MINUTES

Ordinary Council Meeting
21 October 2025

ORDER OF BUSINESS

MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 21 OCTOBER 2025 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 Lyndall Murray, Cr John Walker

IN ATTENDANCE: Ben Zeller (Acting General Manager), Ryan Gaiter (Director Organisational Services), Tina Kao (Director Planning and Sustainable Communities), Jenna Hazelwood (Chief of Staff), Hayley Martin (Manager Finance), Charlene Reeves (Executive Assistant Infrastructure Services & Projects), Simon Breeze (IT Support Coordinator)

Jan-Michael Perez and Joan Uyanguren of Audit Office of NSW (Audit Service Provider – via video link)

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 Acting General Manager.

3 PUBLIC ACCESS

Nil.

Members of the Audit Office of NSW attended on-line and provided a presentation in relation to Item 17.3 Draft Financial Statements 2024/2025.

4 APOLOGIES

RESOLUTION 211025/1

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

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

CARRIED

MOTION

RESOLUTION 211025/2

Moved: Cr Stephen Morrissey
Seconded: Cr Robert Hayes

That Council approves Cr Lyndall Murray's attendance via an audio-visual link at the 21 October 2025 Ordinary Meeting, due to personal commitments meaning she is absent from the area.

CARRIED

5 MAYORAL MINUTES

Nil.

6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD 16 SEPTEMBER 2025

RESOLUTION 211025/3

Moved: Cr Sandra Humphrys
Seconded: Cr Robert Hayes

That Council confirms the Minutes of the Ordinary Meeting held on 16 September 2025.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Cr Robert Hayes requested an update on Item 16.3 regarding proposed negotiations for land acquisition. The Acting General Manager responded that negotiations were still being undertaken with the landholder.

8 DECLARATION OF INTERESTS

Cr Robert Hayes declared a non-pecuniary – insignificant conflict in relation to item 10.1 Notice of Motion – 4WD Access to Airforce Beach – Future Management Options, due to owning properties near Airforce Beach, Evans Head.

9 PETITIONS

Nil

10 NOTICE OF MOTION

10.1 NOTICE OF MOTION - 4WD ACCESS TO AIRFORCE BEACH - FUTURE MANAGEMENT OPTIONS

RESOLUTION 211025/4

Moved: Cr Lyndall Murray
Seconded: Cr Robert Hayes

That Council receives a comprehensive report to the December 2025 Ordinary Council Meeting, outlining three costed management options to address ongoing environmental degradation, user conflict, and compliance challenges at Airforce Beach.

The report should include:

a. Consultation feedback from relevant agencies and the community, including social media summaries

b. Historical data on fines, patrols, and enforcement costs

c. Environmental and cultural risk assessment outcomes

d. Consideration of comparative case studies from Ballina, Tweed and Kempsey Councils

CARRIED

10.2 NOTICE OF MOTION - WATER CHARGES CASINO FOOD COMPANY LTD

RESOLUTION 211025/5

Moved: Cr Robert Hayes
Seconded: Cr Lyndall Murray

That a report be brought back to the November 2025 Ordinary Council Meeting, addressing the following:

1. The results of the water and sewerage pricing structure review, undertaken in response to Council's 20th December 2022 resolution, including pricing equity and the impacts of major water users on the Casino water supply.

2. An outline of current water supply arrangements between Council and the Casino Food Company Ltd, including the charges adopted in Council's 2025-2026 Revenue Policy and proposed future price paths.

CARRIED

11 MAYOR'S REPORT

11.1 MAYORAL ATTENDANCE REPORT 9 SEPTEMBER - 13 OCTOBER 2025

RESOLUTION 211025/6

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 9 September – 13 October 2025.

CARRIED

12 DELEGATES' REPORTS

Nil

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

RESOLUTION 211025/7

Moved: Cr Robert Hayes
Seconded: Cr Stephen Morrissey

That items 16.1, 17.2, 17.4 identified be determined without debate.

CARRIED

14 GENERAL MANAGER

Nil.

15 PLANNING AND SUSTAINABLE COMMUNITIES

Nil.

16 INFRASTRUCTURE SERVICES & PROJECTS

16.1 PROPOSED PART ROAD CLOSURE PETERSONS QUARRY ROAD & SPRINGHILL ROAD CORAKI

EXECUTIVE SUMMARY

This report seeks approval to formally close a section of Petersons Quarry Road and Springhill Road, Coraki, and to classify the land as operational land to support the continued operation and expansion of the Petersons Quarry facility.

Development Application DA2022/0250 has been approved for the expansion of the extractive industry at Petersons Quarry, permitting extraction of up to 4,900,000 tonnes over the life of the quarry. The approved development includes expansion of the quarry footprint over the existing road reserves known as Petersons Quarry Road and adjoining Springhill Road. A condition of this development approval is the formal closure of the road reserves located within the quarry's operational area and the consolidation of the affected land parcels.

