3 Only two delegates of each member shall be entitled to vote at any General Meeting of the Association, but the number of persons attending the meeting from any member is unlimited.
- 4.4 Tele-conferencing facilities will be available (upon request), to assist delegates with the participation of delegates at General Meetings.
- 4.5 Life Membership

- The Association may grant life membership to a delegate/retiring delegate who has completed at least eight years of service for their council/s and has made an outstanding, recognised contribution to the Association;
- The decision will be made by the Association at a General meeting;
- Life membership may be granted in one of two forms as follows:
 - Active life membership – where the life member remains a current delegate of their council with the normal rights attendant upon the role of delegate;
 - Honorary Life Membership – which grants the retired delegate/officer an eminent role with the right to attend meetings and functions within the Association but does not confer voting rights, nor the power to move or second any motion on any matter including the nomination or appointment of office bearers and staff members;
 - An Active life member automatically becomes an Honorary Life Member on retirement from their role as a delegate.

(Note: Protocol stipulates that nominations be accepted from delegates at an Ordinary General meeting and be referred to the Executive Committee for endorsement thereafter the life member to be presented with a badge, a certificate and benefit statement therein at a future General Meeting of the Association)

- 4.6 All delegates appointed will be bound by the model Code of Conduct for Local Government in NSW.

5 Vacancy in Representation

- 5.1 The office of delegate shall become vacant if:
 - a person resigns by letter, addressed to the member; or
 - the member withdraws the nomination of the delegate; or
 - the delegate dies or is declared bankrupt; or

- the delegate is absent from three consecutive meetings of the Association without having first obtained leave of absence from the Association.

5.2 Where the office of a delegate becomes vacant, the member concerned may appoint another delegate to fulfil the vacancy.

6 Dispute Resolution

6.1 A complaint may be made by any person who is a member of the Association. The complaint should be made to the Executive Officer, who will advise the Executive Committee of the nature or reason for such complaint.

6.2 In processing any complaint about alleged ethical misconduct, the Executive Committee will compile an objective and factual account of the dispute in question and make the best possible recommendation for the resolution of the case. The Committee, in taking any action, shall do so only for cause, shall only take the degree of disciplinary action that is reasonable, shall utilise these procedures with objectivity and fairness, and in general, shall act only to further the interests and objectives of the Association and its membership.

6.3 Should the Executive Committee require resignation by a delegate, it must advise the delegate and his/her member council of its intention to do so as well as a reason for the resignation. It is up to the member council to nominate a replacement delegate and take any disciplinary action.

6.4 A delegate may appeal such decision to his/her member council, or to a general meeting of the Association. Any appeal to the Association is to be determined by a simple majority of votes cast by members.

7 Executive of the Association

7.1 The Executive of the Association shall comprise the Chairperson, two Deputy Chairpersons, if such delegate is willing to accept nomination; and three (3) other delegates as the Association shall from time to time determine necessary. The three other delegates appointed to the Executive must come from three separate member council areas.

7.2 The Executive shall be elected annually by the delegates at the Annual General Meeting of the Association.

7.3 The Chairperson, or in his or her absence, a Deputy Chairperson, following consultation with all other members of the Executive, shall have the power to co-opt any delegate to the Executive to fill a casual vacancy for the balance of the term of the election for that position.

7.4 The Executive shall meet at least four times each year, at a time and place as determined by the Executive.

7.5 The Executive Officer shall give at least seven days' notice to each Executive member, of business to be transacted at the meeting.

- 7.6 Each member of the Executive shall have one vote, but the Chairperson shall also have one casting vote in the event of equality of voting.
- 7.7 Voting shall be by show of hands.
- 7.8 A quorum for a meeting of the Executive shall be three (3) members.
- 7.9 The Executive Officer shall attend all meetings of the Executive Committee and shall record the minutes of each meeting but does not have a vote.

8 Delegation

- 8.1 The Executive shall have authority to act on behalf of the Association to carry out the activities of the Association, in accordance with this Constitution and adopted policies.
- 8.2 The Executive may, by resolution, delegate any of its functions, activities and responsibilities to any member of its Executive or the Executive Officer, upon such terms as the Executive considers appropriate, with the exception of determining membership fees or other matters specifically reserved in this Constitution, to ensure the orderly day-to-day operation of the Association.

9 Staff

- 9.1 The Association shall have an Executive Officer, who shall be appointed by the Executive, and such other staff as the Association decides.
- 9.2 The Executive Officer shall also operate as the Public Officer and will be responsible for custody of the Association's records and documents.
- 9.3 Upon request, the Association's records and documents will be available for inspection by members without any charge and during normal business hours.
- 9.4 For the purpose of performing any of its powers, duties or functions, the Association may make use of the services of an employee of a member, if the prior approval of the member is obtained.

10 Advisory Subcommittees

- 10.1 The Association may, from time to time, appoint any number of subcommittees to achieve any responsibility, activity or object of the Association and may delegate to that subcommittee responsibility or activity.
- 10.2 Each subcommittee so formed may regulate its own affairs.

11 Meetings

- 11.1 A General Meeting of all delegates shall be held at least once each year, between October 1 and December 24 in each year and at such other times as the Executive determines.

- 11.2 Upon the written request of not less than three members of the Association and within thirty days of receiving such request, the Chairperson shall convene a special General Meeting of the Association.
- 11.3 The place and time for general meetings shall be as determined by the Executive from time to time.
- 11.4 The Executive Officer shall notify each member and each delegate of a meeting and of the nature of the business to be transacted at the meeting, not less than seven days beforehand.
- 11.5 The Executive Officer shall send copies of minutes of the previous meeting to each delegate in accordance with Clause 11.4.

12 Quorum

- 12.1 At a General Meeting, a quorum shall exist when the majority of member councils are represented.
- 12.2 If a quorum is not present, within one hour of the commencement time of the meeting, the meeting shall stand adjourned to another time and if necessary, another place, as determined by the Chairperson, or in the Chairperson's absence, a Deputy Chairperson.
- 12.3 If a quorum is not present at the adjourned meeting, the matters listed for consideration at the general meeting, shall be determined by the Executive.

13 Business at meetings

The business to be considered at a general meeting of the Association shall consist of:

- declarations of interest;
- matters of which due notice has been given by a member or a delegate;
- matters which the Chairperson submits to the meeting;
- reports by any staff of the Association;
- any report or recommendation by any sub-committee;
- such other matters as the meeting may determine are urgent and should be considered at that meeting.

14 Voting

- 14.1 Each delegate shall have one vote.
- 14.2 Proxy votes are permitted only in accordance with Clause 4.3.
- 14.3 There is no provision for postal voting under this Constitution.
- 14.4 The Chairperson of the meeting shall have one deliberative vote and in the event of equality of voting, have one casting vote.

14.5 Voting shall be determined upon a simple majority of those delegates voting, upon a show of hands.

14.6 Elections for a position on the Executive and Executive Committee shall be conducted in accordance with the provisions outlined in the sub clauses 14.6.1, 14.6.2, 14.6.3 and 14.6.4, following.

14.6.1 Contested Elections – Chairperson & Deputy Chairperson

- (1) If the number of candidates nominated for the positions of Chairperson and Deputy Chairperson is greater than one, the election is to be a contested election;
- (2) In the event of there being only two nominations for the election of one candidate for the indicated positions in (1) the voting system in such contested election will be by Ordinary Ballot (secret ballot) or by Open Voting (show of hands)
- (3) In the event of more than two nominations for a position in (1), the voting system used for the election shall be the preferential system;
- (4) If a contested election is required for either Chairperson or Deputy Chairpersons, the decision on the voting method for (2) is to be made at the Annual General Meeting immediately prior to the election.

14.6.2 Contested Election - Three positions for the Executive Committee

- (1) If the number of candidates nominated for the three (3) remaining Executive Committee positions is greater than that number, the election is to be a contested election.
- (2) The voting system in a contested election for the three (3) positions will be preferential.

14.6.3 Candidates' Nominations and Resumes

- (1) Nominations for office bearer positions are to be called for by the Executive Officer no later than two (2) weeks prior to the Annual General meeting date;
- (2) The Candidates for the positions in clause 14.6.1 and clause 14.6.2 should forward their nominations on the form provided to reach the Executive Officer not later than 4.30pm one week prior to the Annual General Meeting. Candidates should ensure their

nomination is seconded by a current Association delegate. This may take the form of the seconder signing the candidate's nomination form or alternatively by sending an email confirming their intent to second the nomination to reach the Executive Officer by the date of the election;

- (3) The nomination can be accompanied by a brief resume setting out details of the candidate's background in local government and the Association (if applicable) for distribution to delegates by the Executive Officer;

14.6.4 Voting Methods Policy for Annual Election of Executive

The voting methods policy, as tabled on 13th August 2015 and amended on 17th November 2017, is an annexure to the constitution. **Refer Annexure A.**

- 14.7 The decision of the Chairperson as to a count of votes shall be binding upon the meeting.

15 Powers of the Association

The Association shall have power in accordance with this Constitution:

- to carry out the objects of the Association; and
- to receive funds to carry out the objects and responsibilities of the Association.

16 Finance

The funds of the Association are derived from annual subscriptions of members and subject to any resolution passed by the Association at a general meeting. The Association will manage its fund internally with an accredited accounting package to current audit standards.

- 16.1 The Association's financial year shall be from July 1 to June 30.
- 16.2 The Executive shall present to the Annual General Meeting a budget setting out the projected income and expenditure of the Association for the ensuing financial year, together with an estimate of fees required of members to achieve the budget.
- 16.3 The Annual General Meeting shall determine member fees for the ensuing financial year.
- 16.4 Membership fees shall be for the period July 1 to June 30 of each year and be reviewed as per Clause 16.3 to allow increases in accordance with the permissible rate increase each year.

- 16.5 The Association shall promptly pay all monies received by it into a bank account which shall be operated in such a manner and by such persons as the Executive shall from time to time determine.

17 Office

The office of the Association shall be at such place as the Executive may from time to time determine.

18 Year

The Association's year shall be as follows:

- The financial operating year shall be from July 1 to June 30.
- The functional year shall be the calendar year and the Annual General Meeting and the election of officers will be held at the end of the calendar year.

19 Members' Liability

Members of the Association are not liable to contribute towards the payment of the debts and liabilities of the Association, or the costs, charges and expenses of the winding up of the Association, except to the extent of the amount, if any, unpaid by a member in respect of fees determined by the Association pursuant to Rule (Clause) 22.

20 Insurance

20.1 The Association shall effect and maintain insurance as required.

20.2 In addition to the insurance required under Clause 19.1, the Association may effect and maintain other insurance.

21 Annual Report

The Association shall submit an Annual Report to each of the members.

22 Termination of Membership

A member may resign from membership of the Association by giving three months' notice in writing of its intention to do so, to the Executive Officer, but shall be required to pay any fees due for membership up to the end of the current financial year.

23 Alterations to Constitution

No alterations or amendments shall be made to this Constitution unless at a general meeting and at least two-thirds of the delegates present at that meeting agree to such alterations or amendments.

24 Winding up of the Association

Upon the winding up of the Association, the debts and liabilities of the Association shall be discharged out of the assets of the Association. The balance of any assets held after payment of all debts and liabilities shall be transferred to the members equally.

25 Document Control

This constitution will be document controlled as changes are made to it as per Clause 23. **Refer Annexure B**

ANNEXURE A

VOTING METHODS POLICY FOR ANNUAL ELECTION OF EXECUTIVE

(ADOPTED BY ASSOCIATION 13/8/2015 AND AMENDED 17/11/2017)

Preamble

The following voting systems which are in use by local government councils across NSW and set down in related legislation are the basis for annual elections conducted by the Association of Mining & Energy Related Councils (NSW) Incorporated for the positions of Chairperson, Deputy Chairperson and Executive Committee.

Objective

The objective of the policy is to give the Association and its delegates guidelines to follow on the conduct of elections which can be clearly understood by all concerned and which can be used by the appointed Returning Officer to provide election results in a reasonable time frame at the Annual General Meeting.

This document supports clause 14-6 in the Association's constitution which lists the *requirements for annual elections in general terms. The method of voting and related matters* have been prepared in the following policy document to ensure that if in the future changes occur in NSW voting systems, amendments can be made to this document preventing unnecessary, continuing costly legislative changes to the Association's Constitution.

Election Methods

- A. For the election of one person, ie the Chairperson or any Deputy Chairperson.** The election shall be conducted using either the ordinary ballot (secret ballot) or open voting (show of hands) systems as determined by the delegates at the Annual General Meeting prior, if more than one nomination for either of these positions is received.

(Note: The election is to be conducted in accordance with Part 2 of the Local Government (General) Regulation 2005 – Schedule 7 outlined as follows:

“Part 2 - Ordinary Ballot or Open Voting

4. Application of Part 2 - This Part applies if an election proceeds by ordinary ballot or by open voting.
5. Marking of ballot-papers:
 - (1) If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot-papers.

- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
 - (3) All informal ballot-papers must be rejected at the count.
6. Count – 2 candidates:
- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
 - (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
7. Count – 3 or more candidates:
- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
 - (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
 - (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
 - (4) A further vote is to be taken of the 2 remaining candidates.
 - (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
 - (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

B. For the Election of the other Executive Committee Positions

Part 3 - Preferential ballot

- (1) Application of Part 3 - This part applies if an election proceeds for the other Executive Committee positions and is to be by preferential ballot.
- (2) Ballot-papers and voting:
 - (1) The ballot-papers are to contain the names of all the candidates. The delegates are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preferences for all the candidates.
 - (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

(3) Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the exhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this clause, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

(4) Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the number of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes – the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 - General

(1) Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.) “

ANNEXURE B

DOCUMENT CONTROL - CHANGES TO THE ASSOCIATION'S CONSTITUTION

| Special Meeting | Clause No | Detail of Change | Min No | Comment |
|--|--|---|-------------------------|---|
| Special General Meeting held on 13/8/15 | 14.Voting, Sub Clause 14.6 Deleted 14.6 replaced with 14.6.1 to 14.6.4 | Inclusion of a Voting Methods Policy in the constitution for clarity and transparency on the conduct of Annual Elections for Executive Positions. | SMM 1/2015 & SMM 2/2015 | Addition of Sub Clauses 14.6.1 to 14.6.4 to clarify & expand detail in 14.6 |
| Special General Meeting held on 13/5/16. | 12. Quorum, Sub Clause 12.1 | Revised membership from half of members to majority members present at the meeting. | SMM 1/2016 | Needed to adjust to the membership changes. |
| Special General Meeting held on 17/11/17 | 4. Representation, Sub Clause 4.5 & 4.6 and typographical in Sub Clause 4.4 the word "assists" should be "assist". | Remove restriction on delegates/life members having any association with mining and energy related companies and replace with delegates appointed bound to follow Model Code of Conduct for Local Government NSW and delete for life members. | SMM 6/2017 & 10/2017 | Needed to update the constitution to allow councils to broaden nomination of delegates to the Assoc and embrace Code of Conduct for NSW Councils. |
| Special General Meeting held on 17/11/17 | 1. Name; 2 Objects & 3 Membership – do changes throughout the constitution to the name in these Clauses. | Change name from Assoc. Mining Related Councils to Assoc. Mining and Energy Related Councils (NSW) Incorporated. | SMM 5/2017 | Change name to align with Strategic Plan strategies for 2017–2020 to reflect new renewable energy opportunities. |
| Special General Meeting 17/11/17 | 14. Voting, do changes to 14.6.1/2 | Remove proportional representation from Voting Methods Policy and re word clauses for clarity. | SMM 7/2017 & 8/2017 | To adjust voting systems to suit modern day voting methods. |
| Special General Meeting 17/11/17 | 14. Voting, do changes to nomination and seconders | Clarify nominations can attach a resume and seconders have until election day to submit seconder note. | SMM 7/2017 & 8/2017 | To improve nomination and seconding process for candidates. |
| Special General Meeting 17/11/17 | 25. Document Control. | Add new clause to record changes to constitution & Annex B. | SMM 6/2017 | For clarity & transparency. |
| Special General Meeting 23/2/18 | 7 & 7.1 Executive of Association – to take references out. | Delete reference to Coal and Metalliferous for two Deputy Chair positions | SMM 9/2018 | To adjust for adoption new Strategic Plan |
| Special General Meeting 23/2/18 | 14.6.1 & 14.6.1.1 Voting & Contested Elections | Delete reference to Coal and Metalliferous for two Deputy Chair positions | SMM 9/2018 | To adjust for adoption new Strategic Plan |
| Special General Meeting 23/2/18 | 14.6.3.2 & 14.6.3.4 Candidates Noms & Resumes | Rewording Clause 14.6.3.2 and the deletion of Clause 14.6.3.4 | SMM 9/2018 | For clarity and transparency |
| Special General Meeting 23/2/18 | 25. Document Control | Add changes to constitution & Annex B for Voting | SMM 9/2018 | For clarity & transparency |

| | | | | |
|---------------------------------|---------------------|---|-------------|---|
| Special General Meeting 9/11/18 | 4.5 Life Membership | Re write the clause to allow grant life membership in two forms - active life members & Honorary Life members | SMM 12/2018 | For clarity, transparency & improvement |
|---------------------------------|---------------------|---|-------------|---|



| | |
|----------------|--|
| 10.1.4. | Monthly Report to Council - Planning, Environment and Regulatory Services |
|----------------|--|

| | |
|---------------------|-----|
| Attachments: | Nil |
|---------------------|-----|

Responsible Officer: Sharon Pope - Director - Planning & Environment

Author: Michael Brady (Sustainability Officer - Waste), Kelly Lynch (Administration Officer), Tracy Ward (Sustainability Officer)

Community Plan Issue: 6 - Community Leadership

Community Plan Goal: Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.

Community Plan Strategy: 6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

REPORT

PLANNING AND ENVIRONMENT

Schedule 1: Development Applications Approved (08.04.2023 to 08.05.2023)

| DA No. | DESCRIPTION | PROPERTY | VALUE |
|-----------|---|--------------------------------------|-----------|
| 2023/32 | Demolition of damaged shed and construction of new shed and awning | 8 Koombahla Street Muswellbrook | \$141,020 |
| 2023/33 | Strata Subdivision of one (1) Lot into two (2) Lots | 1 Finnegan Crescent, Muswellbrook | \$9,500 |
| 2018/54/8 | S4.55 (1A) Modification - Tertiary Education Establishment and Food and Drink Premises, Alterations and Additions to the 'Loxton House', Heritage Listed Item, Level 1 ancillary office. Alterations and Additions to the Muswellbrook Public Library and Ancillary Works | 140 Bridge Street, Muswellbrook | \$0 |
| 2022/7/2 | S4.55 (2) Modification - Ancillary Shed | 10 Ted Clay Street Muswellbrook | \$33,000 |



| DA No. | DESCRIPTION | PROPERTY | VALUE |
|----------|---|-----------------------------------|--------------|
| 2023/25 | Construction of new single storey dwelling with attached garage | 20 Stockyard Parade, Muswellbrook | \$528,515 |
| 2022/147 | Change of Use - Tyre Recycling Facility | 12 Carramere Road, Muswellbrook | \$2, 200,000 |
| 2023/10 | Construction of a Single Storey Dwelling | 65 Stockyard Parade, Muswellbrook | \$652,385 |
| 2023/6 | Single storey dwelling | 45 Virginia Street, Denman | \$539,815 |
| 2023/5 | Change of use - Home Occupation | 22 Roger Street, Muswellbrook | \$3,000 |
| 2022/109 | Ancillary Development - Garage | 9 Aberdeen Street, Muswellbrook | \$73,507 |

TOTAL = 10***Schedule 2: Development Applications Currently Being Assessed******As at 8/5/2023***

| DA No. | DESCRIPTION | PROPERTY | VALUE |
|----------|--|-----------------------------------|-----------|
| 2023/48 | Granny Flat, Double Garage & Driveway | 11 Ogilvie Street, Denman | \$150,000 |
| 2023/45 | Ancillary Development - Shed & Demolition of Existing Shed | 73 Ford Street, Muswellbrook | \$63,000 |
| 2021/8/3 | S4.55 (1) Modification - Ancillary Development Shed | 12 Octagonal Way, Muswellbrook | \$18,000 |
| 2023/46 | Inground Swimming Pool | 51 Virginia Street, Denman | \$49,100 |
| 2023/42 | Ancillary Development - Shed | 56 Stockyard Parade, Muswellbrook | \$33,005 |
| 2023/44 | Ancillary Development Shed | 17 Lou Fisher Place Muswellbrook | \$19,600 |
| 2023/37 | Change of Use Health Consulting Room & Additions of an Accessible Ramp | 86 Sydney Street, Muswellbrook | \$25,000 |
| 2023/43 | Replacement Big W Signage | 72-78 Brook Street, Muswellbrook | \$62,400 |



| DA No. | DESCRIPTION | PROPERTY | VALUE |
|------------|--|---|-------------|
| 2023/38 | Construction of thirty (30) multi-dwelling housing (inc.4 adaptable) with associated car parking and landscaping | 59 Tindale Street, Muswellbrook | \$4,462,000 |
| 2023/43 | Steel Frame Industrial structure | 12 Wallarah Road, Muswellbrook | \$100,000 |
| 2023/40 | Steel frame Industrial Structure | 4 Wallarah Road, Muswellbrook | \$100,000 |
| 2023/26 | Refurbishment and additions to the Campbell's Corner building including new Council Chambers and Meeting Room, takeaway food shop fitout, new entryway and modified cafe space, fresh produce shop, commercial office fitout and a heritage tile display space | 60-82 Bridge Street, Muswellbrook | \$1,261,252 |
| 2023/39 | Shed with attached awning | 188 Skellatar Stock Route, Muswellbrook | \$19,465 |
| 2023/35 | Change of use to allow for the ground floor operation of a food bank. | 75 Bridge Street, Muswellbrook | - |
| 2023/36 | Construction of Single Storey Dwelling with Attached Garage | 5 Stockyard Parade, Muswellbrook | \$579,540 |
| 2017/100/2 | S4.55(1A) Modification - Continuation of use - Shooting Range | Dolahentys Road, McCullys Gap | - |
| 2021/139/2 | S4.55(1A) Modification - Alterations and Additions- Educational estab | 57 Maitland Street MUSWELLBROOK NSW 23 | - |
| 2023/34 | Ancillary Development - Shed | 12 Lou Fisher Place, Muswellbrook | \$22,000 |
| 2023/17 | Replace Existing Retaining Wall | 4 Doyle Street, Muswellbrook | \$53,369 |
| 2019/30/3 | S4.55 (1A) Modification - Minor amendments to plans Minor amendments to ensure DA approved plans are consistent with construction certificate plans. | 28-32 Maitland Street, Muswellbrook | - |



| DA No. | DESCRIPTION | PROPERTY | VALUE |
|----------|--|--------------------------------------|-------------|
| 2023/29 | Dwelling House | 6 Stable Close, Muswellbrook | \$538,860 |
| 2023/28 | Dwelling House | 27 Stockyard Parade, Muswellbrook | \$597,955 |
| 2023/30 | Shed | 43 Stockyard Parade, Muswellbrook | \$16,110 |
| 2023/31 | Alterations & Additions to Existing Dwelling to Create a Dual Occupancy with Swimming Pool | 84 Palace Street, Denman | \$400,000 |
| 2023/14 | Storage Complex - 103 self storage units and 12 open storage bays | Turner Street, Denman | \$3,555,527 |
| 2023/21 | Shed over existing slab | 3 Osborn Avenue, Muswellbrook | \$34,242 |
| 2023/24 | Shed | 36 Hunter Terrace, Muswellbrook | \$52,985 |
| 2023/23 | Shed | 5 Mussel Street, Muswellbrook | \$18,600 |
| 2023/22 | Strata subdivision of land with existing duplex dwelling | 5 Wattle Street, Muswellbrook | \$10,000 |
| 2023/20 | Construction of a Single Storey Dwelling | 11 Herdsmen Close, Muswellbrook | \$579,265 |
| 2023/16 | Dwelling House | 16 Martindale Street, Denman | \$457,383 |
| 2023/13 | Carport | 4 Goruk Close, Muswellbrook | \$10,000 |
| 2022/121 | Dual Occupancy and Strata Subdivision | 12 Bimbadeen Drive, Muswellbrook | \$675,000 |
| 2023/18 | Dwelling House | Rouchel Gap Road, McCullys Gap | \$785,294 |
| 2023/12 | Ancillary Development - Shed | 40 Sowerby Street, Muswellbrook | \$20,000 |
| 2023/11 | Single Storey Dwelling | 69 Stockyard Parade, Muswellbrook | \$669,210 |



