

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
19 March 2019**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 19 MARCH 2019 AT 5.00 PM**

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, Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons, Cr Daniel Simpson

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Julie Clark (Personal Assistant to the General Manager and Mayor)

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

14.1 PUBLIC ACCESS - PROPOSED PURCHASE OF 148 BARKER STREET CASINO (FORMER RMS BUILDING)

Mr Tony Hennessey on behalf of Casino Art Group addressed the meeting and thanked Council for purchasing the former Roads and Maritime Services building to provide an Art Gallery and eventually an Art Centre for Casino.

Stated it will become a treasure in this town and wanted to take the opportunity on behalf of members of the Art Group and all other people in the community who have an interest in Arts in all of its varieties, to say thank you for your assistance, thank you looking to sign the documents today and thank you for your assisting us into the future to turn this into something really special for our town.

The Mayor thanked Mr Hennessey for his address.

4 APOLOGIES

Nil

5 MAYORAL MINUTES**5.1 MAYORAL MINUTE - TECHNICAL TOUR SUMMARY****RESOLUTION 190319/1**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the report on the Technical Tour.

CARRIED

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD ON 19 FEBRUARY 2019****RESOLUTION 190319/2**

Moved: Cr Robert Hayes

Seconded: Cr Jill Lyons

That Council confirms the Minutes of the meeting held on 19 February 2019.

CARRIED

6.2 MINUTES RESERVE TRUST MEETING HELD 19 FEBRUARY 2019.**RESOLUTION 190319/3**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council receive and note the minutes of the Reserve Trust meeting held on 19 February 2019.

CARRIED

6.3 MINUTES OF INTERNAL AUDIT AND RISK COMMITTEE MEETING HELD 19 FEBRUARY 2019.**RESOLUTION 190319/4**

Moved: Cr Daniel Simpson

Seconded: Cr Stephen Morrissey

That Council receives and adopts the minutes of the Internal Audit and Risk Committee meeting held 19 February 2019.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYOR'S ATTENDANCES 12 FEBRUARY - 12 MARCH 2019****RESOLUTION 190319/5**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor's attendance report 12 February – 12 March 2019.

CARRIED**12 DELEGATE'S REPORTS****12.1 DELEGATES' REPORT SUBMITTED TO MARCH 2019 ORDINARY MEETING.****RESOLUTION 190319/6**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receive and note the Delegates' report for the month of February 2019

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

RESOLUTION 190319/7

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That items 15.2, 15.3 be identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS

14.1 PROPOSED PURCHASE OF 148 BARKER STREET CASINO (FORMER RMS BUILDING)

EXECUTIVE SUMMARY

In conjunction with their rebranding and restructure from Roads and Maritime Service (RMS) to Service NSW, RMS relocated from 148 Barker Street Casino to a new location at 158 Walker Street Casino. The former RMS building has been vacant since mid-2017.

The NSW Government commenced advertising the sale of the property at 148 Barker Street Casino (former RMS building). Interest in acquiring the building for use as an Art Gallery was expressed by the Casino Art Group to Council and the Local Member Chris Gulaptis MP.

A business case was prepared by Casino Art Group which demonstrated the need and potential for the building to be operated in a financially viable manner as an art gallery. The former RMS building presented an ideal location for the proposed gallery.

The Casino Art Group additionally utilised local media to promote and gather support for the proposal of an art gallery to be established in Casino.

Council entered into preliminary negotiations with the NSW Government to ascertain a purchase price for the property. The 'peppercorn' price of \$1 (one dollar) was agreed to on the proviso that the property be used for community purposes for a period of not less than 15 years.

This restriction allows for the classification of the property as Operational, accommodating future potential uses and opportunity.

Council will negotiate with the Casino Art Group on the funding required to initiate the Art Gallery, as the intent is that this acquisition comes at no cost to Council. Prior to establishing a formal tenancy agreement, Council has estimated that \$10,000 of preparatory works will be required. Other works and improvements required prior to and during the operation of the Art Gallery will be the responsibility of the tenant.

This report outlines the details of the proposal from the Casino Art Group and proposes the recommendation to Council to proceed with the purchase of the property with operational classification.

