

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
21 September 2021**

ORDER OF BUSINESS

| | | |
|-----------|------------------------------------------------------------------------------------------------------------------|-----------|
| 1 | ACKNOWLEDGEMENT OF COUNTRY | 4 |
| 2 | PRAYER | 4 |
| 3 | PUBLIC ACCESS AND QUESTION TIME | 4 |
| 4 | APOLOGIES | 5 |
| 5 | MAYORAL MINUTES | 5 |
| | Nil | |
| 6 | CONFIRMATION OF MINUTES | 6 |
| | 6.1 Minutes Ordinary Meeting held on 17 August 2021 | 6 |
| 7 | MATTERS ARISING OUT OF THE MINUTES | 6 |
| 8 | DECLARATION OF INTERESTS | 6 |
| 9 | PETITIONS | 6 |
| | Nil | |
| 10 | NOTICE OF MOTION | 6 |
| | 10.1 Notice of Motion - Evans Head Ambulance Station | 6 |
| 11 | MAYOR'S REPORT | 8 |
| | 11.1 Mayoral Attendances 10 August - 13 September 2021..... | 8 |
| 12 | DELEGATES' REPORTS | 8 |
| | Nil | |
| 13 | MATTERS DETERMINED WITHOUT DEBATE | 8 |
| | 13.1 Matters to be Determined Without Debate..... | 8 |
| 14 | GENERAL MANAGER'S REPORTS | 9 |
| | 14.1 Election of Deputy Mayor | 9 |
| | 14.2 NSW Regional Lockdown Rating Relief..... | 10 |
| | 14.3 Community Preparedness and Resilience Adverse Event Plan..... | 10 |
| | 14.4 Disclosure of Interests - Update to Procedure and Annual Designated Person Returns | 11 |
| 15 | FINANCIAL REPORTS | 11 |
| | 15.1 Financial Analysis Report - August 2021 | 11 |
| 16 | GENERAL BUSINESS | 12 |
| | 16.1 Road Widening - Naughtons Gap Road | 12 |
| | 16.2 Proposed Road Naming | 12 |
| | 16.3 Road Maintenance & Construction Services Review Update on Implementation Actions | 13 |
| | 16.4 Review of Asset Planning Policies..... | 13 |
| 17 | MATTERS FOR INFORMATION | 14 |
| | 17.1 North Coast Alternate Waste Solutions Project Update and NSW Energy from Waste Infrastructure Plan..... | 14 |
| | 17.2 Outcome of Casino Drill Hall Memorial Walk and Coronation Park Viewing Platform Tender Negotiations..... | 14 |

| | | |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 17.3 | Naughtons Gap Road Landslip Update | 14 |
| 17.4 | Grant Application Information Report - August 2021 | 15 |
| 17.5 | Financial Assistance Grant 2021/2022 | 15 |
| 17.6 | Correspondence - Letter of response Deputy Premier, Casino ANZ Bank Closure | 15 |
| 17.7 | Development Applications determined under the Environmental Planning and Assessment Act for the period 1 August 2021 to 31 August 2021 | 15 |
| 18 | QUESTIONS ON NOTICE | 15 |
| | Nil | |
| 19 | QUESTIONS FOR NEXT MEETING (IN WRITING)..... | 16 |
| 20 | MATTERS REFERRED TO CLOSED COUNCIL | 17 |
| 20.1 | Tender VP259162 Detailed Design and Construct Casino Showground Precinct..... | 17 |
| 20.2 | Casino Industries Activation - Power Infrastructure Tender | 17 |
| 21 | RESOLUTIONS OF CLOSED COUNCIL | 18 |

**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 21 SEPTEMBER 2021 AT 5.00PM**

Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish (arrived 5.40pm), Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons, Cr Daniel Simpson

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Community Service Delivery), Ben Zeller (Director Projects & Business Development), Jenna Hazelwood (Leader Strategy), Julie Clark (Personal Assistant to the General Manager and Mayor), Simon Breeze (IT Support Officer).

