

Seventeen Seventy Sewer Action Group (SSSAG)

Summary Notes for SSSAG's 2nd May 2023 deputation to Council

INTENT:

PART 1: Afford all GRC's elected representatives, an opportunity to hear first-hand, property owners/ratepayer's concerns, regarding The Town of Seventeen-Seventy's (1770), Low Pressure Sewer System (LPSS). *There are approximately 70 SSSAG participants.*

PART 2: Assert 3 key implications drawn from Justice Wilson's court order.

PART 3: *To resolve the question... "For 1770's LPSS, does GRC's practice accord with the WSSRA... Water Supply (Safety and Reliability) Act, 2008 (Qld): a requirement made clear within Justice Wilson's supreme court order?"*

PART 4: To alleviate the human misery and environmental harm inflicted by licensed service provider GRC's..... unlawful, unsafe and unreliable Town of 1770, LPSS.

PART 1. SSSAG knows that GRC councillors have been misinformed and/or misled regarding 1770's LPSS. Therefore, Council's decisions have been based upon inadequate and unreliable information. GRC's 1770 LPSS policy and practices are unlawful and are therefore the making of an unsafe, unreliable sewer system.

Evidence of this SSSAG assertion, includes:

- 23rd November, 2022: SSSAG representatives met with Matt Burnett and Mark Francis
- GRC 's claims re the court order that.....*"We won!"*. *The 28th March CEO's correspondence to "property owners" is therefore baseless in fact.*
- *** SSSAG knows on written notice from Stephen Miles' Chief of Staff, that the Deputy Premier, Stephen Miles, *".....has written to the GRC Mayor and urged him to work with SSSAG on a sustainable solution for the 1770 LPSS."* **For its future reference, Copy of SSSAG's submission to Deputy Premier Miles, is made available to Council today.**
- Various matters pertaining to: LPSS function, costs, easements ... etc.
- Deceitful advice/notice of community consultations between SSSAG and GRC officers.
- Non-receipt of adequate (most often nil) GRC responses to SSSAG correspondence.
- GRC's maladministration across wide ranging aspects of the 1770 LPSS.

PART 2. IMPLICATIONS FROM JUSTICE WILSON'S COURT ORDERS...

2:1. COURT ORDER IMPLICATION 1: *"The owner of premises must take all REASONABLE steps to ensure all plumbing and drainage on the premises is kept in good condition and operates properly."*

- To ensure *safety* and *reliability*, it is *"reasonable"*, standard practice for service providers of sewer infrastructure, to demand that due care is taken by its users.

- When GRC installed 1770's LPSS, it was unavoidable for its *most technically complex, vitally functional AND failure prone components* to be located on ratepayer's property.

THEREFORE, IT IS REASONABLE FOR SSSAG TO ASSERT THAT...

- It is *UNREASONABLE* for GRC to divest full responsibility for all care and maintenance of the *MOST TECHNICALLY COMPLEX, FAILURE PRONE* LPSS components: simply because they are situated on ratepayer's 1770 land.
- GRC is in clear contradiction of the term "*REASONABLE*" contained within paragraph 1 of Justice Wilson's order.

2.2 COURT ORDER IMPLICATION 2: "...the court has not determined and makes no declaration about, who owns the pumping equipment.." WHY SO? The following extracts from the WSSRA make it clear, why 'tis so:

WSSRA Part 3 Service providers

Subdivision 5, Others matters...

30A: Ownership and operation of service provider's infrastructure that is part of land...

This section applies to...

- **The ownership of a service provider's infrastructure; or**
- **A service provider's operation of the service provider's infrastructure under this chapter. Neither the ownership nor the operation of the service provider's infrastructure is affected only because...**

The infrastructure is, or becomes, part of land;

Or

- **The land of which infrastructure is part, is sold or otherwise disposed of.**
- The infrastructure can not be...**
- **Levied or seized in execution; or**
 - **Sold in exercise of power of sale or otherwise disposed of by a process under a law of a State taken against the holder or the owner of the land.**

2.3 COURT ORDER IMPLICATION 3: "that nor does this Order affect any of the statutory obligations that the Applicant owes, including under the Water Supply (Safety and Reliability) Act 200 (Qld)....WSSRA,2008 Qld."