| DA No. | DESCRIPTION | PROPERTY | VALUE |
|-------------|---|--|-------------|
| 2023/4 | Alterations and additions to commercial (Veterinary Hospital) | 14 Aberdeen Street, Muswellbrook | \$181,650 |
| 2022/148 | Construction of Shed – Farm Building | 400 Yarrowa Road, Denman | \$52,000 |
| 2020/131/2 | S4.55 (1A) Modification - Dwelling Additions and Swimming Pool | 104 Osborn Avenue, Muswellbrook | - |
| 2023/2 | Ancillary Development - Shed. Demolishing existing garden shed | 4 Towarri Street, Muswellbrook | \$29,858 |
| 2022/116 | Farm Building | 161A-161B Goulburn Drive, Sandy Hollow | \$24,139 |
| 2022/153 | Two (2) lot Subdivision | 53 Ford Street, Muswellbrook | - |
| 2022/154 | Multi dwelling housing - Five (5) single storey dwellings | 47 Osborn Avenue, Muswellbrook | \$1,550,000 |
| 2022/140 | Change of Use - Industrial Development | 12 Carramere Road, Muswellbrook | \$2,200,000 |
| 2022/151 | Residential Shed | 60 Stockyard Parade, Muswellbrook | \$40,000 |
| 2022/149 | Single Storey Dwelling | 56 Stockyard Parade, Muswellbrook | \$527,100 |
| 2022/129 | Home Based Hair & Beauty Business | 100 Yarrowa Deviation Rd, Yarrowa | \$5,000 |
| 20112/184/2 | S4.55(1A) Modification of Development Determination - Condition 1 | 31 Strathmore Road, Muswellbrook | - |
| 2022/132 | Sixty Eight (68) Lot Subdivision and Child Care Centre | 9036 New England Highway, Muswellbrook | \$6,705,835 |
| 2022/124 | Shed for Community Facility | 17-19 Maitland Street, Muswellbrook | \$182,720 |
| 2022/128 | Single Storey Dwelling | 60 Stockyard Parade, Muswellbrook | \$426,445 |
| 2022/118 | Ancillary Development - Shed | 7 Shaw Crescent, Muswellbrook | \$48,300 |



| DA No. | DESCRIPTION | PROPERTY | VALUE |
|-----------|---|--|--------------|
| 2022/107 | Single Storey Attached Dual Occupancy & Two (2) Lot Strata Subdivision | 48 Finnegan Crescent, Muswellbrook | \$702,182 |
| 2017/18/3 | S4.55 (1A) Modification - Modification to Outdoor Gaming Area and Car Park Arrangement | 15 Sydney Street, Muswellbrook | - |
| 2019/5/2 | S4.55 (1A) Modification - Revised Caravan Park Site Layout | 9080 New England Highway, Muswellbrook | - |
| 2022/100 | Dual occupancy | 67A Queen Street, Muswellbrook | \$540,000 |
| 2022/95 | Staged Demolition of Existing Buildings and Construction of New Grandstand and Amenities. | 3 Wilkinson Avenue, Muswellbrook | \$9,455,600 |
| 2022/92 | Subdivision of One (1) Lot into One Hundred & Ninety Four (194) Residential Lots | Almond Street DENMAN NSW 2328 | \$18,284,734 |
| 2022/80 | Remediation and Earthworks | Coal Road, Muswellbrook | \$2,516,829 |
| 2022/45 | Manufactured Home and Associated Structures | 120 Yarraman Road, Muswellbrook | \$417,100 |
| 2022/205 | S4.55 (1A) Modification - Changes in Rehabilitation Framework | Muscle Creek Road, Muscle Creek | - |
| 2022/30 | Steel Framed Deck 7 Internal Fit Out | 93A Hill Street, Muswellbrook | \$30,000 |
| 2021/137 | Change Of Use to Educational Facility | 820 Rosemount Road, Denman | - |
| 2021/73 | Temporary use of the land for receipt and dismantling of rail wagons with off-site disposal | 18 Strathmore Road, Muswellbrook | \$50,000 |
| 2021/58 | Organics Recycling Facility | 252 Coal Road, Muswellbrook | \$3,850,000 |
| 2020/102 | Hotel Accommodation (Royal Hotel) | 10 Ogilvie Street, Denman | \$20,000 |
| 2020/83 | Subdivision of one lot (1) into three (3) | 60-62 Palace Street, Denman | \$10,000 |
| 2020/7 | Additions and Alterations to existing Hotel | 184 Bridge Street, Muswellbrook | \$110,000 |



| DA No. | DESCRIPTION | PROPERTY | VALUE |
|------------|---|--|-------------|
| 2019/53 | Subdivision of Two (2) Lots into Seventy Five (75) Lots | 9027 New England Highway, Muswellbrook | \$4,875,600 |
| 2023/51 | Dwelling | 2 Herdsmen Close, Muswellbrook | \$895,572 |
| 2023/3 | Proposal for use of land as a Caravan Park, related landscaping and ancillary development | 66 Palace Street, Denman | - |
| 2012/184/3 | Alterations and Additions to Waste Transfer Station | 31 Strathmore Road, Muswellbrook | - |

Total = 73

20.1.12 Inspect onsite wastewater sewerage systems to ensure they are installed and maintained in compliance with regulatory requirements.

On-site Wastewater Statistics - 13 Month Analysis (2022/2023)

| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan 23 | Feb 23 | Mar 23 | Apr 23 |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|--------|--------|--------|
| Applications Received (new installation) | 0 | 0 | 0 | 0 | 3 | 2 | 0 | 2 | 0 | 0 | 0 | 2 | 0 |
| Applications Approved (new installation) | 1 | 0 | 0 | 2 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Inspections (new system) | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 7 | 0 |
| Inspections (existing system) | 0 | 18 | 39 | 1 | 1 | 0 | 0 | 1 | 1 | 0 | 2 | 0 | 0 |



24.1.5 Registration and inspection of regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, air handling systems) in accordance with regulatory requirements to ensure public health and safety is protected.

| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan 23 | Feb 23 | Mar 23 | Apr 23 |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|--------|--------|--------|
| Applications Received (new businesses) | 0 | 0 | 1 | 3 | 3 | 7 | 1 | 1 | 3 | 3 | 13 | 10 | 1 |
| Inspections (new businesses) | 0 | 0 | 3 | 1 | 0 | 8 | 1 | 3 | 1 | 1 | 2 | 2 | 0 |
| Inspections (existing businesses) | 1 | 12 | 13 | 0 | 0 | 0 | 0 | 5 | 0 | 15 | 3 | 4 | 13 |
| Reinspections | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

4.1.1.1 Reduce the environmental impact of development on our community by carrying out regular inspection of building sites and monitoring waste.

Building Site Compliance Inspection Statistics – 13 Month Analysis (2021/2022)

| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan 23 | Feb 23 | Mar 23 | Apr 23 |
|----------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|--------|--------|--------|
| Total Sites Inspected | 7 | 6 | 9 | 0 | 0 | 0 | 23 | 19 | 17 | 17 | 15 | 12 | 11 |
| Total non-compliant and educated | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total compliance after education | 0 | 0 | 0 | 0 | 0 | 0 | 23 | 19 | 0 | 0 | 15 | 12 | 0 |
| Total Penalty Notices Issued | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |



14.1.11 Continue surveillance and regulation of illegal dumping on an ongoing basis through participation in the Hunter Central Coast Regional Illegal Dumping Squad

13 Month Analysis (2021/2022)

| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan 23 | Feb 23 | Mar 23 | Apr 23 |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|--------|--------|--------|
| Total Investigations | 6 | 5 | 3 | 3 | 7 | 1 | 0 | 1 | | | 4 | 7 | 4 |
| Total Clean up by Council - insufficient evidence | 6 | 5 | 3 | 2 | 7 | 1 | 0 | 1 | | | 0 | 0 | 0 |
| Total Clean Up by individual | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | | | 1 | 6 | 0 |
| Total Penalty Notices Issued | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | | | 0 | 0 | 0 |
| Court Attendance Notice Issued | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | 0 | 0 | 0 |
| Still under investigation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | 3 | 1 | 4 |

24.1.8 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are implemented.

13 Month Analysis (2022-23) – as at 8/5/2023

| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan 23 | Feb 23 | Mar 23 | Apr 23 | Total |
|------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|--------|--------|--------|-------|
| Applications for Compliance Certs. | 1 | 7 | 3 | 1 | 5 | 3 | 3 | 5 | 3 | 1 | 2 | 3 | 0 | 38 |

| | | | | | | | | | | | | | | |
|--|---|---|---|----|----|----|---|---|----|---|----|---|---|-----|
| Total compliance inspections (not inc. finals for OCs) | 2 | 4 | 0 | 24 | 18 | 17 | 9 | 4 | 10 | 5 | 11 | 8 | 7 | 112 |
| Initial Inspections | 2 | 3 | 0 | 18 | 11 | 8 | 8 | 1 | 7 | 1 | 3 | 5 | 2 | 67 |
| Re-inspections | 0 | 1 | 0 | 6 | 7 | 9 | 1 | 3 | 3 | 4 | 8 | 3 | 5 | 45 |



| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan 23 | Feb 23 | Mar 23 | Apr 23 | Total |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|--------|--------|--------|-------|
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|--------|--------|--------|-------|

| | | | | | | | | | | | | | | |
|--------------------------------------|---|---|---|---|----|---|---|---|---|---|---|---|---|----|
| Compliance Certs / Occ. Certs issued | 4 | 4 | 1 | 5 | 13 | 7 | 2 | 3 | 1 | 1 | 1 | 7 | 3 | 49 |
|--------------------------------------|---|---|---|---|----|---|---|---|---|---|---|---|---|----|

| | | | | | | | | | | | | | | |
|---------------|-------|--------|--------|--------|--------|--------|-------|--------|--------|----------|-------|----------|----------|-------------|
| Fees invoiced | \$150 | \$1400 | \$4986 | \$2845 | \$2486 | \$3863 | \$477 | \$1050 | \$1263 | \$363.64 | \$700 | \$863.64 | \$740.91 | \$20,597.28 |
|---------------|-------|--------|--------|--------|--------|--------|-------|--------|--------|----------|-------|----------|----------|-------------|

Total Pools in Council's SPR = 972

(Note: 1110 records in SPR but 135 have been notified as demolished, 2 are Council's Public Pools and 1 is on Crown Land)

Current Compliance = 28%

SUSTAINABILITY

Sustainability Update – 23 March to 20 April 2023

Muscle Creek AGL Project

The Muscle Creek AGL Project has now been completed. This included the installation of solar lighting along the footpath adjacent to Muscle Creek, completion of a new footpath linking existing footpaths, planting 1200 native seedlings, weed control and the development of an Augmented Reality (AR) experience.

Go on an Augmented Reality (AR) tour of Muscle Creek with Pat the Platypus. Discover 6 AR experiences starting at Simpson Park and along Muscle Creek. There are 6 purple posts with AR codes and 4 purple posts giving you directions. Take a screenshot of you and Pat and share on social media. [#pattheplatypus](https://twitter.com/pattheplatypus)



Native Seedlings Giveaway

Over the past few weeks Council has given away over 1200 native seedlings to local residents as part of its Major Landcare Projects Program. This has proved very popular with residents, especially those living on larger properties.





University Visit to Muswellbrook

Council's Sustainability Unit hosted a field trip by 80 students from The university of Newcastle at the Sustainability Hub in Muswellbrook recently. They were here to learn about what our community is doing to plan for a future taking climate change into consideration. Big thanks to Anne from the Penguin Community Garden, Stephen from Muscle Creek Landcare, Rob and Jo from AGL Macquarie. Our future is in good hands.



Hunter Beach Community Planting

Recently Muswellbrook Shire Council's Sustainability and Natural Areas teams hosted a native seedling planting event at the newly transformed Hunter Beach. 30 community volunteers planted 400 native seedlings. The species chosen naturally grow in a floodplain, and tree guards and weed mats are used to help the seedlings establish. A big thanks to all the great volunteers who helped out on the day, and thanks to Muswellbrook Netball Association for cooking the BBQ.





Hunter Family Centre

Sustainability staff recently assisted residents to plant healthy food seedlings as the Hunter Family Centre.



Worms and Book to Sandy Hollow Public School

Sandy Hollow Public School students received their Books in Homes!

Books in Homes is a charitable foundation that helps provide free books to children living in remote, disadvantaged and low socio-economic areas, ensuring the development of reading skills and love of books needed for lifelong achievement. Sustainability staff presented students with their books. Sustainability staff also presented the school with a worm farm, a gift to the school after students wrote to council earlier in the year requesting assistance to make their school more sustainable. The worm farm was almost more exciting than the books. Students thoroughly enjoyed helping to set up our worm farm.





Puppet Show at Sandy Hollow Public School

Sustainability staff visited the Sandy Hollow Public School to present the Waste Wranglers puppet show. Students met Wilbur the Water Warrior and his friends, Gene the Gardener, Reece the Recycler, Max and Minimiser and Sunny Spark. Students learned some valuable lessons in how to recycle and reuse, so that SHPS can make a difference in how they care for our environment. Students also joined in with a performance by members of the Warrior Disability Services and had an awesome time.



OpenAir Project

The Sustainability Unit has had three Clarity air sensors deployed at the Department of Environment's air quality reference stations since December 2022. This is to calibrate the Clarity sensors to the reference sensors. The calibration for PM2.5 and PM10 has performed well but the calibration for nitrogen dioxide requires a longer calibration period.

With consultation with staff from Clarity, the National Smart Sensing Network and several universities the decision was made to deploy sensors to test for PM10 and PM2.5 before and during the winter months.

The sensors will be deployed next week for Winter before returning to the reference station for another calibration period to fine tune the calibration for nitrogen dioxide. The sensors will then be deployed in locations along the New England Highway to measure levels of nitrogen dioxide along with PM2.5 and PM10.



Clarity air sensors deployed at the Bowman Park Air Quality Station for calibration.



Flying Foxes

Grey Headed Flying Fox numbers appear relatively stable with two camps still present in the Muswellbrook Shire. There is a camp alongside Muscle Creek near the Aquatic Centre, The Remington and Muswellbrook Motor Inn. Managers at both motels have been assisted with the provision of car covers and information brochures about Flying Foxes. They have both had financial assistance in the last year from Office of Environment and Heritage with property modifications. The camp in the Denman Van Village is causing some issues for the managers of the park as the flying foxes have begun roosting in trees above the barbecue area. The Sustainability Unit is assisting them to apply for a level two threatened species license to undertake tree trimming around this area to discourage roosting there by the flying foxes.

The CSIRO census count undertaken by the Sustainability Unit in April found that there were approximately 300 flying foxes in each camp, a substantial drop from previous months, indicating that food availability may becoming scarce.



Flying foxes roosting in trees above the barbecue area at Denman Van Village.

Sustainable Futures – Muswellbrook

The popularity of the Sustainable Futures – Muswellbrook Facebook page continues to grow. It has now received 1,658 page likes and 1,790 page followers. This page continues to be a great way for Council to engage with the community around a range of sustainability topics. This includes promoting the Community Recycling Centres, correct waste management practices, sewerage management, the Reuse Shop, soft plastic recycling, Sustainability Hub activities, reducing food waste, plastic free July, worm farms, composting, grant projects and more.



10.2. Community Infrastructure

10.2.1. Liquid Trade Waste Regulation Policy MSC31E for ADOPTION

Attachments:

1. Liquid Trade Waste Regulation Policy MSC31E [10.2.1.1 - 43 pages]
2. Policy S15 2 Liquid Trade Waste Regulation to be superseded by adoption of [10.2.1.2 - 62 pages]
3. Muswellbrook Shire Council TW Policy - consent [10.2.1.3 - 1 page]

Responsible Officer:

Derek Finnigan - Acting General Manager

Author:

Irene Chetty (Operations Manager: Water and Wastewater), Madeleine St John (Business Improvement Officer), Chloe Wuiske (Business Improvement Officer)

Community Plan Issue:

- 5 - Community Infrastructure
- 6 - Community Leadership

Community Plan Goal:

Effective and efficient infrastructure that is appropriate to the needs of our community.

Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.

Community Plan Strategy:

- 5.3.1 - Water, sewerage and waste services are provided in compliance with regulatory requirements.
- 6.2.5 - Implement a comprehensive and targeted business improvement program.
 - 5.3.1.1 - Carry out Best Practice audit of water and wastewater services.
 - 6.2.5.2 - Review the policy management framework.

PURPOSE

To present the *Liquid Trade Waste Regulation Policy* to Council for adoption.

OFFICER'S RECOMMENDATION

Council ADOPTS the *Liquid Trade Waste Regulation Policy*.

Moved: _____ **Seconded:** _____

BACKGROUND

The *Liquid Trade Waste Regulation Policy MSC31E* (the Policy) (Attachment 1) is a new policy developed to align with the NSW Department of Planning and Environment's *Liquid Trade Waste Management Guidelines 2021*.

The Policy sets out how Muswellbrook Shire Council will regulate liquid trade waste discharges to its sewerage system in accordance with the *NSW Framework for Regulation of Liquid Trade Waste*.



Council has a previously adopted *Liquid Trade Waste Regulation Policy S15/2* (Attachment 2) which was last reviewed in 2020 and will become superseded if the *Liquid Trade Waste Regulation Policy MSC31E* is adopted.

CONSULTATION

NSW Department of Planning and Environment, Water Utilities Group

Operations Manager Water and Wastewater

MANEX

The Community was consulted via public exhibition of the Policy on Council's website from 2 March 2023 to 29 March 2023.

REPORT

At the 28 February 2023 Ordinary Council Meeting, Council endorsed the draft *Liquid Trade Waste Regulation Policy MSC31E* for Public Exhibition via Council's website for a period of 28 days.

The Policy was exhibited on Council's website from 2 March 2023 to 29 March 2023.

No submissions were received by Council during the submission period.

The Policy was submitted to the Regulator (NSW Department of Planning and Environment, Water Operations) following public exhibition to advise that no submissions were received.

The Regulator has reviewed the Policy and has considered it to be satisfactory and have given consent to Council's Policy. The consent letter is attached to this report (attachment 3). The adoption date of the Policy shall be submitted to the Regulator for their records. The Regulator noted that Council must not modify the Policy without their written consent.

OPTIONS

Council may:

1. Resolve to adopt the *Liquid Trade Waste Regulation Policy*, to align with the new *Liquid Trade Waste Management Guidelines 2021*;
2. Request amendments to the *Liquid Trade Waste Regulation Policy*, resubmit to NSW Department of Planning and Environment, Water Utilities Group for review and a further report be submitted to Council for consideration.

CONCLUSION

It is recommended that Council adopts the attached *Liquid Trade Waste Regulation Policy*.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

Nil known.

POLICY IMPLICATIONS

The policy has been reviewed in line with Council's Policy Management Framework.

STATUTORY IMPLICATIONS

Legislation relating to the *DRAFT Liquid Trade Waste Regulation Policy* includes:



- Liquid Trade Waste Regulation Guidelines, 2021
- Local Government Act 1993
- Australian Wastewater Quality Management Guidelines, July 2022
- NSW Government's Best-Practice Management of Water Supply and Sewerage Guidelines, 2007
- Protection of the Environment Operations Act 1997

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

5.3.1.1 - Carry out Best Practice audit of water and wastewater services.

6.2.5.2 - Review the policy management framework.

RISK MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Public exhibition of the draft Policy on Council's website from 2 March 2023 to 29 March 2023 provided the Community with an opportunity to make submissions. No submissions were received by Council during the submission period.



Liquid Trade Waste Regulation Policy

MSC31E

Authorisation Details

| | | | |
|--------------------------|---------------------------------------|---------------------------|----------|
| Authorised by: | | Internal/External: | External |
| Date: | | Minute No: | |
| Review timeframe: | 4 years | Review due date: | |
| Department: | Community Infrastructure Services | | |
| Document Owner: | Operations Manager Water & Wastewater | | |

Details History

| Version No. | Date changed | Modified by | Amendments made |
|-------------|--------------|------------------------|---|
| 1 | 20.01.23 | Operations Manager W&W | New Policy to align with <i>Liquid Trade Waste Management Guidelines 2021</i> |
| | | | |
| | | | |
| | | | |

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Policy Statement

This policy sets out how **Muswellbrook Shire** Council will regulate liquid trade waste discharges to its sewerage system in accordance with the NSW Framework for Regulation of Liquid Trade Waste (Appendix F).

Sewerage systems are generally designed to cater for liquid waste from domestic sources that are essentially of predictable strength and quality. Council **may** accept liquid trade waste into its sewerage system as a **service** to businesses and industry.

Liquid trade wastes may exert much greater demands on sewerage systems than domestic sewage and, if uncontrolled, can pose serious problems to public health, worker safety, Council's sewerage system and the environment.