1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."

2 PRAYER

The meeting opened with a prayer by the General Manager.

3 PUBLIC ACCESS AND QUESTION TIME

3.1 PUBLIC ACCESS AND QUESTION TIME - ITEM 10.1 NOTICE OF MOTION - EVANS HEAD AMBULANCE STATION

Mr Ben Fisher addressed the meeting in relation to Item 10.1 Notice of Motion – Evans Head Ambulance Station in support of the Notice of Motion.

Mr Fisher raised concerns with current staffing arrangements at the Evans Head Ambulance Station and a reported increase in emergency response times in Evans Head over the past two years. He pointed out that Evans Head relied heavily on its ambulance service as residents did not have access to 24 hour medical care from a hospital or medical facility.

Mr Fisher also said he was concerned that ambulances from the Evans Head Station were being allocated to non-urgent patient transfers outside of the area, impacting on the availability of ambulances for local emergencies.

A recording of the presentation is available at <https://richmondvalley.nsw.gov.au/council/council-meetings/council-meeting-videos/>

The Mayor thanked Mr Fisher for his address to the meeting and advised the matter would be discussed during Item 10.1 Notice of Motion provided by Councillor Daniel Simpson.

3.2 PUBLIC ACCESS AND QUESTION TIME - ITEM 17.1 NORTH COAST ALTERNATE WASTE SOLUTIONS PROJECT UPDATE AND NSW ENERGY FROM WASTE INFRASTRUCTURE PLAN

Ms Liz Stops addressed the meeting in relation to Item 17.1 North Coast Alternate Waste Solutions Project Update and NSW Energy from Waste Infrastructure Plan.

Ms Stops expressed concerns about the possibility of an energy from waste facility being installed in the Richmond Valley, including potential environmental and human health impacts. She advocated for other waste management solutions to be explored to support a circular economy. Ms Stops said she was particularly concerned with potential impacts from emissions quality and management of the by-products from energy from waste facilities. She encouraged Council to seek further information and advice on these facilities and to consider other options.

A recording of the presentation is available at <https://richmondvalley.nsw.gov.au/council/council-meetings/council-meeting-videos/>

Ms Stops also presented a series of questions to Council, prior to her address. The General Manager responded to each question at the meeting and a summary is provided at Appendix 1.

The Mayor thanked Ms Stops for her address to the meeting.

4 APOLOGIES

Nil (noted Cr Cornish would be arriving late).

5 MAYORAL MINUTES

Nil

5.1 MAYORAL MINUTE - SHARK MANAGEMENT PROGRAM

RESOLUTION 210921/1

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council:

1. Notes the announcement of the 2021-22 NSW Shark Management Program, including drone surveillance, listening stations, smart drum lines and shark tagging for Richmond Valley's Evans Head Main and Airforce beaches.
2. Writes to the Deputy Premier and Minister for Regional NSW the Hon John Barilaro MP and the Member for Clarence, Chris Gulaptis MP to thank them for their continued support for this vital beach safety program.

CARRIED

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD ON 17 AUGUST 2021

RESOLUTION 210921/2

Moved: Cr Daniel Simpson

Seconded: Cr Stephen Morrissey

That Council confirms the Minutes of the Ordinary Meeting held on 17 August,2021.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

7.1 MATTERS ARISING OUT OF THE MINUTES – CR HAYES

Cr Robert Hayes referred to a question asked during Item 19.1 by Councillor Robert Mustow in relation to Richmond Valley Council's testing regime for COVID in our sewerage treatment facilities (STPs) and asked if Council is now testing all of its facilities following the most recent COVID detections in our neighbouring Council's sewage.

Response:

The Director Community Service Delivery advised weekly sampling is currently conducted at Casino, Coraki and Evans Head STPs. Samples are taken mid-week and sent to a laboratory in Sydney for testing with results generally coming back within 3 days (i.e. Friday or Saturday).