Petersons Quarry is owned by Richmond Valley Council and is operated by KIS Plant Pty Ltd (trading as KIS Quarries) under a lease agreement. Upon closure, the subject section of road reserve will be incorporated into the adjoining Council-owned quarry land and classified as operational land, enabling its continued use as part of the quarry operations.

RESOLUTION 211025/8

Moved: Cr Robert Hayes
Seconded: Cr Stephen Morrissey

That:

1. In accordance with Section 38D of the *Roads Act 1993*, Council supported the application to close part Petersons Quarry Road, and Springhill Road Coraki (as shown in Attachment 1).
2. The General Manager be granted delegated authority to execute all necessary documentation and to affix the Council Seal, as required, to give effect to this resolution.
3. Upon closure, the land is classified as Operational Land.

CARRIED

17 ORGANISATIONAL SERVICES

17.1 CODE OF MEETING PRACTICE

EXECUTIVE SUMMARY

The Model Code of Meeting Practice for Local Councils in NSW (the "Model Code") is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation). Each Council in NSW is required to adopt a Code of Meeting Practice which includes the mandatory provisions of the Model Code.

The Office of Local Government (OLG) has now released an updated Model Code which has introduced substantial changes to current mandatory provisions.

A review of Council's current Code has been undertaken, with significant amendments made to align the current Code with the new Model Code mandatory provisions. Section 361 of the Act provides that prior to adopting a Code of Meeting Practice, the draft document must be placed on public exhibition for 28 days, with a community feedback period of not less than 42 days.

RESOLUTION 211025/9

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That Council:

1. Notes the updated Draft Richmond Valley Council Code of Meeting Practice, revised by reference to The Model Code of Meeting Practice for Local Councils in NSW issued by the Office of Local Government in August 2025.
2. Publicly exhibits the Draft Code of Meeting Practice for a minimum of 28 days following the October 2025 Ordinary Meeting.
3. Notes that following a 42-day period to allow for community feedback, the Draft Code of Meeting Practice will be brought before Council at a future meeting for adoption.

AMENDMENT

Moved: Cr John Walker
Seconded: Cr Robert Hayes

That Council:

1. Notes the updated Draft Richmond Valley Council Code of Meeting Practice, revised by reference to The Model Code of Meeting Practice for Local Councils in NSW issued by the Office of Local Government in August 2025.
2. Publicly exhibits the Draft Code of Meeting Practice for a minimum 28 days following the October 2025 Ordinary Meeting subject to the following amendment:
   a. insertion of Clause 9.17 "Notwithstanding the provisions of Clause 9.16, Richmond Valley Council has determined that a councillor may raise a question during the general business of the meeting agenda which departs from a listed item on an agenda. Questions raised during general business of a meeting are limited to two (2) questions per councillor and are subject to the same conditions as questions noted on a meeting agenda and/or provided with notice."
3. Notes that following a 42-day period to allow for community feedback, the Amended Draft Code of Meeting Practice will be brought before Council at a future meeting for adoption.

The amendment was lost on the casting vote of the Mayor.

In Favour: Crs Robert Hayes, Lyndall Murray and John Walker

Against: Crs Robert Mustow, Stephen Morrissey and Sandra Humphrys

[LOST]

The motion was put to the vote and was carried on the casting vote of the Mayor.

In Favour: Crs Robert Mustow, Stephen Morrissey and Sandra Humphrys

Against: Crs Robert Hayes, Lyndall Murray and John Walker

CARRIED

17.2 FINANCIAL ANALYSIS REPORT - SEPTEMBER 2025

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 30 September 2025 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
$22,898,691	$45,000,000	$6,750,390	$3,000,000	$18,510,186	$96,159,267

The weighted average rate of return on Council's cash and investments at 30 September 2025 was 6.34% which was above the Bloomberg AusBond Bank Bill Index for September of 3.39% (annualised), which is Council's benchmark.

RESOLUTION 211025/10

Moved: Cr Robert Hayes
Seconded: Cr Stephen Morrissey

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the month of September 2025.

CARRIED

17.3 DRAFT FINANCIAL STATEMENTS 2024/2025

Representatives of the Audit Office of New South Wales provided a presentation to Council on the outcomes of the audit.

EXECUTIVE SUMMARY

Council's draft financial statements for the year ended 30 June 2025 have been prepared and subjected to external audit by the Audit Office of New South Wales. A copy of the draft financial statements and draft auditor's report have been provided separately to Councillors for information.

Council's operating result from continuing operations for 2024/2025 was a surplus of $16.111

million, with a deficit before capital grants and contributions of $15.768 million for 2024/2025.

Council experienced several challenges this year with increased depreciation, loss on disposal of assets and the ongoing challenges facing the economy with escalating cost of living, materials and labour.

Total revenue decreased slightly to $104.039 million, from $109.782 million in 2023/2024 with $31.879 million in capital grants and contributions. Council received $15.286 million in operating grants and contributions during 2024/2025, which was slightly higher than the previous year which largely comprised of disaster recovery funding.