This Policy is consistent with the *Liquid Trade Waste Management Guidelines 2021* developed by the Water Utilities branch of the NSW Department of Planning and Environment (https://www.industry.nsw.gov.au/__data/assets/pdf_file/0010/147088/trade-waste-management-guidelines.pdf)

Contents

| | |
|---|----|
| Authorisation Details | i |
| Details History | i |
| Policy Statement | ii |
| 1 Introduction | 1 |
| 1.1 What is liquid trade waste? | 1 |
| 1.2 Objectives | 2 |
| 2 Structure of the Policy | 2 |
| 2.1 Part 1 – Exemptions | 2 |
| 2.2 Part 2 - Criteria for approval to discharge liquid trade waste into council's sewerage system | 3 |
| 2.2.1 Factors for consideration | 3 |
| 2.2.2 Discharge quality | 3 |
| 2.2.3 Prohibited or restricted substances and waste | 5 |
| 2.2.3.1 Other substances/discharges either prohibited or restricted | 6 |
| 2.3 Part 3 –Matters relating to liquid trade waste approvals | 6 |
| 2.3.1 Application procedures and approval process | 6 |
| 2.3.2 Who can lodge an application | 7 |
| 2.3.3 Council's process in determination of applications | 7 |
| 2.3.4 Approval of applications | 7 |
| 2.3.5 Refusal | 7 |
| 2.3.6 Change of approval holder | 7 |
| 2.3.7 Validity of an existing approval | 7 |
| 2.3.8 Modification and revocation of approvals | 7 |
| 2.3.9 Concurrence | 7 |
| 3 Sewerage and liquid trade waste fees and charges | 8 |
| 3.1 Liquid trade waste charging categories | 8 |
| 3.2 Non-compliance liquid trade waste charges | 9 |
| 3.3 Other applicable liquid trade waste charges | 9 |

| | | |
|----------|--|-----------|
| 3.4 | Charges for premises with multiple liquid trade waste streams..... | 9 |
| 3.5 | Summary of category specific fees and charges | 9 |
| 4 | The NSW framework for regulation of sewerage and trade waste and alignment of with the national framework. | 10 |
| 5 | Liquid trade waste service agreement..... | 10 |
| 6 | Enforcement of approvals and agreements | 10 |
| 7 | Prevention of waste of water | 11 |
| 8 | Effluent improvement plans..... | 11 |
| 9 | Due diligence programs and contingency plans | 11 |
| | Appendix A - Glossary | 12 |
| | Appendix B – Deemed to be Approved Activities | 15 |
| | Appendix C - Prohibited or restricted substances and wastes from discharge to sewer | 17 |
| C1 | Stormwater from open areas..... | 17 |
| C2 | Contaminated groundwater | 17 |
| C3 | Discharge of landfill leachate | 17 |
| C4 | Discharge from float tanks..... | 17 |
| C5 | Discharge from Service station forecourts and other refuelling points | 18 |
| C5.1 | New premises..... | 18 |
| C5.2 | Existing premises | 18 |
| C6 | Discharges from liquefaction and/or pulverisation of solid waste by physical or chemical processes..... | 18 |
| C6.1 | Discharge from Solid Food Waste Processing Units (digesters/ composters, etc.) | 19 |
| C7 | Use of additives in pre-treatment systems | 19 |
| C8 | Discharge of disposable products marketed as flushable | 19 |
| | Appendix D - Non-residential sewerage and liquid trade waste fees and charges | 20 |
| D1 | Non-residential sewerage pricing | 20 |
| D2 | Liquid Trade Waste fees and charges..... | 21 |
| D2.1 | Description of various trade waste fees and charges..... | 22 |
| D3 | Category 1 discharger | 22 |
| D3.1 | Category 1 discharger - Liquid trade waste charges | 23 |
| D4 | Category 2 discharger | 23 |
| D4.1 | Category 2 discharger - Liquid trade waste charges | 24 |

| | | |
|---|--|-----------|
| D5 | Category 2S discharger..... | 24 |
| D5.1 | Category 2S discharger - Liquid trade waste charges..... | 24 |
| D6 | Category 3 discharger | 25 |
| D6.1 | Category 3 discharger - Liquid trade waste charges | 26 |
| D6.2 | Tanker Category 3 waste | 27 |
| D7 | Non-compliance liquid trade waste charges..... | 27 |
| D7.1 | Category 1 discharger - non-compliance charges..... | 27 |
| D7.2 | Category 2 discharger – non-compliance charges..... | 27 |
| D7.3 | Non-compliance charges for Category 3 discharger | 28 |
| D8 | Other applicable liquid trade waste charges | 29 |
| D8.1 | Garbage grinders - Food waste disposal charge..... | 29 |
| D8.2 | Solid food waste processing unit..... | 29 |
| D8.3 | Discharge of stormwater from large open areas or large quantities of groundwater to the sewerage system..... | 29 |
| D8.4 | Charges for premises with multiple liquid trade waste streams..... | 29 |
| Appendix E – List of discharges Council may approve..... | | 31 |
| E1 | Classification A | 31 |
| Appendix F - Framework for regulation of liquid trade waste..... | | 33 |
| F1 | The NSW framework for regulation of sewerage and trade waste | 33 |
| F2 | Alignment with the national framework for wastewater source management | 33 |
| Appendix G – Legislative provisions..... | | 35 |

1 Introduction

This Policy has been developed to ensure the proper control of liquid trade waste and hence protection of public health, worker safety, the environment, and Council's sewerage system. The policy also promotes waste minimisation, water conservation, water recycling and biosolids reuse.

In addition, the approval, monitoring and enforcement processes for liquid trade wastes discharged to Council's sewerage system and the levying of commercial sewerage and liquid trade waste fees and charges are described in this document. The procedure for liquid trade waste approval is governed by Chapter 7 of the Local Government Act.

Under section 68 of the *Local Government Act 1993* (Act), a person wishing to discharge liquid trade waste to the sewerage system must obtain prior approval from Council. Discharge of liquid waste other than domestic sewage without prior approval is an offence under section 626 of the Act.

1.1 What is liquid trade waste?

Liquid trade waste is defined in the Local Government (General) Regulation 2021 as below:

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

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

- industrial premises
- business/commercial premises (e.g., beautician, florist, hairdresser, hotel, motel, restaurant, butcher, supermarket, etc.)
- community/public premises (including clubs, school, college, university, hospital and nursing home)
- any commercial activities carried out at residential premises
- saleyards, racecourses and stables and kennels that are not associated with domestic households
- tankered human waste, ship-to-shore waste from marina pump-out facilities, portable toilet waste and established sites for the discharge of pan contents from mobile homes/caravans
- any other waste tankered to the sewerage facilities, e.g., 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 (i.e. domestic sewage)
- wastewater from common laundry facilities in caravan parks (Note that discharges from common kitchen facilities in caravan parks are liquid trade waste)
- residential pool backwash.

1.2 Objectives

The objectives¹ of this policy are:

- to protect public and workers health and safety and the environment
- to protect council's assets from damage
- to minimise adverse impacts on the sewage treatment processes
- to assist Council meeting regulatory and licence compliance
- to promote water conservation, waste minimization, cleaner production, effluent recycling and biosolids reuse
- to provide an environmentally responsible liquid trade waste service to the non-residential sector
- to ensure commercial provision of services and full cost recovery through appropriate sewerage and liquid trade waste fees and charges.

2 Structure of the Policy

This policy comprises three parts:

- Part 1 specifies the circumstances in which a person is exempt from the necessity to apply for an approval to discharge liquid trade waste to Council's sewerage system
- Part 2 specifies the criteria which Council will take into consideration in determining whether to give or refuse a liquid trade waste approval
- Part 3 specifies the application procedure and approval process, liquid trade waste discharge categories and applicable fees and charges, the NSW Framework for Regulation of Liquid Trade Waste, alignment with the *National Framework for Wastewater Source Management* and other relevant information

2.1 Part 1 – Exemptions

The list of discharges exempts from obtaining of Council's approval is provided in Appendix B. These discharges are known as 'Deemed to be approved'. Each such discharger must meet the standard requirements specified in Appendix B.

¹ The above objectives are consistent with the *National Framework for Sewage Quality Management* in the *Australian Wastewater Quality Management Guidelines, July 2022*, Water Services Association of Australia (WSAA).

2.2 Part 2 - Criteria for approval to discharge liquid trade waste into council's sewerage system

2.2.1 Factors for consideration

Council's decision to accept liquid waste into its sewerage system will be based on the discharger satisfying Council's requirements. Therefore, when determining an application to discharge liquid waste to the sewerage system, Council will consider the following factors:

- The potential impacts of the proposed discharge on Council's ability to meet the objectives outlined in s. 1.2 of this document.
- The adequacy of the pre-treatment process(es) to treat the liquid trade waste to a level acceptable for discharge to the sewerage system, including proposed contingency measures in an event of the pre-treatment system failure
- The capability of the sewerage system (reticulation and treatment components) to accept the quantity and quality of the proposed liquid waste
- The adequacy of chemical storage and handling facilities, and the proposed safeguards for prevention of spills and leaks entering to the sewerage system
- The adequacy of the proposed due diligence program and contingency plan, where required.
- Proposed management of prohibited substances and other liquid waste not planned to be discharged to the sewerage system and safeguards to avoid any accidental discharge
- The potential for stormwater entering the sewerage system and adequacy of proposed stormwater controls
- The potential for growth of the community

2.2.2 Discharge quality

Council's acceptance limits for liquid trade waste discharges are set out in Table 1. These limits are consistent with the acceptance limits specified in the *Liquid Trade Waste Management Guidelines*, 2021 by the Department of Planning and Environment.

Table 1: Acceptance limits for liquid trade waste into the sewerage system

| Parameter | Limits |
|------------------------|---|
| Flow Rate | The maximum daily and instantaneous rate of discharge (kL/h or L/s) is determined based on the available capacity of the sewer. Large discharges are required to provide a balancing tank to even out the load on the sewage treatment works. |
| BOD ₅ | Normally approved at 300 mg/L. Concentrations up to 600 mg/L may be accepted. |
| Suspended solids | Normally approved at 300 mg/L. Concentrations up to 600 mg/L may be accepted. |
| COD | Normally, not to exceed BOD ₅ by more than three times. This ratio is given as a guide only to prevent the discharge of non-biodegradable waste. |
| Total Dissolved Solids | Up to 4000 mg/L may be accepted. The acceptance limit may be reduced depending on available effluent disposal options and may be subjected to a mass load limit. |
| Temperature | Less than 38°C. |
| pH | Within the range 7.0 to 9.0. |
| Oil and Grease | 100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the treatment works and 50 mg/L if the volume is greater than 10%. |

| | |
|------------------------|---|
| Detergents | All detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade wastes discharges. |
| Colour | Colour must be biodegradable. No visible colour when diluted to the equivalent dilution afforded by domestic sewage flow. Specific limits may be imposed on industrial discharges where colour has a potential to interfere with sewage treatment processes and the effluent management. |
| Radioactive Substances | If expected to be present (e.g. Iodine 131 from ablation), acceptance requirements will be set on a case-by-case assessment. |

| Acceptance limits for inorganic and organic compounds | | Maximum concentration (mg/L) |
|---|---|------------------------------|
| Inorganic compounds | Ammonia (as N) | 50 |
| | Boron | 5 |
| | Bromine | 5 |
| | Chlorine | 10 |
| | Cyanide | 1 |
| | Fluoride | 30 |
| | Nitrogen (total Kjeldahl) | 100 |
| | Phosphorus (total) | 20 |
| | Sulphate (as SO ₄) | 500 |
| | Sulphide (as S) | 1 |
| Organic compounds | Benzene | < 0.001 |
| | Toluene | 0.5 |
| | Ethylbenzene | 1 |
| | Xylene | 1 |
| | Formaldehyde | 30 |
| | Phenolic compounds non-halogenated | 1 |
| | Petroleum Hydrocarbons ² | |
| | • C ₆ -C ₉ (flammable) | 5 |
| | • Total Recoverable Hydrocarbons (TRH) | 30 |
| | Pesticides general (except organochlorine and organophosphorus) | 0.1 |
| | Polynuclear Aromatic Hydrocarbons (PAH) | 5 |

² Always ask a laboratory to carry out a silica gel clean up, if other than petroleum products are expected to be present in a liquid trade waste sample, e.g., animal fats, plant oil, soil, etc.

| Acceptance limits for metals | Maximum concentration (mg/L) | Allowed daily mass limit (g/d) |
|--|--|--------------------------------|
| Aluminium | 100 | - |
| Arsenic | 0.5 | 2 |
| Cadmium | 1 | 5 |
| Chromium ³ | 3 | 10 |
| Cobalt | 5 | 15 |
| Copper | 5 | 15 |
| Iron | 100 | - |
| Lead | 1 | 5 |
| Manganese | 10 | 30 |
| Mercury | 0.01 | 0.05 |
| Molybdenum | 5 | 15 |
| Nickel | 1 | 5 |
| Selenium | 1 | 5 |
| Silver | 2 | 5 |
| Tin | 5 | 15 |
| Zinc | 1 | 5 |
| Total heavy metals excluding aluminium, iron and manganese | Less than 30 mg/L and subject to total mass loading requirements | |

Notes:

1. Acceptance limits for substances not listed in above Tables will be determined on a case-by-case basis.
2. The quality of liquid trade waste from some low-risk commercial activities in Classification A and B will exceed acceptance limits listed in above Table. As a higher level of pre-treatment is not cost-effective, such waste is acceptable if the discharger installs, maintains, and properly operates the required on-site pre-treatment. Similarly, septic and pan waste may exceed some acceptance limits.

2.2.3 Prohibited or restricted substances and waste

Substances prohibited from being discharged into the sewerage system unless they are specifically approved under section 68 of the Act are listed in

³ Where hexavalent chromium (Cr⁶⁺) is present in the process water, pre-treatment will be required to reduce it to the trivalent state (Cr³⁺), prior to discharge into the sewer

Table 2 . In addition, s 2.2.3.1 lists the discharges either prohibited or restricted. Refer to Appendix C for detailed description of substances and discharges either prohibited or restricted.

Table 2 Waste Prohibited from discharge to the sewerage system

- | |
|--|
| <ul style="list-style-type: none"> • Organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances • organophosphorus pesticides and/or waste arising from the preparation of these substances • per- and poly-fluoroalkyl substances (PFAS) • any substances liable to produce noxious or poisonous vapours in the sewerage system • organic solvents and mineral oil[#] • any flammable or explosive substance[#] • discharges from 'Bulk Fuel Depots' • discharges from chemicals and/or oil storage areas • natural or synthetic resins, plastic monomers, synthetic adhesives, rubber, and plastic emulsions • roof, rain, surface, seepage, or ground water, unless specifically permitted (clause 137A of the Local Government (General) Regulation 2021) • solid matter[#] • disposable products including wet wipes, cleaning wipes, colostomy bags, cat litter and other products marketed as flushable • any substance assessed as not suitable to be discharged into the sewerage system • any other substances listed in a relevant regulation |
|--|

[#] In excess of the approved limit

2.2.3.1 Other substances/discharges either prohibited or restricted

- Stormwater from open areas
- Contaminated groundwater
- Landfill leachate
- Discharge from float tanks
- Discharge from new service station forecourts and other refuelling points
- Discharge of liquid waste arising from liquefaction and/or pulverisation of solid waste by physical or chemical processes (e.g., garbage grinders/in-sinkers, macerators, alkaline hydrolysis).
- Discharge from solid food waste processing units (digesters/composters, etc.)
- Use of additives in pre-treatment systems

For further details on limitations and restrictions applicable to above discharges, refer to Appendix C of this policy and Chapter 3 of the *NSW Liquid Trade Waste Management Guidelines, 2021*.

2.3 Part 3 –Matters relating to liquid trade waste approvals

2.3.1 Application procedures and approval process

Council's written approval is required prior to commence discharging liquid trade waste to its sewerage system, under s.68 of the Local Government Act 1993. Application forms are available from Council.

The applicant must lodge a trade waste application providing all requested information.

A trade waste application is not required to discharge liquid trade waste from 'Deemed to be approved' activities listed in Appendix B.

2.3.2 Who can lodge an application

The applicant must be either the owner or the occupier of the premises. If the applicant is not the owner of the premises, the owner's consent to the application is required.

2.3.3 Council's process in determination of applications

Council may request an applicant to provide further information to enable it to determine the application.

2.3.4 Approval of applications

Where an application is approved, Council will notify the applicant including any conditions of the approval and reasons for such conditions. The duration of the approval will be as stated in the approval.

An applicant may make a minor amendment or withdraw an application before it is processed by Council. An applicant may also apply to Council to renew or extend an approval, in accordance with section 107 of the Local Government Act.

2.3.5 Refusal

If an application is refused, Council will notify the applicant of the grounds for refusal.

Under section 100 of the Act the applicant may request the review of council's determination. Under section 176 of the Act, the applicant dissatisfied with Council's determination may appeal to the Land and Environment Court within 12 months.

2.3.6 Change of approval holder

An approval to discharge liquid trade waste to Council's sewerage system is not transferable. A new application must be lodged, and a new approval must be obtained if there is a change of the approval holder. Council must be notified of change of ownership and/or occupier in all cases, whether a new approval is required or not, to allow updating of records.

2.3.7 Validity of an existing approval

A new approval is required where there is a change of:

- approval holder (either owner or occupier can be an approval holder)
- activity generating the waste
- the quantity or the nature of liquid trade waste
- approval conditions.

2.3.8 Modification and revocation of approvals

Council reserves the right to modify or revoke an approval to discharge liquid trade waste to the sewerage system under the circumstances described in s.108 of the *Local Government Act 1993*:

2.3.9 Concurrence

If Council supports an application and has a notice stating that concurrence of the Secretary, NSW Department of Planning and Environment can be assumed for the liquid trade waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence to its approval.

For concurrence purposes, liquid trade waste discharges are divided into four classifications.

- Concurrence Classification A – liquid trade waste for which Council has been authorised to assume concurrence to the approval subject to certain requirements

- Concurrence Classification B – liquid trade waste for which Council may apply for authorisation to assume concurrence to the approval subject to certain requirements
- Concurrence Classification S – the acceptance of septic tank, pan waste and ship-to-shore pump-out etc. Council may apply for authorisation to assume concurrence to the approval subject to certain conditions
- Concurrence Classification C – all other liquid trade waste that do not fall within Concurrence Classification A, B or S, and therefore require Council to forward the application for concurrence.

Refer to Appendix E which lists type of discharges that Council have assumed concurrence (i.e., that Council can approve without seeking concurrence from the Department).

3 Sewerage and liquid trade waste fees and charges

Council provides sewerage and liquid trade waste services on a commercial basis to non-residential dischargers, with full cost recovery through sewerage and liquid trade waste fees and charges. Council implements best practice pricing for non-residential sewerage and liquid trade waste services to ensure that dischargers bear a fair share of the cost of providing sewerage services and to facilitate appropriate pre-treatment, waste minimisation and water conservation

The current sewerage and liquid trade waste fees and charges are provided on Council's website [Muswellbrook Shire Council Fees and Charges](#)

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

- general fees and charges (application fee, annual liquid trade waste fee, inspection and/or re-inspection fees and renewal fee)
- category specific charges (trade waste usage charges for Charging Category 2 discharges, excess mass charges for Charging Category 3 discharges, charges for Charging Category 2S discharges and non-compliance charges)
- other charges related to the nature of waste (e.g., charges for the discharge of stormwater from large areas)

Detailed description of the liquid trade waste fees and charges and the methodology of calculating them are provided in Appendix D.

3.1 Liquid trade waste charging categories

For charging purposes there are 4 liquid trade waste charging categories:

- Category 1 – discharges requiring minimal pre-treatment, or prescribed pre-treatment but low impact on the sewerage system. These dischargers will only pay an annual fee. If pre-treatment equipment is not provided or maintained, non-compliance charges will be applied.
- Category 2 – discharges with prescribed pre-treatment⁴ and other activities listed under this charging category in Appendix D. These dischargers will pay trade waste usage charge and annual trade waste fee. If pre-treatment equipment is not provided or not maintained, then such dischargers will be required to pay non-compliance usage charge.
- Category 2S – transporters who tanker human waste to council's STWs, owners/operators of ship-to-shore pump out facilities and owners/operators of 'dump points' directly connected to sewer
- Category 3 – large (>20 kL/d) and industrial discharges (excluding shopping centres and institutions). Such dischargers will pay excess mass charges. If the discharge fails to comply with council's acceptance limits, dischargers will be required to pay non-compliance excess mass charges and pH charges

⁴ Excludes activities in Category 1.

Note that these charging categories are different to four classifications that have been established for concurrence purposes (i.e., Classification A, B, C and S). The relationship between Concurrence Classifications and Charging Categories are shown in Figure 1 in Appendix D.

3.2 Non-compliance liquid trade waste charges

In order to encourage compliance, council may apply non-compliance trade waste charges. Refer to Appendix D for further details of non-compliance charges for different charging categories.

Council will continue applying non-compliance charges until the discharge meets council's approved quality (or the liquid trade waste policy) limits, within the timeframe determined by Council for remedying the problem. If the discharger fails to rectify the problem within an agreed timeframe, the discharger may be required to cease discharging liquid trade waste into Council's sewerage system. Council may also consider issuing penalty infringement notice to a non-compliant discharger or may prosecute the discharger

3.3 Other applicable liquid trade waste charges

Additional fees and charges may be levied by council if wastewater is discharged to council's sewerage system from the following equipment and or processes, with council's approval.

- Food waste disposal units (i.e., garbage grinders/insinkers) ⁵
- Solid food waste processing unit
- Discharge of stormwater to the sewerage system from large open areas or large quantities of groundwater

Refer to Appendix D for further details.

3.4 Charges for premises with multiple liquid trade waste streams

Examples of premises with multiple waste streams include:

- shopping centres
- commercial strata units
- institutions, e.g., hospitals, tertiary educational facilities, and correctional centres
- other premises with multiple waste streams,

Refer to Appendix D and *Trade Waste Management Guidelines 2021* for further details.

3.5 Summary of category specific fees and charges

The summary of fees and charges are indicated in Table 3 below:

Table 3 Summary of fees and charges

| Fee/Charge | Category 1 | Category 2 | Category 3 | Category 2S |
|---|------------------|------------|------------|-----------------------|
| Application fee | Yes ⁶ | Yes | Yes | Yes |
| Annual non-residential sewerage bill with appropriate sewer usage charge/kL | Yes | Yes | Yes | No |
| Annual liquid trade waste fee | Yes ⁷ | Yes | Yes | Variable ⁸ |
| Re-inspection fee (when required) | Yes | Yes | Yes | Optional ⁹ |

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

⁶ Not applicable for discharges listed as Deemed to be Approved

⁷ May not be applicable for discharges listed as 'Deemed to be Approved'.

⁸ Refer to Appendix D for guidance on applying annual fees to Category 2S discharges.

⁹ Applicable if re-inspection of facilities is required, e.g., ship-to-shore pump-out facility.

| | | | | |
|---|-------------------|-------------------|-----|-----|
| Trade waste usage charge/kL | No | Yes | No | No |
| Human waste disposal charge/kL | No | No | No | Yes |
| Excess mass charges/kg | No | No | Yes | No |
| Non-compliance trade waste usage charge/kL | Yes ¹⁰ | Yes ¹⁰ | No | No |
| Non-compliance excess mass/kg and pH charges/kL (if required) | No | No | Yes | No |

Note: Refer to Appendix D for other applicable charges not included in this Table.

Responsibility for payment of fees and charges

Property (land) owners are responsible for the payment of fees and charges for water supply, sewerage, and liquid trade waste services. This includes property owners of marinas, caravan parks, etc.

Where another party (lessee) leases premises, any reimbursement of the lessor (property owner) for such fees and charges is a matter for the lessor and the lessee.

In relation to tankered human waste, transporters who collect and discharge waste at the STW are responsible for the payment. A waste transporter who tankers liquid trade waste to the STW may pay only the liquid trade waste fees and charges as non-residential sewerage fees are not applicable.

Note that a liquid trade waste discharger (except for tankered waste) pays both the non-residential sewerage charges and liquid trade waste fees and charges.

4 The NSW framework for regulation of sewerage and trade waste and alignment of with the national framework.

The NSW framework for regulation of sewerage and trade waste and the alignment with the national framework for wastewater source management are listed in Appendix F.

5 Liquid trade waste service agreement

In addition to its approval under the Local Government Act, Council may require certain dischargers, including those who wish to discharge liquid trade waste in large volumes (discharge >20 kL/d) or industrial waste (Concurrence Classification C discharges) or some Classification S discharges into its sewerage system 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.

6 Enforcement of approvals and agreements

If the discharge is not approved or fails to comply with the approval conditions, the discharger is subject to prosecution and imposition of fines under the *Local Government Act 1993* (under s. 626 and s. 627).

Above offences are also prescribed as penalty notice offences under the Act and Council may issue a penalty infringement notice (i.e., on the spot fine) to such discharger (Refer to Schedule 12 of the Local Government (General) Regulation 2021).

¹⁰ Non-compliance trade waste usage charge, if the discharger fails to install or properly maintain appropriate pre-treatment equipment. Refer to council's Management Plan

In addition to fines, council may recover costs of damages and fines incurred by council as a result of an unauthorised liquid waste discharge. Temporally suspension or cease the discharge may also be required.

Note that sections 628 and 634 to 639 also list other offences related to water, sewerage and stormwater drainage.

Polluting of any waters by a discharger of liquid trade waste who does not have a Council approval or who fails to comply with the conditions of the approval is also an offence under section 120 (1) of the *Protection of the Environment Operations Act 1997*. In addition, under section 222 of this Act, Council may issue a penalty infringement notice to such a discharger.

