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# **MINUTES**

## **Extraordinary Council Meeting**

**29 November 2022**



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**MINUTES OF GOULBURN MULWAREE COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,  
GOULBURN  
ON TUESDAY, 29 NOVEMBER 2022 AT 6PM**

**PRESENT:** Cr Peter Walker, Cr Andrew Banfield, Cr Carol James, Cr Bob Kirk, Cr Michael Prevedello, Cr Steven Ruddell, Cr Daniel Strickland, Cr Jason Shepherd, Cr Andy Wood.

**IN ATTENDANCE:**

Aaron Johansson (Chief Executive Officer), Marina Hollands (Director Utilities), Scott Martin (Director Planning & Environment, Robert Hughes (Acting Director Operations) Shae Aliffi ( Executive Support Officer)

**1 OPENING MEETING**

Mayor Peter Walker opened the meeting at 6pm. The Mayor advised that the meeting would be webcast live.

**2 ACKNOWLEDGEMENT OF COUNTRY**

Mayor Peter Walker made the following acknowledgement.

"I would like to Acknowledge and pay our respects to the Aboriginal elders both past and present as well as emerging leaders, and Acknowledge the traditional custodians of the Land on which we meet today."

**3 COUNCILLORS DECLARATION AND/OR PRAYER**

The Prayer was read by Cr Daniel Strickland

Prayer

"We thank thee, Lord, for this position of honour and trust. Give us the courage to serve our Council and community with honesty and integrity; and to discharge the duties entrusted to us for the common good of all mankind."

**3 APOLOGIES**

Nil

**4 LATE ITEMS / URGENT BUSINESS**

Nil

**5 DISCLOSURE OF INTERESTS**

Cr Andrew Banfield made a statement in relation to the Business Paper. He has assessed the Business Paper and does not perceive any declaration of interest is required to be declared in relation to his employment with Denrith Group of Companies.

**6 PRESENTATIONS**

Nil

## **7 PUBLIC FORUM / ADDRESSES TO COUNCIL**

Richard Kirkman Chief Executive Officer Veolia addressed Council on Item 7.1 NSW Veolia Advanced Energy Recovery Centre - Council Submission to the Environmental Impact Statement

Jackie Wright – Independent Human health subject matter expert from Enrisks addressed Council on Item 7.1 NSW Veolia Advanced Energy Recovery Centre - Council Submission to the Environmental Impact Statement.

The following people addressed Council on Item 7.1 NSW Veolia Advanced Energy Recovery Centre - Council Submission to the Environmental Impact Statement.

1. Paige Davis
2. Austin McLennan
3. Chris Hanson
4. The Venerable Paul Davey
5. Margaret Cameron
6. Alex Mortensen
7. Rod Thiele
8. Julia Mckay
9. Adrienne Carpenter
10. Fiona Jeffery
11. Prue & Tom Martin

## **8 MATTERS ARISING**

Nil

## **1 REPORTS TO COUNCIL FOR DETERMINATION**

### **COMMITTEE OF THE WHOLE**

#### **RESOLUTION 2022/418**

**Moved: Cr Daniel Strickland**

**Seconded: Cr Andy Wood**

**That Council Move into Committee of the Whole.**

**Council moved into Committee of the whole at 8:06 pm.**

**CARRIED**

#### **RESOLUTION 2022/419**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Andy Wood**

**That Council move back into Open Council.**

**Council moved back into Open Council at 8:31 pm.**

**CARRIED**

**7.1 VEOLIA ADVANCED ENERGY RECOVERY CENTRE - COUNCIL SUBMISSION TO THE ENVIRONMENTAL IMPACT STATEMENT****RESOLUTION 2022/420****Moved: Cr Michael Prevedello****Seconded: Cr Daniel Strickland****That:**

