



**Redland**  
CITY COUNCIL

# **MINUTES**

## **SPECIAL MEETING**

**Thursday 12 November 2009**

**Council Chambers  
1st floor Administration Building  
Bloomfield Street Cleveland. Qld 4163**

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## 1 DECLARATION OF OPENING

The Mayor declared the meeting open at 2.01pm.

## 2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

### PRESENT:

#### Members:

Cr M Hobson PSM	Mayor
Cr T Bowler	Deputy Mayor and Councillor Division 6
Cr W Boglary	Councillor Division 1 – entered at 2.02pm
Cr C Ogilvie	Councillor Division 2
Cr D Henry	Councillor Division 3 – entered at 2.04pm
Cr J Burns	Councillor Division 4
Cr B Townsend	Councillor Division 5 – entered at 2.03pm
Cr M Elliott	Councillor Division 7
Cr K Reimers	Councillor Division 8
Cr K Williams	Councillor Division 9
Cr H Murray	Councillor Division 10

#### Executive Leadership Group:

Mr G Stevenson PSM	Chief Executive Officer
Mr G Underwood	General Manager Planning & Policy
Mr N Clarke	General Manager Governance
Mr M Hyde	General Manager Customer Services
Mrs T Averay	General Manager Regulatory Services

#### Officers:

Mr G Jensen	Manager Customer & Community Services
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#### Minutes:

Mrs T Dunn	Team Leader Corporate Meetings & Registers
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## 3 DECLARATION OF INTEREST

The Mayor reminded Councillors of their obligations under sections 244 and 246A of the *Local Government Act 1993*.

## 4 DIRECT TO COUNCIL REPORT

### 4.1 REPORT FROM CUSTOMER SERVICES DEPARTMENT

#### 4.1.1 AMITY POINT CAMPING GROUND EFFLUENT DISPOSAL

**Datworks Filename:** CP Caravan Parks & Camping Grounds – Amity Point  
**Responsible Officer Name:** Mike Hyde  
General Manager Customer Services  
**Author Name:** Greg Jensen  
Manager Customer and Community Services

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#### EXECUTIVE SUMMARY

Council has received a written requirement from the Department of Environment and Resource Management (DERM) to undertake works at Amity Point Camping Ground to resolve an issue relating to effluent disposal. The letter requires Council to undertake these works and have them completed by 1 December 2009 or face the possibility of enforcement action under the *Environmental Protection Act*.

Due to the extremely short timeframes allowed Council will need to act quickly and decisively to avoid the enforcement action. The *Local Government Act* requires that Council obtain tenders or quotations for works of this nature. The value of works is such that quotes would usually be required.

In order to complete the required works within the timeframe Council will need to dispense with the usual tender or quotation process. Under Section 486 of the *Local Government Act* there is a provision for an exception where Council resolves a genuine emergency exists.

Council can then enter into a contract with an appropriate business that has the capacity to meet the DERM requirements within the timeframe stipulated for design, supply and installation of the necessary infrastructure.

#### PURPOSE

To obtain approval from Council to exercise its powers under Section 486 (1) (b) of the *Local Government Act* to enter into a contract without complying with sections 484 and 485 of the Act.

#### BACKGROUND

Council was issued a letter from the Environmental Protection Agency (now DERM) in January 2009 following receipt of a complaint about disposal of effluent from the Amity Point Camping Ground during January 2009. The letter related to the current disposal methods for effluent and potential breaches of the *Environmental Protection Act*.

Council responded in early February addressing the matters raised and advising that it had already commissioned GHD (consulting engineers) to investigate options for managing the effluent disposal on site. The letter also advised that a voluntary cap on numbers of persons accommodated on site to 450 would be imposed over the Easter holiday period and subsequent periods until a solution was implemented. A subsequent letter from Council to DERM was written in March following a request for clarification that provided additional information and re-stated that the voluntary cap was in place.

Following receipt of the report from GHD further investigation occurred relating to a sewerage treatment plant capable of managing the effluent generated being constructed, but the costs and land disposal area required made that an impractical option to pursue further. This was advised to the Executive Leadership Group in July 2009 and it was recommended that the other options as recommended by GHD be pursued. This recommendation was approved and DERM were advised by letter in July 2009 of the decision and that the cap of 450 would remain in place.

Subsequently officers from DERM inspected the site again in October and sent a letter to Redland City Council that was received on 26 October raising concerns about the site and advising that they had determined that a maximum of 147 persons could be accommodated on site. They have also required the development of a contingency plan to deal with all effluent generated by additional persons on site above 147. Meetings have been held with GHD and DERM to discuss options and ways forward.

DERM require that the contingency plan and measures including all necessary approvals and construction is completed by 1 December 2009.

## **ISSUES**

The most recent letter from DERM received on 26 October 2009 has stipulated a maximum number of persons to be accommodated on site with the existing sewage treatment systems. Council had notified DERM on three occasions from February to July 2009 that the intended self imposed cap would be 450 persons.