7 Prevention of waste of water

Water must be used efficiently and must be recycled where practicable. It is an offence under section 637 of the *Local Government Act 1993* and its Regulation (refer to Appendix G) to waste or misuse water.

Dilution of liquid trade waste with water from any non-process source including Council's water supply, bore water, groundwater, stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.

8 Effluent improvement plans

Where the quality of liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an Effluent Improvement Plan setting out how Council's requirements will be met. The proposed plan must detail the methods/actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions. Such actions may include more intensive monitoring, improvements to work practices and/or pre-treatment facilities to improve the effluent quality and reliability.

9 Due diligence programs and contingency plans

A discharger may be required to submit a due diligence program and a contingency plan for some liquid trade waste discharges (generally in Concurrence classification C, Charging Category 3) 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 within the time specified in the liquid trade waste approval.

Appendix A - Glossary

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.

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 solids 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—toilets in which wastes are deposited into a holding tank containing deodorizing or other chemicals. Stored wastes must be pumped out 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 does not apply to a food processing factory supplying pre-prepared meals to a third party.

Council—for the purpose of this document, "council" refers to a local government body (including Local Water Utility) which provides water supply and sewerage services in regional NSW

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, leaks and spillages from stored products and chemicals.

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.

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

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 measures taken by a discharger in order to meet the acceptance limits 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.

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Page 13 of 36

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Galley waste—liquid waste from a kitchen or a food preparation area of a vessel; not including solid wastes.

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 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—all liquid waste other than sewage of a domestic nature discharged to the sewerage system.

Mandatory Concurrence—for the liquid waste in Classification C, councils need to obtain concurrence for approval of each discharge. 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 are detected by measuring colour change in a standard solution of methylene blue dye.

Minimal Pre-treatment—for the purpose of this document this means sink strainers, basket 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.

Open Area—any unroofed process, storage, washing or transport area where rainwater 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 building of any description or any part of it and the appurtenances to it
- land, whether built on or not
- a shed or other structure
- a tent
- a swimming pool
- a ship or vessel of any description (including a houseboat)
- 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.

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*.

Secretary—the head of the Department of Planning and Environment.

Septage—material pumped out from a septic tank during desludging; contains partly decomposed scum, sludge, and liquid.

Septic Tank—wastewater treatment device that provides a preliminary form of treatment for wastewater. It provides 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—human faecal matter and urine and wastewater associated with ordinary kitchen, laundry, and ablution activities of a household, but does not include waste in or from a sewage management facility.

Sewerage System—the network of sewage collection, transportation, treatment, and by-products (effluent and biosolids) management facilities.

Sewage treatment works—this is the facility designed to treat sewage. The level of treatment will vary based on the expected quality of the effluent.

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) —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.

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

Appendix B – Deemed to be Approved Activities

The list of discharges exempts from obtaining of Council's approval (i.e., considered as Deemed to be approved) is shown in Table B1. Each such discharger must meet standard requirements specified in this Table.

Table B 1 Discharges deemed to be approved

| Activity generating waste | Requirements |
|---|--|
| Beautician | Solvents not to be discharged to sewer |
| Bed and Breakfast (not more than 10 persons including proprietor) | Sink strainers in food preparation areas Housekeeping practices (see Note 4) |
| Cooling tower <500L/h | No chromium-based products to be discharged to the sewer |
| Crafts ceramic, pottery, etc. (including hobby clubs) <ul style="list-style-type: none"> flows <200 L/d flows 200-1,000 L/d | Nil |
| | Plaster arrestor required |
| Day care centre (no hot food prepared) | Sink strainers in food preparation areas Housekeeping practices (see Note 4) Nappies, wet wipes are not to be flushed into the toilet |
| Delicatessen (no hot food prepared) | Sink strainers in food preparation areas Housekeeping practices (see Note 4) |
| Dental technician | Plaster arrestor required |
| Dental mobile (no amalgam waste) | Nil |
| Dog/cat grooming/animal wash only | Dry basket arrestor for floor waste outlets and sink strainer required (see Note 3) Animal litter and any disposable waste products must not be discharged to sewer Organophosphorus pesticides are prohibited to be discharged to sewer |
| Florist | Dry basket arrestor for floor waste outlet and sink strainer required Herbicides/pesticides are not permitted to be discharged to sewer |
| Fruit and vegetable – retail | Dry basket arrestor for floor waste outlet and sink strainer required (see Notes 3 and 5) |

| | |
|---|---|
| Hairdressing | Dry basket arrestor for floor waste outlet and sink strainer, hair trap |
| Jewellery shop | |
| • miniplater | Miniplater vessel to contain no more than 1.5 L of precious metal solution |
| • ultrasonic washing | Nil |
| • precious stone cutting | If: < 1000 L/d plaster arrestor required > 1000 L/d general purpose pit required |
| *Medical centre/doctor surgery/physiotherapy *(Only if plaster cast are made onsite) | Plaster arrestor required, if plaster of paris casts are used |
| Mixed business (minimal hot food) | Dry basket arrestor for floor waste outlet and sink strainer required (see Note 3) Housekeeping practices (see Note 4) |
| Mobile cleaning units | |
| • carpet cleaning | 20-micron filtration system fitted to a mobile unit |
| • garbage bin washing | Dry basket arrestor for floor waste outlet required. Discharge via grease arrestor (if available) |
| Motel (no hot food prepared and no laundry facility) | Dry basket arrestor for floor waste outlet and sink strainer required (see Note 3) Housekeeping practices (see Note 4) |
| Nut shop | Dry basket arrestor for floor waste outlet and sink strainer required (see Note 3) |
| Optical service - retail | Solids settlement tank/pit required |
| Pet shop – retail | Dry basket arrestor for floor waste outlet and sink strainer required (see Note 2) Animal litter and any disposable waste products must not be discharged to sewer Organophosphorus pesticides are prohibited to be discharged to sewer |
| Pizza reheating for home delivery | Housekeeping practices (see Note 4) |
| Venetian blind cleaning | Nil (see Note 2) |

Notes:

1. Where “required” is used, it means as required by council.
2. If activity is conducted outdoors, the work area is to be roofed and bunded to prevent stormwater ingress into the sewerage system.
3. Dry basket arrestors must be provided for all floor waste outlets.
4. Food preparation activities need to comply with sound housekeeping practices including:
 - (a) floor must be dry swept before washing
 - (b) pre-wiping of all utensils, plates, bowls etc. to the scrap bin before washing up
5. Use of a food waste disposal unit (garbage grinder) and/or a food waste processing unit (food waste digester, composter etc) is not permitted.

Appendix C - Prohibited or restricted substances and wastes from discharge to sewer

This Appendix provides additional information regarding substances and waste either prohibited or restricted from being discharged to sewer (as indicated in Table 2 of this Policy).

C1 Stormwater from open areas

The ingress of stormwater into the sewerage system can cause operational problems and result in sewer overflows, as the sewerage system does not have the capacity for such flows. Under clause 137A of the Regulation, the discharge of roof, rain, surface, seepage or groundwater to a sewerage system is prohibited unless specifically approved.

However, it may not be practical or feasible to totally prevent stormwater contamination and ingress into a sewerage system from some non-residential premises.

The discharge of limited quantities of stormwater (generally, 10 mm of rain) from sealed areas can be considered when roofing cannot be provided due to safety or other important considerations. In such instances, the applicant should take measures 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.

Refer to Liquid Trade Waste Management Guidelines 2021 for further information

C2 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.

C3 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.

The proponent when seeking approval to discharge leachate to sewer 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.

C4 Discharge from float tanks

Float tanks, often referred to as floatation pods, iso-pods (isolation tank), 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 Epsom 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 wells.

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.

C5 Discharge from Service station forecourts and other refuelling points

C5.1 New premises

The discharge of wastewater from service station forecourts and other refuelling points (e.g. at bus depot, etc.) is not permitted.

Refer to NSW EPA Practice Note, titled *Managing Run-off from Service Station Forecourts*, June 2019, for options for managing such wastewater.

C5.2 Existing premises

The discharge from existing service stations and other refuelling areas may be permitted, provided appropriate pre-treatment and discharge control requirements are adhered to. Further information is provided in Chapter 3 and Appendix F of the Liquid Trade Waste Management Guidelines 2021.

If a refuelling area is refurbished, then the discharge from this area must be disconnected from the sewerage system.

C6 Discharges 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 pulverising of solid waste. Solid waste includes, but 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).

If the kitchen is refurbished, the food waste disposal unit must be removed.

- **Alkaline hydrolysis waste**, process where a 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 exhibit high loadings on the sewerage system. Accordingly, the wastewater generated by this process is **not** permitted to be discharged to the sewerage system.

C6.1 Discharge from Solid Food Waste Processing Units (digesters/ composters, etc.)

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

The quality of wastewater from this equipment depends on the type of solid waste feed 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 either a council officer or 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 the Council's sewerage system.

Each application will be assessed on a case by case basis.

C7 Use of additives in pre-treatment systems

The use of bacterial, enzyme and/or odour controlling agents in pre-treatment equipment (eg. in grease arrestors) is prohibited unless specifically approved by Council with the department's concurrence.

C8 Discharge of disposable products marketed as flushable

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

Contrary to manufacturers' claims, flushable wet wipes do not breakdown in the sewerage system similarly to a 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.

Appendix D - Non-residential sewerage and liquid trade waste fees and charges

This Appendix provides information on Council's charging criteria for liquid trade waste customers. Some guidance is also provided on the applicable non-residential sewerage charges.

The best practice pricing for non-residential sewerage and liquid trade waste services are to ensure that liquid trade waste dischargers pay a fair share of the cost of sewerage services provided by Council. Appropriate pricing is essential to provide relevant pricing signals to non-residential and liquid trade waste customers to use water and sewerage system efficiently.

D1 Non-residential sewerage pricing¹¹

A non-residential sewerage bill is based on a cost-reflective two-part tariff with an annual access charge and a uniform sewer usage charge per kL. The total discharged volume to the sewerage system can be either measured (by a flow meter) or estimated using the customer's total water consumption multiplied by a sewer discharge factor.

The sewerage bill for a non-residential customer is calculated as follows:

$$B = SDF \times (AC + C \times UC)$$

Where: B = Annual non-residential sewerage bill (\$)
 C = Customer's water annual consumption (kL)
 AC = Annual non-residential sewerage access charge as shown below (\$)
 SDF = Sewer discharge factor
 UC = Sewer usage charge (\$/kL)

Access charge

The sewerage access charge is proportional to the square of the size of the water supply service connection.

$$AC = \left(AC_{20} \times \frac{D^2}{400} \right)$$

Where: AC₂₀ = Annual non-residential sewerage access charge for 20 mm water service connection (\$)
 D = Water supply service connection size (mm)

Sewer Usage charge

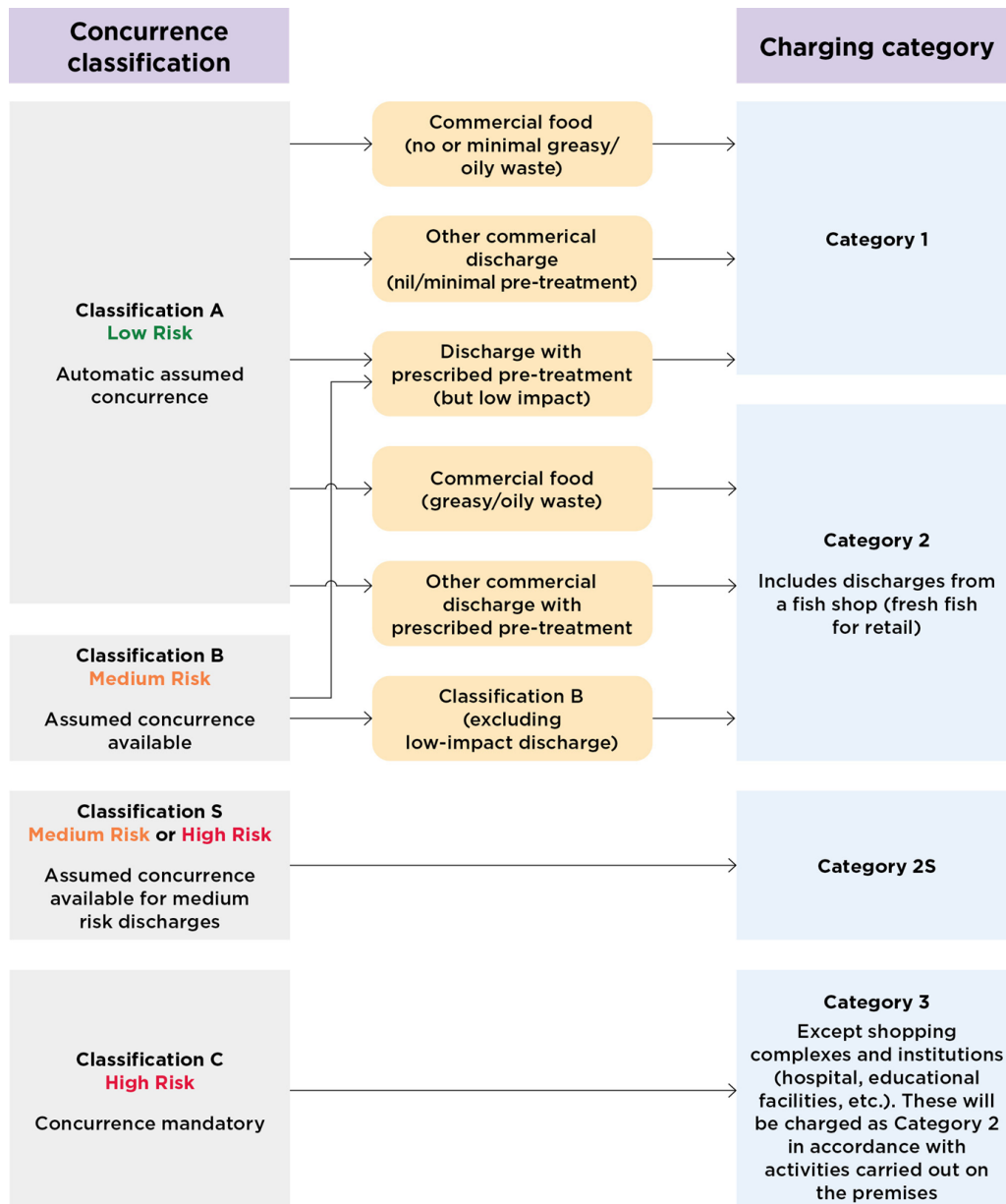
The sewer usage charge (\$/kL) is applied for the total volume of wastewater discharged to the sewerage system.

¹¹ Detailed guidance for calculation of non-residential sewerage prices are provided in the Department's Water Supply, Sewerage and Trade Waste Pricing Guidelines, 2002, Department of Land and Water Conservation

D2 Liquid Trade Waste fees and charges

This section describes various fees and charges associated with liquid trade waste and fees and charges applicable to charging categories. Figure 1 shows the relationship between concurrence classifications and charging categories.

Figure 1 Charging categories for liquid trade waste



In summary, Classification A discharges fall into Charging Category 1 or Category 2. Classification B discharges fall into Charging Category 2, except for a few discharges with low impact on the sewerage system which fall into Category 1. Classification S discharges fall into Charging Category 2S and Classification C discharges fall into Charging Category 3.

D2.1 Description of various trade waste fees and charges

Following sections describe various trade waste fees and charges and the methodology of calculating them.

D2.1.1 Application fee

The application fee recovers the costs of administration and technical services provided by Council in processing a liquid trade waste application. This fee varies for different charging categories to reflect the complexity of processing the application.

D2.1.2 Annual trade waste fee

The purpose of this fee is to recover the costs incurred by council for ongoing administration and scheduled inspections, in order to ensure that the discharge complies with the approval conditions.

As part of an inspection, Council may undertake monitoring which may include, but is not limited to, flow measurement and the sampling. In general, cost of one inspection is included in the annual fee, in particular for Category 1 and 2 discharges.

Annual liquid trade waste fee varies for different charging categories in order to reflect the complexity of their inspection and administration requirements. In particular, for Category 3 discharges, Council may opt to set the annual fee on a case by case basis to reflect the complexity of monitoring requirements and the extent of inspection.

Refer to section D8.4 with regard to annual fees applicable to premises with **multiple activities**.

Council may require a discharger to pay for monitoring (quantity and quality) based on full cost recovery.

D2.1.3 Inspection fee/re-inspection fee

Cost of one inspection is usually included in annual liquid trade waste fee for charging categories 1 and 2.

However, it may be required to conduct un-planned inspections or re-inspections of a premise (e.g. non-compliance with approved conditions, investigating an accident, etc.). Also, more frequent inspections may be necessary for large and industrial discharges.

Where **more than one inspection** is undertaken in a financial year and/or the cost of inspections is not included in the annual fee, the cost may be recovered from the discharger as the re-inspection fee.

Council may recover the cost of sample analysis from the discharger, in addition to the re-inspection fee.

D2.1.4 Renewal fee

Council may apply a renewal fee if an existing approval needs to be renewed or modified.

D2.1.5 Category specific charges

The following sections describe the charging categories and relevant fees and charges. If a discharge is not listed, council will determine (with the consultation of the department) the relevant charging category, based on the quality and the quantity of discharge.

D3 Category 1 discharger

This charging category includes:

- Classification A discharges (both commercial retail non-oily/greasy food preparation and other commercial discharges, listed below)
- Classifications B discharges identified as low risk.

Some of the above discharges may require prescribed pre-treatment to be installed however, the treated effluent is considered to have a low impact on the sewerage system.

Classification A discharges – commercial retail food preparation activities that do not generate or generate minimal oily/greasy waste: bakery (only bread baked on-site), bistro (sandwiches, coffee only), boarding/hostel < 10 persons, café/coffee shop/coffee lounge (no hot food), canteen/cafeteria (no hot food), community hall/civic centre (minimal food), day care centre (minimal hot food), delicatessen (minimal or no hot food), fruit and vegetable shop, hotel/motel (minimal hot food), ice cream parlour (take away only), juice bar, mobile food van (no hot food), mixed business (minimal hot food), nightclub (no hot food), nut shop, pie shop (re-heating only), pizza no cooking/reheating (pizza heated and sold for consumption off-site), potato peeling (small operation), sandwich shop/salad bar/snack bar (no hot food), take away food outlet (no hot food), school canteen with minimal hot food.

Classification A discharges from other commercial activities: animal wash, beautician/tanning booths/hairdressing, crafts ≤ 1,000 L/d, dental surgery/dental technician (plaster casts), dry cleaning, florist, funeral parlour, jewellery shop, medical centre/physiotherapy (plaster casts), mobile cleaning units, morgue, optical service, pet shop, plants retail (no nursery), non-residential swimming pool/hydrotherapy, veterinary.

Classification A or B discharges with prescribed pre-treatment and low impact on the sewerage system: boiler blowdown, cooling tower, industrial boilers, laboratory (analytical/pathology/tertiary institution), laundry/laundromat, primary and secondary school¹², vehicle washing/detailing (excluding truck washing).

D3.1 Category 1 discharger - Liquid trade waste charges

D3.1.1 “Deemed to be approved” discharges

For a discharger in “Deemed to be approved discharges” (refer to Appendix B), following charges will be applicable

D3.1.2 Category 1 discharger, other than “deemed to be approved”

Category 1 discharger who installs recommended appropriate pre-treatment equipment and maintains them regularly will be required to pay **only** the annual fee nominated for Category 1.

Liquid trade waste bill for Category 1 discharger (TW₁)

$$TW_1 = A_1$$

A₁ = Annual liquid trade waste fee (\$) for Category 1

D4 Category 2 discharger

Category 2 liquid trade waste dischargers are those discharging waste generated by an activity listed below:

Classification A discharges – commercial retail food preparation/serving activities that generate oily/greasy waste: bakery (pies, sausage rolls, quiches, cakes, pastries with creams or custards), bistro, boarding house/hostel kitchen (exceeding 10 persons), butcher, café/coffee shop/coffee lounge (with hot food), cafeteria/ canteen (with hot food), chicken/poultry shop –fresh/roast, retail BBQ/charcoal chicken, day care centre with hot food, club, civic centre/community hall¹³, commercial kitchen/caterer, delicatessen with hot food, fast food outlet, fish shop (retail and cooking on-site), function centre, hotel, ice cream parlour, mixed business (hot food), mobile food van (base), motel, nightclub, nursing home, patisserie, pizza cooking, restaurant, sandwich shop/salad bar/snack bar (with hot food), supermarket, take away food outlet with hot food, school canteen with hot food.

Classification A discharges – other commercial discharges: car detailing, craft activities > 1000 L/d, lawnmower repairs, mechanical workshop, stone working, surfboard manufacture (wet process only).

¹² If significant hot food preparation is carried out, Category 2 charges may be levied by council.

¹³ If the type and size of kitchen fixtures installed enable catering for large functions.

Classification B discharges: auto dismantler, bus/coach depot, bakery (wholesale), butcher (wholesale) construction equipment maintenance and cleaning, boutique or artisan foods, engine reconditioning, equipment hire, maintenance and cleaning, fish co-op, graphic arts, hospital, micro-brewery, oyster processing – shucking, panel beating, radiator repairer, screen printing, service station forecourt, shopping complex, truck washing (platforms/flat beds) and truck washing (external).

D4.1 Category 2 discharger - Liquid trade waste charges

Category 2 discharger who installs appropriate pre-treatment equipment and maintains them will pay annual fee nominated for Category 2 plus the trade waste usage charge.

Liquid trade waste bill for Category 2 discharger (TW_2),

$$TW_2 = A_2 + Q_{TW} \times C_2$$

A_2 = Annual liquid trade waste fee (\$) for Category 2

Q_{TW} = Total liquid trade waste discharge volume (kL)

C_2 = Trade waste usage charge (\$/kL)

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

D5 Category 2S discharger

Category 2S dischargers include:

- **transporters who tanker human waste** to council's STWs - septic tank waste (effluent and septage), ablution block waste (blackwater and greywater), portable toilet waste, sludge from on-site aerated wastewater treatment systems (AWTS) for **single households**, waste from pit toilets, night soil.
- **ship-to-shore pump out facility owners/operators** - toilet waste and/or grey water
- **owners/operators of 'dump points'** directly connected to the sewer for disposal toilet waste and/or grey water from a bus or a recreation vehicle (RV), e.g. caravan, motor home.

D5.1 Category 2S discharger - Liquid trade waste charges

D5.1.1 Transported human waste

The transporters of human waste will be required to pay waste disposal charge (\$/kL).

Liquid trade waste bill for Category 2S waste transporter (TW_{TW}),

$$TW_{TW} = A_{TW} + Q_{TW} \times C_{TW}$$

A_{TW} = Annual fee (\$) for transported waste

Q_{TW} = Transported human waste volume (kL)

C_{TW} = Charging rate (\$/kL) for the transported waste (may vary based on the type of waste transported)

Note: Charging rate C_{TW} can be varied for different type of waste, i.e. septic waste, ablution block waste, sludge from AWTS, pit toilets etc. Refer to Council's annual Management Plan.

D5.1.2 Ship-to-shore waste pump-out facility – *CURRENTLY NOT APPLICABLE*

The owner/operator of a ship-to-shore waste receival facility will be required to pay an annual fee and waste disposal charge based on the discharge volume (\$/kL), if practical to estimate the discharge volume. If the discharge volume cannot be established, council may negotiate the waste disposal charge based on the expected discharge volume.

Liquid trade waste bill for ship-to-shore pump out facility owner (TW_{STS}),

$$TW_{STS} = A_{STS} + Q_{TW} \times C_{STS}$$

A_{STS} = Annual fee (\$)

Q_{TW} = Discharge volume (kL) (measured or negotiated)

C_{STS} = Charging rate (\$/kL)

Note: The above charges are applicable to owners/operators of ship-to-shore pump out facility discharging such waste directly to council's sewerage system and **not** to individual or commercial boat owners using the facility. This policy does not provide information on how to charge individual boat owners using a facility to dispose of their wastewater.