- 1. The report of the Director Planning & Environment and the Director Utilities be received.**
- 2. Council provide a letter to the NSW Department of Planning and Environment that states its formal objection to the proposed Veolia Advanced Energy Recovery Centre to be constructed at 619 Collector Road, Tarago.**
- 3. Council makes a written submission to the NSW Department of Planning and Environment in relation to Development Application SSD-21184278 requesting that the following actions be undertaken by the applicant prior to an assessment being finalised:**
  - a. In accordance with the NSW EPA's Energy from Waste Policy Statement, the applicant must demonstrate how "community acceptance to operate such a process has been obtained". The EIS in its current form does not demonstrate how this has been achieved, which has been echoed by submissions provided to Council by the community. The proposal is therefore not in accordance with the Policy.**
  - b. Further details are to be furnished in relation to odour management for existing operations, in particular a demonstrated period of substantial longevity (i.e. at least 12 months) of reduced odour complaints, as well as a demonstration of how historic complaints compare to complaints currently being received (eg. frequency, number of complaints, etc.).**
  - c. The project must be assessed in its entirety, which should include all ancillary infrastructure such as transmission lines.**
  - d. All available performance data for the Staffordshire reference plant is to be made available, for the period commencing at the commissioning of the plant through to the most recent return period. In addition to making this data available, an accompanying report should also be provided that assesses the theoretical compliance of the Staffordshire plant against the performance thresholds of the NSW EfW Policy Statement.**
  - e. Further information is required in order to demonstrate the absolute capacity of the proposed plant.**
  - f. Further information is required demonstrate how chlorine levels will be minimised in waste feedstock.**
  - g. Further details are to be provided in relation to processes that will be put in place to manage waste received at the transfer stations in Sydney and to remove contaminants that would affect the EfW process.**
  - h. Full details are to be provided in relation to the required emissions monitoring system.**
  - i. Full details are to be provided in relation to the cumulative impacts of emissions compared with background conditions.**
  - j. Further detail is required on how negative pressure will be maintained and not impacted by required operational processes, such as waste being brought into the**

*tipping hall, and therefore prevent the escape of additional odour into the atmosphere.*

- k. The results of DPE's independent public health assessment must be known prior to making any further assessment in relation to public health. Council also believes that it is entirely appropriate to reexhibit the EIS upon completion of the assessment, with the amended documentation to contain the results of the independent assessment*
- l. Further information is required in order to demonstrate how compliance with the EfW Policy Statement will be monitored and managed.*
- m. Better justification is required in order to demonstrate to the community why the emission of any pollutants into the local atmosphere as a by-product of the EfW process is reasonable.*
- n. Full and specific details in relation to air quality monitoring, including the number and location of air quality monitoring stations is required.*
- o. A commitment from the applicant is required that would make all air quality monitoring data readily available to the public in real time.*
- p. The Greenhouse Gas Assessment must be revised to identify and include all onsite processes that contribute to greenhouse gas emissions, including the production and transport of chemical additives used to support the proposed EfW process, such as ammonia and Portland cement.*

*The revised assessment should also consider the impact of greenhouse gas emissions at a local level compared to current operational conditions.*
- q. The Noise Impact Assessment be reviewed with respect to the impact of temperature inversions on construction noise, and the ability for this noise to be conveyed to "downstream" sensitive receivers including the village of Tarago.*
- r. The Noise Impact Assessment must be reviewed to contain a commitment for noise minimisation and impact mitigation for the local community. It is unacceptable to state that feasible and reasonable mitigation options will be considered where practicable.*
- s. In recognition of the broad impact to road maintenance and safety being caused by current operations, Veolia consider entering into a Planning Agreement with Council that reflects the true cost of maintenance and renewal of its local road assets, including any additional costs borne by Council as a result of construction traffic. The fundamental aspects of a Planning Agreement shall be identified by an independent expert with appropriate qualifications and experience.*
- t. The traffic data utilised within the Traffic Impact Assessment is flawed and must be reviewed to utilise current data that is not affected by external influences such as COVID-19 lockdowns and restrictions. The review must also address the identified need for the climbing lane between Crisps Creek and Collector Road, as well as any ancillary heavy vehicle traffic, such as the importation of cover material and the potential export of bottom ash products.*
- u. Further investigation of construction traffic alternatives must be undertaken, including the use of the Crisps Creek Intermodal Facility to facilitate the movement of construction materials and heavy infrastructure to site.*
- v. A further traffic impact assessment is required in order to identify the cumulative impact of additional construction traffic on the local and regional road networks.*
- w. Prior to any work being undertaken with respect to access and/or works in the Collector Road road reserve, an approval under s138 of the Roads Act must be obtained from Council. Alternatively, Council would prefer to see the existing main entry to the Eco Precinct upgraded for use by all users of the site, including*

**Bioreactor and ARC feedstock deliveries.**

- x. **Details of the Engineering specification for the proposed encapsulation cell liner are to be provided for further assessment.**
- y. **Detailed actions are to be outlined in relation to the event of private neighbours' bores being impacted by increased water use from the proposal.**
- z. **Provide a water balance to demonstrate that reducing the capacity of ED1 will allow continued management of surface water on site.**
- aa. **A comprehensive and region-wide monitoring system is required across soil, water and air quality should the project proceed.**
- bb. **The applicant is to provide a photographic record of the site that includes buildings and artefacts such as the site machinery. The photographic record is to be in accordance with the NSW Heritage Office guidelines "Photographic recording of heritage items using film or digital capture."**

