

Richmond  
Valley  
Council



# **MINUTES**

**Ordinary Council Meeting  
20 September 2022**

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**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 20 SEPTEMBER 2022 AT 6PM**

*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 Robert Hayes, Cr Sandra Humphrys, Cr Patrick Deegan, Cr Debra McGillan

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Angela Jones (Director Community Service Delivery), Ryan Gaiter (Director Organisational Services), Ben Zeller (Director Projects & Business Development), Jenna Hazelwood (Chief of Staff), Julie Clark (Personal Assistant to the General Manager and Mayor), Simon Breeze (IT Support Coordinator)

## **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**

### **2.1 AMENDMENT TO PROCEEDINGS**

#### **RESOLUTION 200922/1**

Moved: Cr Robert Mustow  
Seconded: Cr Debra McGillan

That Item 2 Prayer, be included within Item 5.1 Community Condolences – Queen Elizabeth II.

**CARRIED**

## **3 PUBLIC ACCESS**

**Ms Rebecca Woods**, Chief Executive Officer of Bogal Local Aboriginal Land Council (LALC), addressed Council in relation to Item 17.1 Box Ridge Road Compulsory Acquisition, supporting the report and the proposed subdivision at Box Ridge under the Road to Home program. Ms Woods pointed said the proposal would allow the Box Ridge community to enjoy the same standard of service as other Richmond Valley residents and supported the recommendation to compulsorily acquire Box Ridge Road as a public road to secure legal access to the site.

Ms Woods presented a letter from Uncle Warren Williams, Chair of the Bandjalang Aboriginal Corporation, providing in principle support for the compulsory acquisition.

The Mayor thanked Ms Woods for her presentation to the meeting.

**Ms Jill Lyons** addressed Council in relation to Item 20.1 Response to Questions; Cr Patrick Deegan, Regional Jobs Precinct and Expression of Interest for Regional Waste Solutions.

Ms Lyons expressed concerns in relation to energy from waste facilities and encouraged Council to consult further with the community and listen to other points of view regarding potential risks of these facilities.

The Mayor thanked Ms Lyons for her attendance and address to the meeting.

**Ms Liz Stops** addressed Council in relation to Item 20.1 Response to Questions; Cr Patrick Deegan, Regional Jobs Precinct and Expression of Interest for Regional Waste Solutions speaking against the item..

Ms Stops expressed concerns regarding energy from waste facilities and quoted from studies that were referenced in the Chief Scientist and Engineer's 2020 Report on Energy from Waste. Ms Stops believed that further research was required into the cost and potential impacts of these facilities and called for further community consultation.

Ms Stops also submitted three questions to Council regarding this matter. The response to these questions is provided at Appendix A.

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

A full recording of the public addresses to the meeting is available at:

<https://richmondvalley.nsw.gov.au/council/council-meetings/council-meeting-videos/>

## **4 APOLOGIES**

### **RESOLUTION 200922/2**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That the apology received from Cr Sam Cornish be accepted and leave of absence granted.

**CARRIED**

## **5 MAYORAL MINUTES**

### **5.1 COMMUNITY CONDOLENCES - QUEEN ELIZABETH II**

#### **RESOLUTION 200922/3**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

The Lord's prayer was read by the General Manager.

A video presentation honouring the Queen's visit to the Richmond Valley in 1954 was provided.

A minute's silence in memory of Queen Elizabeth II was observed.

**CARRIED**

**5.2 NSW INDEPENDENT FLOOD INQUIRY****RESOLUTION 200922/4**

Moved: Cr Robert Mustow  
Seconded: Cr Patrick Deegan

That Council:

1. Notes the release of the NSW 2022 Flood Inquiry recommendations and calls on the NSW government to respond in good faith to its findings and progress the recommendations as a matter of urgency.
2. Writes to the NSW Premier seeking urgent implementation of the initiatives to be delivered by the Northern Rivers Reconstruction Corporation.