D5.1.3 Waste dump points

Dump points are often located in public places (roadside), hence the monitoring of discharge volumes is not practical. Accordingly, only an annual fee is applied for stand-alone dump points.

Liquid trade waste bill for dump point operator (TW_{DP}) (if applicable),

$$TW_{DP} = A_{DP}$$

A_{DP} = Annual fee for dump point (\$)

D6 Category 3 discharger

Category 3 liquid trade waste dischargers are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes of liquid trade waste to the sewerage system. Any Category 1 or 2 discharger whose volume exceeds the limits shown below becomes a Category 3 discharger (excluding shopping centres and institutions):

Classification A discharge > 20 kL/d

Classification B discharge – as shown in Chapter 5 of the Guidelines.

Classification C discharges include: abattoir, acid pickling, adhesive/latex manufacture, agricultural and veterinary drugs, anodising, bitumen and tar, bottle washing, brewery, cardboard and carton manufacture, carpet manufacture, caustic degreasing, chemicals manufacture and repackaging, contaminated site treatment, cooling towers, cosmetics/perfumes manufacture, cyanide hardening, dairy processing* (milk/cheese/yoghurt/ice cream, etc.), detergent/soaps manufacture, drum washing, egg processing, electroplating, extrusion and moulding (plastic/metal), feather washing, fellmonger, felt manufacture, fertilisers manufacture, fibreglass manufacture, filter cleaning, foundry, food processing* (cereals/cannery/condiments/confectionary/edible oils/fats/essence/flavours/fish/fruit juice/gelatine/honey/meat/pickles/smallgoods/tea and coffee/vinegar/yeast manufacture, etc.), food waste processing unit (digester/composter), fruit and vegetable processing, flour milling, galvanising, glass manufacture, glue manufacturer, ink manufacture, laboratories (excluding those in Category 1 & 2), liquid wastewater treatment facility (grease trap receival depot and other pump-out waste depot), metal finishing, metal processing (refining/rumbling/non-cyanide heat treatment/phosphating/photo engraving/printed circuit etching/sheet metal fabrication etc.), mirrors manufacture, oil recycling (petrochemical) and refinery, paint stripping, paint manufacture, paper manufacture, pet food processing, plants nursery (open areas), pharmaceuticals manufacture, plaster manufacture, powder coating, potato processing, poultry processing, printing (newspaper, lithographic), saleyards, sandblasting, seafood processing, slipway, soft drink/cordial manufacture, starch manufacture, sugar refinery, tanker washing, tannery, timber processing (joinery and furniture/plywood/hardwood), textile manufacture (wool dyeing/spinning/scouring), tip leachate, transport depot/ terminal, truck washing

(internal), waxes and polishes, water treatment backwash, wholesale meat processing, winery, distillery, wine/spirit bottling.

* Excluding small boutique, craft or artisan food industries not exceeding the discharge volume shown in the *Liquid Trade Waste Management Guidelines, 2021*.

D6.1 Category 3 discharger - Liquid trade waste charges

D6.1.1 Excess mass charges

Category 3 discharger will be required to pay the annual liquid trade waste fee plus excess mass charges.

Liquid trade waste bill for Category 3 discharger (TW₃),

$$TW_3 = A_3 + EMC$$

A₃ = Annual liquid trade waste fee (\$) **

EMC = Excess mass charges (\$)

Note: **Annual fee may vary for different business activities, depending on the complexity and time taken for inspection.

How excess mass charges are calculated

Excess mass charges will be applicable for substances discharged in excess of the 'Deemed Concentrations' in domestic sewage. For the purpose of excess mass charge calculation, the deemed concentrations of substances in domestic sewage are listed in Table D1.

Table D1 Deemed concentration of substances in domestic sewage

| Substance | Concentration (mg/L) |
|---|----------------------|
| Biochemical Oxygen Demand (BOD ₅) | 300 |
| Suspended Solids | 300 |
| Total Oil and Grease | 50 |
| Ammonia (as Nitrogen) | 35 |
| Total Kjeldahl Nitrogen | 50 |
| Total Phosphorus | 10 |
| Total Dissolved Solids | 1000 |
| Sulphate (SO ₄) | 50 [#] |

[#] The concentration in the potable water supply to be used if it is higher than 50 mg/L.

NB. Substances not listed above are deemed not to be present in domestic sewage.

For excess mass charge calculation, equation (1) below will be applied for all parameters including for BOD₅ up to 600 mg/L (but excluding COD and pH).

$$EMC (\$) = \frac{(S - D) \times Q_{TW} \times U}{1,000} \quad (1)$$

Where: S = Concentration (mg/L) of substance in sample
D = Concentration (mg/L) of substance deemed to be present in domestic sewage
Q_{TW} = Volume (kL) of liquid trade waste discharged to the sewerage system
U = Unit charging rate (\$/kg) for the substance (note that this rate varies from substance to substance. Refer to council's annual Management Plan for charging rates for various substances)

D6.1.2 Excess mass charges for BOD

BOD up to 600 mg/L

Equation (1) applies for BOD₅ up to 600 mg/L. Note that there are no excess mass charges if the BOD does not exceed 300 mg/L (deemed concentration of BOD in domestic sewage).

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 U_e (\$/kg) as shown in equation (2). This provides a strong incentive for dischargers to reduce the strength of waste. Note that equation (5) will be used where the discharger has failed to meet their approved BOD limit on more than two instances in a financial year.

U_e is the excess mass charging rate U_e (\$/kg) for BOD is calculated as:

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

Where: C = Charging rate (\$/kg) for BOD₅ 600mg/L

Actual BOD = Concentration of BOD₅ as measured in a sample

D6.2 Tankered Category 3 waste

In some instances, liquid waste that falls into Charging Category 3 is transported to the STW. Examples of such waste may include tankered landfill leachate or dairy waste from un-sewered areas. In such instances, council will determine the appropriate approval holder (waste generator or the transporter) and invoice accordingly.

D7 Non-compliance liquid trade waste charges

Non-compliance charges for Category 1 and 2 dischargers

If the discharger has not installed or maintained appropriate pre-treatment equipment, the following non-compliance trade waste usage charges will be applied for the relevant billing period:

D7.1 Category 1 discharger - non-compliance charges

The trade waste usage charge (\$/kL) as per Council's Management Plan will be applied.

D7.2 Category 2 discharger – non-compliance charges

For Category 2 discharger, a non-compliance charge will be outlined in the Council's Management Plan

Dischargers who have an undersized grease arrestor and improved the effluent quality by other means (e.g., increased pump-outs, installing additional pre-treatment equipment, etc.) will pay a trade waste usage charges in accordance with a Category 2 discharger.

Dischargers who cannot install a grease arrestor or those who have an arrestor with capacity significantly less than the required size and are unable to improve the effluent quality by means described above will have to pay non-compliance trade waste usage charges, be **as per Category 2 non-compliance charge above.**

D7.3 Non-compliance charges for Category 3 discharger

If a discharger in charging Category 3 fails to comply with the acceptance limits specified in council's approval conditions, following non-compliance charges will be applicable.

D7.3.1 Non-compliance pH charge

If the pH of the waste discharge by Category 3 discharger is outside the approved range, equation (3) is used for the calculation of non-compliance pH charges. This equation provides an incentive for dischargers to install and properly maintain a pH correction system, so their waste remains within the approved pH limits.

Charging rate for pH, if outside the approved range =

$$K \times |\text{actual pH} - \text{approved pH}|^{\#} \times 2^{|\text{actual pH} - \text{approved pH}|^{\#}} \quad (3)$$

Absolute value to be used.

K = pH coefficient in \$

Example 4:

Council has approved the pH range 7.0 to 9.0 for a large discharger. pH coefficient (K) listed in council's Management Plan is \$0.45

Case 1: pH measured 6.0

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

Case 2: pH measured 11.0

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

Absolute value to be used.

D7.3.2 Non-compliance excess mass charges

Equation (4) shall apply for non-compliance excess mass charges for various substances, except for BOD₅ where equation (5) shall apply to calculate the charging rate.

$$\text{Non-compliance Excess Mass Charges (\$)} = \frac{(S - A) \times Q \times 2U}{1000} + \frac{(S - D) \times Q \times U}{1000} \quad (4)$$

Where: S = Concentration (mg/L) of a 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 = Excess mass charging rate (\$/kg) for the substance, as shown in council's annual Management Plan

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

D7.3.3 Non-compliance excess mass charges for BOD

The non-compliance excess mass charging rate (U_n) for BOD₅ is calculated by using equation (5):

U_n is the BOD₅ non-compliance excess mass charging rate in (\$/kL).

$$U_n = 2C \times \frac{(A - 300\text{mg/L})}{600\text{mg/L}} \times 1.05^{\frac{(A - 600\text{mg/L})}{600\text{mg/L}}} + 4C \times \frac{(\text{Actual BOD} - A)}{600\text{mg/L}} \times 1.05^{\frac{(\text{Actual BOD} - A)}{600\text{mg/L}}} \quad (5)$$

D8 Other applicable liquid trade waste charges

D8.1 Garbage grinders - Food waste disposal charge¹⁴

Additional charges will apply for a food waste disposal unit (in-sink food waste disposers/garbage grinders) in an **existing** hospital, nursing home or other eligible facility where council has permitted such installation.

These charges are in addition to category specific liquid trade waste fees and charges (e.g. Category 2 charges plus U_F), as shown below:

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.

D8.2 Solid food waste processing unit

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

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 s. D6.1 for further information).

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

D8.3 Discharge of stormwater from large open areas or large quantities of groundwater to the sewerage system

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 this policy. Consideration will be given to the acceptance of limited quantities of contaminated stormwater (first flush stormwater) based on a case-by-case assessment.

If stormwater run-off from a large areas or groundwater is approved for discharge to sewer for a Category 3 discharger (e.g. saleyards), a volume based charge similar to the non-compliance usage charging rate (\$/kL) for Category 2 will be applied (e.g. 5 to 10 times of Usage charging rate listed in council's Management Plan). Excess mass charges may be also applied to such discharges.

D8.4 Charges for premises with multiple liquid trade waste streams

Examples of premises with multiple waste streams include:

- shopping centres
- commercial strata units
- institutions, e.g. hospitals, tertiary educational facilities and correctional centres
- other premises with multiple waste streams, e.g. premises comprising food cooking/serving activities and "Boutique/artisan food" businesses. For example, a liquid trade waste application may include a restaurant or a hotel, a microbrewery, a chocolate making and/or a cheese making shops, all located on the same site.

¹⁴ For existing installations of garbage grinders only. New installations are not permitted.

D8.4.1 Shopping centre

Annual Liquid Trade Waste Fees – ‘deemed to be approved’ discharges: Council will apply reduced annual fees (for example, 50% of Category 1 annual fees). Inspections will be annually.

Annual Liquid Trade Waste Fees – activities in Category 1 and 2: If there are individual pre-treatment equipment then an individual bill will apply to each discharger in accordance with the charging category. If pre-treatment equipment is shared (grease arrestor, oil separator, cooling pit, general-purpose pit) then then an individual bill will apply to each business with shared equipment but with reduced annual fee to each discharger (irrespective of category)

Council will apply trade waste usage charge based on the estimated trade waste discharge volume.

D8.4.2 Commercial strata title units

Councils will issue individual liquid trade waste bills to each owner of the strata title unit.

D8.4.3 Hospitals, tertiary educational facilities and correctional centres

Council will generally issue a liquid trade waste bill to the management of the above premises.

The annual fee needs to be in accordance with the relevant charging category, which is Category 2 for hospitals and educational facilities. A correctional centre may fall into Category 3 if industrial activities are carried on-site.

Council will apply trade waste usage charge based on the estimated trade waste discharge volume.

If food preparation activities are carried out by an outside contractor, e.g. take away food outlets in the educational facilities. Council may issue a separate liquid trade waste bill to such individual shops, where practical. It may require an individual water meter or a check meter to be installed at the relevant service line.

D8.4.4 Other premises with multiple waste streams

There are some premises where various “boutique type” businesses are located on the same site as restaurants, café, etc. For example, a premise may include a restaurant, a microbrewery, a chocolate making shop and a cheese making business, all owned by the same owner. When a liquid trade waste application includes a few different activities on the same site, council will assess the application and determine the relevant charging categories and applicable fees and charges.

If the site falls into Category 2, the annual fee will be to the management of the business and will cover all discharges in accordance with the relevant charging category.

Council may use different trade waste usage rates for the discharge of high – strength waste in Charging Category 2.

For situation where there are combined waste streams that belong to charging categories 2 (Classifications A and B) and 3 (Classification C) and when the Category 2 discharge is predominant, it is recommended that Category 3 trade waste fees and charges be applicable only to Classification C discharge (ie. a cheese making shop in above example) and the rest of the site be charged as Category 2.

Appendix E – List of discharges Council may approve

E1 Classification A

Discharges from activities that Council can process without seeking Department concurrence, subject to complying with certain requirements.

| 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 and Breakfast (<10 persons) | Beautician |
| Bistro | Boiler blowdown |
| Boarding house/hostel kitchen | Car detailing |
| Butcher (retail) | Cooling towers |
| Café/coffee shop/coffee lounge | Craft activities (pottery, ceramics, cutting and polishing of gemstones or making of jewellery) |
| Canteen | Dental surgery |
| Cafeteria | Dental technician |
| Chicken/poultry shop (fresh chicken/game, retail, barbeque/roast chicken) | Dry-cleaning (separator water, boiler) |
| Club (kitchen wastes) | Florist |
| Commercial kitchen/caterer | Funeral parlour/morgue |
| Community hall/civic centre/function centre (kitchen waste) | Hairdressing |
| Day care centre | Jewellery shop |
| Delicatessen | Laboratory (pathology/analytical) |
| Doughnut shops | Laundry or laundromat (coin operated) |
| Fast food outlets (McDonalds, KFC, Burger King, Hungry Jack, Pizza Hut, Red Rooster, etc.) | Lawnmower repairs |
| Fish shop (retail—fresh and/or cooked) | Mechanical repairs/workshop |
| Fruit and vegetable shop (retail) | Medical centre/doctor surgery/physiotherapy—plaster of paris casts, laboratory |
| Hotel | Mobile cleaning units |
| Ice-cream parlour | Nursing home (other than food-related activities) |
| Juice bar | Optical services |
| Mixed business | Per shop (retail) |
| Mobile food van | Photographic tray work/manual development |
| Motel | Plants retail (no nursery or open space) |
| Nightclub | School (other than kitchen waste) |
| Nursing home kitchen | Stone working |
| Nut shop | Surfboard manufacturing (wet process only) |
| Patisserie | Swimming pools/spas/hydrotherapy pools |

| Food preparation/serving, generating liquid waste, up to 16 kL/day | Other Activities generating liquid waste, up to 5 kL/day |
|--|---|
| Pie shop | Vehicle (car) washing (by hand/wand, automatic car wash/bus wash/external truck wash or underbody/engine degrease only) |
| Pizza shop | Venetian blind cleaning |
| Restaurant | Veterinary surgery |
| Salad bar | |
| Sandwich shop | |
| School – canteen, home science | |
| Snack bar | |
| Supermarket (with butcher/bakery/delicatessen/seafood or roasted chicken) | |
| Take away food shop | |
| | |

Appendix F - Framework for regulation of liquid trade waste

F1 The NSW framework for regulation of sewerage and trade waste

The NSW framework is driven by the NSW Government's *Best Practice Management of Water Supply and Sewerage Guidelines, 2007*. Sound regulation of sewerage and liquid trade waste is a key element of the 2007 guidelines, and requires each council to implement all the following integrated measures:

1. Preparation and implementation of a sound trade waste regulation policy, assessment of each trade waste application and determination of appropriate conditions of approval. The conditions must be consistent with the LWU's *Integrated Water Cycle Management Strategy* and demand management plan. In addition, execution of a liquid trade waste services agreement is required for large dischargers to assure compliance.
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 trade waste fees and charges in order to provide the necessary pricing signals to dischargers. These charges must include non-compliance trade waste usage charges and non-compliance excess mass charges in order to provide the necessary incentives for dischargers to consistently comply with their conditions of approval.
4. Monitoring, mentoring and coaching of dischargers in order 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*.
6. Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval.

Together, the above six measures comprise the NSW framework for regulation of sewerage and trade waste. The framework involves a preventive risk management approach, which has been developed to address the use of common pool resources by providing economic incentives for dischargers to minimise their waste and to consistently comply with their conditions of approval.

F2 Alignment with the national framework for wastewater source management

The NSW framework for regulation of sewerage and trade waste is outlined in section 3.1. The NSW framework is driven by the NSW Government's *Best-Practice Management of Water Supply of Sewerage Guidelines, 2007* and is consistent with that in the *National Framework for Wastewater Source Management*.¹⁵

¹⁵ The following 12 elements of the *National Framework for Sewage Quality Management* are set out on page 18 of the *Australian Wastewater Quality Management Guidelines, July 2022*, WSAA:

COMMITMENT

1. Commitment to Wastewater Source Management

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Page 34 of 36

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In particular, under the *Best-Practice Management Guidelines* each LWU is required to achieve the following outcomes:

- Prepare and implement a 30-year Integrated Water Cycle Management Strategy, demand management plan, pay-for-use water supply pricing and community and customer involvement (Elements 1, 6, 8)
- Annual performance monitoring, including an annual triple bottom line (TBL) Performance Report and Action Plan to identify and address any areas of under-performance (Elements 5, 6, 9, 10, 11, 12)
- Achieve full cost recovery for water supply, sewerage and trade waste services and apply an appropriate non-residential sewer usage charge (Elements 3, 8)
- Prepare and implement a sound trade waste regulation policy and issue an appropriate approval to each trade waste discharger, including waste minimisation and cleaner production (Elements 1, 2, 3, 4, 7, 8)
- Appropriate trade waste fees and charges (including incentives to comply with LWU's approval conditions through non-compliance trade waste usage charges and non-compliance excess mass charges) (Elements 3, 8)
- Trade waste services agreement for large dischargers to assure compliance (Elements 3, 8)
- Appropriate training of LWU staff and monitoring, mentoring and coaching of trade waste dischargers (Elements 1, 4, 5, 7, 8)
- Enforcement, including appropriate use of penalty notices or orders (Elements 3, 8)
- Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval (Element 8).

SYSTEM ANALYSIS and MANAGEMENT

2. Assessment of the Wastewater System
3. Preventive Measures for Wastewater Input Quality Management
4. Operational Procedures and Process Control
5. Verification of Wastewater Inputs Quality
6. Management of Incidents/Complaints and Emergencies

SUPPORTING REQUIREMENTS

7. Employee Awareness and Training
8. Customer and stakeholder involvement and awareness
9. System Validation and Research and Development
10. Documentation and Reporting

REVIEW

11. Evaluation and Audit
12. Review and Continual Improvement

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Page 35 of 36

Date printed - 20 January 2023

Appendix G – Legislative 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 of 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 Director-General* of the Department of Trade and Investment, Regional Infrastructure and Services (or that Director-General's nominee) 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 of 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
- (b) take any other action that is reasonable to prevent waste and misuse of water.

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](#).

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.

* In accordance with the *Government Sector Employment Act 2013*, this is the Secretary of the NSW Department of Planning and Environment.

- (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*.



Muswellbrook Shire Council
(In association with
The Upper Hunter Water Alliance)
Liquid Trade Waste Regulation Policy

Assembled by
Warwick Randall

Adopted By Council
27 October 2020
Minute No. 123

Reviewed: September 2020

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General Note:

This Liquid Trade Waste Regulation policy has been prepared in conjunction with the other member Councils of the Upper Hunter Alliance (Singleton and Upper Hunter Councils) as a common Policy.

Each of the member Councils will share the role of Liquid Trade Waste Officer (on a regional basis) **but** will each set their own Liquid Trade Waste charges annually, as part of their Operational Plan preparation.

Any reference in this document to the former Department of Environment, Climate Change and Water (DECCW) in relation to the concurrence authority will now be construed as the Department of Planning, Industry and Environment (DPIE). All trade waste matters/applications for concurrence and policies for concurrence need to be forwarded to the NSW Office of Water (a division of the NSW DPIE).

MUSWELLBROOK SHIRE COUNCIL
LIQUID TRADE WASTE REGULATION POLICY

POLICY REGISTER

AUTHORISATION DETAILS

| | |
|--------------------------|---------------------------------------|
| Authorised by: | Council |
| Minute No: | 123 |
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| Review timeframe: | 2 years |
| Department: | Community Infrastructure Services |
| Document Owner: | Operations Manager Water & Wastewater |

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| 2 | 14/10/2020 | External | Irene Chetty | Policy adopted by Council Minute No.123 |
| | | | | |
| | | | | |

PREAMBLE

Muswellbrook Shire Council is responsible for the provision of water supply and sewerage services within its local government area.

Sound regulation of sewerage and liquid trade waste is a key component of the NSW Government's best practice management requirements for wastewater management across the State.

This Policy has been developed in accordance with the Liquid Trade Waste Regulation Guidelines, 2009, as published by the NSW Department of Water and Energy.

The benefits of best practice sewerage and trade waste management and regulation include:

- **improved sewerage system performance** – reduced frequency of sewage odour complaints, reduced frequency of sewer chokes; and protection of sewerage infrastructure, worker health and safety, and the environment.
- **meeting Council's due diligence obligations and achieving improved environmental outcomes** – improved compliance with sewage treatment works licence, more options for water recycling and biosolids reuse.
- **reduced annual sewerage bills** as the improved sewerage system performance will 'free up' system capacity.
- **a faster and simpler approval process**, together with recognition by industry of the economic benefits to them of adopting cleaner production methodologies and consistently complying with their conditions of approval.