- **Sewerage means a sewer, access chamber, vent, engine, pump, structure, machinery, outfall, or other work used to receive, store, transport or treat sewerage.**
 - **Sewerage service means....**
 - **Sewerage treatment...**
- or**
- **The collection and transmission of sewerage through infrastructure... or**

- *The disposal of sewerage effluent.*
- *Sewerage service provider means an entity registered under chapter 2, part 3 as a service provider for a sewerage service.*
- *Sewerage area means an area declared under section 161 for either or both of the following...*
 - *A retail water service to customers*
 - *A sewerage service to customers*

WSSRA 190: Supplying unauthorised services.

An entity must not supply a sewerage or water service unless the entity...

- *Is a service provider for the service; or*
- *Is operating infrastructure for the service provider for the service...*

WSSRA Division 2: Service Area

161 Declaration of a service area

A local government may by resolution or declare...

- *All or part of its local government area to be a service area for retail water service or a sewerage service;*
- and*
- *The service provider for the service area*
 - *A local government must not declare an entity, other than the local government, to be the service provider for an area unless the other entity agrees in writing to the declaration, BEFORE the declaration is made.*

THESE WSSRA DECLARATION PROCEDURES WERE NEVER COMPLIED WITH BY GRC FOR STAGE 2 OF 1770's LPSS.

THEREFORE, GRC IS NON-COMPLIANT WITH ITS STATUTORY OBLIGATIONS, AS HAVE BEEN MADE CLEAR TO BE MANDATORY BY JUSTICE WILSON, SUPREME COURT BRISBANE.

MVSC DID COMPLY FOR STAGE 1 of the 1770 LPSS INSTALLATIONS.

PART 3: SSSAG contends that GRC fails its statutory obligations for providing a *SAFE* and *RELIABLE* sewer service for a significant part of 1770. Therefore....

3:1 There exists, a range of existential risks to both human and environmental health and safety. Including....

- Numerous and frequent system's failures across a broad array of the LPSS's basic components.
- Incorrect installation of the LPSS.
- 1770's faulty sewer infrastructure.

These deficiencies include:

- **CORROSIVE, MARINE ENVIRONS IN CLOSE PROXIMITY**
- **PROGRAMMED LOGIC CONTROLLER (PLC) *Licensee access only...***
- **UNFIT FOR PURPOSE: *Commercial, holiday rentals, beach sand.....***
- **SERVICE CONTINUITY: *Monitoring, Loss of supply contingency plan...***

3:2 SSSAG KNOWS THAT... A number of GRC installed LPSS units are *unfit for purpose*. Therefore *GRC is in breach of its WSSRA obligations and Justice Wilson's order?*

GRC has provided 1770's Commercial premises with a sub-optimal LPPS.

Sub-optimal because they are:

- Unfit for purpose: noncompliant with design engineer/GRC approved standards
- Identical to that provided to residential properties: The ENDURAPLEX model: 1 pump only.
- Equally problematic for owners to limit patrons' misuse as for commercial usage on conventional gravity systems, elsewhere within GRC sewer areas.
- An ongoing and frequent, unacceptable risk to human and environmental wellbeing.
- Significant negative social media effects upon local tourism enterprises.

3:3 DOES GRC HAVE CONTIGENCY PLANS FOR...

- Prolonged loss of power supply to LPSS due to severe weather event... Bushfire etc?
- Multiple system's failure due to an aging infrastructure?
- When AQUATEC ceases supplying this make of LPSS.
- The inevitable cessation of manufacture in the USA.
- Proliferation of risk to human and environmental health, due to installations of non-compatible/compliant lpss brands, operational pressure etc:
***Some SSSAG participants have been told by GRC to.... "Put in whatever you like".
No other GRC advice/guidelines provided.***

3:4 INCORRECT INSTALLATION OF THE LPSS:

- One LPSS installed by GRC has the top of its collection tank elevated above laundry plumbing... Pump-out has failed: raw effluent back-flowed, entering indoor laundry plumbing.
- Emergency shut-off valves, installed by GRC to prevent effluent from re-entering the LPSS tank on each 1770 property, have been installed inside the tanks.

- In the event of a non-return valve failure when occurring, effluent will be able to enter the tank from the roadside main, rapidly fill the tank before back-flow into residences will flood household plumbing before flooding floor areas within the home.
- Has GRC kept a record of the precise location of each property's non-return valve?
- Has GRC ensured a regular maintenance regimen to negate the likelihood of home flooding by neighbourhood sewerage, as described above?

