



**GLADSTONE**  
REGIONAL COUNCIL

**GENERAL MEETING NOTICE  
AND AGENDA**

**TO BE HELD AT THE COUNCIL CHAMBERS – CIVIC CENTRE  
101 GOONDOON STREET, GLADSTONE**

**On Tuesday 7 June 2022**

**Commencing at 9.00am**

**Leisa Dowling  
CHIEF EXECUTIVE OFFICER**

## Table of Contents

ITEM	PAGE
<b>G/1. MAYORAL STATEMENT OF CURRENT ISSUES.....</b>	<b>3</b>
<b>G/2. CONFIRMATION OF MINUTES.....</b>	<b>4</b>
G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 17 MAY 2022.....	4
<b>G/3. OFFICERS' REPORTS .....</b>	<b>5</b>
G/3.1. TENDER 145-22 DAWSON HIGHWAY MAINS RELOCATION .....	5
G/3.2. PREFERRED SUPPLIER AGREEMENT 119-22 CLEANING SERVICES .....	8
G/3.3. ANNUAL RENEWAL OF STATUTORY DELEGATIONS - COUNCIL TO CHIEF EXECUTIVE OFFICER.....	11
G/3.4. LEASE TO STEPPING STONES CHILD CARE CENTRE .....	15
G/3.5. LEASE TO BAFFLE CREEK RIDERS CLUB INC .....	19
G/3.6. 2022-24 BIOSECURITY SURVEILLANCE PROGRAM .....	22
G/3.7. 2022-23 GENERAL SOLE AND SPECIALISED SUPPLIERS .....	25
G/3.8. GLADSTONE REGIONAL COUNCIL TRADE WASTE MANAGEMENT PLAN .....	29
<b>G/4. DEPUTATIONS .....</b>	<b>33</b>
<b>G/5. COUNCILLORS REPORT.....</b>	<b>33</b>
<b>G/6. URGENT BUSINESS.....</b>	<b>33</b>
<b>G/7. NOTICE OF MOTION .....</b>	<b>33</b>
<b>G/8. CONFIDENTIAL ITEMS .....</b>	<b>33</b>

**G/1. MAYORAL STATEMENT OF CURRENT ISSUES**

## **G/2. CONFIRMATION OF MINUTES**

### **G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 17 MAY 2022**

**Responsible Officer:** Chief Executive Officer

**Council Meeting Date:** 7 June 2022

**File Ref:** CM7.2

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#### **Purpose:**

Confirmation of the minutes of the General Meeting held on 17 May 2022.

#### **Officer's Recommendation:**

That the minutes of the General Meeting of Council held on 17 May 2022 be confirmed.

#### **Attachments:**

1. Minutes of the General Meeting of Council held on 17 May 2022.

#### **Tabled Items:**

Nil.

**Report Prepared by:** Executive Secretary

## **G/3. OFFICERS' REPORTS**

### **G/3.1. TENDER 145-22 DAWSON HIGHWAY MAINS RELOCATION**

**Responsible Officer:** General Manager Finance Governance and Risk

**Council Meeting Date:** 7 June 2022

**File Ref:** PE1.1

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#### **Purpose:**

This report seeks resolution from Council to enter into a contract with RoadPak Industries for Dawson Highway water main relocation works.

#### **Officer's Recommendation:**

That Council:

1. Endorse the Tender Evaluation Panel's recommendation and accept the offer from RoadPak Industries Pty Ltd for Tender 145-22 Dawson Highway Water Mains Relocation; and
2. Authorise the Chief Executive Officer to enter into a contract with RoadPak Industries Pty Ltd for Tender 145-22 Dawson Highway Water Mains Relocation.

#### **Background:**

The Dawson Highway and Drynan Drive intersection, Calliope, has been identified as a high-risk intersection that has been scheduled for major intersection redesign and upgrade. Council are required to relocate existing water mains from the intersection upgrades works foot print, to allow the installation of new electrical lighting and signaling services.

Council requires a suitably qualified contractor to supply and install two (2) watermain pipe relocations, for intersection upgrades to be completed at the intersection. The work to be performed comprises the provision of all materials, plant, labour, testing, and commissioning. The Department of Traffic and Main Roads (TMR) have provided issued for construction design drawings for these works which are fully funded by TMR.

#### **Options, Risk and Opportunity Analysis:**

On 9 April 2022, Council released an Invitation to Tender ('ITT') to the open market via VendorPanel, in accordance with the tender process requirements set out in section 228 of the *Local Government Regulation 2012*.

The tender closed on 4 May 2022, with one (1) conforming offer received from RoadPak Industries Pty Ltd.

## GENERAL MEETING AGENDA 7 JUNE 2022

The offer was evaluated by a panel of subject matter experts, based on the criteria disclosed in the ITT which included:

Objective Evaluation Criteria	Weighting
Proposed Program/Schedule meets GRC timing requirements and includes all key milestones/tasks	30%
Offer demonstrates understanding of the scope and GRC's requirements and includes a Resourcing Plan which addresses all aspects of the scope and GRC's requirements.	20%
Nominated past projects performed meet GRC's experience requirements	15%
Proposed Key Personnel have the qualifications and experience required by GRC	20%
Local Content	15%

The submission from RoadPak Industries Pty Ltd sufficiently addressed Council's requirements of the tender.

The tender evaluation panel recommends the submission from RoadPak Industries Pty Ltd as it presents the best overall offer to Council.

### **Communication and Consultation:**

Regular meetings between the project team, stakeholders and the contractor will take place throughout the delivery of the project.

### **Legal Strategy and Policy Implications:**

Council sought offers via VendorPanel in accordance with the *Local Government Regulation 2012*, *Local Government Act 2009* and Council's Procurement Policy P-2021-01.

Council's endorsement of this tender award is in accordance with the Register of Delegations - Exercise of Statutory Powers and Financial Delegation Register.

The Officer's recommendation is based on the evaluation methodology and criteria in the ITT. There are risks associated with Council awarding a contract contrary to the officer's recommendation.

If Council is not satisfied with the evaluation methodology and criteria or the application thereof, Council may refer the matter back to officers for re-evaluation.

In the interests of probity, an amendment to the evaluation methodology and/or criteria may require referral back to tenderers so that they can each have the opportunity to make any changes to their offers having regard to the amended criteria prior to re-evaluation.

### **Financial and Resource Implications:**

The value of this contract will be \$540,000 ex GST and is contained within the project budget as funded by the Department of Traffic and Main Roads.

## **GENERAL MEETING AGENDA 7 JUNE 2022**

### **Summary:**

The offer from RoadPak Industries Pty Ltd meets Council's requirements for award of this contract.

### **Anticipated Resolution Completion Date:**

The contract will be awarded in June 2022.