CONTENTS

| | |
|---|-----------|
| 1. INTRODUCTION..... | 1 |
| 1.1 PURPOSE OF THIS POLICY..... | 1 |
| 2. PART 1: OVERVIEW..... | 2 |
| 2.1 WHAT IS LIQUID TRADE WASTE? | 2 |
| 2.2 POLICY OBJECTIVES | 2 |
| 2.3 SCOPE OF POLICY | 3 |
| 2.4 EXEMPTIONS..... | 3 |
| 3. PART 2: CRITERIA FOR APPROVAL TO DISCHARGE LIQUID TRADE WASTE TO COUNCIL'S SEWERAGE SYSTEM..... | 6 |
| 3.1 FACTORS FOR CONSIDERATION | 6 |
| 3.2 DISCHARGE QUALITY | 7 |
| 3.3 PROHIBITED SUBSTANCES | 7 |
| 3.4 STORMWATER DISCHARGES FROM OPEN AREAS | 7 |
| 3.5 FOOD WASTE DISPOSAL UNITS..... | 8 |
| 3.6 DEVICES THAT MACERATE OR PULVERISE WASTE..... | 8 |
| 3.7 USE OF ADDITIVES IN PRE-TREATMENT SYSTEMS | 9 |
| 4. PART 3: FRAMEWORK FOR REGULATION OF LIQUID TRADE WASTE | 13 |
| 4.1 THE NSW FRAMEWORK FOR REGULATION OF SEWERAGE AND TRADE WASTE | 13 |
| 4.2 ALIGNMENT WITH THE NATIONAL FRAMEWORK FOR WASTEWATER SOURCE MANAGEMENT | 14 |
| 4.3 APPLICATION PROCEDURES | 15 |
| 4.4 APPROVAL OF APPLICATIONS | 17 |
| 4.5 CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE AND WATER | 17 |
| 4.6 LIQUID TRADE WASTE CHARGING CATEGORIES | 21 |
| 4.7 LIQUID TRADE WASTE FEES AND CHARGES | 25 |
| 4.7.1 FEES AND CHARGES..... | 25 |
| 4.7.2 PHASING IN OF CHARGES | 26 |
| 4.7.3 APPLICATION FEE..... | 26 |
| 4.7.4 ANNUAL TRADE WASTE FEE | 26 |

| | | |
|--------|--|----|
| 4.7.5 | RE-INSPECTION FEE | 27 |
| 4.7.6 | TRADE WASTE USAGE CHARGE | 27 |
| 4.7.7 | EXCESS MASS CHARGES | 27 |
| 4.7.8 | FOOD WASTE DISPOSAL CHARGE | 29 |
| 4.7.9 | NON-COMPLIANCE CHARGES..... | 29 |
| 4.7.10 | NON-COMPLIANCE PENALTY..... | 31 |
| 4.7.11 | DISCHARGE OF STORMWATER TO THE SEWERAGE SYSTEM | 31 |
| 4.7.12 | SEPTIC AND PAN WASTE DISPOSAL CHARGE..... | 32 |
| 4.7.13 | RESPONSIBILITY FOR PAYMENT OF FEES AND CHARGES..... | 32 |
| 4.8 | MONITORING..... | 33 |
| 4.9 | LIQUID TRADE WASTE SERVICES AGREEMENT | 34 |
| 4.10 | ENFORCEMENT OF APPROVALS AND AGREEMENTS | 34 |
| 4.11 | MODIFICATION AND REVOCATION OF APPROVALS..... | 35 |
| 4.12 | PREVENTION OF WASTE OF WATER..... | 35 |
| 4.13 | EFFLUENT IMPROVEMENT PLANS | 35 |
| 4.14 | DUE DILIGENCE PROGRAMS AND CONTINGENCY PLANS | 36 |

TABLES

| | |
|--|----|
| Table 1: Exemptions | 4 |
| Table 2: Guideline Limits for Acceptance of Liquid Trade Wastes into the Sewerage System | 9 |
| Table 3: Substances Prohibited from being Discharged into the Sewerage System..... | 12 |
| Table 4: Liquid Trade Waste Discharges with Automatic Assumed Concurrence..... | 19 |
| Table 5: Deemed Concentration of Substances in Domestic Sewage | 27 |
| Table 6: Summary of Trade Waste Fees and Charges | 32 |

FIGURES

Figure 1: Charging Categories for Trade Waste**Error! Bookmark not defined.**

ATTACHMENTS

- 1. Glossary
- 2. Sample Liquid Trade Waste Services Agreement
- 3. Provisions in the Local Government (General) Regulation 2005 in regard to Acceptance of Liquid Trade Waste into the Sewerage System

1. INTRODUCTION

1.1 PURPOSE OF THIS POLICY

This policy sets out how Muswellbrook Shire Council will regulate sewerage and liquid trade waste discharges to its sewerage system in accordance with the NSW Framework for Regulation of Sewerage and Trade Waste. The policy addresses the approval, monitoring and enforcement processes for liquid trade wastes discharged to Council's sewerage system and the levying of commercial sewerage and liquid trade waste fees and charges. It has been developed to ensure the proper control of liquid trade waste and hence protection of public health, worker safety, the environment, and the integrity of Council's sewerage system. The policy also promotes waste minimisation, water conservation, water recycling and biosolids reuse.

The Muswellbrook Shire Council sewerage system is generally designed to cater for waste from domestic sources that are essentially of predictable strength and quality. Muswellbrook Shire Council **may** accept liquid trade waste into its sewerage system as a **service** to businesses and industry.

Liquid trade wastes can exert much greater demands on sewerage systems than domestic sewage and, if uncontrolled, can pose serious problems to public health, worker safety, Council's sewerage system and the environment.

Impacts of poor liquid trade waste regulation include:

- Grease, oil and solid material, if not removed onsite, can cause sewer chokes and blockages and the overflow and discharge of untreated sewage to the environment.
- Strong waste may cause sewage odour problems and corrosion of sewer mains, pumping stations and sewage treatment works.

A person wishing to discharge liquid trade waste to the sewerage system must, under Section 68 of the Local Government Act 1993, obtain prior approval from Council. Discharging liquid trade waste without an approval is an offence under Section 626 of the Act.

The procedure for approval is governed by Chapter 7 of the Local Government Act and is subject to the Local Government (General) Regulation 2005.

Under Clause 28 of the Local Government (General) Regulation, 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 Director General of the Department of Environment, Climate Change and Water (DECCW) has concurred with the approval.

Under Section 90 (2) of the Local Government Act, the Director General, DECCW, may give the council notice that the concurrence may be assumed (with such qualifications or conditions as are specified in the notice).

2. PART 1: OVERVIEW

2.1 WHAT IS LIQUID TRADE WASTE?

Liquid trade waste is defined in the Local Government (General) Regulation 2005 as: *Liquid trade waste means 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 (e.g. beautician, florist, hairdresser, hotel, motel, restaurant, butcher, service station, supermarket, dentist);
- community/public premises (including craft club, school, college, university, hospital and nursing home);
- industrial premises;
- trade activities (e.g. mobile carpet cleaner);
- any commercial activities carried out at a residential premises;
- saleyards, racecourses and from stables and kennels that are not associated with domestic households; and
- septic tank waste, chemical toilet waste, waste from marine pump-out facilities and established sites for the discharge of pan content from mobile homes/caravans to the sewerage system.

While septic tank, pan and ship-to-shore pump-out waste are defined as trade waste, specific procedures need to be applied to their management, as the waste is often transported from its source to the sewerage system. Accordingly, specific references to these wastes are provided in this policy where necessary.

Liquid trade waste excludes:

- toilet, hand wash basin*, shower and bath wastes derived from all the premises and activities mentioned above;
- wastewater from residential toilets, kitchens, bathrooms or laundries i.e. (domestic sewage);
- common use (non-residential) kitchen and laundry facilities in a caravan park; and
- residential swimming pool backwash.

* *Used for personal hygiene only*

2.2 POLICY OBJECTIVES

The objectives of this policy are:

- to protect public health;
- to protect the health and safety of Council employees;
- to protect the environment from the discharge of waste that may have a detrimental effect;
- to protect Council assets from damage;
- to assist Council to meet its statutory obligations;
- to provide an environmentally responsible liquid trade waste service to the non-residential sector;
- to encourage waste minimisation and cleaner production in the commercial and industrial sectors;
- to promote water conservation, water recycling and biosolids reuse;
- to ensure compliance of liquid trade waste dischargers with Council's approved conditions;
- to provide operational data on the volume and composition of industrial and commercial effluent to assist in the operation of the sewerage system and the design of augmentations or new sewerage systems; and
- to ensure commercial provision of services and full cost recovery through appropriate sewerage and liquid trade waste fees and charges.

2.3 SCOPE OF POLICY

This policy comprises three parts:

- Part 1 provides an overview of the policy, including exemptions from the necessity to apply for an approval to discharge liquid trade waste to Council's sewerage system.
- Part 2 specifies the criteria which Council will take into consideration in determining whether to give or refuse a liquid trade waste approval; and
- Part 3 specifies the framework for regulation of liquid trade waste, including the NSW framework for Regulation of Sewerage and Trade Waste, alignment with the *National Framework for Wastewater Source Management*, application procedures, liquid trade waste discharge categories, liquid trade waste services agreements, monitoring of liquid trade waste discharges, liquid trade waste fees and charges, modification or revocation of approvals, prevention of waste of water and contaminated stormwater discharges from open areas.

2.4 EXEMPTIONS

From obtaining approval of liquid trade waste discharge.

Table 1. Exceptions

| This table lists commercial business activities that the Director General DECCW has consented to an exemption from the requirement to apply for approval for liquid trade waste discharge to the sewerage system. Each such business must meet the standard requirements specified below. An annual trade waste fee applies to each such discharger. | |
|--|--|
| Activity | Requirements |
| Beautician | Nil. |
| Bed and Breakfast (not more than 10 persons including proprietor) | Sink strainers in food preparation areas. Housekeeping practices (see Note 4). |
| Community hall (minimal hot food) | Sink strainers in food preparation areas. Housekeeping practices (see Note 4). |
| Day care centre (no hot food prepared) | Sink strainers in food preparation areas. Housekeeping practices (see Note 4). Nappies are not to be flushed into the toilet. |
| Delicatessen – no hot food prepared | Sink strainers in food preparation areas. Housekeeping practices (see Note 4). |
| Dental technician (no X-ray) | Plaster arrestor required. |
| Doctor's surgery (plaster casts, no X-ray) | Plaster arrestor required. |
| Dog/Cat groomer/salon | Floor waste basket and sink strainer required (see Note 3). Animal litter and any waste disposal products may not be discharged to sewer. No organophosphorus pesticides may be discharged to sewer. |
| Florist | Floor waste basket and sink strainer required. No herbicides/pesticides may be discharged to sewer. |
| Fruit and vegetable – retail | Floor waste basket and sink strainer required (see Note 3). |
| Funeral parlour | Floor waste basket required. Formaldehyde is not to be discharged to sewer. |
| Hairdressing | Floor waste basket and sink strainer (where available). |

| Activity | Requirements |
|--|--|
| Jewellery shop <i>miniplate</i> <i>ultrasonic washing</i> <i>precious stone cutting</i> | Miniplate vessel to contain no more than 1.5 L of precious metal solution. Nil If: <1000 L/d plaster arrestor required. >1000 L/d general purpose pit required. |
| Mixed business (minimal hot food) | Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4). |
| Mobile cleaning units carpet cleaning garbage bin washing | 20 micron filtration system fitted to a mobile unit. Floor waste basket required. Discharge is via grease arrestor (if available). |
| Motel (no hot food prepared and no laundry facility) | Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4). |
| Nut shop | Floor waste basket and sink strainer required (see Note 3). |
| Optical service – retail | Solids settlement tank/pit required. |
| Pet shop – retail | Floor waste basket and sink strainer required (see Note 2). |
| Pizza reheating for home delivery | Housekeeping practices (see Note 4). |
| Sandwich shop, salad bar, juice bar, coffee shop (no hot food prepared) | Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4). |
| Venetian blind cleaning | Nil (see Note 2). |

Notes:

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

3. PART 2: CRITERIA FOR APPROVAL TO DISCHARGE LIQUID TRADE WASTE TO COUNCIL'S SEWERAGE SYSTEM

3.1 FACTORS FOR CONSIDERATION

Council's decision to accept liquid trade waste into its sewerage system is on the basis of a preventive risk management framework for managing risks to the sewerage system within an integrated water cycle management¹ context. It will be based on the discharge meeting Council's requirements². When determining an application to discharge liquid trade waste to the sewerage system, Council will consider the following factors:

- The potential for the liquid trade waste discharge to impact on public health;
- The possible impacts the discharge may pose to the environment (land, water, air, noise, or nuisance factors);
- The potential impacts of the discharge on the health and safety of the Council's employees;
- The possible impact of the discharge on Council's sewerage infrastructure or sewage treatment process;
- The capability of the sewerage system (both transportation and treatment components) to accept the quality and quantity of the proposed liquid trade waste discharge;
- The impact that the liquid trade waste will have on the ability of the sewerage scheme to meet the Environment Protection Authority licence requirements;
- Compliance of the proposed liquid trade waste discharge with guideline limits in this policy;
- The potential impacts of the discharge on the quality of, and management practices for, effluent and biosolids produced from the sewage treatment process;
- The adequacy of the pre-treatment process(es) to treat the liquid trade waste to a level acceptable for discharge to the sewerage system, including proposed safeguards if the pre-treatment system fails;
- Whether appropriate safeguards are proposed to avoid the discharge of other, non-approved wastes to the sewerage system;
- The adequacy of any chemical storage and handling facilities, and the proposed safeguards for preventing the discharge of chemicals to the sewerage system;

¹ *Integrated Water Cycle Management Guidelines for NSW Local Water Utilities, DWE, October 2004.*

² In considering options for waste management to drive resource efficiency, the following order of preference set out on page 6 of the *National Wastewater Source Management Guidelines, July 2008*, WSA will be adopted:

- Avoidance
- Minimisation
- Re-use
- Recovery of energy
- Treatment
- Disposal

- Whether prohibited substances are proposed to be discharged;
- The potential for stormwater, entering the sewerage system and adequacy of proposed stormwater controls;
- Waste minimisation and water conservation programs;
- The adequacy of the proposed due diligence program and contingency plan, where required;
- The quality of liquid trade waste from some low risk commercial activities in Classification A will exceed Guideline limits in Council's Liquid Trade Waste Policy. As a higher level of pre-treatment will not be cost effective, such waste is acceptable if the discharger installs and properly operates and maintains the required pre-treatment equipment. Similarly, septic and pan waste may exceed some guideline limits.

3.2 DISCHARGE QUALITY

Muswellbrook Shire Council has guideline limits for the acceptance of discharges, as set out in *Table 2*, on page 9. Council may vary the guideline limits for a particular sewage treatment works. Where the guideline limits cannot be met, applicants are required to provide justification for exceeding the limits. Based on the type and the proposed contaminant levels, Council may refuse the application, or may approve it subject to an effluent improvement program, or other conditions being implemented.

3.3 PROHIBITED SUBSTANCES

Some substances are not suitable for discharge to the sewerage system. *Table 3* on page 12 sets out those substances which must not be discharged to the sewerage system. Council may not grant approval for the discharge of these substances to the sewerage system unless it is specifically approved under section 68 of the Local Government Act.

3.4 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.

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 all stormwater entering the sewerage system at some liquid trade waste premises. The discharge of limited quantities of first flush stormwater from sealed areas will be considered where roofing cannot be provided because of safety or other important considerations. 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 the first 10 mm of storm run -off);
- 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.

Note:

Trade waste charges for the acceptance of stormwater to the sewerage system are indicated in Section 4.7.11 on page 31.

3.5 FOOD WASTE DISPOSAL UNITS

The use of food waste disposal units (also known as in-sinkers, in-sink food waste disposers, or garbage grinders) is not permitted. Existing installations in hospitals and nursing homes may be permitted, provided that wastewater is discharged through an adequately sized grease arrestor.

For existing premises, a food waste disposal charge will be levied based on the number of beds in the hospital or nursing home (refer to Section 4.7.8 page 29).

3.6 DEVICES THAT MACERATE OR PULVERISE WASTE

Macerators and any other similar devices that are used for pulverising of solid waste are **not authorised** to connect to Council's sewerage system. (Refer *NSW Code of Practice: Plumbing and Drainage, 2006*). Solid waste includes, but is not limited to, sanitary napkin, placenta, surgical waste, disposable nappy, mache bedpan and urine containers.

Therefore, Council will not accept any discharges from such devices to its sewerage system.

3.7 USE OF ADDITIVES IN PRE-TREATMENT SYSTEMS

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

Table 2. Guideline Limits for Acceptance of Liquid Trade Wastes into the Sewerage System

| Parameter* | Limits# |
|--|--|
| General Acceptance Guideline Limits | |
| Flow Rate | The maximum daily and instantaneous rate of discharge (kL/h) or L/s) is set on the available capacity of sewer. Large dischargers are required to provide a balancing tank to even out the load on the sewage treatment works. |
| BOD ₅ and Suspended Solids | Normally, approved at 300 mg/L each. Concentration up to 600 mg/L and in some cases higher concentration for low mass loadings may be acceptable if the treatment works has sufficient capacity and odour will not be a problem. |
| COD | Normally, not to exceed BOD ₅ by more than three times. This ratio is given as a guide only to prevent the discharge of non-biodegradable waste. |
| Total Dissolved Solids | Up to 4000 mg/L may be accepted. However, the acceptance limit may be reduced depending on available effluent disposal options and will be subject to a mass load limit. |
| Temperature | Less than 38°C |
| pH | Within the range 7.0 to 9.0 |
| Oil and Grease | 100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the treatment works, and 50 mg/L if the volume is greater than 10%. |
| Detergents | All industrial detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade wastes. |
| Colour | No visible colour when the waste is diluted to the equivalent dilution afforded by domestic sewage flow. |
| Radioactive Substances | The discharge must comply with the <i>Radiation Control Act 1990</i> . |

* See Attachment 1, Glossary for explanation of terms

Refer to *National Wastewater Source Management Guideline, July 2008*, WSAA for recommended analytical methods.

Table 2 (cont'd): Guideline Limits for Acceptance of Liquid Trade Wastes into the Sewerage System

| Parameter* | Maximum Concentration (mg/L) |
|--|------------------------------|
| Acceptance Guideline Limits for Inorganic Compounds | |
| Ammonia (as N) | 50 |
| Boron | 5 |
| Bromine | 5 |
| Chlorine | 10 |
| Cyanide | 1 |
| Fluoride | 20 |
| Nitrogen (total Kjeldahl) | 100 |
| Phosphorus (total) | 20 |
| Sulphate (as SO ₄) | 500 |
| Sulphide (as S) | 1 |
| Sulphite (as SO ₃) | 15 |
| Acceptance Guideline Limits for Organic Compounds | |
| Benzene | 0.04 |
| Toluene | 0.5 |
| Ethylbenzene | 1 |
| Xylene | 1 |
| Formaldehyde | 30 |
| Phenolic compounds (except pentachlorophenol) | 5 |
| Petroleum hydrocarbons (non-flammable) ⁽¹⁾ | 30 |
| Pesticides general (except organochlorine and organophosphorus) ⁽¹⁾ | 0.1 |
| Polynuclear Aromatic Hydrocarbons (PAHs) | 5 |

* See Attachment 1, Glossary for explanation of terms

⁽¹⁾ Refer to Table 3

Table 2 (cont'd): Guideline Limits for Acceptance of Liquid Trade Wastes into the Sewerage System

| Parameter | Maximum concentration (mg/L) | Allowed daily mass limit (g/d) |
|--|--|--------------------------------|
| Acceptance Guideline Limits for Metals | | |
| Aluminium | 100 | - |
| Arsenic | 1 | 2 |
| Cadmium | 1 | 6 |
| Chromium* | 3 | 15 |
| Cobalt | 5 | 15 |
| Copper | 5 | 15 |
| Iron | 100 | - |
| Lead | 1 | 6 |
| Manganese | 10 | 30 |
| Mercury | 0.01 | 0.05 |
| Molybdenum | 5 | 30 |
| Nickel | 3 | 15 |
| Selenium | 1 | 15 |
| Silver | 2 [#] | 6 |
| Tin | 5 | 15 |
| Zinc | 5 | 15 |
| Total heavy metals excluding aluminium, iron and manganese | less than 30 mg/L and subject to total mass loading requirements | |

* Where hexavalent chromium (Cr⁶⁺) is present in the process water, pre-treatment will be required to reduce it to the trivalent state (Cr³⁺), prior to discharge into the sewer. Discharge of hexavalent chromium (Cr⁶⁺) from chromate compounds used as corrosion inhibitors in cooling towers is not permitted.

This limit is applicable to large dischargers. The concentration of silver in photo-processing waste where a balancing tank is provided is not to exceed 5 mg/L.

Table 3. Substances Prohibited from being Discharged into the Sewerage System

- organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances;
- organophosphorus pesticides and/or waste arising from the preparation of these substances;
- any substances liable to produce noxious or poisonous vapours in the sewerage system;
- organic solvents and mineral oil;
- any flammable or explosive substance;
- discharges from 'Bulk Fuel Depots';
- chromate from cooling towers;
- natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions;
- rain, surface, seepage or subsoil water, unless specifically permitted;
- solid matter;
- any substance assessed as not suitable to be discharged into the sewerage system;
- waste that contains pollutants at concentrations which inhibit the sewage treatment process (refer *National Wastewater Source Management Guideline, July 2008*, WSAA);
- any other substances listed in a relevant regulation.

4. PART 3: FRAMEWORK FOR REGULATION OF LIQUID TRADE WASTE

4.1 THE NSW FRAMEWORK FOR REGULATION OF SEWERAGE AND TRADE WASTE

Due to the *Tragedy of the Commons*³ in the use of common pool resources, sound regulation of sewerage and trade waste requires implementation of **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. The conditions must be consistent with the LWU's *Integrated Water Cycle Management Strategy* and demand management plan. In addition, execution of a liquid trade waste services agreement is required for large dischargers to assure compliance.
2. Preparation and implementation of a sound *Development Servicing Plan*⁴, 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 charges⁵ and liquid trade waste fees and charges⁶ in order to provide the necessary pricing signals to dischargers. These charges must include non-compliance trade waste usage charges and non-compliance excess mass charges in order to provide the necessary incentives for dischargers to consistently comply with their conditions of approval.
4. Monitoring, mentoring and coaching of dischargers in order to achieve cleaner production and assist them to comply with their conditions of approval.
5. Enforcement, including appropriate use of penalty notices under section 222 of the *Protection of the Environment Operations Act 1997*. Orders may also be issued and penalties imposed for offences under sections 626, 627 and 628 of the *Local Government Act 1993*.

³ Refer to page 3 of *National Wastewater Source Management Guideline, July 2008*, WSAA. Thus, in the absence of appropriate controls and measures (such as conditions of approval, a sewer usage charge, a trade waste usage charge, a non-compliance trade waste usage charge, excess mass charges, non-compliance excess mass charges and penalty notices), it would be in the economic interest of each trade waste discharger to minimize their efforts and expenditure on control and pre-treatment of their trade waste before discharging it to the sewerage system. In the past, failure to implement these measures has caused multi-million dollar damage to sewerage networks, pumping stations and treatment works (refer to the examples shown on pages 30, 47 and 48 of the *Liquid Trade Waste Regulation Guidelines, 2009*).

⁴ In accordance with the *NSW Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, 2002*.

⁵ In accordance with page 29 of the *NSW Water Supply, Sewerage and Trade Waste Pricing Guidelines, 2002*.

⁶ In accordance with Appendices D and I of the *Liquid Trade Waste Regulation Guidelines, 2009*.

6. Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval.

Together, the above six measures comprise the NSW framework for regulation of sewerage and trade waste. The framework involves a preventive risk management approach, which has been developed to address the use of common pool resources by providing economic incentives for dischargers to minimise their waste and to consistently comply with their conditions of approval.

4.2 ALIGNMENT WITH THE NATIONAL FRAMEWORK FOR WASTEWATER SOURCE MANAGEMENT

The NSW framework for regulation of sewerage and trade waste is outlined in section 4.1. The NSW framework is driven by the NSW Government's *Best-Practice Management of Water Supply of Sewerage Guidelines, 2007* and is consistent with that in the *National Framework for Wastewater Source Management*.⁷

In particular, under the *Best-Practice Management Guidelines* each LWU is required to achieve the following outcomes:

- Prepare and implement a 30-year Integrated Water Cycle Management Strategy, demand management plan, pay-for-use water supply pricing and community and customer involvement (Elements 1, 6, 8)
- Annual performance monitoring, including an annual triple bottom line (TBL) Performance Report and Action Plan to identify and address any areas of under-performance (Elements 5, 6, 9, 10, 11, 12)

⁷ The following 12 elements of the *National Framework for Wastewater Source Management* are set out on page 22 of the *National Wastewater Source Management Guideline, July 2008, WSAA*:

COMMITMENT

1. Commitment to Wastewater Source Management

SYSTEM ANALYSIS and MANAGEMENT

2. Assessment of the Wastewater System
3. Preventive Measures for Wastewater Input Quality Management
4. Operational Procedures and Process Control
5. Verification of Wastewater Inputs Quality
6. Management of Incidents/Complaints and Emergencies

SUPPORTING REQUIREMENTS

7. Employee Awareness and Training
8. Customer and stakeholder involvement and awareness
9. System Validation and Research and Development
10. Documentation and Reporting

REVIEW

11. Evaluation and Audit
12. Review and Continual Improvement

- Achieve full cost recovery for water supply, sewerage and trade waste services and apply an appropriate non-residential sewer usage charge (Elements 3, 8)
- Prepare and implement a sound liquid trade waste regulation policy and issue an appropriate approval to each trade waste discharger, including waste minimisation and cleaner production (Elements 1, 2, 3, 4, 7, 8)
- Appropriate liquid trade waste fees and charges (including incentives to comply with LWU's approval conditions through non-compliance trade waste usage charges and non-compliance excess mass charges) (Elements 3, 8)
- Liquid trade waste services agreement for large dischargers to assure compliance (Elements 3, 8)
- Appropriate training of LWU staff and monitoring, mentoring and coaching of trade waste dischargers (Elements 1, 4, 5, 7, 8)
- Enforcement, including appropriate use of penalty notices or orders (Elements 3, 8)
- Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval (Element 8).