**Hard and soft copies of the photographic record are to be provided to Goulburn Mulwaree Library**

- cc. **The plant species used for screening purposes should be selected from the Native Plant community found in the vicinity of the site.**

**A mixture of trees, shrubs and groundcovers should be used. This will provide an additional environmental benefit as well as screening the development.**
- dd. **A long term planting maintenance schedule should be provided and adhered to. The maintenance plan should contain a schedule of works that includes an annual time line for weed management, plant replacement where needed, monitoring for pests and diseases, and watering etc.**
- ee. **The context should be considered beyond the boundary of the Veolia owned land.**
- ff. **View analysis should be undertaken which adequately considers the visual impact of the design and the view points from which it could be observed within the wider landscape.**
- gg. **That the Accommodation Strategy be prepared and considered with the EIS prior to approval of the project. That the Accommodation Strategy is to include options and feasibility in relation to the provision of housing for construction workers to be purchased or erected by the proponent (whether on or off site) to avoid placing additional stress on the local short term or private rental accommodation markets. Options could include the development of boarding house type accommodation or group homes for construction workers in Goulburn, which would have the added benefit of providing additional social infrastructure once the project is completed.**
- hh. **The independent assessment of health impacts undertaken as a part of the State's EIS assessment be published and included with a re-exhibition of the EIS to reassure the public that a thorough assessment of all health impacts has been undertaken.**
- ii. **The proponent work in consultation with Council and the existing Tarago Community towards identifying local projects for funding from the Veolia Trust and assist the local community in relation to preparing grant applications.**
- jj. **As a minimum a Section 7.12 levy be applied to the project under the provisions of the Goulburn Mulwaree Local Infrastructure Plan 2021. Should the proponent consider entering into a Planning Agreement with Council possible additional maintenance or upgrade of Collector Road and Bungendore Road be considered.**
- kk. **The project is likely to have an impact on house rentals given the size of the construction workforce and the three-year construction period. The economic assessment should consider the impact of the project on the availability and affordability of private rental accommodation and the impact that this may have on**



**other significant employment sectors/industries and their ability to attract/house employees. Consideration should also be given to the cumulative impact on housing affordability and availability resulting from concurrent State significant projects.**

- ll. Appendix E relies on statements and assumptions that are unsupported by reference material. To enable a thorough and complete peer review to be undertaken Appendix E is to be properly and correctly referenced in order to establish how the author has arrived at the conclusions asserted. Furthermore, all unsupported arguments and discussion must be removed.**
- mm. Appendix E makes assumptions on the likely waste outputs based on the comparison with other EfW plants, however, data used to justify the argument that the “input waste stream will be generally the same” in fact demonstrates that the reference data is dissimilar. Consequently, a different waste input stream would result in a different waste output. Therefore, Appendix E cannot be used to support the likely waste outputs because it is modelling different data. A reevaluation of the waste input model is required.**
- nn. Appendix E establishes that the preferred immobilisation technique is mixing the Hazardous Waste with Portland Cement, however, Appendix E has not established the likely number of trucks required to deliver to site the necessary Portland Cement quantities to immobilise the five day best and worst case average. Therefore, without this information the traffic impact assessment is not properly informed.**
- oo. While Appendix E discusses APCr, it does not discuss the operation of air pollution control systems or the input quantities of chemicals and liquids required to scrub the exhaust gases before being ejected into the atmosphere. The input chemicals and liquids contribute to the APCr waste outputs. However, Appendix E has not established the likely number of trucks required to deliver to site the necessary chemical sand liquids. Therefore, without this information the traffic impact assessment is not properly informed.**
- pp. Appendix E is concentrated solely on ash management. There is no assessment of the waste gases that are not captured by the APCr, therefore, ejected into the surrounding atmosphere. The EIS needs to include an evaluation of the efficiency of the APCr and the percentage of gases that will not be captured by the APCr.**
- qq. The use of Portland cement as a binding agent is still to be confirmed subject to the completion of trials. This demonstrates that not all processes associated with the project have been soundly proven. The applicant must therefore either demonstrate that the proposed process works, or alternatively find other means (that are demonstrated to be safe and environmentally neutral) of managing the ACPr.**
- rr. If consent is granted to the proposed development, a condition is imposed in accordance with the section 7.2.1 of the Fire and Rescue NSW fire safety guideline “Fire safety in waste facilities” that clause E1.10 and E2.3 of the National Construction Code is to be complied with to the satisfaction of Fire and Rescue NSW.**
- ss. If consent is granted to the proposed development, that the consent document includes the recommendations of the Fire Safety Study prepared by Riskcon Engineering Pty Ltd dated 10/06/2022 found in Appendix FF of the EIS.**
- tt. If consent is granted to the proposed development, a condition is imposed that a Bushfire Emergency Management and Evacuation Plan is prepared by the operator and is consistent with the NSW RFS publication A Guide to Developing a Bush Fire Emergency management and Evacuation Plan and AS3745:2010 - Planning for emergencies in Facilities.**