### **Attachments:**

1. CONFIDENTIAL 145-22 Offer Evaluation Report

### **Tabled Items:**

Nil

**Report Prepared by:** Manager Contracts and Procurement.

## **G/3.2. PREFERRED SUPPLIER AGREEMENT 119-22 CLEANING SERVICES**

**Responsible Officer:** General Manager Finance Governance and Risk

**Council Meeting Date:** 7 June 2022

**File Ref:** PE1.1

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### **Purpose:**

This report seeks resolution from Council to enter into a Preferred Supplier Agreement with CMBM Facility Services Pty Limited for the provision of cleaning services.

### **Officer's Recommendation:**

That Council:

1. Endorse the Tender Evaluation Panel's recommendation and accept the offer from CMBM Facility Services Pty Limited for Tender 119-22 Cleaning Services; and
2. Authorise the Chief Executive Officer to enter into a 2-year Preferred Supplier Arrangement with the option to extend for two further periods of 1-year each with CMBM Facility Services Pty Limited for tender 119-22 Cleaning Services.

### **Background:**

Council requires a service provider with appropriate experience and capability to undertake cleaning services across approximately seventy (70) buildings and premises owned and/or managed throughout the Gladstone Region.

The current contract for this service expires on 30 June 2022.

### **Options, Risk and Opportunity Analysis:**

On 19 February 2022, Council released an Invitation to Tender ('ITT') to the open market via VendorPanel, in accordance with the tender process requirements set out in section 228 of the *Local Government Regulation 2012*.

The tender closed on 22 March 2022, with seven (7) conforming offers received.



## GENERAL MEETING AGENDA 7 JUNE 2022

The offers were evaluated by a panel of subject matter experts, based on the criteria disclosed in the ITT which included:

Objective Evaluation Criteria	Weighting
Business has the capability and demonstrates understanding of the scope and GRC's requirements and includes a Resourcing Plan which addresses aspects of the scope and GRC's requirements.	45%
Nominated past projects performed meet GRC's experience requirements	15%
Proposed Key Personnel have the qualifications and experience required by GRC	10%
Local Content (Workforce Locality)	30%

The offers were scored against the above evaluation criteria as follows:

Vendor	Score
CMBM Facility Services Pty Ltd	83
Achieve Corporate Services	64
Biniris (Aust.) Pty Ltd	54
Advanced National Services	53
SPS Facilities	53
Swampy Property Services Pty Ltd	47
Principal Asset Services	28

The offer from CMBM Facility Services Pty Ltd ('CMBM') scored the highest overall and presented the best value for money to Council. The CMBM offer demonstrated an in-depth understanding of Council's requirements and included multiple contracts of the same scale and nature. All key personnel proposed met or exceeded Council's requirements. CMBM currently has 60 employees residing in the Gladstone region and provided a detailed plan including the employment of a further 42 Gladstone locals to fulfill the scope of the contract. The team leader and manager nominated by CMBM for this contract both reside in the Gladstone region.

The tender evaluation panel recommends the submission from CMBM Facility Services Pty Ltd as it presents the best overall offer to Council.

### **Communication and Consultation:**

Consultation in accordance with the Engagement of Contractors Procedure was conducted prior to the release of this tender, with relevant employees and unions engaged. Regular communication between the Property team and the service provider will take place prior to contract commencement and throughout the term of the contract.

### **Legal Strategy and Policy Implications:**

Council sought offers via VendorPanel in accordance with the *Local Government Regulation 2012*, *Local Government Act 2009* and Council's Procurement Policy P-2018-12.

## GENERAL MEETING AGENDA 7 JUNE 2022

Council's endorsement of this tender award is in accordance with the Register of Delegations - Exercise of Statutory Powers and Financial Delegation Register.

The Officer's recommendation is based on the evaluation methodology and criteria in the ITT. There are risks associated with Council awarding a contract contrary to the officer's recommendation.

If Council is not satisfied with the evaluation methodology and criteria or the application thereof, Council may refer the matter back to officers for re-evaluation.

In the interests of probity, an amendment to the evaluation methodology and/or criteria may require referral back to tenderers so that they can each have the opportunity to make any changes to their offers having regard to the amended criteria prior to re-evaluation.

### **Financial and Resource Implications:**

The offer made by CMBM Facility Services Pty Ltd will be approximately \$5,434,750.20 ex GST based on scheduled services for the full 4-year potential term. These costs are contained within the annual operating budget.

### **Summary:**

CMBM Facility Services Pty Ltd's offer was evaluated as presenting the best value to Council.

### **Anticipated Resolution Completion Date:**

The contract will be awarded in June 2022.

### **Attachments:**

1. CONFIDENTIAL 119-22 Offer Evaluation Report.

### **Tabled Items:**

Nil

**Report Prepared by:** Manager Contracts and Procurement.

### **G/3.3. ANNUAL RENEWAL OF STATUTORY DELEGATIONS - COUNCIL TO CHIEF EXECUTIVE OFFICER**

**Responsible Officer:** General Manager Finance Governance and Risk

**Council Meeting Date:** 7 June 2022

**File Ref:** CM9.2

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#### **Purpose:**

This report seeks the annual review and renewal of statutory delegations to the Chief Executive Officer incorporating delegations from legislative changes that have occurred up to and including the 2 February 2022.

#### **Officer's Recommendation:**

That the powers contained in the 'Delegations Register – Exercise of Statutory Powers – Council to CEO' are hereby delegated by Council to the Chief Executive Officer pursuant to Section 257 of the *Local Government Act 2009*.

#### **Background:**

There are many pieces of legislation that Council has an obligation to administer or enforce either in whole or in part. In many instances the power to make decisions under legislation is given to 'Local Government' or 'Council' or 'the entity'. Where a power is given in this way, it is expected that the power is to be exercised by the elected body of Council (i.e. via Council resolution at a Council Meeting). Council can share in the exercise of its powers through delegation to the Chief Executive Officer who may further sub-delegate to other positions within the organisation (except where legislation specifically prohibits delegation and sub-delegation).

It is important to note that Council as an elected body is not giving away this power by delegating; it can still exercise any power in its own right. The process of Council sharing its legislative powers through delegation and sub-delegation allows staff to administer legislative responsibilities and make decisions efficiently without the need for a Council resolution.

There have been several legislative changes in late 2021 and early 2022 that impact on delegations. These changes are presented as tracked changes in red text in Attachment 1. The entries in the rows coloured green are new powers as a result of new legislation, or legislation that has not previously been included in the LGAQ delegation registers.

A summary of the changes during late 2021 and early 2022 are listed below:

1. ***Acquisition of Land Act 1967*** – There are some new minor provisions included in the Act as a result of legislative change. The new delegations relate to land taken by resumption in relation to gazettal notices and fees.
2. ***Animal Care and Protection Regulation 2012*** – There have been some additional Codes of Practice associated with the Regulation which need to be observed including those associated with livestock at depots and saleyards. This will have an impact for the business in relation to the impoundment of stock.