Council has ensured that the site does not exceed the number under the cap by managing its bookings. This also applies to Christmas 2009. The current bookings have been stopped following DERM's advice but the numbers under the cap have been reached.

The letter from DERM states that Council will be subject to enforcement action if it fails to comply with the requirements of DERM.

The options available to Council are limited. These include cancelling current Christmas bookings to reduce the number of persons on site to 147 or less or complying with DERM's requirements for all effluent generated above 147 persons to be captured in storage tanks and pumped out by licensed transporters for disposal off site.

Cancelling bookings for holiday makers is not seen as a reasonable option. The alternative is to put in place both the contingency plan and associated infrastructure. This must be completed and operational by 1 December 2009. Given the extremely short timeframes there is a need to dispense with the usual quotation process for the supply and installation of the necessary infrastructure.

The *Local Government Act* does provide for this to occur under the provisions of section 486, as follows:

*Section 486 Exceptions to the requirement to seek tenders or quotations:*

- (1) *The local government may enter into a contract without complying with section 484 or 485 if - (b) a genuine emergency exists*

Given that Council is in receipt of a written requirement from DERM to undertake certain actions within a very short timeframe and the consequences of non-complying is an enforcement action, Council needs to act quickly and decisively.

It is intended that Council officers scope up the requirements to meet DERM's letter and contract directly with an appropriate business that has the capacity to meet the requirements within the timeframe stipulated for design, supply and installation of the necessary infrastructure.

The infrastructure required by DERM will form part of the final effluent disposal solution but DERM has requested that this portion of the infrastructure is completed by 1 December 2009.

## **RELATIONSHIP TO CORPORATE PLAN**

The recommendation primarily supports Council's strategic priority "To provide effective organisational leadership through strategic planning and accountable and ethical standards of practice".

## **FINANCIAL IMPLICATIONS**

Budget has been provided in the 2009/10 financial year to undertake the project to rectify the effluent disposal issues at Amity Point Camping Ground. Following investigations by consultants and preliminary designs \$457,000 remains to complete the project. The works required to meet the contingency requirements of DERM are estimated at \$100,000. The majority of the infrastructure developed as part of this process should be able to be used in the final solution of the effluent management.

## **CONSULTATION**

- The Land Use Planning Group was consulted and it is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.
- The Project Delivery Group has been consulted and is assisting in the delivery of the project.

- Corporate Acquisitions Fleet & Facilities Group has been consulted in relation to the purchasing and supply arrangements.
- The Manager Legal Services has been consulted and provided advice in relation to the provisions of the *Local Government Act*.
- A presentation has been provided to the Executive Leadership Group.

## **OPTIONS**

### **PREFERRED**

That Council resolve as follows:

1. To exercise its powers under Section 486 of the *Local Government Act* and resolve that it is satisfied that a genuine emergency exists; and
2. To delegate authority to the Chief Executive Officer to enter into, make, vary and discharge contracts with an appropriate business that has the capacity, within the timeframe stipulated for the design, supply and installation of the necessary infrastructure, to meet the requirements of Department of Environment and Resource Management to undertake works at Amity Point Camping Ground to resolve an issue relating to effluent disposal.

### **ALTERNATIVE**

That Council determines that a genuine emergency does not exist and that it directs its officers to cancel Christmas and New Year bookings to reduce the numbers of persons to be accommodated on the site to a maximum of 147.

## **OFFICER'S RECOMMENDATION**

That Council resolve as follows:

1. To exercise its powers under Section 486 of the *Local Government Act* and resolve that it is satisfied that a genuine emergency exists; and
2. To delegate authority to the Chief Executive Officer to enter into, make, vary and discharge contracts with an appropriate business that has the capacity, within the timeframe stipulated for the design, supply and installation of the necessary infrastructure, to meet the requirements of Department of Environment and Resource Management to undertake works at Amity Point Camping Ground to resolve an issue relating to effluent disposal.

**COUNCIL RESOLUTION**

Moved by: Cr Bowler

Seconded by: Cr Elliott

1. That Council exercise its powers under Section 486 of the *Local Government Act* and resolve that it is satisfied that a genuine emergency exists;
2. That Council delegate authority to the Chief Executive Officer to enter into, make, vary and discharge contracts with an appropriate business that has the capacity, within the timeframe stipulated for the design, supply and installation of the necessary infrastructure, to meet the requirements of the Department of Environment and Resource Management for Council to undertake works at Amity Point Camping Ground to resolve an issue relating to effluent disposal; and
3. That a further report be presented to Council regarding the background and action undertaken to date to address the issues in this matter.

**CARRIED**

A division was called for.

Crs Boglary, Ogilvie, Henry, Townsend, Williams, Bowler, Elliott, Murray, Reimers, Burns and Hobson voted in the affirmative.

The Mayor declared the motion as **CARRIED** (unanimously).

**5 MEETING CLOSURE**

There being no further business, the Mayor declared the meeting closed at 2.34pm.

Signature of Chairperson: \_\_\_\_\_

Confirmation date: \_\_\_\_\_