Total operating expenditure, excluding depreciation, was $61.876 million, a slight increase from $59.457 million in the previous year.

Council's overall financial position remains strong with net assets of $1.208 billion, including cash and cash equivalents of $80.141 million. Council has met the benchmark in five out of nine of its key performance ratios.

RESOLUTION 211025/11

Moved: Cr Robert Mustow
Seconded: Cr Sandra Humphrys

That Council:

1. Adopts the general purpose financial statements, special purpose financial statements and special schedules for the year ended 30 June 2025.
2. Certifies the following in respect of the general purpose financial statements and special purpose financial statements for the year ended 30 June 2025:
    (a) Council's general purpose financial statements and special purpose financial statements have been prepared in accordance with:
        (i) The *Local Government Act 1993 (NSW)* and the regulations made thereunder, and
        (ii) The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board, and
        (iii) The Local Government Code of Accounting Practice and Financial Reporting.
    (b) The general purpose financial statements and special purpose financial statements present fairly Council's financial position and operating result for the year ended 30 June 2025 and:
        (i) The reports are in accordance with Council's accounting and other records;
        (ii) The signatories to this statement being the Mayor, a Councillor, Acting General Manager and Responsible Accounting Officer are not aware of anything that would make the financial statements false or misleading in any way;
3. Fixes Tuesday, 18 November 2025 as the date for the meeting to present the financial statements for the year ended 30 June 2025 to the public, invites submissions in writing from the public until 4pm on Tuesday, 25 November 2025 and provides appropriate public notice of this meeting;
4. Adopts the restricted assets (reserves) schedule as detailed in this report.

CARRIED

17.4 FRAUD PREVENTION POLICY

EXECUTIVE SUMMARY

As part of Council's continuing policy review process, a review has been undertaken of Council's Fraud Prevention Policy to ensure compliance and contemporary resources have been considered.

RESOLUTION 211025/12

Moved: Cr Robert Hayes
Seconded: Cr Stephen Morrissey

That Council receives and adopts the updated Fraud Prevention Policy.

CARRIED

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION

RESOLUTION 211025/13

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

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

CARRIED

19.1 CUSTOMER SERVICE REPORT JULY - SEPTEMBER 2025

RECOMMENDATION

That Council receives and notes the Customer Service Report for the period 1 July – 30 September 2025.

19.2 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 SEPTEMBER 2025 - 30 SEPTEMBER 2025

RECOMMENDATION

That Council receives and notes the Development Application report for the period 1 September 2025 to 30 September 2025.

19.3 GRANT APPLICATION INFORMATION REPORT - SEPTEMBER 2025

RECOMMENDATION

That Council receives and notes the Grant Application Information Report for the month of September 2025.

19.4 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES - 15 OCTOBER 2025

RECOMMENDATION

That Council receives and notes the minutes of the Audit, Risk and Improvement Committee Extraordinary Meeting held on 15 October 2025.

20 QUESTIONS ON NOTICE

20.1 RESPONSE TO QUESTIONS ON NOTICE - CR ROBERT HAYES - PROVISION OF SPORTING FACILITIES IN NEW DEVELOPMENT

RESOLUTION 211025/14

Moved: Cr Robert Hayes
Seconded: Cr Lyndall Murray

That the response to the question by Councillor Cr Robert Hayes be received and noted.

CARRIED

21 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil.

22 MATTERS REFERRED TO CLOSED COUNCIL

RECOMMENDATION

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 VP464381 - Design & Construction of the NRLX Effluent Management System

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, if disclosed prejudice the commercial position of the person who supplied it.

The Acting 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 representations from the gallery.

There were no verbal representations from the gallery in respect of this item.

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 211025/15

Moved: Cr Stephen Morrissey
Seconded: Cr Sandra Humphrys

That:

1. Council enters Closed Council to consider the business identified in Item 22.1, 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 the business to be discussed is classified confidential under the provisions of Section 10(2) as outlined above. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) *Local Government Act 1993*.

CARRIED

Council closed its meeting at 7:40pm

The open Council meeting resumed at 7:49pm

23 RESOLUTIONS OF CLOSED COUNCIL

The resolutions of the Closed Council meeting were read by the Acting General Manager (Item 22.1)

22.1 Tender VP464381 – Design & Construction of the NRLX Effluent Management System

That:

1. Council declines all tenders for Tender VP464381 – Design & Construction of the NRLX Effluent Management System, due to all submissions presenting potential delivery, cost or scope risks.
2. Applies Clause 178 (3)(e) of the Local Government (General) Regulation 2021 to authorise the General Manager to enter direct negotiations with suitably qualified contractors with a view to procure works that provide Council with the best outcome both from a financial and delivery perspective, and to finalise terms of the contract or agreement and affixing the seal of Council where necessary.
3. Notes that the outcome of the negotiations will be reported to Council for information at a future meeting.

The Meeting closed at 7:50pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 November 2025.

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CHAIRPERSON