## GENERAL MEETING AGENDA 7 JUNE 2022

3. **Building Regulation 2021** – The regulation has had a review and a new regulation adopted. As part of the review there are five new delegated powers that relate to non-compliance notices, referral agency decisions and temporary accommodation.
4. **Building Fire Safety Regulation 2008** – This regulation has been in place for some time, however, it has not previously formed part of the LGAQ delegation registers. The delegations provided under the regulation are already being managed via Council’s fire and evacuation procedures. However, the inclusion of delegations in the register will provide an opportunity to formally document existing responsibilities within the business.
5. **Public Health Act 2005** – There have been some inclusions in the Public Health Act relating to the protection of personal information associated with COVID-19 reporting and contact tracing.
6. **Medicines and Poisons Act 2019 and Medicines and Poisons (Pest Management Activities) Regulation 2021 and Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021** – From 27 September 2021, the *Medicines and Poisons Act 2019* (MPA) and supporting regulations replace the repealed *Health Act 1937, Pest Management Act 2001, Health (Drugs and Poisons) Regulation 1996* (HDPR), *Health Regulation 1996* and *Pest Management Regulation 2003* with a new regulatory framework. The MPA modernises and streamlines the regulation of medicines, poisons, pesticides and fumigants, simplifies existing licence requirements and improves national uniformity. *The Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021* (Poisons Regulation) together with the *Medicines and Poisons (Medicines) Regulation 2021* replaces the *Health (Drugs and Poisons) Regulation*.
  - Key objectives of the Poisons Regulation include:
    - protecting the public from the health risks associated with the inappropriate access to, and use of, poisons
    - adopting a contemporary approach to regulating pesticides and fumigants in Queensland that introduces a more responsive and outcomes-focused regulatory framework
    - streamlining the regulatory controls governing poisons to reduce the associated regulatory costs for industry, consumers and government
    - enhancing consistency with national regulatory frameworks by implementing nationally-agreed decisions in relation to the regulation of poisons
    - improving security controls in the use and storage of poisons to prevent diversion for unlawful purposes.

The Act and Regulations are relevant to the business as Council conducts pest control programs using 1080 poison which is one of the regulated substances covered by the Act and Regulations and captures other requirements relating to pesticides that Council may apply for specific purposes (ie. such as mosquito control, etc).
7. **Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020** – The regulation expired on the 30 April 2022 and therefore these delegations have been removed from the Delegation Registers.
8. **Residential Tenancies and Rooming Accommodation Act 2008** – The delegations under this legislation are relevant to the business as Council has several residential properties that are leased currently. There is a new inclusion in the Act associated with the passing of a sole resident.
9. **Retail Shop Leases Act 1994 and Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation 2020** – The delegations under this legislation are relevant to the business as Council has commercial property that is leased. This Act and Regulation are new additions to the LGAQ delegations register and will provide an opportunity for Council to formalise associated decision-making responsibilities.

10. **Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021** and **Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2021** – These are new regulations which came into effect on the 1 September 2021. As Council operates vehicles and machinery, these regulations are relevant to the business. It is likely that the majority of the delegations will be sub-delegated to the areas responsible for managing Council’s fleet. For those Councillors that wish to read in more detail, the objectives and reasons for the Regulations, this information is available from the following link:  
[https://documents.parliament.qld.gov.au/tp/2021/5721T1178.pdf#:~:text=The%20proposed%20Regulation%20provides%20for,%2DParty%20\(CTP\)%20insurance](https://documents.parliament.qld.gov.au/tp/2021/5721T1178.pdf#:~:text=The%20proposed%20Regulation%20provides%20for,%2DParty%20(CTP)%20insurance) .

Under the *Local Government Act 2009*, Council must each year, review all delegations to the Chief Executive Officer. The last annual review by Council was conducted in November 2020. The LGAQ six monthly updates prepared by King and Company were delayed and would have generally been available prior to December 2021. They only became available to Councils in April 2022 and takes in the period ending 2 February 2022, so the annual update and renewal process to Council has also been delayed.

Officers have recommended that the majority of powers be shared with the Chief Executive Officer (who may further sub-delegate) with the exception of those that Council has previously indicated should be solely exercised by Councillors. These include those powers that legislatively must be decided by Council and those that are generally the high-level strategic decisions such as determining compensation for acquisition of land, deciding to take appeal action in Court, the removal or acceptance of trusteeship of public land, powers to appoint audit committee members, etc.

### **Options, Risk and Opportunity Analysis:**

#### Option 1 – Recommendation

The risk of not reviewing and renewing delegations to the CEO is that Council would be in breach of its statutory obligation under Section 257(5) of the *Local Government Act 2009*. There has been some case law where delegated decisions have been challenged on the basis that Council has not conducted an annual review of delegations to the CEO.

#### Option 2 – Amend the Delegations presented in Attachment 1

Should Council elect not to delegate all the powers listed in the Attachment 1 to the Chief Executive Officer as per the recommendation, Council can pass an alternative resolution which excludes some powers. The resolution to read as follows:

‘That subject to the exclusion of the following powers:

1. *Insert power to be excluded*
2. *Insert power to be excluded*

the remaining powers contained in the ‘Delegations Register – Exercise of Statutory Powers – Council to CEO’ are hereby delegated by Council to the Chief Executive Officer pursuant to Section 257 of the *Local Government Act 2009*.’

### **Communication and Consultation:**

Council’s Governance Team review legislative delegation updates as produced by King and Company under contract to the Local Government Association of Queensland (generally every 6 months). Once the amended delegation register is prepared it is reviewed by the General Manager Finance Governance and Risk and the Chief Executive Officer.

**Legal Strategy and Policy Implications:**

Section 257 of the *Local Government Act 2009* allows Council to delegate powers to the Chief Executive Officer, who may further delegate under Section 259 with the exception of those powers that legislatively cannot be further delegated, or that Council has requested not be further sub-delegated. Section 257(5) requires that Council review all delegations to the CEO annually.

**Financial and Resource Implications:**

There are no direct costs to Council in delegating statutory powers to the Chief Executive Officer. Delegating powers to the Chief Executive Officer results in time and resource savings in the operations of Council as it allows those matters that Council is comfortable being managed operationally, to be actioned in an efficient and effective manner.

**Summary:**

Under the provisions of the *Local Government Act 2009* Council is required to review its delegations to the CEO annually. Attachment 1 presents the current delegations from Council with some amendments and inclusions arising out of legislative change up to the 2 February 2022.

**Anticipated Resolution Completion Date:**

30 June 2022

**Attachments:**

1. Register of Delegations – Exercise of Statutory Powers – Council to CEO

**Tabled Items:**

Nil

**Report Prepared by:** Governance Business Partner

### G/3.4. LEASE TO STEPPING STONES CHILD CARE CENTRE

**Responsible Officer:** General Manager Strategic Asset Performance

**Council Meeting Date:** 7 June 2022

**File Ref:** CM8.2

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#### **Purpose:**

The purpose of this report is to allow Council to consider leasing freehold land for childcare purposes to Stepping Stones Child Care Centre Gladstone Association Inc.