3:5 *The GRC installed 1770 LPSS infrastructure is faulty: unsafe, unreliable and unlawful.

It is:

- An haphazard mix of inequitable provision of service by GRC.
- In severe disrepair causing high risk, both existentially and potentially, contributing continually to human misery and adverse environmental wellbeing.

*** REFER TO SLIDES 23 to 27 of the PowerPoint provided to GRC today (copy of that presented during the deputation) and available to Council along with appropriate GRC staff as deemed appropriate. These slides contain images best served to illustrate this SSSAG assertion than text alone.**

PART 4: ** SSSAG has documentary evidence that GRC's elected representatives were repeatedly obstructed from receiving sufficient and factual information regarding the 1770 LPSS

This evidence includes:

- **GRC correspondence to SSSAG's solicitors Corrs, Chambers and Westgarth, instructing them to direct SSSAG participants to NOT CONTACT their elected representatives: namely GRC councillors. Copy of this correspondence is available upon request, because SSSAG expects its "LPSS Saga Files" might include documents not so diligently conserved by GRC personnel who have acted outside the "5 Principles of Local Government" parameters?**

**** Please refer to slides 30 and 33 to 37 of the PowerPoint**

PART 5: Now, back to the core intent of this SSSAG deputation: Two options relating to the human misery and environmental harm inflicted by GRC's unlawfully unsafe, unreliable Town of 1770, LPSS.

OPTION 1. In clear contravention of their lawful obligations, GRC continues its "*gifting*" of an unlawful, *unsafe* and *unreliable* sewer system to most of 1770' property owners.

OPTION 2. GRC's acceptance of its mandated, lawful obligations, that include ownership and complete maintenance of all 1770's LPSS infrastructure: lawfully ensuring its *safety* and *reliability*.

ON THE EVIDENCE, OPTION TWO IS THE ONLY LAWFULLY, PROPER ACTION TO ADOPT



SSSAG's 1770 "Sewer Saga File".. pic taken mid 2022.

After almost 7 years of SSSAG's persistent and repeated attempts, this deputation is the first and only opportunity GRC has afforded SSSAG to formally and properly address its elected representatives.

On behalf of SSSAG's approximately 70 participating 1770 property owners, thank you for your attention.

We look forward to a *"sustainable resolution"* (**see page 1) *as was "urged" by Deputy Premier Stephen Miles in his letter to the mayor, following SSSAG representatives' submissions to him.*

Derek Hedgcock and Bill Comiskey, SSSAG Representatives.

It must be investigated as to why, amongst 1770's, GRC declared sewer area, there remain some properties using original septic systems and some still using pre-existing, on-site sewerage treatment systems: eg Taylex.

CONCLUSION SSSAG's accumulated, evidence validating assertions made within the 2nd May Deputation and expandable upon from its "*Sewer Saga File*", along with two supporting documents (the PowerPoint and the Ministerial Submission) made available today for Council's future reference, should be closely scrutinised by Councillors, as a matter of priority.

Reliance alone upon GRC's files and corporate memory would be facile and flawed to the extreme: for numerous reasons, two of which being most significant,

- It is most improbable that GRC personnel have conserved documentation within official GRC files, of their own maladministration of the 1770 LPSS.
- It would be contradictory to the 5 Principles of Local Government to not include SSSAG's actively, collaborative input, including on-site inspections.

Additionally, SSSAG contends that external, consultant expertise ought to be sort from an agency suitably qualified and not previously involved.

SSSAG's DEMANDS

- 1. That with immediate effect, GRC assume it's lawful and ethical responsibilities for the 1770 LPSS and notify affected "property owners" of its intent to form now undertake all maintenance of the units it installed on their land.**
- 2. GRC implement a process by which the occupants of affected 1770 LPSS's unsafe and unreliable performances, can notify failures so they can be expeditiously rectified.**
 - **In the interim a 24hr hotline.... AND AS SOON AS POSSIBLE...**
 - **Instal, remote monitoring technologies to each LPSS unit, as was mooted by Gleen Churchill some years ago, but whose motion lapsed for want of a seconder.**
- 3. That GRC as a matter of urgency, formulate a "sustainable resolution" as was "urged" by Deputy Premier, Stephen Miles last year and whose correspondence was not declared to Council. *Please refer to slide 18 of the PowerPoint.***

SKETCHES