

26 July 2013

Mr Chris Patterson MP
Chair, Committee on Environment and Regulation
Parliament of New South Wales
Macquarie Street
Sydney NSW 2000

NSW Business Chamber
incorporates

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Dear Mr Patterson

The NSW Business Chamber (“the Chamber”) welcomes the opportunity to make a submission to the Inquiry into the Management and Disposal of Waste on Private Land.

As you may be aware, the Chamber is one of Australia’s largest business support groups, with a direct membership of more than 12,000 businesses, providing services to over 30,000 businesses each year. Tracing its heritage back to the Sydney Chamber of Commerce established in 1825, the Chamber works with thousands of businesses ranging in size from owner operators to large corporations, and spanning all industry sectors from product-based manufacturers to service provider enterprises.

The Chamber is a leading business solutions provider and advocacy group with strengths in workplace management, occupational health and safety, industrial relations, human resources, international trade and business performance consulting.

Operating throughout a network of offices in metropolitan and regional NSW, the Chamber represents the needs of business at a local, regional, State and Federal level, advocating on behalf of its members to create a better environment for industry.

With our membership spanning across NSW, and with many member businesses operating in industries that require the effective management of trade waste disposal, this review is very much welcome.

The Chamber has recently received a number of complaints from member businesses, in the Mid-North Coast and Northern Rivers regions raising concerns about the approach of Local Water Utilities (in this case local councils) in terms of the enforcement of liquid trade waste management regulations.

Although the terms of reference do not call for information specifically on this issue, it does fall broadly within the remit of the Committee in examining the management of waste on private land.

The Chamber has been advised that council representatives have been visiting local businesses and advising them to upgrade their liquid waste treatment systems because, the council claims, they no longer meet the standards for such systems as set by the NSW Office of Water Regulatory Guidelines. This is despite the fact, members advise, that they are otherwise complying with all obligations under the guidelines, are maintaining their current systems to standard and there is no evidence of untreated waste being released. Members advise that replacing the systems at such short notice would cost tens of thousands of dollars.

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The *Liquid Trade Waste Regulation Guidelines, 2009* overseen by the NSW Office of Water, is the key regulation for the management of liquid trade waste. As part of the *Best-Practice Management of Water Supply and Sewerage Guidelines, 2007* the NSW Office of Water is tasked to work with Local Water Utilities (such as councils) to ensure their enforcement activity is undertaken effectively. Under the *2009 Regulation Guidelines*, grease trap waste disposal methods are listed under concurrence classification C, in that they comprise high-risk and large liquid trade waste dischargers.

The Chamber understands and appreciates that water treatment measures such as grease traps are a necessary liquid waste processing device for the food service industry and various other industries where large quantities of cooking fats, oils and grease are used regularly. Prior to grease trap use, this harmful waste was being discharged directly into the sewer, blocking up pipe lines and creating problems with sewage treatment.

Whilst the Chamber appreciates that rules and regulations have been established to minimise hazardous waste and chemicals entering our waterways, the focus of local water utilities in enforcing the regulations should be principles rather than compliance based. Local councils when undertaking these functions should not be setting out to punish businesses that fail to strictly comply with the regulations, in circumstances where the businesses non-compliance is having no material effect on the release of trade waste.

We have been advised that several other councils in the northern rivers region have applied a much more common sense approach in dealing with this the issue. These councils have taken the time to work with local businesses and recognise that where an existing business had no breach of the regulations and there had been no material change in the use or ownership of the business, they would not require strict compliance with the regulation and would allow the businesses current liquid waste treatment system to remain as is. In some of these cases, where there had been an increase in the required volume of tanks, rather than force the business to upgrade to a larger tank, the council would instead require that pump out rates be increased.

The Chamber recommends that the NSW Office of Water provides better guidance to local council regulators on how to appropriately apply discretion in dealing with businesses on their liquid waste obligations.

The Chamber further notes that as many councils are dealing with this issue sensibly, this may be a regulatory function that would be better delivered at a regional basis rather than via a council by council approach. This might be raised by the Committee with the review of local government boundaries and functions currently being undertaken by the Independent Local Government Review Panel, Chaired by Professor Graham Samson.

Thank you for the opportunity to participate in this inquiry. If you have any further questions in relation to this submission, please feel free to contact Mr Craig Milton, Policy Analyst on 9458 7913 or craig.milton@nswbc.com.au. Please feel free to contact me if you wish to discuss this correspondence further.

Yours sincerely,



Paul Orton
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