#### **Officer's Recommendation:**

That Council:

1. Resolves that s236(1)(b)(ii) of the Local Government Regulation 2012 applies to the proposed lease of Lot 1 on SP 291299 to Stepping Stones Child Care Centre Gladstone Association Inc; and
2. Delegates authority to the Chief Executive Officer to negotiate a lease with Stepping Stones Child Care Centre Gladstone Association Inc for child care purposes over Lot 1 on SP 291299 for a period of up to 10 years.

#### **Background:**

Council is the registered owner of freehold land situated at 26 Bramston Street, Gladstone, otherwise described as Lot 1 on SP 291299 ("the Land").



## GENERAL MEETING AGENDA 7 JUNE 2022

Stepping Stones Child Care Centre Gladstone Association Inc (“Stepping Stones”) is a not for profit organisation and has operated a child care centre from 26 Bramston Street for over 20 years, entering its first lease with Council in 1999. With renewed leases in 2005 and 2010.

In 2015 it was identified that Stepping Stones Child Care Centre was situated on two parcels of land (Lot1 RP 613116 and Lot 3 RP 840850) which were reconfigured to create what is now described as the Land.

Standardisation of the lease document with Stepping Stones was also proposed, therefore Stepping Stones relinquished the existing lease in December 2016. A draft lease for the new lease area was issued to Stepping Stones for consideration in 2018, however negotiations regarding the conditions of the lease stalled. As a result, while Stepping Stones has continuously occupied the Land, Stepping Stones has done so without a lease since 2016.

### **Options, Risk and Opportunity Analysis:**

Council Officers have considered two (2) options:-

1. Enter into a lease agreement with Stepping Stones; or
2. Undertake an expression of interest to determine if other groups are interested in leasing the Land; or
3. Dispose of the land.

#### ***Option 1 – Officer’s Recommendation – Enter into a new lease agreement with Stepping Stones***

This option is consistent with the existing leasing arrangement. Under this option, it is proposed that the lease terms would be as follows:

- Term: 10 years
- Outgoings: At the sole cost of Stepping Stones
- Rent: Proposed to be a nominal sum to cover Council’s administrative expenses.
- Repair and Maintenance: At the sole cost and expense of Stepping Stones.
- Conditions: Council’s standard lease terms with additional clauses to address the nature of the operation.

#### Opportunities

- Allows Stepping Stones to continue operating on the Land.
- Provides security of tenure for Stepping Stones and clarity on the obligations of managing the Land.
- Reduces Council’s liability for activities undertaken on the land or in the instance that an incident occurs.
- Meets the requirements of Council’s Leasing of Commercial Activities on Council land Policy.
- Provides for the uninterrupted provision of child care services.
- Enables Council to continue to provide the land to Stepping Stones at a rental below market rate, supporting the provision of affordable child care services in Gladstone.

#### Risks

- There may be similar groups wanting to lease land close to the CBD area.

#### ***Option 2 – Undertake an expression of interest regarding the lease of the Land***

Council may prefer to pursue a commercial opportunity (rental) or seek expressions of interest from other community organisations.



## GENERAL MEETING AGENDA 7 JUNE 2022

### Opportunities

- Potential for additional revenue through rental income through a commercial lease.
- Other community groups may benefit from a lease of Council land.

### Risks

- This would disrupt the provision of child care services in Gladstone and potentially result in reputational damage for Council.
- Given that Stepping Stones is well established on the Land, Council may be required to undertake unbudgeted refurbishment of the building prior to offering it for lease to a third party.
- If vacant for a period of time, Council would be responsible for the maintenance of the Land.

### **Option 3 – Dispose of the Land**

If Council wished to investigate the disposal of the land it is recommended that Council resolve as follows:  
*That the Chief Executive Officer bring a report to the General Meeting of 23 August 2022 outlining the risks and opportunities associated with the sale of 26 Bramston Street, Gladstone.*

### **Communication and Consultation:**

Preliminary negotiations have taken place with Stepping Stones to confirm their intent to enter into a new lease with Council.

Council's General Counsel has had input into the terms and conditions of the lease.

### **Legal Strategy and Policy Implications:**

The Officer's recommendation is consistent with Council's policies, specifically, *P-2016-23 Corporate Property Policy*.

Under s227 of the *Local Government Regulation 2012* ("LGR"), Council cannot enter into a valuable non-current asset contract (a contract for the lease or sale of freehold land) unless it first invites written tenders or offers the non-current asset for sale by auction. In this instance there is one applicable exception to s227 of the LGR:

s236(1)(b)(ii): where the valuable non-current asset is disposed of to ... a community organisation.

By virtue of s236(1)(b)(ii), Council is able to enter into a lease with Stepping Stones without first inviting written tenders or sale by auction, and for a value below market value.

### **Financial and Resource Implications:**

Under Options 1 and 2, the preparation of the lease or expression of interest will be undertaken using existing resources and accommodated within the 22/23 operating budget.

There may be additional costs associated with Option 2 if Council were required to undertake repairs and maintenance to the property in preparation for a lease to a third party.

Costs associated with Option 3 are unknown at this point in time and, if Council's preference is to pursue the disposal of the Land a future report will be presented to Council including an estimate of costs and potential revenue.

**GENERAL MEETING AGENDA 7 JUNE 2022**

**Summary:**

Nil

**Anticipated Resolution Completion Date:**

31 July 2022

**Attachments:**

Nil

**Tabled Items:**

Nil

**Report Prepared by:** Strategic Property Officer (Acting)

### G/3.5. LEASE TO BAFFLE CREEK RIDERS CLUB INC

**Responsible Officer:** General Manager Strategic Asset Performance

**Council Meeting Date:** 7 June 2022

**File Ref:** CM8.2

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#### **Purpose:**

The purpose of this report is to allow Council to consider leasing freehold land for Sport and Recreation purposes to Baffle Creek Riders Club Inc.

#### **Officer's Recommendation:**

That Council:

1. Resolves that Section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the proposed Lease C on SP 200698 in Lot 7 on SP 172472 to Baffle Creek Riders Club Inc; and
2. Delegates authority to the Chief Executive Officer to negotiate a lease with Baffle Creek Riders Club Inc for Sport and Recreation purposes over Lease C on SP 200698 in Lot 7 on SP 172472 for a period of up to 10 years.

#### **Background:**

Council is the owner of a parcel of freehold land situated at 569 Coast Road, Baffle Creek otherwise described as Lot 7 on SP 172472 ("the Land"). The Land a 11.36 ha parcel and is zoned Sport and Recreation.



## GENERAL MEETING AGENDA 7 JUNE 2022

The Land is made up of a number of lease areas as well as common areas for parking, public toilets and access. Refer to the Lease Plan in Attachment 1. The current tenants of the Land are:

- Lease A – Baffle Creek Community Inc (existing Lessee)
- Lease B – Baffle Creek Mens Shed Inc (existing Lessee)
- Lease D – Baffle Creek SES (existing Lessee)
- Lease E – Impact Community Services (existing Lessee)

Baffle Creek Riders Club Inc (“the Club”) are seeking a lease over Lease C. The Land was previously leased to Deepwater/Baffle Creek Riders Club Inc however due to dysfunction within the association and lack of members, the lease expired in 2020. The Club is a new reiteration of Deepwater/Baffle Creek Riders Club Inc and has been formed by a combination of new members and members of the previous association. The Club promotes itself as “Horse Sports for the Horse minded people of Baffle Creek”.