Staff are currently reviewing whether our STPs will accept effluent from outside Richmond Valley from contractors. It has been recommended that Council follows the same restrictions as our neighbouring Councils such as Ballina and Lismore and only accept effluent for properties within our LGA whilst the Covid Sewage Surveillance Program is operational. Council has no control over travellers coming through the area using local dump points.

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

Note: Councillor Sam Cornish attended the meeting at 5.40 pm.

10 NOTICE OF MOTION

10.1 NOTICE OF MOTION - EVANS HEAD AMBULANCE STATION

I Councillor Daniel Simpson give notice that at the next Ordinary Meeting of Council to be held on 21 September 2021, I intend to move the following motion:

RESOLUTION 210921/3

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

That Council writes to the Member for Clarence, Chris Gulaptis MP, to express its concern at staffing arrangements for the Evans Head Ambulance Station and the reported increase in waiting times for 000 calls.

CARRIED

11 MAYOR'S REPORT**11.1 MAYORAL ATTENDANCES 10 AUGUST - 13 SEPTEMBER 2021****RESOLUTION 210921/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayor's attendance report from 10 August – 13 September 2021.

CARRIED

12 DELEGATES' REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 210921/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That items 14.2, 14.4, 15.1, 16.1, 16.2 and 16.3 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS

14.1 ELECTION OF DEPUTY MAYOR

EXECUTIVE SUMMARY

Section 231 of the *Local Government Act 1993* (The Act) provides for Councillors to elect a Deputy Mayor for the mayoral term or for a shorter term. The current Deputy Mayor's term of office is due to conclude this month. However, with the postponement of the local government elections until December 2021, for Council to continue to have a Deputy Mayor, there is a requirement to elect a new Deputy Mayor for the additional period.

Schedule 7 of the Local Government (General) Regulation 2021 (The Regulation) outlines the method of conducting the election of Deputy Mayor. Under the Regulation, nominations for the position of Deputy Mayor are to be made in writing by two or more councillors (one of whom may be the nominee) and delivered to the returning officer.

If more than one candidate is nominated, the Regulation provides for the election to be conducted by either preferential ballot, ordinary ballot or open voting. Following public declaration of the election result, nomination forms and any ballot papers used in the election may be destroyed.

It is recommended that the method of conduct for the election of Deputy Mayor be by open voting

RESOLUTION 210921/6

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That:

1. Council elects a Deputy Mayor for the duration of the current electoral term;
2. Nominations for the position of Deputy Mayor be submitted in accordance with the Local Government (General) Regulation 2021, Schedule 7;
3. The method of conduct for the election of Deputy Mayor be by open voting;
4. Following declaration of the election result, nomination forms be destroyed;
5. Notification of the result be made to the Office of Local Government and LGNSW.

CARRIED

The General Manager, as Returning Officer for the election, advised that he had received one nomination for the position of Deputy Mayor and called for further nominations from the floor, however none were submitted. He advised that the nomination he had received was a valid nomination and it was from Cr Morrissey.

As there was one nomination only, Cr Morrissey was declared elected as Deputy Mayor for the next 12 months.

The Mayor congratulated Cr Morrissey on his election as Deputy Mayor.

14.2 NSW REGIONAL LOCKDOWN RATING RELIEF

EXECUTIVE SUMMARY

The Richmond Valley community continues to experience significant impacts from the COVID-19 pandemic, having recently completed five weeks of lockdown where many local businesses were unable to trade. The Northern Rivers region has been particularly affected by the Queensland border closures and continues to face uncertainty around possible future lockdowns. As a result, some ratepayers are experiencing difficulties in meeting their quarterly rates payment. During the 2020 lockdown period, the NSW Government placed a freeze on interest charges for outstanding rates across all NSW councils. This requirement has not been imposed for 2021, however Council may wish to take the lead by offering an interest-free period to assist the Richmond Valley community.

