

Fact Sheet

Trade Waste Non-Compliance

Definition of trade waste

Trade waste means water-borne waste from business, trade or manufacturing premises, other than – a prohibited substance; or human waste; or stormwater.

Power to administer trade waste

Trade Waste is administered under the *Local Government Act 2009*, the *Water Supply (Safety and Reliability) Act 2008* and related Council policies.

The property owner is the approval holder with primary responsibility for the trade waste approval.

Power to issue Trade Waste Approval

Council may issue a Trade Waste Approval Notice which may include conditions such as:

- a requirement to service pre-treatment infrastructure at a stated frequency.
- a requirement to complete a Compliance Action by a stated Due Date eg to install pre-treatment infrastructure. A record is made against the property about the Compliance Action. Evidence of completion of work must be provided to Council by the due date.

The Notice is issued to the property owner and where possible, the business owner.

Trade Waste Non-compliance

A Trade Waste Non-compliance occurs when a condition of the Trade Waste approval has not been met. For example where:

- a pre-treatment device has not been maintained or serviced at the required frequency; or
- required pre-treatment has not been installed by the stated Due Date.

A record is made against the property about the Non-compliance. Additional charges may be imposed.

Council may issue a Trade Waste Non-compliance Advice providing a final Due Date for corrective action to be completed. Evidence of completion of work must be provided to Council by the due date. Once received the Non-compliance action is closed.

Cancellation or suspension of Approval

Council may suspend or cancel a trade waste approval if:

- the approval holder or business has contravened a condition of the approval; or
- the approval holder or business has contravened a provision of the legislation; or
- the approval is no longer appropriate; or
- urgent action is necessary.

Show Cause Notice

Prior to cancellation or suspension of an approval a show cause notice is issued. It states:

- the proposed action to be taken; and
- a due date for a response; and
- the grounds for the proposed action.

The owner may make a submission about the show cause notice using the process given in the notice.

Information Notice

After Council has considered any submissions on the show cause notice, an information notice about its decision is issued. Council may:

- suspend or cancel the trade waste approval; or
- take some other action.

Immediate suspension or cancellation

A trade waste approval may be suspended or cancelled without a show cause notice if urgent action is necessary in the interests of public health or safety to:

- prevent environmental harm; or
- prevent damage to the sewerage system.

In this instance Council will issue an information notice advising of the suspension or cancellation.

Operation following suspension or cancellation of approval

Under section 193 of the *Water Supply (Safety and Reliability) Act 2008* it is an offence to discharge trade waste into sewer without a trade waste approval.

If the business continues to discharge trade waste following suspension or cancellation, Council may:

- issue a Penalty Infringement Notice (PIN); or
- commence legal action.

Trade Waste non-compliance flowchart