**CARRIED**

**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD 16 AUGUST 2022****RESOLUTION 200922/5**

Moved: Cr Sandra Humphrys  
Seconded: Cr Robert Hayes

That Council confirms the Minutes of the Ordinary Meeting held on 16 August 2022.

**CARRIED**

**7 MATTERS ARISING OUT OF THE MINUTES**

Nil

**8 DECLARATION OF INTERESTS**

The General Manager declared a pecuniary interest in relation to 16.2 Re-establishment of Alcohol Free Zones in Casino, Coraki and Evans Head, due to being a part-owner of a business located within a zone and advised he would leave the meeting if the item was debated.

**9 PETITIONS**

Nil

**10 NOTICE OF MOTION**

Nil

**11 MAYOR'S REPORT****11.1 MAYORAL ATTENDANCE REPORT 11 AUGUST - 12 SEPTEMBER 2022****RESOLUTION 200922/6**

Moved: Cr Robert Mustow  
Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 11 August – 12 September 2022.

**CARRIED**

## **12 DELEGATES' REPORTS**

### **12.1 DELEGATES' REPORT SEPTEMBER 2022**

#### **RESOLUTION 200922/7**

Moved: Cr Sandra Humphrys  
Seconded: Cr Robert Mustow

That Council receives and notes the Delegates' Report for the month of September 2022.

**CARRIED**

## **13 MATTERS DETERMINED WITHOUT DEBATE**

### **13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE**

#### **RESOLUTION 200922/8**

Moved: Cr Stephen Morrissey  
Seconded: Cr Sandra Humphrys

That items 15.1, 15.2, 15.3, 16.2, and 17.2 identified be determined without debate.

**CARRIED**

## **14 GENERAL MANAGER**

Nil

**15 ORGANISATIONAL SERVICES****15.1 DISCLOSURE OF INTERESTS - UPDATE TO PROCEDURE AND ANNUAL DESIGNATED PERSON RETURNS****EXECUTIVE SUMMARY**

In accordance with Council's Code of Conduct and Disclosure of Interest Procedure, Councillors and Designated Persons are required to lodge their completed disclosure of interest returns by 30 September 2022. All of the required disclosures have now been received from Councillors and Designated Persons.

A review of Council's Disclosure of Interest Procedure has been carried out, with minor amendments proposed to the list of designated persons, to accommodate changes in job titles.

**RESOLUTION 200922/9**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council:

1. Notes that all required disclosure of interest returns have been received for the period ending 30 June 2022; and
2. Adopts the revised Disclosure of Interest Procedure.

**CARRIED**

**15.2 COUNCILLOR EXPENSES AND FACILITIES POLICY****EXECUTIVE SUMMARY**

Under Section 252 of the *Local Government Act 1993* (the Act), Councils must adopt a new policy on the payment of expenses and the provision of facilities to the Mayor and Councillors within 12 months of a local government election.

A review of the Payment of Expenses and Provision of Facilities to Councillors Policy, adopted in November 2016, was carried out and Council resolved at its August 2022 meeting to exhibit the revised policy for public comment.

Following a 28-day period of public exhibition, the policy is now presented for adoption.

**RESOLUTION 200922/10**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council adopts the Councillor Expenses and Facilities Policy, noting that no submissions were received during the public exhibition period.

**CARRIED**



**15.3 FINANCIAL ANALYSIS REPORT - AUGUST 2022****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 2021 cl.212, Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's cash and investments at 31 August 2022 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$21,805,952	\$41,000,000	\$4,750,390	\$2,000,000	\$14,645,787	\$84,202,128

The weighted average rate of return on Council's cash and investments as at 31 August 2022 was 0.44% which was above the Bloomberg AusBond Bank Bill Index for August of 0.15%, which is Council's benchmark.

**RESOLUTION 200922/11**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the month of August 2022.

**CARRIED**

**15.4 INTERNAL AUDIT AND RISK COMMITTEE COUNCILLOR NOMINATIONS****EXECUTIVE SUMMARY**

Under Section 428A of the *Local Government Act*, Council is required to form an Internal Audit and Risk Committee which includes at least three positions held by officers external to the organisation. Council may also appoint a non-voting Councillor representative to the committee. At the August 2022 Ordinary Council Meeting, Council resolved to seek advice from the Office of Local Government regarding the option of appointing councillors on a rotating basis to the committee.