RESOLUTION 210921/7

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council adopts an interest free period from 1 October 2021 to 1 January 2022 for outstanding rates and annual charges to assist community members and businesses impacted by COVID-19 restrictions.

CARRIED

14.3 COMMUNITY PREPAREDNESS AND RESILIENCE ADVERSE EVENT PLAN

EXECUTIVE SUMMARY

With the series of natural disasters that the Richmond Valley Council local government area has experienced in recent years it is evident that our region cannot be insulated from future adverse events. Council needs to ensure appropriate planning is undertaken so the community is better prepared, and can then recover more quickly from the shocks that a disaster brings to the social, economic, and built environment.

The Community Preparedness and Resilience Adverse Event Plan has been prepared in accordance with the Drought Communities Program as a requirement for funding acquittal. This plan will provide a framework for increasing resilience to the likely and potential adverse events that may occur in the future. The plan aims to improve preparation and recovery from adverse events.

RESOLUTION 210921/8

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That:

1. Council approves public exhibition of the draft Richmond Valley Community Preparedness and Resilience Adverse Event Plan for a period of at least 18 days.
2. Following consideration of any submissions received, the draft plan be presented to Council's 19 October 2021 Ordinary Meeting for adoption.

CARRIED

14.4 DISCLOSURE OF INTERESTS - UPDATE TO PROCEDURE AND ANNUAL DESIGNATED PERSON RETURNS

RESOLUTION 210921/9

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council:

1. Adopts the revised Disclosure of Interests Procedure; and
2. Notes the Returns for the period 1 July 2020 to 30 June 2021.

CARRIED

15 FINANCIAL REPORTS

15.1 FINANCIAL ANALYSIS REPORT - AUGUST 2021

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the status and performance of its cash and investment portfolio in accordance with the *Local Government Act 1993* s.625, Local Government (General) Regulation 2005 cl.212, Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's cash and investments at 31 August 2021 is shown below:

| Bank Accounts | Term Deposits | Floating Rate Notes | TCorp IM Funds | Total |
|---------------|---------------|---------------------|----------------|--------------|
| \$22,988,556 | \$21,000,000 | \$4,750,390 | \$15,770,968 | \$64,509,914 |

The weighted average rate of return on Council's cash and investments for August 2021 was 3.65% which was above the Bloomberg AusBond Bank Bill Index for August of 0.00%, which is Council's benchmark.

RESOLUTION 210921/10

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the month of August 2021.

CARRIED

16 GENERAL BUSINESS**16.1 ROAD WIDENING - NAUGHTONS GAP ROAD****EXECUTIVE SUMMARY**

Council has received funding from the Safer Roads Program for improvements to approximately 900 metres of Naughtons Gap Road, from Rambaldinis Road, north to 925 Naughtons Gap Road. The works include surface corrections and improvements to the geometric shape of the road. During discussions with one of the adjoining property owners, an offer of road widening was proposed on the northern most corner adjacent to 925 Naughtons Gap Road to allow for the road alignment to be adjusted and widen the road pavement.

RESOLUTION 210921/11

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council:

1. Authorises the road widening plan for Naughtons Gap Road, as outlined in this report, under the Common Seal of Council (where required)
2. Authorises the General Manager to sign all required documentation in relation to the road widening plan.

CARRIED

16.2 PROPOSED ROAD NAMING**EXECUTIVE SUMMARY**

Council is a Roads Authority, under Section 7 of the *Roads Act 1993*, and is responsible for formally naming public roads in accordance with the Act and Regulation.

Council has undertaken public exhibition of proposed names for two roads, one in Yorklea and the other in Broadwater, in accordance with Section 162 of the *Roads Act 1993* and Part 2 of the Roads Regulation 2018. Details of the community consultation are outlined within this report.

The proposed road names were presented to Council from affected residents during previous public consultation which resulted in further public exhibition of the new names. The two road names subject to this report did not receive any objections during the public exhibition period.

RESOLUTION 210921/12

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council formally adopts the following road names: Aberfoyle Road, and Travellers Arm Lane.

