



SOUTH BURNETT
REGIONAL COUNCIL

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To Whom It May Concern

Submission from the South Burnett Regional Council in relation to the Waste Reduction and Recycling (Waste Levy) and Other Legislation Amendment Bill 2018

Background

The South Burnett Regional Council is a regional local government area (LGA) that covers an area of 8,399 square kilometres. The South Burnett Regional Council was created from the amalgamation of four shires, namely Kingaroy, Murgon, Nanango and Wondai. In 2016 the South Burnett region had a population of 32,747. People live in residential, rural residential and rural (remote) areas within the South Burnett.

The South Burnett Regional Council has a total of seventeen (17) waste facilities within the region. Council went through a major review of its waste facilities when amalgamation happened. Council closed a number of its rural landfill sites and now only has four (4) landfills being located at the more major centres within the South Burnett, namely Kingaroy, Murgon, Nanango and Wondai. There are however thirteen (13) regional and rural transfer stations, which only receive domestic waste that is subsequently brought to one of the four landfill sites for disposal.

Concerns

Concern 1 – Interpretation and application of Municipal Solid Waste Definition

It is understood that the State's waste levy is going to be on all waste, including Municipal Solid Waste (MSW). The *Waste Reduction and Recycling (Waste Levy) and Other Legislation Amendment Bill 2018* (The Amendment Bill) section 73D "Annual payment to local governments" details in subsection (1) that the, "The chief executive must make to each local government affected by the waste levy an annual payment as prescribed by regulation." The proposed draft Waste Reduction and Recycling (Waste Levy) Amendment Regulation 2018 then identifies in section 5, relating to replacement of Part 3 a proposed section 20 - Annual payments to local governments - Act, s 73D which outlines how the annual payment is to be made to each local government affected by the waste levy is a payment for a financial year worked out using the following formula—

$$P = A \times B \times C \times 1.05$$

Customer Service Centres

- ☐ **Blackbutt** 69 Hart Street
- ☐ **Kingaroy** 45 Glendon Street
- ☐ **Nanango** 48 Drayton Street

- ☐ **Murgon** 42 Stephens Street West
- ☐ **Wondai** Cnr Mackenzie & Scott Streets

where—

P is the amount of the annual payment payable to a local government for the financial year.

A is the total weight, in tonnes, of **municipal solid waste** (my emphasis added) generated in the

local government's local government area, other than excluded waste, that is delivered to a levyable waste disposal site in the levy zone in the financial year starting on 1 July 2017.

Section 11 Amendment of sch 9 (Dictionary) that the definition of **municipal solid waste** (my emphasis added) is —

(a) waste generated by a household if—

(i) the waste is collected from domestic premises—

(A) by or for an occupant of the premises, unless the waste is collected under a commercial arrangement; or

Example of waste collected under a commercial arrangement—
waste collected by a skip bin collection service

(B) by or for a local government; and

(ii) the waste is not waste generated from an activity carried out at domestic premises under a commercial arrangement; or

(b) the following waste collected by or for a local government—

(i) waste generated from street sweeping;

(ii) waste collected from public rubbish bins;

(ii) waste generated from maintaining a public space, including, for example, a public garden and public park;

(iii) large items collected from domestic premises by a kerbside collection service.

Council is seeking clarification over the interpretation and application of (a)(ii) of the municipal solid waste definition or the specific definition of the term, "public rubbish bins" in the municipal solid waste definition (b)(ii). This is because if the South Burnett Regional Council (SBRC) is going to have any hope of avoiding direct costs to households then waste generated by a household, which is not waste generated from an activity carried out at domestic premises under a commercial arrangement and that is self-hauled to a public waste transfer station and placed in the skip bins provided and subsequently taken to a waste disposal facility by Council or its contractor will need to be included in the definition of municipal solid waste.

Alternatively, the term “public rubbish bins” needs to include skip bins from a public waste transfer station, which is only to receive domestic waste/rubbish.

Council has thirteen (13) regional transfer stations, eleven (11) of which are unsupervised due to the cost involved. No landfill waste disposal fees are collected from residents utilising these waste facilities. Only domestic waste is received at twelve (12) of the thirteen (13) regional waste transfer stations. If this domestic waste from the regional waste transfer stations is not captured under the definition of municipal solid waste then under the State’s proposed new waste levy this waste would be captured, without any annual payment offset, when it came into one of the four waste facilities for disposal. This would equate to approximately \$163,100 per year in waste levy liability. This would conceivably have to be passed on to all rateable properties, which would also be unequitable, as Council cannot know exactly who placed the waste into these small transfer stations. This amount would be approximately \$10 per rateable property, based upon the present number of rateable properties.