**RESOLUTION 200922/12**

Moved: Cr Robert Hayes

Seconded: Cr Patrick Deegan

That Council:

1. Determines not to appoint a Councillor representative as a member of the Internal Audit and Risk Committee; and
2. A report on the proceedings of each Committee meeting be presented to Council.

**CARRIED**

**16 COMMUNITY SERVICE DELIVERY****16.1 DRAFT NORTH COAST REGIONAL PLAN - COUNCIL SUBMISSION****EXECUTIVE SUMMARY**

The *Draft North Coast Regional Plan 2041* (Draft Plan) was publicly exhibited by the Department of Planning and Environment from 11 July 2022 to 24 August 2022. Council made a submission on the draft plan, expressing concern that it lacked a whole-of-government vision for renewal and growth in the Northern Rivers and failed to recognise the emerging role of the Richmond Valley as a regional employment centre. The Department of Planning and Environment is currently reviewing the submissions to the draft plan and has not yet set a date for release of the final document.

**RESOLUTION 200922/13**

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council:

1. Notes the release of the Draft North Coast Regional Plan 2041 and Richmond Valley Council's submission to the public consultation; and
2. Writes to the Member for Clarence and the Minister for Planning and Homes seeking the Richmond Valley's inclusion in Stage One of the North Coast Urban Development Program, in response to Casino's emerging role as a regional employment centre.

**CARRIED**

**16.2 RE-ESTABLISHMENT OF ALCOHOL FREE ZONES IN CASINO, CORAKI AND EVANS HEAD****EXECUTIVE SUMMARY**

Richmond Valley Council has operated Alcohol Free Zones in Casino, Coraki and Evans Head for a number of years and they have proved effective in managing street drinking. Under *the Local Government Act 1993*, the zones must be reviewed, re-advertised and re-established every four years. Council is required to undertake community and stakeholder consultation as part of the review process. This consultation has now been completed and it is recommended that Council re-establish the zones.

**RESOLUTION 200922/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council:

1. Notes that the consultation requirements under the *Local Government Act 1993* for re-establishing the Alcohol Free Zones have been completed, with no objections received.
2. Re-establishes the Alcohol Free Zones in Casino, Coraki and Evans Head, as outlined in this report, for a period of four years.

**CARRIED**

## 17 PROJECTS & BUSINESS DEVELOPMENT

### 17.1 BOX RIDGE ROAD COMPULSORY ACQUISITION

#### EXECUTIVE SUMMARY

Council has been working with the Bogal Local Aboriginal Land Council and its planning consultants since 2021 to progress a development application for the Box Ridge community at Coraki, under the NSW Government's Roads to Home (R2H) program.

As part of the development application process, there is a necessity to formalise legal access through the creation of a dedicated public road servicing the Box Ridge discrete Aboriginal community.

The affected land is partially owned by NSW Crown Lands and subject to determined Native Title. NSW Crown Lands has advised that the most expedient way to acquire Crown land is through the compulsory acquisition process. As Council is the authorised roads authority it is the sole organisation with the means to undertake this task.

The Bogal Local Aboriginal Land Council has requested that Council initiates the process to declare Box Ridge Road a public road owned and managed by Council, enabling the subdivision of land to individual parcels which will bring important social and access benefits to the residents of the community.

It is recommended that Council supports the acquisition process, subject to successful negotiation with the relevant parties and removal of any encumbrances.

#### RESOLUTION 200922/15

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That

1. Subject to a successful negotiation with the relevant parties on the removal of associated encumbrances including Native Title, Council:
  - (a) Will acquire the subject land by compulsory acquisition under Section 177 and 178 of the *Roads Act 1993 (NSW)* and in accordance with the requirements of the *Land Acquisition (Just terms Compensation) Act 1993 (NSW)*;
  - (b) Will approve the making of an application to the Minister for Local Government for the issue of a proposed Acquisition Notice under the *Land Acquisition (Just Terms Compensation) Act 1993 (NSW)* with respect to the subject land;
  - (c) Dedicate the subject land as a public road.
2. All costs associated with the compulsory acquisition process are to be borne by the applicant.