CARRIED

16.3 ROAD MAINTENANCE & CONSTRUCTION SERVICES REVIEW UPDATE ON IMPLEMENTATION ACTIONS

EXECUTIVE SUMMARY

At the March 2017 Ordinary Meeting, Council resolved to adopt the recommendations of the Road Maintenance and Construction Services Review. Up to September 2019 update reports on actioning the recommendations had been provided to Council at six monthly intervals. In September 2019, Council resolved that the reporting period change to yearly and in September 2020, Council resolved that a final progress report be submitted in August 2021.

This report provides commentary on the actions undertaken in response to the recommendations made in the report through to 31 August 2021.

RESOLUTION 210921/13

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council receives and notes the final progress report on the implementation of the recommendations of the Road Maintenance and Construction Services Review.

CARRIED

16.4 REVIEW OF ASSET PLANNING POLICIES

EXECUTIVE SUMMARY

As part of Council's ongoing policy review process, a review has been undertaken of five Asset Planning Policies.

RESOLUTION 210921/14

Moved: Cr Daniel Simpson

Seconded: Cr Stephen Morrissey

That Council adopts the following updated Asset Planning Policies:

1. CPOL 13.5 Roadside and Reserve Memorials
2. CPOL 11.2 Bitumen Sealing adjacent to Residences on Unsealed Roads
3. CPOL 11.3 Contributions for Kerb and Guttering and Footpath Paving
4. CPOL 13.1 Naming of Public Parks, Reserves, Sporting Fields and Council Facilities

CARRIED

17 MATTERS FOR INFORMATION**RESOLUTION 210921/15**

Moved: Cr Jill Lyons

Seconded: Cr Daniel Simpson

That the following reports submitted for information be received and noted.

CARRIED

17.1 NORTH COAST ALTERNATE WASTE SOLUTIONS PROJECT UPDATE AND NSW ENERGY FROM WASTE INFRASTRUCTURE PLAN**RESOLUTION 210921/16**

Moved: Cr Jill Lyons

Seconded: Cr Daniel Simpson

That Council receives and notes the information on the next steps to seek Alternate Waste Treatment solutions for landfill and recyclable waste streams for councils along the North Coast and the recently announced NSW Energy from Waste Infrastructure Plan.

CARRIED

17.2 OUTCOME OF CASINO DRILL HALL MEMORIAL WALK AND CORONATION PARK VIEWING PLATFORM TENDER NEGOTIATIONS**RESOLUTION 210921/17**

Moved: Cr Jill Lyons

Seconded: Cr Daniel Simpson

That Council notes the outcome of the Casino Drill Hall Memorial Walk and Coronation Park Viewing Platform tender and the appointment of Boyds Bay Group as the project contractor.

CARRIED

17.3 NAUGHTONS GAP ROAD LANDSLIP UPDATE**RESOLUTION 210921/18**

Moved: Cr Jill Lyons

Seconded: Cr Daniel Simpson

That Council receives and notes the Naughtons Gap Road Update report.

CARRIED

17.4 GRANT APPLICATION INFORMATION REPORT - AUGUST 2021**RESOLUTION 210921/19**

Moved: Cr Jill Lyons
Seconded: Cr Daniel Simpson

That Council receives and notes the Grant Application Information Report for the month of August 2021.

CARRIED

17.5 FINANCIAL ASSISTANCE GRANT 2021/2022**RESOLUTION 210921/20**

Moved: Cr Jill Lyons
Seconded: Cr Daniel Simpson

That Council receives and notes the Financial Assistance Grant 2021/2022 report.

CARRIED

17.6 CORRESPONDENCE - LETTER OF RESPONSE DEPUTY PREMIER, CASINO ANZ BANK CLOSURE**RESOLUTION 210921/21**

Moved: Cr Jill Lyons
Seconded: Cr Daniel Simpson

That Council receives and notes the correspondence received from the Deputy Premier regarding the pending closure of ANZ Bank in Casino.