### **Options, Risk and Opportunity Analysis:**

Council Officers have considered two (2) options:-

1. Enter into a lease agreement with the Association; or
2. Undertake an expression of interest to determine if other groups are interested in leasing the Land.

#### ***Option 1 – Officer’s Recommendation - Enter into a lease agreement with the Club***

If Council were to resolve in favour of the Officer’s Recommendation, officers will negotiate a lease over Lease C on SP 200698 in Lot 7 on SP172472 with the Club. It is proposed that the lease will be on the following terms:

- Term: Up to 10 years
- Rent: \$1.00 per annum
- Outgoings: The responsibility of the Lessee
- Repair and Maintenance: The responsibility of the Lessee
- Conditions: Standard conditions for sport and recreational leases
- Special Conditions: That Council be entitled to use the lease area for animal refuge during times of natural disasters.

The opportunities associated with granting a lease are:

- Supports sport and recreation within the Baffle Creek community.
- Provides security of tenure to support the growth of the Club.
- The Lessee will be responsible for the ongoing maintenance of the Lease Area, in the absence of a lessee this is Council’s responsibility.

#### **Risks**

- There may be other community organisations who would not have the opportunity to express an interest in leasing the land.
- The Club may not be able to sustain it’s membership and could default – this is particularly of concern should the Club construct any infrastructure within the Lease Area. This can however be monitored through the Lessor Consent process.

#### ***Option 2 – Undertake an expression of interest to determine if other groups are interested in leasing the Land***

Council may prefer to pursue a commercial opportunity (rental) and seek expressions of interest from other community organisations.

## GENERAL MEETING AGENDA 7 JUNE 2022

### Opportunities

- Allows Council the opportunity to assess community interest in this parcel of land.
- Other community groups may benefit from a lease of Council land.

### Risks

- The Club may have difficulty finding a suitable alternate location to operate from.

### **Communication and Consultation:**

Officers have been in communication with Baffle Creek Riders Club Inc regarding the proposed Lease and this report.

### **Legal Strategy and Policy Implications:**

The Officer's recommendation is consistent with Council's policies, specifically, *P-2016-23 Corporate Property Policy* and *P-2017-35 Leasing of Land for Sport and Recreation*.

Under s227 of the *Local Government Regulation 2012* ("LGR"), Council cannot enter into a valuable non-current asset contract (a contract for the lease or sale of freehold land) unless it first invites written tenders or offers the non-current asset for sale by auction. In this instance there is one applicable exception to s227 of the LGR:

Section 236(1)(b)(ii): where the valuable non-current asset is disposed of to ... a community organisation.

By virtue of s236(1)(b)(ii), Council is able to enter into a lease with the Club without first inviting written tenders or sale by auction, and for a value below market value.

### **Financial and Resource Implications:**

Under Options 1 and 2, the preparation of the lease or expression of interest will be undertaken using existing resources and accommodated within the 22/23 operating budget.

### **Summary:**

Nil

### **Anticipated Resolution Completion Date:**

31 August 2022.

### **Attachments:**

1. Lease Plan SP200698

### **Tabled Items:**

Nil

**Report Prepared by:** Strategic Property Officer (Acting)

## G/3.6. 2022-24 BIOSECURITY SURVEILLANCE PROGRAM

**Responsible Officer:** General Manager Customer Experience

**Council Meeting Date:** 7 June 2022

**File Ref:** CM31.09

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### **Purpose:**

To seek Council approval by resolution to implement a Biosecurity Program (Surveillance) under the *Biosecurity Act 2014 (Qld)* to monitor the compliance of landholders with restricted and prohibited matter of African Tulip Tree, Bellyache bush, Giant Rat's Tail Grass, Groundsel Bush, Harrisia Cactus, Mesquite, Parkinsonia, Parthenium, Prickly Acacia, Prickly Pear spp., and Rubber Vine in the Gladstone Region.

### **Officer's Recommendation:**

That in accordance with section 235 of the *Biosecurity Act 2014*, Council authorise the Biosecurity Program (Surveillance) for the period of approximately two years commencing 1 July 2022 to 30 April 2024.

### **Background:**

The *Biosecurity Act 2014* (the Act) allows local governments to adopt 'Biosecurity Programs' to manage biosecurity risks within their local government area. Section 232 of the Act provides for a local government to undertake two types of biosecurity programs, being:

#### Surveillance program

Used to monitor compliance with the Act; confirm the presence, absence, levels of extent of a biosecurity matter; and monitor the effectiveness of risk response measures by stakeholders.

#### A prevention and control program

Used when biosecurity matter is in an area that poses a significant biosecurity risk and may be used to prevent the entry, establishment or spread of biosecurity matter, or manage, reduce, or eradicate biosecurity matter.

Under Gladstone Regional Council's Biosecurity Plan 2021-2025, success indicator 1.4 - 1.4.3 and 2.3 - 2.3.1 requires Council to implement biosecurity programs to target priority invasive species within the Gladstone region. The two-year program is proposed to be implemented based on the following framework:

- When Gladstone Regional Council's weather is less influenced by rainfall events (i.e., when cold fronts and high-pressure systems are more dominant) and priority invasive species are less active, Council will target localities adjacent to core infestations of priority invasive species and attempt to identify outlying infestations. The results from these inspections will feed back into compliance activities when biosecurity matters are more active.
- When Gladstone Regional Council's weather is more influenced by rainfall events (i.e., when monsoonal troughs and low-pressure systems are more dominant) and priority invasive species are more active, Council will target localities with core infestations of priority invasive species for compliance activities.

### Options, Risk and Opportunity Analysis:

Council has a statutory obligation to monitor compliance with the Act to ensure landholders are discharging their General Biosecurity Obligation on their properties to prevent the spread of restricted and prohibited material. The proposed two-year Biosecurity Surveillance Program (Attachment 1) undertaken from 30 April 2022 to 30 April 2024 aims to

- Monitor landholder compliance in accordance with the Act;
- Identify other areas in the region where the target species exist and/or are absent; and
- Enable the Pest Management team to undertake proactive work.

These invasive species are identified in Council's Biosecurity Plan 2021-2025 as Prevention, Eradication and Containment Invasive Species; are the most prevalent invasive species and have attributed to the most customer service requests for the 2019-21 period. The species are considered the biggest concern to the region's industry, landholders, and customers specifically:

- African Tulip Tree
- Bellyache bush
- Giant Rats Tail Grass
- Groundsel Bush
- Harrisia Cactus
- Mesquite
- Parkinsonia
- Parthenium
- Prickly Acacia
- Prickly Pear spp.
- Rubber Vine

The program will focus on all localities in the region as:

- The Pest Management Team is dispersed in the Southern, Central and Northern parts of the region, therefore providing coverage of the whole region;
- Reactive work is undertaken in areas that contain known active infestations and performing compliance; and
- It enables a proactive approach with inspections to survey adjacent areas to determine the presence and extent or absence of target species.