**CARRIED**

## **17.2 STRATEGIC ASSET PLANNING AND ASSET MANAGEMENT STRATEGY**

### **EXECUTIVE SUMMARY**

Council is required, under the Integrated Planning and Reporting (IP&R) framework, to have an Asset Management Policy, Asset Management Strategy and Asset Management Plans outlining how it will manage its assets over the next 10 years.

Under the IP&R guidelines, each new council must review its asset policy, strategy and plans following the Local Government election, as part of the review of the Resourcing Strategy and development of the Delivery Program.

Accordingly, the revised policy and strategy are now presented for Council's consideration, with the revised asset management plans to be presented to a future Council meeting, following completion of the review.

### **RESOLUTION 200922/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council adopts the following asset planning documents:

1. Asset Management Policy [CPOL 11.01]
2. Asset Management Strategy 2022-2032

**CARRIED**

## **18 GENERAL BUSINESS**

Nil

## **19 MATTERS FOR INFORMATION**

### **RESOLUTION 200922/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

Recommended that the following reports submitted for information be received and noted.

**CARRIED**

## **19.1 DISASTER RECOVERY WORKS UPDATE**

### **RESOLUTION 200922/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the update provided on current status of natural disaster works.

**CARRIED**

**19.2 AGENCY INFORMATION GUIDE (GIPA ACT)****RESOLUTION 200922/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the updated Agency Information Guide, as required under the *Government Information (Public Access) Act 2009*.

**CARRIED**

**19.3 GRANT APPLICATION INFORMATION REPORT - AUGUST 2022****RESOLUTION 200922/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the Grant Application Information Report for the month of August 2022.

**CARRIED**

**19.4 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 AUGUST 2022 TO 31 AUGUST 2022****RESOLUTION 200922/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That Council receives and notes the Development Application report for the period 1 August 2022 to 31 August 2022.

**CARRIED**

**20 QUESTIONS ON NOTICE**

Nil

**20.1 RESPONSE TO QUESTIONS; CR PATRICK DEEGAN, REGIONAL JOBS PRECINCT AND EXPRESSION OF INTEREST FOR REGIONAL WASTE SOLUTIONS**

The following question on notice was received from Councillor Patrick Deegan.

**Question**

Cr Patrick Deegan asked the following question in writing.

*“Noting references to the Regional Jobs Precinct and the Expression of Interest (EOI) for regional waste solutions during tonight's meeting, I note that on 8 July this year, new state legislation came into effect: Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2022.*

*This legislation bans new Energy to Waste (EtW) facilities in NSW, apart from four locations,*

*including the Richmond Valley Jobs Precinct (RJP), or in locations where it replaces a less environmentally sound fuel.*

*Understanding that the above EOI might or might not result in a proposal for EtW, can a report come to the September Ordinary Meeting addressing the following points:*

- The NSW Government's Chief Scientist and Engineer's Report on Energy from Waste (updated with additional advice), dated November 2020, quotes a paper that recommends the avoidance of proximity to food production. As the RJP is identified in the above legislation as one of the possible locations for EtW, do the businesses of Casino and the Richmond Valley and local agricultural industries meet the definition of food production, and how does this possible location fit with the abovementioned recommendation?*
- The NSW Environment Protection Authority Energy from Waste Infrastructure Plan, dated September 2021, indicates EfW should be located away from high density residential areas due to risks from pollution. If EfW is unsuitable for high density residential areas due to pollution, what are the risks, if any, for areas with lower populations?*
- Richmond Valley Council's current practice is to landfill 51% of its waste. What are the environmental impacts of this practice and how does it compare to alternative options?"*