CARRIED

17.7 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 AUGUST 2021 TO 31 AUGUST 2021**RESOLUTION 210921/22**

Moved: Cr Jill Lyons
Seconded: Cr Daniel Simpson

That Council receives and notes the Development Application report for the period 1 August 2021 to 31 August 2021.

CARRIED

18 QUESTIONS ON NOTICE

Nil

19 QUESTIONS FOR NEXT MEETING (IN WRITING)

19.1 QUESTIONS WITH NOTICE - CR ROBERT HAYES

Cr Robert Hayes asked the following questions;

1. When will Council change the speed limit signs on Airforce Beach to a blanket maximum speed of 20km per/hour as per Resolution 160221/18 from the Council meeting on 16 February 2021?

General Manager advised: Unfortunately there has been a delay in finalising this request, however the required signage is currently being ordered and it is anticipated signage erection will occur within the month.

2. The allocated budget of \$25,000 for fencing works associated with the off-leash dog areas was to be used towards additional dog-friendly facilities. At the time the report at the September meeting in 2020, \$10,250.00 was estimated for signage upgrades, dog drinking fountain and dog dropping bag dispensers, it was suggested that the most southern access to the Airforce Beach could be upgraded at the point where it becomes covered with water during rain events and for a prolonged time after these events. Is this still the case?

General Manager advised: Surplus funds were transferred to the Evans Head Cemetery works refurbishment via a monthly budget adjustment. Quotes will now be sought with a view to undertaking the southern access upgrade works as soon as possible.

3. Can Council provide an update on the indigenous street signage notice of motion that was brought to the Council meeting in September 2019. Members of the public have inquired as to why two years have passed and nothing is in place?

General Manager advised: We have been active in liaising with various indigenous groups to gain consensus on draft designs for the new signage (which will replace existing entry/exit signage). A funding application has been submitted under the Stronger Country Communities program, with the funding outcome to be announced in November 2021. If Council's application is not successful, funds of approximately \$50,000 will need to be sourced internally.

20 MATTERS REFERRED TO CLOSED COUNCIL

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

20.1 Tender VP259162 Detailed Design and Construct Casino Showground Precinct

This matter is considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

20.2 Casino Industries Activation - Power Infrastructure Tender

This matter is considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

The General Manager reported that no written representations had been received in respect of the items listed for consideration in Closed Council.

The Chair called for verbal representations from the gallery.

There were no representations from the gallery.

The Chair advised that under section 10A of the *Local Government Act 1993*, the media and public are to be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10(2) as outlined above.

RESOLUTION 210921/23

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That:

1. Council resolves to enter Closed Council to consider the business identified in Items 20.1 and 20.2 together with any late reports tabled at the meeting.
2. Pursuant to section 10A(2) – (c) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

CARRIED

Council closed its meeting at 6.20 pm. The public left the Chamber.

The Open Council meeting resumed at 6.32 pm.

The resolutions of Closed Council were read by the Director Projects & Business Development.

21 RESOLUTIONS OF CLOSED COUNCIL

20.1 Tender VP259162 Detailed Design and Construct Casino Showground Precinct

That Council:

1. Declines all submissions received for Tender VP259162 – Detailed Design and Construct Casino Showground Precinct due to all submissions being either higher than the budget allocated for the works, not meeting project scope or were non-conforming.
2. Determines not to call fresh Tenders, as this is the second tender process for this project and the impacts of COVID-19 restrictions have impacted on the number of responses to this tender, the price submitted and the ability to deliver in a timely manner.
3. Applies Clause 178 (3e) of the *Local Government (General) Regulation 2021* to authorise the General Manager to enter into direct negotiations with suitably qualified contractors (this may include contractors who did not tender), with a view to obtaining delivery of the priorities within the project scope and the available budget, and to finalise the terms of the contract or agreement, including affixing the seal of Council where necessary.
4. Notes that the outcomes of the negotiations will be reported to Council for information at a future meeting