RESOLUTION 190319/8

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council resolve to

1. Authorise the General Manager to negotiate the purchase of Lot 1 DP 513400 being 148 Barker Street Casino generally in accordance with the details contained within this report; and
2. Authorise the General Manager to enter into and endorse relevant documents, contracts and transfers, including affixing the seal of Council where appropriate, for the purchase of the land generally in accordance with the details contained within this report; and
3. Classify Lot 1 DP 513400 as Operational Land.

CARRIED

15 FINANCIAL REPORTS**15.1 STAGE 2 OF THE NORTHERN RIVERS LIVESTOCK EXCHANGE UPGRADE - ADMINISTRATION BUILDING UPGRADE****EXECUTIVE SUMMARY**

In addition to the original scoped works for the Stage 2 upgrade of the Northern Rivers Livestock Exchange, Council has the opportunity to enter into a tenancy agreement with a state government department which will provide both financial and operational benefits to the facility.

The tenancy requires additional infrastructure changes to the Administration Building where the costs on completion would exceed the original project budget. It is proposed that the extra capital investment over the project budget is funded from the NRLX reserve.

RESOLUTION 190319/9

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That Council:

1. Approve a contribution from the NRLX Reserve fund up to a maximum of \$250,000, to fund the expanded project scope as outlined in this report to support a new long term tenancy at the facility;
2. Authorise the General Manager to formalise the NRLX Administration Building upgrade variation with AGS Commercial in line with the details in this report;
3. Authorise the General Manager to enter into and endorse relevant documents, leases and contracts, including affixing the seal of Council where appropriate, to formalise the tenancy arrangement proposed for the Northern Rivers Regional Livestock Exchange, generally in accordance with the details contained within this report.

CARRIED

15.2 MONTHLY BUDGET ADJUSTMENTS FEBRUARY 2019**EXECUTIVE SUMMARY**

This report details the proposed budget adjustments for the month of February 2019. The main adjustment includes the transfer of \$417,150 in funding for Bora Ridge Cell Capping to the 2019/2020 year as the full allocation is not expected to be spent this financial year. Further adjustments include a reallocation of funding between a number of projects including \$63,533 in surplus funding from the Broadwater Youth Space Planning towards the continuation and delivery of the Casino Drill Hall project, along with a proposed transfer of \$22,000 towards the replacement of a pump at the Casino sewer pump station and the purchase of a backup air conditioning unit at the Casino Raw Water Pump Station.

Other adjustments include transfers from reserves for Council's contribution of \$60,000 towards the NRLX Truck wash upgrade project, funding from Water Infrastructure Reserve for the overhaul of water softeners at the Casino Water Treatment Plant and a water main replacement at the South Casino Booster Pump Station.

In summary, the proposed budget adjustments will have no impact on Council's projected surplus of \$305,120 for 2018/2019 as all of the proposed changes are fully funded from reserves or reallocations from other project budgets. The report provides further details of the proposed changes as well as the revised budget position as at 28 February 2019.

RESOLUTION 190319/10

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That

1. Council approve the proposed budget adjustments for the month of February 2019.
2. Council note the revised budget position for 2018/2019 as at 28 February 2019.

CARRIED

15.3 FINANCIAL ANALYSIS REPORT - FEBRUARY 2019**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council on the status and performance of its investment portfolio in accordance with the *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2005* (Clause 212), Australian Accounting Standard (AASB 139) and Council's Investment Policy.

The value of Council's Investment Portfolio as at 28 February 2019 including General Bank Accounts and Trust Funds is shown below.

Month	Investment Portfolio	General Bank Accounts	Trust Funds	Total
February 2019	\$44,765,177	\$1,794,624	\$87,050	\$46,646,851

The average rate of return on Council's investments for February 2019 was 3.50% which is above the 90 Day Bank Bill Index for February of 1.87%.

RESOLUTION 190319/11

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

Recommended that Council adopt the Financial Analysis Report detailing investment performance for the month of February 2019.