## **Response**

All forms of residual waste treatment including landfill, Energy from Waste facilities (EfW) and other technologies potentially pose risks to human health. That is why the Environment Protection Authority (EPA) applies stringent conditions to these activities. For EfW, this includes emissions standards to enable emissions to be managed and controlled. Emissions to air standards for energy recovery facilities in NSW are the most stringent in the world and are set out in the 'NSW Energy from Waste Policy Statement' (EPA, 2021). The NSW standards are more prescriptive than the European Union Industrial Emissions Directive 2010/75/EU (IED). The IED governs emissions from all industrial activities in the European Union. It is broadly regarded as the world standard for emissions control. This has now been surpassed by the NSW requirements. An energy recovery facility operating in NSW will be required to have lower emissions to air than any industrial facility operating in Europe.

The IED was used as the defacto standard for the two EfW facilities under construction in Western Australia. Emissions from modern EfW facilities are monitored in real time and available on public websites. They are generally lower than those required by the standards. EfW facilities need to be within an economically viable transport distance of waste sources, so are invariably sited close to developed areas where waste is generated. Proximity to food production and residential areas (of any density) are not a factor that determines the emissions standards to be met.

## **Proximity to Food Production**

It is important to read the full detail and context of the Chief Scientist & Engineer's Report. The following paragraph is preceded by a paragraph which cites EnRisk (2018) as stating there is "*no causal evidence that health effects from incinerators emitting to EU IED standards occur.*" The paragraph containing the reference to proximity to food production states:

*"I note a more recent systematic review of health impacts (Tait et al, 2020) that concludes that older incinerator technology and infrequent maintenance are linked with adverse health effects, with fewer effects associated with more modern plants. As with the EnRisk review, the authors note study limitations preclude firmer conclusions, and recommend a precautionary approach. The authors make several recommendations, including design to world's best practice standards; adherence to upgrade and maintenance schedules and avoidance of proximity to food production. The first two can be addressed through the regulatory assessment and compliance process. The latter (exposure through food) should be addressed through the Human Health Risk Assessment (HHRA) that applicants are required to prepare."*

Thus, the possible impact on food production is raised in one paper (Tait et al) cited by the Chief

Scientist. That paper also provides the mitigation strategy (HHRA), which is embedded in the NSW development assessment process. Any proposed facility would be required to satisfy this requirement to achieve an approval.

### **Risks to Areas of Lower Populations**

The *NSW Energy from Waste Infrastructure Plan* (EPA 2021) states:

*“All energy from waste facilities, regardless of their location, must comply with the Policy Statement, including demonstrated supply of feedstock in accordance with the resource recovery criteria. The Policy Statement was revised in June 2021 on the advice of the Chief Scientist and Engineer and sets out the most rigorous environmental controls in the world.*

*The Policy Statement also requires proponents of energy from waste facilities to provide effective information and public consultation about their proposals. Proponents need to engage in genuine dialogue with the community by providing accurate and reliable information. Operators of an energy from waste facility need to be ‘good neighbours’, particularly if they are near a residential setting and where there are workers in other nearby facilities.”*

Any proponent who lodges a development application will be required to meet these standards and all requirements under NSW legislation before an approval could be issued.

The decision by the NSW Government to allow Energy from Waste facilities in regional areas of NSW is based on the precautionary principle of avoiding areas with higher populations and future growth where existing higher levels of pollution are likely, such as Greater Sydney. The EfW Infrastructure Plan provides guidance on suitable locations for EfW facilities noting that:

*“Regional precincts that are located on arterial transport routes have enormous potential to become circular economy precincts, where energy recovery sits at the centre of a network of complementary industries that can create jobs and drive innovation”.*

*The Infrastructure Plan includes eight key considerations for selecting suitable locations including sites that:*

- *Support existing waste, net zero and regional growth strategies*
- *Are close to existing or planned infrastructure*
- *Are away from high density residential areas*
- *Are compatible with environmental and climatic factors (air quality)*
- *Are connected to existing or planned road and rail infrastructure*
- *Create jobs*
- *Support secure and sustainable access to energy in locations that need it*
- *Attract investment and economic opportunities to communities who need it*

The NSW Government identified the Richmond Valley Jobs Precinct in the EfW Infrastructure Plan. This is due to an EfW facility being a potential solution to the waste challenges being investigated by Councils along the North Coast into Alternate Waste Treatment Solutions at that time. EfW facilities are recognised by the NSW Government as part of its Circular Economy as a potential solution for residual waste.