4.3 APPLICATION PROCEDURES

To obtain Council's approval to discharge liquid trade waste to Council's sewerage system, a discharger must lodge an application in writing. Application forms are available from Council. If a person wishes to discharge liquid trade waste to the sewerage system but is not the owner of the premises, the person must obtain the owner's consent to the application.

The applicant must provide the following information:

- site owner's full name, address, contact telephone number;
- address of the business/industry where discharge to the sewerage system will occur;
- name of contact person for the premises and telephone contact for the business/industry;
- type of process/activity generating the liquid trade waste;
- normal hours of business operation;
- rate of discharge, including
 - the average per day, maximum per day and per hour, and
 - hours of the day during which discharge will take place;
- characteristics of wastes, including
 - nature of source, and
 - expected maximum and average concentration of pollutants;

(Where sampling and testing are required to establish the quality of the liquid trade waste, the testing should be carried out in accordance with the procedures set out in the *Standard Methods*

for the Examination of Water and Wastewater published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation).

- chemicals to be used – supply Material Safety Data Sheets;
- details of any proposed pre-treatment facilities, location and site plan. Details should include:
 - pre-treatment process details,
 - internal wastewater drainage,
 - pump size,
 - rising main size, length and profile,
 - system operational characteristics,
 - operational procedures,
 - provisions for sampling and flow measurement, where required; and
 - proposed connection point to the sewerage system.
- flow diagram and hydraulic profile of proposed liquid trade waste pre-treatment facilities;
- maintenance schedule for pre-treatment equipment, including contractor's details;
- stormwater drainage plan;
- measures for prevention of stormwater ingress into the sewerage system;
- location, nature and chemical composition of all substances stored/used on site;
- justification for disposing of the waste into the sewerage system over other possible options (if any);
- methods of disposal for other wastes that are not discharged to the sewerage system;
- any relevant environmental impact assessments; and
- any additional information as requested by Council.

The following information needs to be provided in regard to the discharge of septic tank and pan waste to the sewerage system:

- identification of the pump out service provider;
- proposed method of discharge including plans and drawings if appropriate;
- details of any proposed facilities for a disposal point, location and site plan (if applicable). Details should include the proposed connection point to the sewerage system;
- security arrangements at the proposed disposal site (if applicable);
- the provision of freshwater for hosing down where needed;
- bunding and measures to prevent the ingress of stormwater at the proposed dump point if applicable;

- the use of odour inhibiting or other chemicals, if any, and their dosage rates;
- statement that septic effluent will not be mixed with septage or grease trap pump out, i.e., dedicated tankers will be used for each type of waste;
- for boat/marina facility – the type and number of vessels either moored at the marina and/or would utilise the pump-out facility on a regular basis;
 - private
 - commercial.

Council may, under section 86 of the Local Government Act, request an applicant to provide more information to enable it to determine the application.

4.4 APPROVAL OF APPLICATIONS

Where an application is approved, Council will notify the applicant as soon as practical of the approval and any conditions of the approval. The duration of the approval will be as stated in the approval. In cases where Council requires a discharger to enter into a liquid trade waste services agreement (refer to Section 4.9, page 34), Council will 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.

An applicant may make a minor amendment or withdraw an application before it is approved by Council. An applicant may also apply to Council to renew or extend an approval, in accordance with section 107 of the Local Government Act.

If an application is refused, Council will notify the applicant of the grounds for refusal.

An approval to discharge liquid trade waste to Council's sewer is not transferable. A new application must be lodged and a new approval obtained if there is a change of the approval holder or the activity. Council must be notified of change of ownership and/or occupier in all cases, whether a new approval is required or not, to allow updating of records.

4.5 CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE AND WATER

If Muswellbrook Shire Council supports an application and has a notice stating that concurrence of the Director General, Department of Environment, Climate Change and Water (DECCW), can be assumed for the waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence from DECCW in accordance with the requirements of section 90(1) of the Local Government Act.

Liquid trade waste discharges are divided into four (4) classifications for the purpose of the concurrence process.

- Concurrence Classification A – liquid trade waste dischargers for which Council has been authorised to assume concurrence to the approval subject to certain requirements.
- Concurrence Classification B – liquid trade waste dischargers whereby Council may apply to the Director General, DECCW for authorisation to assume concurrence to the approval subject to certain requirements.
- Concurrence Classification S – the acceptance of septic tank, pan waste and ship-to-shore pump-out. Council may apply to the Director General, DECCW for authorisation to assume concurrence to the approval subject to certain conditions.
- Concurrence Classification C – all other liquid trade waste dischargers that do not fall within Concurrence Classification A, B or S, and therefore require Council to apply to DECCW for concurrence.

Muswellbrook Shire Council has been authorised to assume concurrence for Concurrence Classification A liquid trade waste discharges. These are listed in Table 4 and Council will not need to seek DECCW concurrence for approval of trade waste applications for these activities.

Table 4. Liquid Trade Waste Discharges with Automatic Assumed Concurrence

| Commercial retail food preparation activities | Other commercial activities |
|--|---|
| Bakery (retail) | Animal wash (pound, stables, racecourse, kennels, mobile animal wash and veterinary with no X-ray) |
| Bed and Breakfast (<10 persons) | Beautician |
| Bistro | Boiler blowdown |
| Boarding house/hostel kitchen | Car detailing |
| Butcher shop (retail) | Cooling tower |
| Café/coffee shop/coffee lounge | Craft activities (making of clay pottery, ceramics, cutting and polishing of gemstones or making of jewellery at clubs, cottage industries) |
| Canteen | Dental surgery/dental specialist |
| Cafeteria | Dental technician |
| Chicken/poultry shop (only fresh chickens/game sold) | Doctor's surgery, medical centre – plaster casts (no X-rays) |
| Chicken/poultry shop (retail BBQ/charcoal chicken) | Florist |
| Club (kitchen wastes) | Funeral parlour, morgue |
| Commercial kitchen/caterer | Hairdressing (includes barbers) |
| Community hall/civic centre | Jewellery shop |
| Day care centre | Laboratory (pathology/analytical) |
| Delicatessen | Laundry or Laundromat (coin operated) |
| Doughnut shop | Lawnmower repairs |
| Fast food outlet (McDonalds, KFC, Burger King, Pizza Hut, Red Rooster, etc.) | Mechanical repairs/workshop |
| Fish shop (retail – fresh and/or cooked) | Mobile cleaning units |
| Food caravan | Optical service |
| Fruit and vegetable shop (retail) | Pet shop (retail) |
| Function centre | Photographic tray work/manual development |
| Hotel | Plants retail (no nursery) |

| | |
|--|---|
| Ice cream parlour | School (Primary and Secondary) |
| Juice bar | Stone working |
| Mixed business | Swimming pool/spa/hydrotherapy |
| Motel | Vehicle washing (by hand/wand, automatic car wash, external truck wash or underbody/engine degrease only) |
| Nightclub | Venetian blind cleaning |
| Nursing home kitchen | Veterinary/animal kennels with X-ray |
| Nut shop | Waterless minilab |
| Patisserie | |
| Pie shop | |
| Pizza shop | |
| Restaurant | |
| Salad bar | |
| Sandwich shop | |
| School canteen | |
| Supermarket (with butcher/delicatessen/seafood/or charcoal chickens) | |
| Take-away food outlet | |

Notes:

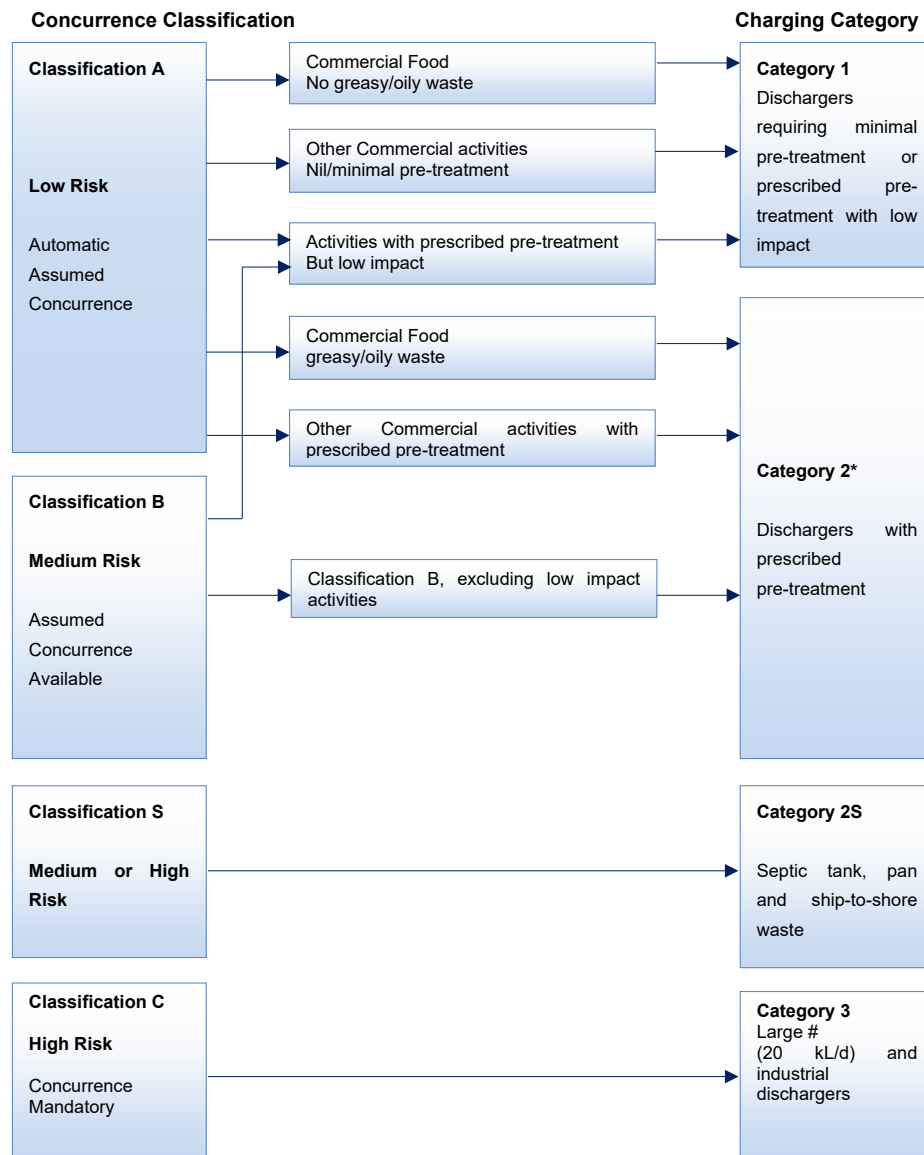
The volume of liquid trade waste must not exceed 5 kL/d or 1000 kL/a except in the case of commercial retail food preparation activities, where up to 16 kL/d is included in this category. If the waste discharged to the sewer exceeds these volumes, the application must be treated as Concurrence Classification B. Discharges over 20 kL/d must be treated as Classification C.

4.6 LIQUID TRADE WASTE CHARGING CATEGORIES

Four (4) classifications of liquid trade waste have been established for concurrence purposes, Classification A, B, C and S (refer Section 4.5, on page 17). For trade waste charging purposes there are also four (4) charging categories, Category 1, 2, 2S and 3 (pages 23 & 24).

Figure 1 below shows that Classification A dischargers fall into Charging Category 1 or Category 2. Classification B dischargers fall into Charging Category 2, except for a few dischargers with low impact on the sewerage system which fall into Category 1. Classification S dischargers fall into Charging Category 2S. Classification C dischargers fall into Charging Category 3.

Figure 1. Charging Categories for Trade Waste



* Also includes fish shop (fresh fish for retail).

Except shopping complexes and institutions (hospital, educational facilities, etc.). These will be charged as Category 2 in accordance with activities carried out on the premises.

CATEGORY 1 DISCHARGER

Category 1 liquid trade waste dischargers are those conducting an activity deemed by Council as requiring nil or only minimal pre-treatment equipment and whose effluent is well defined and of a relatively low risk to the sewerage system. Category 1 also includes dischargers requiring prescribed pre-treatment, but with low impact on the sewerage system

Classification A activities – Commercial retail food outlets with food preparation activities that do not generate an oily/greasy waste: bakery (only bread baked on-site), bistro (sandwiches, coffee only), café/coffee shop/coffee lounge, canteen, community hall (minimal food), day care centre, delicatessen, fruit and vegetable shop, hotel, ice cream parlour (take away only), juice bar, mixed business, motel, nightclub, nut shop, pizza cooking/reheating (no preparation or washing up onsite, pizza heated and sold for consumption offsite), potato peeling (small operation), sandwich shop/salad bar, take away food outlet.

Classification A activities – other commercial activities: animal wash, beautician/hairdressing, crafts <1000 L/d, dental surgery (plaster casts, no X-ray unless digital), doctor's surgery and medical centre (plaster casts, no X-ray), florist, funeral parlour, mobile cleaning units, morgue, jewellery shop, optical service (retail), pet shop, plants retail (no nursery), public swimming pool, photographic (tray work/manual development), venetian blind cleaning, veterinary (no x-ray).

Classification A or B activities – dischargers with prescribed pre-treatment with low impact on the sewerage system: boiler blowdown, cooling tower, industrial boilers, laboratory (analytical/pathology/tertiary institution), laundry, primary and secondary school ⁽¹⁾, vehicle washing.

CATEGORY 2 DISCHARGER

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

Trade waste dischargers with prescribed pre-treatment ⁽²⁾ include:

Classification A activities: Premises that prepare and/or serve hot food or foods that generate an oily/greasy waste: bakery (pies, sausage rolls, quiches, cakes, pastries with creams or custards), bistro, boarding house/hostel kitchen, butcher, café/coffee shop/coffee lounge, cafeteria, canteen, fast food outlet, chicken/poultry shop, club, community hall ⁽³⁾, commercial kitchen/caterer, nursing home, patisserie, supermarket, doughnut shop, fish shop (cooking onsite), function centre, hotel, ice cream parlour, motel, nightclub, pizza cooking, restaurant, sandwich shop/salad bar, take away food outlet.

Other commercial Classification A activities: car detailing, craft activities > 1000 L/d, dental surgery with X-ray, lawnmower repairs, mechanical workshop, stone working, veterinary (with X-ray), waterless mini-lab.

Classification B activities: auto dismantler, bus/coach depot, construction equipment maintenance and cleaning, equipment hire, maintenance and cleaning, glass cutting and grinding, graphic arts, hospital (with or without X-ray), medical centre (with X-ray), optical services (at medical or educational facilities, workshops), oyster processing – shucking, panel beating, photographic lab, radiator repairer, screen printing, service station forecourt, shopping complex, water wash mini-lab, X-ray radiologist.

Other Classification A activities: Fish shop (fresh fish for retail).

Notes:

- (1) If significant hot food preparation is carried out, Category 2 charges may be levied by Council.*
- (2) Excludes low impact activities, listed under Category 1.*
- (3) If the type and size of kitchen fixtures installed enable catering for large functions.*

CATEGORY 2S DISCHARGER

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

Trade waste dischargers include the following Classification S activities:

Classification S activities: bus/rail coaches/caravan/motor home/caravan park waste dump points, mooring/marina dump points, pan waste, portable chemical toilet waste, septage, septic tank effluent, ship-to-shore pump-outs (gallery waste and toilet waste).

CATEGORY 3 DISCHARGER (Large or industrial waste dischargers)

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

Large trade waste dischargers and other Classification C activities include: abattoir, bakery (wholesale), brewery, cooling towers, cosmetics/perfumes manufacture, dairy processing (milk/cheese/yoghurt/ice cream etc.), food processing (cereals/cannery/condiments/confectionary/edible oils/fats/essence/flavours/fish/fruit juice/gelatine/honey/meat/pickles/smallgoods/tea and coffee/vinegar/yeast manufacture etc.), fruit and vegetable processing, flour milling, glue manufacturer, egg processing, pet food processing, plants nursery (open areas), potato processing, poultry processing, saleyards, seafood processing, soft drink/cordial manufacture, starch manufacture, sugar refinery, tanker washing, tip leachate, transport depot/terminal, water treatment backwash, wholesale meat processing, winery, wine/spirit bottling.

Dischargers of industrial waste include the following Classification C activities:

acid pickling, adhesive/latex manufacture, agricultural and veterinary drugs, anodising, bitumen and tar, bottle washing, cardboard and carton manufacture, carpet manufacture, caustic degreasing, chemicals manufacture and repackaging, contaminated site treatment, cyanide hardening, detergent/soaps manufacture, drum washing, electroplating, engine gearbox reconditioning, extrusion and moulding (plastic/metal), feather washing, fellmonger, felt manufacture, fertilisers manufacture, fibreglass manufacture, filter cleaning, foundry, galvanising, glass manufacture, ink manufacture, laboratories (excluding those in Category 2), liquid wastewater treatment facility (grease trap receival depot and other pump-out waste depot), metal finishing, metal processing (refining/rolling/non-cyanide heat treatment/phosphating/photo engraving/printed circuit etching/sheet metal fabrication etc.), mirrors manufacture, oil recycling (petrochemical) and refinery, paint stripping, paint manufacture, paper manufacture, pharmaceuticals manufacture, plaster manufacture, powder coating, printing (newspaper, lithographic), sandblasting, slipway, tannery, timber processing (joinery and furniture/plywood/hardwood), textile manufacture (wool dyeing/spinning/scouring), truck washing (internal), waxes and polishes.

4.7 LIQUID TRADE WASTE FEES AND CHARGES

4.7.1 Fees and Charges

Muswellbrook Shire Council provides sewerage and liquid trade waste services on a commercial basis, with full cost recovery through sewerage and liquid trade waste fees and charges. Council's proposed fees and charges are advertised annually for public comment in its draft Management Plan. In addition to the liquid trade waste fees and charges described below, Council may elect to include any trade waste charges shown in Appendix I of the *Liquid Trade Waste Regulation Guidelines, 2009*.

Liquid trade waste discharged to the sewerage system from industrial, commercial or other non-residential customers can impose significant costs on sewage transport and treatment facilities. To recover these costs and to ensure removal of existing significant cross subsidies from residential customers, in addition to a two-part tariff with an appropriate **sewer usage charge/kL** for non-residential sewerage, appropriate fees and charges are levied for liquid trade waste.

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

- Application fee
- Annual trade waste fee
- Re-inspection fee
- Trade waste usage charge

- Septic tank and pan waste disposal charge
- Excess mass charges
- Food waste disposal charge
- Non-compliance liquid trade waste usage charge
- Non-compliance excess mass charge and pH charge
- Non-compliance penalty.

4.7.2 Phasing in of Charges

Large increases in liquid trade waste fees and charges may be phased in over a period of up to 3 years.

4.7.3 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 on the basis of the category into which the discharger is classified and reflects the complexity of processing the application. Application fees will be set annually by Council.

4.7.4 Annual Trade Waste Fee

The purpose of this fee is to recover the cost incurred by Council for administration and the scheduled inspections each year to ensure a liquid trade waste discharger's ongoing compliance with the conditions of their approval.

As part of an inspection, Council or its agents may undertake monitoring of the liquid trade waste discharges from the premises or business. Such monitoring 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 on the basis of the category of the discharger and are proportionate to the complexity of their inspection and administration requirements. Annual trade waste fees will be set by Council. Where the discharger is required to pay for monitoring this will be charged on the basis of full cost recovery.

In view of the adverse impact of wastes with a high concentration of oil and grease on Council's sewage transportation system, Council may carry out inspections of commercial premises preparing hot food twice per year and require that the discharger produce documentation that the pre-treatment equipment has been properly serviced between the inspections, e.g. pump-out dockets, invoices from service contractor. The cost of these scheduled inspections is included in the annual trade waste fee for such premises.

4.7.5 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 will impose a fee for each reinspection.

The reinspection fee will be set annually by Council on the basis of full cost recovery. A reinspection may include the monitoring of liquid trade waste discharges, the cost of which may be recovered from the discharger.

4.7.6 Trade Waste Usage Charge

The trade waste usage charge is imposed to recover the additional cost of transporting and treating liquid waste from Category 2 dischargers.

Trade Waste Usage Charge (\$) = Q x Sewer usage charge (\$/kL) – refer to Revenue Policy Part 1 in Council's Operational Plan for sewer usage charge.

Where Q = Volume (kL) of liquid trade waste discharged to sewer.

Note:

1. The usage charge will be set annually by Council, indexed on the basis of the Consumer Price Index for Sydney
2. **Existing** Category 2 dischargers who have **not** installed and maintained **appropriate** pre-treatment facilities will be required to pay an additional trade waste usage charge.

4.7.7 Excess Mass Charges

Excess mass charges will apply for substances discharged in excess of the deemed concentrations in domestic sewage shown in Table 5 below. For excess mass charge calculation, equation (1) below will be applied.

Table 5. Deemed Concentration of Substances in Domestic Sewage

| Substance | Concentration (mg/L) |
|--|---------------------------------|
| Biochemical Oxygen Demand (BOD₅) | 300 |
| Suspended Solids | 300 |
| Total Oil and Grease | 50 |
| Ammonia (as Nitrogen) | 35 |
| Total Kjeldahl Nitrogen | 50 |
| Total Phosphorus | 10 |
| Total Dissolved Solids | 1000 |
| Sulphate (SO₄) | 50 [#] |

SO₄ concentration: The concentration in the potable water supply to be used if it is higher than 50 mg/L.

NB: Substances not listed above are deemed not to be present in domestic sewage.

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

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

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

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

U = Charging rate (\$/kg) for discharge of substance to the sewerage system.

Charging rates (U) used in equation (1) are as shown in Council's Operational Plan.

With regard to BOD, equation (1) applies for BOD₅ up to 600 mg/L.

Excess mass charges for BOD exceeding 600mg/L

If Council approves the acceptance limits for BOD higher than 600 mg/L, an exponential type equation will be used for calculation of the charging rate (\$/kg) as shown in equation (2) below. Equation (2) provides a strong incentive for dischargers to reduce the strength of waste. In addition, Equation (5) on page 31 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) =

$$U_e = 2C \times \frac{(\text{Actual BOD} - 300 \text{ mg/l})}{600 \text{ mg/l}} \times 1.05^{(\text{Actual BOD} - 600 \text{ mg/l}) \div (600 \text{ mg/l})} \dots\dots\dots(2)$$

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

Actual BOD – the concentration of BOD₅ as measured in a sample.

For example if C = \$0.64/kg, equation (2) would result in the following excess mass charging rates:

\$0.64/kg for BOD₅ 600 mg/L

\$2.02/kg for BOD₅ 1200 mg/L

\$5.20/kg for BOD₅ 2400 mg/L

The excess mass charge for BOD is calculated using equation (1):

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

Where U_e is the excess mass charging rate calculated using equation (2).