The proactive work will allow the species to be mapped, compliance to be undertaken and will also provide insight and information to design programs and schedules that are efficient and effective, and further our progress towards the Biosecurity Program Success Indicators.

#### Option One (preferred option)

The program contained in the recommendation is tabled for consideration.

#### Option Two

Develop a new program that lists specific locations. This would allow the community to know what areas we are targeting. The risk being where a property lies outside this location officers are to seek consent to allow entry to inspect or alternatively a new program be developed and return to Council for endorsement.

#### Option Three

Do nothing. This would mean officers seek consent to allow entry to all properties to inspect and carry out compliance, rather than an overarching program that allows this for all locations.

**Communication and Consultation:**

Relevant officers in Customer Experience and Strategic Asset Performance have been consulted in the development of the proposed Biosecurity Program (Surveillance).

As required under the *Biosecurity Act 2014*, consultation was undertaken with the Chief Executive of the Department of Agriculture and Fisheries regarding the biosecurity program.

External notification in accordance with the requirements of the *Biosecurity Act 2014* will be made following Council resolution.

**Legal Strategy and Policy Implications:**

Section 235 of the Act outlines that the authorisation of a biosecurity program made by a local government must be authorised by resolution of the local government.

**Financial and Resource Implications:**

The costs of undertaking the proposed Biosecurity Program (Surveillance) are incorporated within the existing operational budget for the Pest Management cost centre

**Summary:**

The Biosecurity Program (Surveillance) assists in meeting Council's obligation to monitor the provisions of the *Biosecurity Act 2014*.

**Anticipated Resolution Completion Date:**

14 June 2022. To allow Council to provide at least fourteen (14) days public notice, including notification to:

- Each department or government owned corporation is responsible for land in the area to which the biosecurity program relates; and
- The public via Council's website.

**Attachments:**

1. 2022-24 Biosecurity Surveillance Program

**Tabled Items:**

Nil

**Report Prepared by:** Manager Biosecurity and Environmental Health



### G/3.7. 2022-23 GENERAL SOLE AND SPECIALISED SUPPLIERS

**Responsible Officer:** General Manager Finance Governance and Risk

**Council Meeting Date:** 7 June 2022

**File Ref:** PE1.1

**Purpose:**

This report seeks resolution from Council to make use of the provisions in section 235 of the Local Government Regulation 2012, that allows for exceptions to the requirement for written quotes or tenders.

**Officer's Recommendation:**

That:

1. In accordance with Section 235(a) of the *Local Government Regulation 2012*, Council is satisfied that the below suppliers are the only suppliers reasonably available to deliver the relevant product/service for the 2022/23 financial year:

Aurion Corporation Pty Ltd	Sole provider of Aurion software used for payroll management
Austeng Crematoria and Cemetery	OEM for Crematorium parts and service at Boyne Island Memorial Parklands
Australian Laboratory Services Pty Ltd (formerly ALS Limited)	Only drinking water analysis provider in Gladstone with the nearest competing laboratories in Brisbane and Townsville
Bundy Bullet Pty Ltd	Bundaberg to Gladstone freight services
Capricorn Lodge	Only accommodation provider on Curtis Island
Cat & Back	Central Queensland freight services
Central Queensland Media Pty Ltd t/a CQ Today	Only publisher of a publication that circulates throughout Central Queensland
Chemwatch	Sole provider of Chemwatch software used for the storage and management of Material Safety Data Sheets (MSDS) and Safety Data Sheets (SDS)
Civica Pty Ltd	Sole provider of Reflect and Recover software used by Roads Program Delivery for asset management and RMPC contract coordination
Davcor Group Pty Ltd t/a Electronic Keying Australia	OEM for electronic keys and vaults used to access Council buildings
Ecoscope Environmental Pty Ltd	Only NATA accredited laboratory with proximity to Gladstone with the nearest competing laboratories in Brisbane and Townsville
Electrical Refrigeration Enterprises	Local authorised agent for ZIP water systems
Ergon Energy	Electrical Infrastructure provider in Central Queensland
ESRI Australia Pty Ltd	Sole provider of ArcGIS software
Followmont Transport Pty Ltd	Queensland and New South Wales freight services
GCM Enviro Pty Ltd	OEM of landfill compactor parts
Gladrock Transport	Central Queensland freight services
Harbour Software	Sole provider of Doc Assembler and Docs on Tap software provider
Hastings Deering (Australia) Pty Ltd	OEM parts for Caterpillar machinery parts
IDEXX Laboratories Pty Ltd	OEM consumables for IDEXX Colilert System
Infor Global Solutions (ANZ) Pty Ltd	Sole provider of Pathway software

**GENERAL MEETING AGENDA 7 JUNE 2022**

J.H. Wagner & Sons	Manufacturer of marker stones used at the Boyne Tannum Memorial Gardens
LG Solutions	Sole provider of LG Solution software used for fees and charges
Mettler Toledo-Limited	OEM of weighbridge service and parts for Gladstone TS and Benaraby LF
Mottech Parkland Australia	Only Australian importer and distributor of Irrinet irrigation systems
News Limited	Publisher of Courier Mail newspaper
Nextra Valley News	Magazine and newspaper supply for Council libraries
Pacific Biologics	Sole importer and distributor of ProLink Mosquito control products
Origin Energy	Supplier of gas and gas infrastructure at GECC
QIT Plus Pty Ltd	Sole provider of Guardian software provider
Reef City Motors	OEM parts for Ford Light Commercial Vehicles
Ruswin Locksmiths and Security (previously Key Cut Services)	Local authorised dealer for electronic keys with nearest competitor in Brisbane.
SANZAP Pty Ltd t/a Solus Consulting	Sole provider of Solus library application
Spirac Solid Handling Solutions	OEM for Spirac conveyor parts
Takura Bark & Compost	Manufacturer of Takura Engineered Softfall
Technology One Pty Ltd	Sole provider of Technology One software
Telstra	Telecommunications Infrastructure provider in Central Queensland
Terrequip Pty Ltd	OEM parts for JCB Equipment
The Coastal Rag	Community newspaper for Discovery Coast
TNT Australia Pty Ltd (to become FedEx Express)	Australia wide freight services
Varidesk, LLC	OEM for standing desk solutions and accessories
Western Truck Group Pty Ltd	OEM parts for Volvo machinery
Wideland Group	OEM parts for Iveco and Isuzu Trucks

\*OEM = Original Equipment Manufacturer

2. In accordance with Section 235(b) of the *Local Government Regulation 2012*, Council is satisfied that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders from suppliers for the relevant services for the 2022/23 financial year:

Gladstone Engineering Alliance (GEA)	Specialised body established to strengthen business and industry relationships within the Gladstone Region
Institute of Public Works Engineering Australasia (IPWEA)	Specialised peak association for professionals who deliver public works and engineering services
Jardine Lloyd Thompson Pty Ltd	Specialists in providing insurance products and services to local government e.g. Directors and Officers Liability and Environment Impairment Liability.
Queensland Regional Broadcasters (Grant Broadcasters)	Provider of advertising services for 4CC and Kix Country radio.
SEEK Limited	Provider of online recruitment advertising linked to Aurion software system used recruitment.
Southern Cross Austereo	Provider of advertising services for Hit FM 93.5 and Triple M radio. The reason for specialised supplier is due to it being impractical to invite quotes for this service as selection of radio station is based on target demographic and listener base relevant to the required advertising.