It should also be noted that EfW facilities are currently located in high density areas of major cities in Asia and Europe.

### **Environmental Impacts of Landfill**

Council’s current kerbside waste collection has 51% going to landfill. When Construction and Demolition and Commercial and Industrial wastes are added, total waste landfilled is estimated to be at least 60%.

The environmental impacts of landfill include:

- Polluting land in a controlled manner. Landfills are regulated by the EPA and the licence

allows pollution subject to certain controls and conditions.

- Generating leachate from deposited waste. This is a toxic liquid saturated with organic matter and metals which requires careful management and containment. Monitoring bores are put in place and regular analysis and assessment is continually carried out to ensure there is no migration of leachate into the ground water.
- Discharging hazardous gases into the atmosphere including methane which is more than 25 times as potent as carbon dioxide, which contributes to climate change.
- Landfilling requires cover materials which impact our natural resource supplies such as soils and clays as this material can never be recovered.

Modelling in the 'North Coast Waste Investment Review' (Arcadis) found that landfill disposal of residual waste is the worst performing option in terms of greenhouse gas emissions. The review investigated a number of scenarios and states:

*"All alternative scenarios perform better than BAU (landfill) in terms of carbon abatement because they avoid GHG (greenhouse gas) emissions associated with both direct application of putrescible waste to landfill and the production of electricity from non-renewable energy sources. The most critical generator of GHG from the management of municipal waste streams is the landfilling of organic-rich putrescible waste (i.e. before additional source separation of organics or MBT processing), which is converted to high Global Warming Potential methane when decomposing in the landfill. Emissions associated with waste processing (energy and fuel consumption) make a moderate contribution to net emissions calculations. Transport's contribution to overall emissions is negligible."*

## **RESOLUTION 200922/22**

Moved: Cr Robert Hayes

Seconded: Cr Patrick Deegan

That the response to the question regarding the Regional Jobs Precinct and the Expression of Interest (EOI) for regional waste solutions raised by Councillor Patrick Deegan be received and noted.

**CARRIED**

## **21 QUESTIONS FOR NEXT MEETING (IN WRITING)**

### **21.1 QUESTION ON NOTICE – CR ROBERT HAYES**

Cr Robert Hayes asked the following question;

When Council receives and evaluates expressions of interest for regional waste solutions, can information be included in a future business paper based around the financial impacts that any solution would have on the ratepayers and industries, who will utilise any changes to the way that we will dispose of our waste into the future.

The General Manager advised a response would be provided once the information was available.



## **22 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:

### **22.1 Tender VP311535 - Design and Construct Jackybulbin Bridge Replacement**

This matter relates to (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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.

### **22.2 Tender VP314224 Upgrades to Richmond Valley Council's Four (4) Sewage Pump Station Switchboard Platforms**

This matter relates to (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it

This matter is considered to be confidential under Section 10A(2) - (a) 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 personnel matters concerning particular individuals (other than councillors).

### **22.3 Replacement of Casino Indoor Sports Stadium Flooring**

This matter relates to (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

## **RESOLUTION 200922/23**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That:

1. Council resolves to enter Closed Council to consider the business identified in Item 22.1 and 22.2, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(2) 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 10(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 11(2) of the *Local Government Act 1993*.

**CARRIED**

Council closed its meeting at 7.32 pm.

The Open Council meeting resumed at 7.44 pm.

The resolutions of Closed Council were read by Council's Director Projects & Business Development and the Director Community Service Delivery.