- uu. If consent is granted to the proposed development, a condition is imposed that includes the recommendations of the Bushfire Protection Assessment prepared by Travers Bushfire & Ecology dated 14 July 2022 found in Appendix X of the EIS.*
  - vv. The EIS fails to properly or adequately address Clause 2.19(2) of State Environmental Planning Policy (Resources and Energy) 2021 in relation to the compatibility of the proposal with the existing adjacent Develop mine. Proper consideration is required to be demonstrated*
  - ww. Further consideration of the following provisions of the Goulburn Mulwaree Local Environmental Plan 2009 is required to be demonstrated:*
    - a. IN3 zone objectives - In particular concern is raised regarding the objectives 'To minimise any adverse effect of heavy industry on other land uses' and 'To provide suitable areas for those industries that need to be separated from other land uses.'*
    - b. Clause 7.1A Earthworks – the reference in Appendix J (8 Assessment of impacts) doesn't discuss earthworks.*
    - c. clause 7.2 Terrestrial biodiversity – the EIS or BDAR do not properly or sufficiently address clause 7.2(4). The consent authority cannot grant development consent (jurisdictional requirement).*
  - xx. Meaningful commentary towards Section 4.15(1)(e) of the Environmental Planning & Assessment Act 1979 (public interest) is required*
  - yy. Appendix R relies on recommendations derived from modeling the Life Cycle Analysis against the guidelines for bio-energy projects, however, the proposal does not meet the definition of a bioenergy facility per se as it relies solely on burning MSW. The proposal by definition is an EfW facility and not a bioenergy facility, therefore, it is inappropriate to assess the proposal against the guidelines for bioenergy. Furthermore, there are no comparable operations currently operational in the region. Accordingly, Council requires a new Life Cycle analysis to be prepared based upon the local context and under the definition of an EfW facility, not a bioenergy facility.*
  - zz. The proponents should identify cleared and degraded areas on other parts of the site that could be restored to PCT 1191. There are ample opportunities for this to occur, which would not only mitigate the proposed loss of native vegetation but would also result in a long term overall gain in biodiversity values in the local area.*
  - aaa. The proposed ARC is located within Lot 2 DP 1179305 and it appears that there is an area comprising approximately 20 hectares in the eastern part of the lot (see diagram next page) that would be suitable for rehabilitation and restoration of native vegetation. A project such as this would also assist with screening the proposed ARC from the Collector Road.*
  - bbb. Suitable alternatives to the project must be identified, thoroughly assessed and genuinely considered, and the EIS consequently re-exhibited with the findings prior to any assessment being completed.*
- 4. In the event that consent is granted against the strong objection of Council and the community, Council make representation to the relevant NSW Government authorities seeking that a maximum of one (1) Energy from Waste facility be allowed in each Waste Priority Infrastructure Area, as identified in the NSW Energy from Waste Infrastructure Plan, at an annual processing limit not exceeding 380,000 tonnes.**
- 5. In the event that the project will proceed against the strong objection of Council and the community, the Chief Executive Officer be given delegation to negotiate the provision of additional community benefits to the Goulburn Mulwaree LGA, and in**

*particular, the Tarago and Lake Bathurst district, prior to a consent being issued.*

6. ***Council requests that an additional consultation process be undertaken by Veolia that directly surveys the residents in the Local Government areas of Goulburn Mulwaree, Queanbeyan Palerang, Upper Lachlan, Yass Valley and the Australian Capital Territory to ascertain the true level of community acceptance.***
7. ***That Council authorise the Executive to add any further matters in the submission that may be identified prior to the closing of the submission period.***

*Section 375A of the Local Government Act 1993 requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.*

**CARRIED**

In Favour: Crs Andrew Banfield, Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

**CARRIED**

**The Meeting closed at 8.39pm.**

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Goulburn Mulwaree Council held on 6 December 2022.**

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**CHAIRPERSON**