**Background:**

Due to the nature of some goods and services, there may be only one supplier who is reasonably available or who provides a specialised service. Given that a number of these types of purchases are recurring on an annual basis, it has become more typical for Councils to apply the legislation and prepare an annual report seeking resolution.

Section 225 of *Local Government Regulation (LGR) 2012* provides Council cannot enter into a medium sized contractual arrangement unless it first invites 3 potential suppliers to quote. Section 224(2) defines medium sized contractual arrangement as a contractual arrangement with a supplier that is expected to be worth \$15,000 or more (plus GST) but less than \$200,000 over a financial year (or longer term of contract). Section 224(4) provides expected value is the total expected value of all Council's contracts with the supplier for goods and services of a similar type under the arrangement.

There are several exceptions including:

- Section 231 Council can establish an approved contractor list by EOI process (this is for services only, not goods or works, and it is suggested in the King & Co commentary on LG Online that need more than 1 supplier on a list);
- Section 232 Council can establish Prequalified Supplier Register via tender process (if 1 of the points in 232(3) applies which includes that the preparation and evaluation of invitations every time would be costly);
- Section 234 where the supplier is on LGAQ contract arrangement;
- Section 235(a) where Council in general meeting resolve that Council is satisfied there is only 1 supplier who is reasonably available;
- Section 235(b) where Council in general meeting resolve that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for Council to invite quotes of tenders;
- Section 235(c) where a genuine emergency exists; and
- Section 235(f) the contract is made with or under an arrangement with a government agency.

Additionally, to the specific requirements of the LGR sections, Council officers are required to comply with the local government principles in section 4 of *Local Government Act 2009* and the sound contracting principles in section 104(3) of the LGR, plus the provisions of the policy statement in Procurement Policy.

In addition to the LGR requirements – Council's procurement corporate standard adds a further requirement to issue 2 or more written invitations to quote where the contract value is \$5,000 to \$15,000 and the exceptions do not apply.

**Options, Risk and Opportunity Analysis:**

Council's Contracts and Procurement team have identified an organisational need for the exception to be applied to the following annual purchases which have the potential to exceed \$5,000 ex GST per annum thus requiring the application of the following exceptions:

- Section 235(a) where Council in general meeting resolve that Council is satisfied there is only 1 supplier who is reasonably available; and
- Section 235(b) where Council in general meeting resolve that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for Council to invite quotes of tenders.

**Communication and Consultation:**

Internal procurement stakeholders have been involved in the preparation of this list.

**Legal Strategy and Policy Implications:**

It is a requirement of the LGR section 225 to invite written quotations or tenders where the supply of goods or services with a cost greater than \$15,000.

Additionally, Council's Procurement Corporate Standard requires a minimum of two (2) quotes for all purchases of goods and services greater than \$5,000 and three (3) quotes for all purchases greater than \$15,000.

Section 235 of the LGR provides the following exceptions to the requirement relevant to this request including:

- a) the local government resolves it is satisfied that there is only (1) supplier who is reasonably available.
- b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

**Financial and Resource Implications:**

Procurement activities making use of this resolution will be subject to Council's Register of Financial Delegations.

**Summary:**

Nil

**Anticipated Resolution Completion Date:**

Exceptions granted within this report will be added to Council's Long-Term Contracts Register in July 2022.

**Attachments:**

Nil

**Tabled Items:**

Nil

**Report Prepared by:** Manager Contracts and Procurement

## G/3.8. GLADSTONE REGIONAL COUNCIL TRADE WASTE MANAGEMENT PLAN

**Responsible Officer:** General Manager Customer Experience

**Council Meeting Date:** 7 June 2022

**File Ref:** SS13.5

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### **Purpose:**

The purpose of this report is to repeal the current Trade Waste Management Plan 2012 and consider the Gladstone Regional Council Trade Waste Management Plan 2022 for adoption.

### **Officer's Recommendation:**

That Council:

1. Repeal the current Gladstone Regional Council Trade Waste Management Plan 2012; and
2. Adopt the Gladstone Regional Council Trade Waste Management Plan 2022 effective from 4 July 2022.

### **Background:**

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

Council provides a sewerage system primarily for transporting and treating domestic sewage. Payment for this service is collected through sewerage charges on each rateable property. This system may also be used, with the approval of Council, for the acceptance and treatment of trade waste. As trade waste imposes an additional load on the sewerage system, and therefore an additional cost for treatment, trade waste charges apply. This is currently undertaken via an application system, which then incurs biannual consumption charges.

Council adopted the current Trade Waste Management Plan in May 2009. Since then, it has been updated in March 2012 to reflect legislative changes and clarification of generator and owner responsibilities.

In late 2020, Council Ethics Integrity and Audit team undertook Internal Audit Report - Environment & Statutory Compliance – Trade Waste which assessed Council's trade waste operations with respect to the receipt of trade waste, being accepted waste tankered directly into the Gladstone Wastewater Treatment Plant, or via direct connection to Council's sewerage infrastructure. The resulting recommendations included a review of the current 2012 Trade Waste Management Plan to address several of the highlighted risks.

In July 2021, Council adopted the 21/22 Operational Plan and Budget which included the initiative: *Review the Trade Waste Management Plan and implement enhanced permit and monitoring of the discharge of waste to improve protection of our region against environmental pollution.*

In January 2022 Council engaged Urban Utilities to undertake the review of the Trade Waste Management Plan with the following parameters:

- Address regulatory requirements
- Updates to referenced regulations and guidelines
- Reduced administrative burden

## GENERAL MEETING AGENDA 7 JUNE 2022

- Clarification of approval holder and Council responsibilities and powers
- Provide satisfactory management to recent audit findings

In summary, the following table details the retained and changed elements.