4.7.8 Food Waste Disposal Charge

(for existing installations only. New installations are not permitted)

Where Council has permitted the use of a food waste disposal unit for an existing hospital, nursing home or other facility, the following additional food waste disposal charge will be payable annually,

$$\text{Food Waste Disposal Charge (\$)} = \text{B} \times \text{UF}$$

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

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

4.7.9 Note: The recommended annual charging rate is in Fees & Charges, Trade Waste Fees, in Council's Operational Plan Non-compliance Charges

Category 1 and 2 Dischargers

If the discharger has not installed or maintained appropriate pre-treatment equipment, the following trade waste usage charges will be applied for the relevant billing period:

Category 1 Discharger: Refer to Fees & Charges, Trade Waste Fees in Council's Operational Plan

Category 2 Discharger: Refer to Fees & Charges, Trade Waste Fees in Council's Operational Plan

Category 3 Discharger

Non-compliance pH charge

Equation (3) is used for waste with pH being outside the approved range. 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 chart recorder or data logger as control of pH is critical to minimising odour and corrosion problems in the sewerage system.

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

$$\text{Charge rate outside range} = \text{K} \times (\text{actual pH} - \text{approved pH})^* \times 2^{(\text{actual pH} - \text{approved pH})^*} \dots\dots\dots(3)$$

*absolute value to be used.

K = pH coefficient and needs to be adjusted in accordance with changes in the CPI. Refer to Fees & Charges, Trade Waste Fees, Non – compliance pH charge in Council's Operational Plan

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

Case 1: pH measured 7.0 eg. if pH coefficient = 0.381 then

Charging rate (\$/kL) = $0.381 \times [7 - 8] \times 2^{(7-8)} = \$0.76/\text{kL}$

Case 2: pH measured 11.0 eg. if pH coefficient = 0.381 then

Charging rate (\$/kL) = $0.381 \times [11 - 9] \times 2^{(11-9)} = \$3.05/\text{kL}$

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

In order to recover Council's costs equation (4) shall apply for non-compliant excess mass charges, except for BOD where equation (5) shall apply.

$$\text{Non-compliance Excess Mass Charges (\$)} = \frac{(S - A) \times Q \times 2U}{1,000} + \frac{(S - D) \times Q \times U}{1,000} \quad .(4)$$

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 = Excess mass charging rate (\$/kg) for discharge of pollutant to sewerage system, n Refer to Fees & Charges, Trade Waste Fees, Non – compliance pH charge in Council's Operational Plan.

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 U_n will be levied on the basis of equation (5) below:

BOD non-compliance excess mass charging rate

$$U_n = 2C \times \frac{(A - 300 \text{ mg/l})}{600 \text{ mg/l}} \times 1.05 \frac{(A - 600 \text{ mg/l})}{600 \text{ mg/l}} + 4C \times \frac{(\text{Actual BOD} - A)}{600 \text{ mg/l}} \times 1.05 \frac{(\text{Actual BOD} - A)}{600 \text{ mg/l}} \dots(5)$$

For example, if C = \$0.64/kg, BOD₅ actual (measured) level is 2400 mg/L and the approved maximum concentration of BOD (A) is 1000 mg/L, equation (5) would result in a non-compliance excess mass charging rate of \$8.26/kg.

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

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

Where U_n is the non-compliance excess mass charging rate calculated using equation (5).

The non-compliance excess mass charges shown above are in lieu of the excess mass charges in section 4.7.7.

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

4.7.10 Non-compliance Penalty

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). Non-compliance penalties will be pursued by legal action.

4.7.11 Discharge of stormwater to the sewerage system

The discharge of stormwater, surface and subsoil waters to the sewerage system is prohibited under this policy. As indicated in section 3.4, the acceptance of first flush stormwater runoff may be permitted. The Fees and Charges Schedule will be applied to Category 3 dischargers in accordance with the non-compliance trade waste usage charge, if approval is granted to accept the above waters. Excess mass charges will be also applied in accordance with section 4.7.7.

4.7.12 Septic and Pan Waste Disposal Charge

Muswellbrook Shire Council accepts the disposal of tankered waste (septic and pan/chemical toilet waste) to its Recycled Water Treatment Works Septage Receival System. A Liquid Trade Waste Discharge Approval is required prior to the receipt of such waste into the Septage Receival System.

A charge will be imposed to recover the cost of accepting and treating septic tank and pan/chemical toilet waste at this facility. Note that Council may sample tankered waste discharges for compliance with any Liquid Trade Waste Discharge Approval acceptance limits.

Septic tank and pan waste disposal charge (\$) = Q x S

Where Q = Volume (kl) of waste discharged to sewer.

S = Charging rate in \$/kL for septic tank effluent, septage or chemical toilet waste -
Refer to Fees & Charges, Trade Waste Fees, in Council's Operational Plan

4.7.13 Responsibility for Payment of Fees and Charges

Property (land) owners are responsible for the payment of fees and charges for sewerage and liquid trade services provided by Council. This includes property owners of marina, caravan park, etc., if a dump point located at their premises is connected to the sewerage system. Where another party (lessee) leases premises any reimbursement of the lessor (property owner) for such fees and charges is a matter for the lessor and the lessee.

Council will charge a septic tank and pan waste disposal charge for services it provides to transporters of septic tank and pan/chemical toilet waste tankered and discharged to the sewerage system.

Table 6. Summary of Trade Waste Fees and Charges⁸

| CHARGING CATEGORY | APPLICATION FEE | ANNUAL NON-RESIDENTIAL SEWERAGE BILL WITH APPROPRIATE SEWER USAGE CHARGE/KL | ANNUAL TRADE WASTE FEE | RE-INSPECTION FEE (When required) | TRADE WASTE USAGE CHARGE /kL | SEPTIC WASTE DISPOSAL CHARGE | EXCESS MASS CHARGES /Kg | NON-COMPLIANCE TRADE WASTE USAGE CHARGE/KL | NON-COMPLIANCE EXCESS MASS/KL & Ph CHARGES/KL (If required) | NON-COMPLIANCE PENALTY (If required) |
|-------------------|------------------|---|------------------------|-----------------------------------|------------------------------|------------------------------|-------------------------|--|---|--------------------------------------|
| 1 | Yes ⁹ | Yes | Yes | Yes | No | No | No | Yes ¹⁰ | No | Yes |
| 2 | Yes | Yes | Yes | Yes | Yes | No | No | Yes ¹⁰ | No | Yes |
| 2S | Yes | Yes ¹¹ | Yes | Yes ¹¹ | No | Yes | No | No | No | Yes |
| 3 | Yes | Yes | Yes | Yes | No | No | Yes | No | Yes | Yes |

⁸ In addition, a Food Waste Disposal Charge will apply where Council has approved the use of an existing food waste disposal unit for a hospital, nursing home or other eligible facility (refer to Section 4.7.8 on page 29).

⁹ Not applicable for dischargers exempted in Table 1.

¹⁰ Non-compliance trade waste usage charge, if the discharger fails to install or properly maintain appropriate pre-treatment equipment:

Category 1 - Refer to Fees & Charges in Council's Operational Plan

Category 2 - Refer to Fees & Charges in Council's Operational Plan

¹¹ Only applicable if the discharger has a dump point located at their premises which is connected to the sewerage system.

NB: All dischargers of liquid trade waste to Council's sewerage system should be aware that they are subject to prosecution and imposition of fines under the *Local Government Act 1993* and the *Protection of the Environment (Operations) Act 1997* and Regulations. In addition to fines, Council may recover costs of damages and fines incurred by Council as a result of an illegal trade waste discharge.

4.8 MONITORING

Council will carry out inspections of the premises of all liquid trade waste dischargers and their treatment facilities at least once per annum. Inspections of commercial premises preparing hot food may be carried out 2 times per annum (refer to page 26 in Section 4.7.4). Monitoring of the large and industrial dischargers is to be carried out as specified in the approval conditions.

The applicant may be required to monitor the liquid trade waste discharge as a condition of an approval or agreement. They may also be required to pay for any sampling and testing of liquid trade waste undertaken by Council.

For this purpose, 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. The discharger may need to install a suitable method of flow measurement.

Council may require the discharger to:

- install a permanent primary measurement device;
- measure the volume and flow rate using the permanently installed flow measurement system (such as a flow metering system); or
- Install a flow measurement device on a temporary basis and obtain enough data to determine a basis for assessing the flow rate and volume; and
- 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 NSW Office of Water (NOW) to ensure reliable and accurate results. Where the discharger

is sampling the effluent, Council may randomly take duplicates to confirm the waste characteristics.

4.9 LIQUID TRADE WASTE SERVICES AGREEMENT

In addition to its approval under the Local Government Act, Council may require certain dischargers, including those who wish to discharge liquid trade waste in large volumes (discharge > 20 kL/d) or industrial waste (Concurrence Classification C dischargers) or Classification S into its sewerage system to execute a liquid trade waste services agreement (refer to Attachment 2). 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 (refer to Section 4.4 on page 17). The conditions will be binding on the applicant and the Council. The agreement will be for a period of up to five (5) years. No discharge is to be made to Council's sewerage system until an agreement or an interim agreement has been executed.

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

- additional conditions for discharge of liquid trade waste;
- 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.

4.10 ENFORCEMENT OF APPROVALS AND AGREEMENTS

(See the attached sample agreement at Attachment 2)

Any person who fails to obtain Council's approval to discharge liquid trade waste into the sewerage system, or fails to comply with the conditions of the approval, may be liable to a penalty as provided under the *Local Government Act 1993* (sections 626 to 628 and 634 to 639).

Polluting of any waters by a discharger of liquid trade waste who does not have a Council approval or who fails to comply with the conditions of the approval is an offence under section 120 (1) of the *Protection of the Environment Operations Act 1997*. In addition, under section 222 of this act, Council may issue a penalty notice (i.e. an on the spot fine) to such a discharger.

Any person who fails to comply with the terms or conditions of a liquid trade waste services agreement (i.e. there is a breach of the agreement) will be required to indemnify the Council

against any resulting claims, losses or expenses in accordance with section 8 of the agreement. Suspensions may also apply and may include a notice to cease the discharge.

4.11 MODIFICATION AND REVOCATION OF APPROVALS

Council reserves the right to modify or revoke an approval to discharge liquid trade waste to the sewerage system in any of the following circumstances:

- if the approval was obtained by fraud, misrepresentation or concealment of facts;
- for any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the Council not to have granted the approval;
- for failure to comply with a requirement made by or under the *Local Government Act 1993* relating to a condition of the approval; or
- for failure to comply with a condition of the approval.

4.12 PREVENTION OF WASTE OF WATER

Water must be used efficiently and must be recycled where practicable. It is an offence under section 637 of the *Local Government Act 1993* and its Regulation to waste or misuse water.

Dilution of trade waste with water from any non-process source including Council's water supply, bore water, groundwater and/or stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.

4.13 EFFLUENT IMPROVEMENT PLANS

Where the existing liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an Effluent Improvement Plan setting out how Council's requirements will be met. The proposed plan must detail the methods/actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions. Such actions may include more intensive monitoring, improvements to work practices and/or pre-treatment facilities to improve the effluent quality and reliability.

4.14 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 within six months and three months respectively of 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 within six months and three months respectively of 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. The EMP may not include all necessary provisions in regard to trade waste. In such cases Council may require that a suitable due diligence program and contingency plan be developed and submitted to Council.
- (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.

ATTACHMENTS

Attachments

ATTACHMENT 1

GLOSSARY

Assumed Concurrence: Council may apply to the Director General of the Department of Environment, Climate Change and Water (DECCW), for authorisation to assume concurrence for the Classification B or Classification S activities. If granted, Council will no longer need to forward such applications to DECCW for concurrence.

Automatic Assumed Concurrence: Councils have been authorised to assume DECCW concurrence for Classification A activities. Such applications may be approved by Council without forwarding the application to DECCW for concurrence.

Bilge Water: minor amounts of water collecting in the bilge of a vessel from spray, rain seepage, spillage and boat movements. Bilge water may be contaminated with oil, grease, petroleum products and saltwater.

Biochemical Oxygen Demand (BOD₅): The amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of five days at 20°C. In practical terms, BOD₅ 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.

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 deodorising or other chemicals; wastes are stored and must be pumped out (and chemical recharged) periodically.

Commercial Kitchen/Caterer: For the purpose of these Guidelines, a commercial kitchen is a premise that is typically a stand alone operation and prepares food for consumption offsite. These types of businesses typically cater to wedding functions, conferences, parties, etc. This definition would not apply to a food processing factory supplying pre-prepared meals to an airline company or similar.

Contingency Plan: A set of procedures for responding to an incident that will affect the quality of liquid trade waste discharged to the sewerage system. The plan also encompasses

Glossary

procedures to protect the environment from accidental and unauthorised discharges of liquid trade waste to the stormwater drainage system, and leaks and spillages from stored products and chemicals.

Director General: Director General means the Director General of the Department of Environment, Climate Change and Water (DECCW).

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

DECCW Concurrence is required before Council may approve an application for the discharge of liquid trade waste (including septic tank and pan waste) to the sewerage system. It is a requirement under section 90 (1) of the Local Government Act and clause 28 of the Local Government (General) Regulation 2005 that council obtain the written concurrence of the Director General of the Department of Environment, Climate Change and Water (DECCW) prior to approving such waste to be discharged to Council's sewerage system.

Effluent: The liquid discharged following a wastewater treatment process.

Effluent Improvement Plan (EIP): The document required to be submitted by a discharger who is not meeting the acceptance limits for discharge waste quality set down in Council's approval conditions and/or liquid trade waste agreement. The document sets out how the discharger will meet the acceptance limits for the discharge of liquid trade waste to the sewerage system within the agreed timeframe.

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

Heavy Metals: Metals of high atomic weight which in high concentrations can exert a toxic effect and may accumulate in the environment and the food chain. Examples include mercury, chromium, cadmium, arsenic, nickel, lead and zinc.

Housekeeping: Is a general term, which covers all waste minimisation activities connected with the way in which operations within the premises are carried out.

Industrial Discharges: Industrial liquid trade waste is defined as liquid waste generated by industrial or manufacturing processes.

Local Government Regulation: Local Government (General) Regulation 2005 under the Local Government Act 1993.

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

Mandatory Concurrence: For the liquid waste in Classification C, councils will need to obtain concurrence from DECCW for each discharger.

Methylene Blue Active Substances (MBAS): These are anionic surfactants (see Surfactants definition) and are called MBAS as their presence and concentration is detected by measuring the colour change in a standard solution of methylene blue dye.

Minimal Pre-treatment: For the purpose of this Policy includes sink strainers, basket arrestors for sink and floor waste, plaster arrestors and fixed or removable screens.

National Framework for Wastewater Source Management: refer to section 4.2

NSW Framework for Regulation of Sewerage and Trade Waste: refer to section 4.1

NSW Office of Water (NOW): In accordance with the Public Sector Employment and Management (Departments) Order 2011, from 4 April 2011 the NSW Office of Water is a separate office within the Department of Primary Industries (DPI). All trade waste matters/applications for concurrence and policies for consent need to be forwarded to NOW.

Open Area: Any unroofed process, storage, washing or transport area potentially contaminated with rainwater and substances which may adversely affect the sewerage system or the environment.

Pan: For the purpose of this Policy "pan" means any moveable receptacle kept in a closet and used for the reception of human waste.

pH: A measure of acidity or alkalinity of an aqueous solution, expressed as the logarithm of the reciprocal of the hydrogen ion (H⁺) activity in moles per litre at a given temperature; pH 7 is neutral, below 7 is acidic and above 7 is alkaline.

Premises: Has the same meaning as defined in the 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 is defined as standard non-complex equipment used for pre-treatment of liquid trade waste, e.g. a grease arrestor, an oil arrestor/separator, solids arrestor, cooling pit (refer to Table 7 of Liquid trade Waste Regulation Guidelines 2009).

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.

Septage: Material pumped out from a septic tank during desludging; contains partly decomposed scum, sludge and liquid.

Septic Tank: Wastewater treatment device that provides a preliminary form of treatment for wastewater, comprising sedimentation of settleable solids, flotation of oils and fats, and anaerobic digestion of sludge.

Septic Tank Effluent: The liquid discharged from a septic tank after treatment.

Sewage Management Facility: A human waste storage facility or a waste treatment device intended to process sewage and includes a drain connected to such a facility or device.

Sewage of Domestic Nature: Includes human faecal matter and urine and waste water associated with ordinary kitchen, laundry and ablution activities of a household, but does not include waste in or from a sewage management facility.

Sewerage System: The network of sewage collection, transportation, treatment and by products (effluent and 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 onboard toilet wastes, galley wastes and dry dock cleaning waste from maintenance activities.

Sullage: Domestic wastewater excluding toilet waste.

Surfactants: The key active ingredient of detergents, soaps, emulsifiers, wetting agents and penetrants. Anionic surfactants react with a chemical called methylene blue to form a blue-chloroform-soluble complex; the intensity of colour is proportional to concentration.

Suspended Solids (SS): The insoluble solid matter which is suspended in wastewater that can be separated by laboratory filtration and is retained on a filter. Previously also referred to as non-filterable residue (NFR).

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

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.

ATTACHMENT 2

LIQUID TRADE WASTE SERVICE AGREEMENT

BETWEEN

MUSWELLBROOK SHIRE COUNCIL

AND

[APPLICANT]

Attachment 2

LIQUID TRADE WASTE SERVICES AGREEMENT

BETWEEN

1. Muswellbrook Shire Council

AND

2. The Applicant

RECITALS

- A. The Council is the owner and operator of a sewerage system within the Muswellbrook Shire Local Government 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 of the Department of Environment, Climate Change and Water 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 Muswellbrook Shire Council.

“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

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

3. Additional Conditions for Discharge of Liquid Trade Waste

- 3.1 The Applicant may discharge liquid trade waste to the Council's sewerage system in accordance with the Approval and subject to this Agreement.
- 3.2 The Applicant must comply with all applicable Acts, regulations, by laws, proclamations and orders and with any lawful direction or order given by or for the Council or any other competent authority.
- 3.3 The Applicant must not discharge liquid trade waste contrary to this Agreement or the Approval or in any manner which may have an adverse effect on any person or property (including the sewerage system and the ecological system in the waters, land or area receiving sewage treatment works effluent or biosolids), or which may cause the Council to be in breach of any applicable Act, regulation, by law, proclamation or order or of any lawful direction given by or for any competent authority.
- 3.4 The Applicant must at its own cost monitor its discharges in accordance with the requirements set out in the Approval and must maintain records of such monitoring for inspection by the Council for such period as may be specified in the Approval.
- 3.5 The Council will carry out routine sampling and testing of the waste stream.
- 3.6 Where any flow metering device is installed, the Applicant must at its own cost cause the device to be calibrated at least annually by a person or company approved by the

Council. The Applicant must obtain a calibration certificate and provide a copy of the certificate to the council within one month of receiving it.

- 3.7 If the Applicant is required to cease discharging liquid trade waste for any period, then the Applicant must cease discharging such waste for the period specified.
- 3.8 Where the Applicant ceases to discharge waste in the circumstances prescribed in clause 3.7, the Council may, at its discretion, elect to refund part of the annual trade waste fee on a pro-rata basis, calculated according to the period of suspension.
- 3.9 If this Agreement is terminated, the Applicant must immediately cease to discharge liquid trade waste.

4. Fees and Charges

- 4.1 In accordance with section 560 of the *Local Government Act 1993*, 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 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 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 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 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 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 Council to the Applicant within the time specified for compliance in that order or direction.
- 6.3 The Applicant releases 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 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 Council.

8. Indemnity

- 8.1 The Applicant indemnifies 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 Council shall be reduced proportionally to the extent that any unlawful, negligent, reckless or deliberately wrongful act or omission of 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 Council, produce evidence of such insurance to the Council.

10. Bond

- 10.1 The Applicant must pay to 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, Council may require the Applicant to forfeit 50% of the bond.
- 10.4 Council must return the bond to the Applicant, less any amount deducted by 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:
 - (a) *in writing, directed to the representative of the other party as specified in the Annexure; and*
 - (b) *forward 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:
 - (a) *in the case of delivery in person – when delivered to the recipient's address for service and a signature received as evidence of delivery.*
 - (b) *in the case of delivery by post – within three business days of posting.*
 - (c) *in the case of delivery by facsimile – at the time of dispatch if the sender receives a transmission report which confirms that the facsimile was sent in its entirety to the facsimile number of the recipient.*
 - (d) *in the case of delivery by email, on receipt of confirmation by the recipient that the recipient has received the email.*
- 12.3 Notwithstanding the preceding clause 12.2, 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 13.1, this Agreement may be varied by written agreement of the parties, provided that a variation to this Agreement that is inconsistent with:

(a) the Approval, including rights granted under, and conditions attached to, the Approval;

(b) any applicable legislation; or

(c) Council's Annual Management Plan in respect of applicable fees and charges,

shall have no force or effect.

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.

Muswellbrook Shire Council – Policy for Discharge of Liquid Trade Waste into Council's Sewerage System

Executed as an Agreement

Execution by the Council:

| | | |
|---|---|--------------------------------|
| THE COMMON SEAL OF |) | (Corporate Seal) |
| Muswellbrook Shire Council was affixed this |) | |
|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 |) | (Corporate Seal) |
| Pty Limited |) | |
| was affixed this day of |) | |
|20.... in the presence of: |) | |
| |) | |
| [Name of Director] |) | [Signature of Director] |
| |) | |
| [Name of Director/Secretary] |) | [Signature of Director/Secretary] |

Muswellbrook Shire Council – Policy for Discharge of Liquid Trade Waste into Council's Sewerage
System

Executed by Applicant (individual):

| | | |
|-----------------------------|---|--------------------------|
| Signed by: |) | |
| [name of Applicant] |) | [signature of Applicant] |
| Thisday of20... |) | |
| In the presence of: |) | |
| |) | |
| [Print name of witness] |) | [signature of witness] |
| [Signature of Witness] |) | |

ANNEXURE to AGREEMENT

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 Number _____
3. Location: _____

4. Description: _____
5. Nature Of Business: _____

Muswellbrook Shire Council – Policy for Discharge of Liquid Trade Waste into Council's Sewerage System

D. NOTICES

Applicant's Representative: _____
Postal Address: _____

Facsimile: _____
Email: _____
Council's Representative: _____
Postal Address: _____

Facsimile: _____
Email: _____

E. PUBLIC LIABILITY INSURANCE:

Minimum cover: \$ _____

F. BOND

\$ _____

ATTACHMENT 3

Provisions in the Local Government (General) Regulation 2005 in regard to Acceptance of Liquid Trade Waste into the Sewerage System

Local Government (General) Regulation 2005

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 Director General of the Department of Energy, Utilities and Sustainability* has concurred with the approval.

Note: Section 90 (2) of the Act permits any person or authority whose concurrence is required before an approval can 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.

[#] "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. These Guidelines have now been superseded by *Liquid Trade Waste Regulation Guidelines*, April 2009.

* From 4 April 2011 a reference to the Director General of the Department of Energy, Utilities and Sustainability is to be construed as a reference to the Director General of the Department of Primary Industries.

Department of Planning and Environment



Our ref: 23/6833

Your ref: Liquid Trade Waste Policy

Mr Derek Finnigan
General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

8 May 2023

Attention: Ms Irene Chetty

Subject: Muswellbrook Shire Council Liquid Trade Waste Policy

Dear Mr Finnigan

I refer to Council's email of 11 April 2023 regarding Council's Liquid Trade Waste Policy (Policy).

Council's final Policy has been reviewed and is considered satisfactory.

Accordingly, I am pleased to advise that the Department consents to Council's Policy. Please provide the adoption date for our records in due course. Please note that Council must not modify its Policy, except with the written consent of the Department of Planning and Environment.

Please continue to liaise with Padmini Vitharana on 0429 378 022 regarding this matter.

Yours sincerely

Nicholas Sutton
Manager Regulatory Assessments
Water Operations