Council currently includes the amounts that come from its regional waste transfer stations in its household waste figures which are reported to the Queensland Waste Data System. If the domestic waste deposited into the skip bins at a public waste transfer station was considered municipal solid waste and the Annual Payment formula utilised these figures as reported to the State to determine the SBRC’s payment then then all household waste within the South Burnett would be captured and accounted for.

Concern 2 – Resource Recovery Areas – Physical Barriers and Points of Access

Part 6 of The Amendment Bill relates to Resource recovery areas. Section 72R Resource recovery area subsection (c) talks about the need for a physical barrier, which has to separate the area from the rest of the site and prevent vehicles from moving between the area and the rest of the site other than through points of access and subsection (d) of section 72R states that the area and the physical barrier must comply with any requirements prescribed under a regulation. The proposed draft regulation is quiet on what might constitute a physical barrier or what might be acceptable as a point of access. Council’s request is that the definition or interpretation of these terms will not be excessive. Council does not have a lot of money and so a mound of dirt or a timber post should be sufficient as a physical barrier to prevent vehicles from accessing a particular area within a waste facility. Also, a point of access should not have to have a boom gate or gate that needs to be open and closed between each vehicle as this would require additional staffing, which Council cannot afford to do. An access point should just be an open roadway without any physical barrier which would permit a vehicle to pass through unimpeded.

Concern 3 – Annual Payment reported in the Rate Notices

Section 73D (4) “Annual payment to local governments” in The Amendment Bill details that, “All rate notices issued by a local government during the year to which the annual payment relates must include a statement that informs the ratepayer of the amount paid to the local government and the purpose of the payment.” Assume that this statement is to make reference to the total amount of the Annual Payment received and not break could this information not be reported in the obligatory Local Government Annual Report rather than in the Rate Notices?

Concern 4 – Levy Ready Payment

Council has been advised that there is to be a five million dollar (\$5M) Levy Ready Grant Program to financial support local governments with infrastructure works or upgrades at its waste disposal facilities in order to implement and remit the State's Waste levy. This is very appreciated, however it is noted that the Grant Program is only up to seventy percent (70%) and requires a co-contribution of thirty percent (30%) by Council.

SBRC has not budgeted any funding for such a State initiative. Based upon staff's quick reading of the Waste Levy legislation SBRC may have to purchase and install up to three (3) weighbridges and upgrade its existing waste software, amongst other priorities. I also assume that the grant will not cover installation costs of a weighbridge just the capital cost. SBRC may also have to supervise some of its waste facilities to meet the requirements of the State's Waste Levy legislation will there is ongoing funding to cover these costs to Council? Where is the Council's thirty percent (30%) funding for the abovementioned items going to come from? The only avenue that SBRC would have would be to draw upon its ratepayers to cover this thirty percent (30%) co-contribution, which would become a cost to households.

Is a five million dollar (\$5M) Levy Ready Grant Program going to be enough for all of Queensland Council's?

Concern 5 – Weighbridges

Division 2 Obligations of operators of levyable waste disposal sites, Subdivision 2 Weighbridges, Section 57 Weighbridge of The Amendment Bill requires that: "(b) If the operator is required to hold an environmental authority for the disposal of more than 5,000 tonnes, but not more than 10,000 tonnes, of waste in a year at the site—1 July 2021; or (c) for any other operator—1 July 2024.

Council has two (2) of its Waste Disposal Sites that have useful lives, depending upon disposal volumes, that could expire around 10 years. The economic benefit of installing a weighbridge at these sites, which will then be closed with no intended Transfer Station being established would seem to be a waste of money. Would the State consider providing an Approval process for an extension to the deadline for weighbridge installation to Council's with such sites?

Concern 6 – Exempt Waste Application

It is hoped that the exempt waste application process will not be onerous and that Approval time periods would be generous particularly for asbestos-containing material (ACM) as Council does not want to see a spade of increased illegal ACM dumping as a consequence of the introduction of the State's Waste Levy from a public health, environmental, workplace health and safety and increased cost to clean up perspective. Also, specifically from the operation of a waste facility Approval for Clean earth and beneficial use within the waste facility (e.g. all weather road base). Finally, for illegally dumped orphan waste that Council is going to have to collect and dispose of.

Apologies for the state of this submission as it had to be put together with great haste given the rather tight timeframe for submissions. If more time had permitted a greater in depth assessment of the legislation a few more questions may have been included.

Should you have any questions in relation to this matter please do not hesitate to contact me to discuss.

Yours faithfully

A handwritten signature in black ink, appearing to read 'CC Patch', with a stylized flourish at the end.

Craig Patch
MANAGER ENVIRONMENT AND WASTE