<b>Retained from 2012 Trade Waste Management Plan</b>	<b>Changed from 2012 Trade Waste Management Plan</b>
<ul style="list-style-type: none"><li>• Owner and occupier arrangements with respect to responsibilities for applications and payment of fees and charges.</li><li>• Trade waste categories and associated criteria.</li><li>• Fees and charges methodologies (although we will suggest future changes).</li><li>• Charges algorithms</li><li>• The use of Trade Waste Discharge Factors for calculation of discharge volumes.</li></ul>	<ul style="list-style-type: none"><li>• Revised Sewer Admission Limits (including mass load guidance for specific WWTPs)</li><li>• The application of General and Specific Conditions to enable Generic Approvals</li><li>• Guidance on informal and formal compliance enforcement</li><li>• Guidance on applications and assessment (including UU as a referral agency)</li><li>• Amended Trade Waste Discharge Factors (NSW Liquid Trade Waste Guidelines Adopted)</li><li>• Tankered waste framework</li><li>• No trade waste metering for Category A approvals</li><li>• Reliance on self-monitoring</li><li>• Specified pre-treatment requirements (including AS5215 Passive Grease Arrestors)</li></ul>

The proposed Trade Waste Management Plan 2022 sets out how Council provides a sustainable trade waste service in a manner that safeguards public health and the environment and meets its obligations under policy, legislation, and relevant environmental authorities.

### **Options, Risk and Opportunity Analysis:**

Council requires a Trade Waste Management Plan to regulate the process and management of trade waste generators discharging into Councils sewerage system. It is noted that Internal Audit Report - Environment & Statutory Compliance – Trade Waste January 2021 also highlighted several key issues and risks present with the current trade waste operations. It is considered that the proposed Trade Waste Management Plan addresses several of these recommended actions and when in force, will significantly reduce the risks that the report highlighted.

### **Communication and Consultation:**

Significant internal consultation has occurred across several Business Units as part of the development of the Trade Waste Management Plan. This includes Environment and Conservation, Revenue Services, Asset Performance and Monitoring, and Water Program Delivery.

As part of the annual renewal process, existing customers will have the amended elements of the Trade Waste Management Plan applied.

## Legal Strategy and Policy Implications:

The *Water Supply (Safety & Reliability) Act 2008* (the WS Act) prohibits the unauthorised discharge of Trade Waste into the sewerage system. The options for generators of trade waste are to:

- obtain approval from Council to discharge to the sewerage system, or
- have it treated at an authorised treatment facility, or
- obtain an environmental authority under the Environmental Protection Act (the EP Act) to treat the waste before discharge to the environment.

Water-borne wastes are produced by a variety of industrial, commercial, and domestic activities. The EP Act provides a general prohibition against the pollution of the environment by the discharge of such wastes, except where the person or agency holds an environmental authority permitting such discharge. All discharges to receiving waters are required to be treated to a standard that will maintain or enhance receiving water quality and environmental values.

Council is required to meet conditions of licences issued by the Department of Environment and Science (DES) for its sewerage systems including the disposal and reuse of treated effluent and biosolids. Council is also required by the WS Act to consider the effect of trade waste on the sewerage system and the environment before issuing a Trade Waste approval.

Under the EP Act, Council is responsible for any pollution from Stormwater outfalls under its control. The discharge of trade waste to stormwater is prohibited under section 79 of the *Local Government Act 2009* (the LG Act).

The concentration of contaminants in trade waste (e.g., organics, fats and grease, heavy metals, solvents etc) can exceed that of domestic sewage and cause risk of overload at treatment facilities. Trade waste may also:

- pose a serious risk to the safety and health of sewerage workers;
- damage sewerage system infrastructure;
- inhibit biological processes at the treatment plant;
- accumulate in biosolids, making their reuse difficult or impracticable; or
- pass through the plant untreated, resulting in environmental contamination or impact on recycled water quality.

To ensure the continued protection of our community, assets and the environment, Council will conditionally accept trade waste into its sewerage system provided:

- a. It does not contain a Prohibited Substance;
- b. It does not contain substances in amounts that are or may be toxic or hazardous to sewerage infrastructure, treatment processes, personnel, or the environment;
- c. It does not contain substances that limit downstream recycling of effluent or reuse of biosolids;
- d. Where necessary and practicable, it has been pre-treated on-site using 'best practicable treatment' to ensure Sewer Admission Limits are not exceeded; and
- e. The system is of adequate capacity to effectively collect, transport and treat trade waste.

Council's objectives under this management plan are:

- a. To transport, treat and dispose of liquid waste in an environmentally sustainable manner.
- b. To prevent harm or injury to employees or the public.
- c. To safeguard the sewerage system against damage, blockage, or surcharges.
- d. To protect the quality of treated wastewater and biosolids for recycling and reuse.
- e. To exclude contaminants that may:
  - Lead to non-compliance with Council's environmental authorities;
  - Cause physical damage to infrastructure or inhibit treatment processes;
  - Render effluent or biosolids unacceptable for reuse or disposal;

## GENERAL MEETING AGENDA 7 JUNE 2022

- Cause damage to the environment.
- f. To equitably recover costs associated with acceptance of Trade Waste.
- g. To improve operation and planning for the sewerage system by understanding the composition and volume of discharges.
- h. To encourage water efficiency, waste minimisation and cleaner production, including waste prevention, recycling, and pre-treatment.

To achieve its stated objectives, Council is guided by the principles developed in national guidelines and standards, including: The National Water Quality Management Strategy – Guidelines for Sewerage Systems, 1994 (ARMCANZ and ANZECC), and Australian Sewage Quality Management Guideline, 2012 (WSAA).

Council is also required to meet conditions outlined in the Environmental Authority (EPPR00959913) granted by DES, after receiving trade waste and treating it in Council's wastewater treatment plants.

Furthermore, in accordance with Council's Business Documents and Frameworks Corporate Standard the Trade Waste Management Plan is considered a 'Medium Term Plan' and is therefore required to be adopted by Council.

### **Financial and Resource Implications:**

Urban Utilities were engaged to undertake the Trade Waste Management Plan 2022. The contract amount was \$16,560 and at project completion the total expenditure was \$16, 560. The 21/22 budget allocated \$20,000 for the project and as such the works were undertaken below budget.

The ongoing management of Trade Waste applications, licenses, inspections, and issuing of notices will remain within the responsibility of Development Services with tankered waste processes under the remit of Water Program Delivery with the Trade Waste Management Plan providing the framework for the management of trade waste customers.

### **Summary:**

Trade waste is water-borne waste from business, trade, or manufacturing premises, other than waste that is a prohibited substance, human waste, or stormwater. The Water Supply (Safety & Reliability) Act 2008 (the WS Act) prohibits the unauthorised discharge of trade waste into the sewerage system. A Trade Waste Management Plan allows Council to lawfully assess and approve certain trade waste generators to discharge into Councils sewerage system.

The proposed Trade Waste Management Plan 2022 meets the current legislative and Council audit requirements to ensure sustainable trade waste service in a manner that safeguards public health and the environment.

### **Anticipated Resolution Completion Date:**

4 July 2022

### **Attachments:**

1. Current Trade Waste Management Plan Version 2 February 2012
2. Proposed Trade Waste Management Plan 2022

### **Tabled Items:**

Nil

**Report Prepared by:** Manager Development Services



**G/4. DEPUTATIONS**

**G/5. COUNCILLORS REPORT**

**G/6. URGENT BUSINESS**

**G/7. NOTICE OF MOTION**

**G/8. CONFIDENTIAL ITEMS**