## **23 RESOLUTIONS OF CLOSED COUNCIL**

### **22.1 Tender VP311535 - Design and Construct Jackybulbin Bridge Replacement**

That Council:

1. Declines the only submission received for Tender VP311535 Design and Construct Jackybulbin Bridge Replacement, due to the tendered price being in excess of the upper funding limit for the project.
2. Applies Clause 178 (3e) of the Local Government (General) Regulation 2021 to authorise the General Manager to enter direct negotiations with suitably qualified contractors with a view to obtaining works that provide council with the best outcome both from a financial and delivery perspective, and to finalise the terms of the contract or agreement and affixing the seal of Council where necessary.
3. Notes that the outcomes of the negotiations will be reported to Council for information at a future meeting.

### **22.2 Tender VP314224 Upgrades to Richmond Valley Council's Four (4) Sewage Pump Station Switchboard Platforms**

That:

1. Council accepts the tender from AGS Commercial Pty Ltd for the upgrade to four sewage pump station switchboard platforms, which represents best value for money at \$558,162.73 (ex GST) and;
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.

### **22.3 Replacement of Casino Indoor Sports Stadium Flooring**

That:

1. Council applies the Extenuating Circumstances provisions of section 55(3)(i) of the *Local Government Act 1993* to determine not to call tenders for the replacement of the Casino Indoor Sports Stadium flooring and accepts the quoted price from AURA Sports Floors at \$711,053 (exclusive of GST) which represents best value for Council; and
2. As per the requirements of Act, Council confirms:
  - (a) The unique nature of the construction for this type of flooring system which provides a level of resilience to future rain events;

- (b) The single compliant response from this locally accessible contractor when the quotation was advertised publicly;
  - (c) The ability to deliver the project as soon as possible to enable restoration of community access to this important recreational facility.
3. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.

The Meeting closed at 7.48 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 October 2022.

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**CHAIRPERSON**

**APPENDIX A – RESPONSE TO PUBLIC ACCESS QUESTIONS**

Ms Liz Stops asked the following questions during Council's Public Access session:-

1. Did the Richmond Valley Council make representations to the NSW Government, or did the NSW Government approach Council to be included in the Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2022?
2. What was the process for this inclusion and why wasn't there any community consultation?
3. As Richmond Valley Jobs Precinct has been designated as a potential site for a waste incinerator by the NSW government, at what stage in the process does council intend to consult with the community?

The General Manager provided the following response;

The inclusion of the Richmond Valley in the Thermal Energy from Waste Regulation was a NSW Government decision, and a natural progression from the Government's decision to include the Richmond Valley in the Energy from Waste Infrastructure Plan.

The Energy from Waste Policy Statement, which sets the most stringent emissions standards in the world, and the draft Regulation were all subject to extensive community consultation in 2021-2022.

The Energy from Waste Infrastructure plan and the Energy from Waste Policy Statement outlines a number of selection criteria for locating EfW facilities including:

- proximity to road and rail connections
- capacity to support regional communities who need more jobs, economic investment and access to energy, and
- capacity to complement existing waste management strategies where the community is already committed to resource recovery by providing separate waste collection for dry recyclables and food and organic wastes.

Casino meets these criteria, which is why the NSW Government has also selected the town as the centre of the Richmond Valley Regional Jobs Precinct. The Jobs Precinct was announced in February 2021 and it has always been clearly communicated that this precinct will create jobs in the agricultural, manufacturing and renewable energy sectors. The Regional Jobs Precinct Masterplan is being finalised by the NSW Government and will be placed on public exhibition once completed.

The NSW Waste and Sustainable Materials Strategy 2041 – which was also subject to widespread community consultation – identifies that the Northern Rivers region will require either additional landfill capacity to accept up to 100,000 tonnes of waste/per/annum or an equivalent medium-scale energy recovery facility by 2030. It also includes Energy from Waste as part of its Circular Economy.

Richmond Valley Council, together with other councils on the North Coast have been exploring alternative waste treatment solutions for many years, which culminated in the North Coast Regional Waste Investment Report. We are all searching for a better economic and environmental solution to our current practice of landfilling.

If there is a proposal, consultation with the community will be required.