20.2 Casino Industries Activation - Power Infrastructure Tender

That Council:

1. Writes to the Minister for Local Government, seeking the Minister's consent, under cl 393B(2) of the *Local Government (General) Regulation 2021* for Council to approve the Tender recommendation of the Richmond Valley Council assessment panel and General Manager for the Casino Industries Activation Power Upgrade Project if:
 - a) To meet project delivery timeframes, it is required to be made during the 2021 Local Government election Caretaker period and;
 - b) The tendered price provides best value for money, is within the approved budget and results in an acceptable delivery timeframe.

The Meeting closed at 6.35pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 October 2021.

.....
CHAIRPERSON

Appendix 1

Ms Liz Stops addressed the meeting in relation to Item 17.1 North Coast Alternate Waste Solutions Project Update and NSW Energy from Waste Infrastructure Plan.

1. Why has there been no community consultation to date regarding the proposed incinerator project at the Reynolds Road precinct and when does Council intend to allow community input into this project?

Response:

- Council has been investigating a wide range of waste management solutions and communicating this to the community since 2019. There have been subsequent media releases, newsletter articles and reports on the North Coast Waste Investment Report initiative and many other waste business related matters.
- A Government announcement identified that Reynolds Road is a suitable area to construct such a facility. The usual planning processes will be required to be adhered to including Environmental Impact Studies and community consultation prior to any finalisation of the project.

2. Should the incinerator be built what contracts would RVC be locked into and what penalties would RVC be subject to should volume fall below the contracted amount?

Response:

- Council will not manage this facility, if a facility is constructed it will be managed by private enterprise.
- Contractual arrangements are generally negotiated if a facility proceeds as they do rely on the certainty of long-term waste contracts. Our aim is to get a better outcome for the community both environmentally and financially.

3. Is Richmond Valley Council aware that there have been over 50 accidents with similar projects across Europe, causing extremely polluting events?

Response:

- We've seen well run and managed facilities which is what we are interested in and the EPA requirements for these facilities will be the strictest in the world.
- Council has undertaken significant investigations into EfW facilities and visited EfW facilities. In Australia the Environmental Protection Authority has stringent requirements to be adhered to which would be observed.

4. Has RVC compared the number of long-term jobs gained running an incinerator to either cool waste-to energy technology such as anaerobic digesters, or recycling ventures?

Response:

- Council is reviewing all solutions available to our waste challenges. We are big supporters of the circular economy and as the NSW Government's plans identify, there needs to be solutions for landfill waste.
- Our interest in waste solutions is not being driven by jobs, but if we get new industries it's inevitable that new jobs will be created.

5. Has Council looked into the impacts of incinerator emissions on the beef and dairy industries and on our clean green image?

Response:

- Yes, through the North Coast Waste Report.
- EPA's NSW Energy from Waste Policy Statement and EfW Infrastructure Plan set clear requirements for these facilities to be approved and operate. This includes live data on emissions monitoring that is available to the public.
- The environmental impact of our current practices of putting waste in the ground creates Greenhouse gases, can lead to leachate pollution of waterways and leaves legacy management issues for generations to come.

6. Could Council list the twelve (12) councils that were originally part of the investigative group and also the three (3) councils that have left the group?

Response:

- The focus of the work was on how waste is managed across the North Coast Region and to understand the available volumes and infrastructure available to manage waste.
- The North Coast Councils from Tweed to the Mid-Coast Councils.
- All remain involved except Mid-Coast, Port Macquarie, Bellingen and Nambucca
- A market testing process seeking Alternate Waste Treatment solutions will be issued with the next two months.

Any projects that will progress will have to go through development approval processes that will require public consultation.

Information will be provided to the community of our progress in seeking better financial outcomes for our waste business in partnership with other Councils along the North Coast who face similar challenges. We aim to improve environmental outcomes while also providing jobs for our communities.