CARRIED

16 TENDER REPORTS**16.1 TENDER RVC-846057 DESIGN AND CONSTRUCT BRIDGE OVER NEILEYS CREEK, NEILEYS LAGOON ROAD, BUNGAWALBYN****EXECUTIVE SUMMARY**

Richmond Valley Council sought tenders from appropriately qualified and experienced tenderers for the Design and Construction of a concrete bridge over Neileys Creek, Neileys Lagoon Road, Bungawalbin, NSW 2469.

The tenderer with the highest total score was Ozwide Bridge and Rail Civil Pty Ltd and is identified as the most advantageous, based upon both price and non-price criteria.

The tendered rates submitted by Ozwide Bridge and Rail Civil Pty Ltd are considered reasonable. The recommended tender amount is \$337,762.00 exclusive of GST.

RESOLUTION 190319/12

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

- Ozwide Bridge and Rail Civil Pty Ltd be approved as the preferred tenderer for the construction of the Neileys Creek Bridge at the assessed tendered rate of \$337,762.00 exclusive of GST.

2. Council authorise the General Manager to enter into and endorse relevant contracts and documents, including affixing the Seal of Council where appropriate, generally in accordance with the details contained within this report.

CARRIED

17 GENERAL BUSINESS

17.1 LIVING MUSEUM RELOCATION & VISITOR INFORMATION CENTRE ESTABLISHMENT UPDATE

EXECUTIVE SUMMARY

Council Officers have been continuing negotiations with Crown Lands and Reflections Holiday Park's Trust Executive Officers to establish the best way forward to co-locate and re-establish two community facilities being the Evans Head Living Museum, and former Community Technology Centre, both within Reserve 82910, Reflections Holiday Park's Central Precinct.

The reserve is Crown Land under the control of two Crown Land Managers, Richmond Valley Council and Reflections Holiday Park. To proceed with the co-location and re-establishment of both buildings within the reserve under the one Crown Land Manager, it was imperative for Council to negotiate an extension of the current gazetted parcel which previously housed the gazebo structure. By doing so, Council will maintain the ownership of both assets, and it will negate the need to utilise Stan Payne Oval as a temporary storage site for the second building while Plans of Management are altered.

By Council maintaining ownership of both assets the second building will be utilised as a visitor information centre. Research shows visitor information centres have a major influence on decision making in destinations through the sharing of local knowledge, with visitors staying an extra night, taking an additional tour, or visiting an additional attraction. This means visitors spend more than budgeted. Once established and accredited with the Australia Visitor Information Centre Network, managed by Tourism Group on behalf of Destination NSW, Council can obtain the accreditation which will allow our LGA to feature in Australia wide advertising.

As a result of extending the gazetted land under Council management the proposed layout of the buildings for re-establishment has been altered to suit the contours of the surveyed site as shown in *Figure 1*.

MOTION

Moved: Cr Robert Hayes
Seconded: Cr Daniel Simpson

That

1. Council proceed with the relocation and re-establishment of the existing Living Museum Building on the north-east end of Reserve 82910 as set out in Figure 1 of this report, pending approval from Crown Lands for the extension of the gazetted land. Allowing enough room to extend the building to house the Museum and Visitor Information Centre, setting aside the south-western side of the existing path/old shelter shed site for public open space and future covered BBQ, gazebos and picnic facilities.
2. Council note that the interim storage option on land adjacent to the entry to Stan Payne Oval for one building will not be required.
3. Council demolish the remaining buildings.

AMENDMENT

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That

1. Council proceed with the relocation and re-establishment of both community buildings within Reserve 82910 as set out in Figure 1 of this report, pending approval from Crown Lands for the extension of the gazetted land,
2. Council note that the interim storage option on land adjacent to the entry to Stan Payne Oval for one building will not be required.

The amendment was withdrawn by Cr Mustow with concurrence from the seconder Cr Morrissey.

The motion was withdrawn by Cr Hayes with concurrence from the seconder Cr Simpson.

MOTION

Moved: Cr Robert Hayes
Seconded: Cr Daniel Simpson

That the matter be deferred until further information is available.

The motion was put to the vote and carried.

RESOLUTION 190319/13

Moved: Cr Robert Hayes
Seconded: Cr Daniel Simpson

That the matter be deferred until further information is available.

CARRIED

17.2 PLANNING PROPOSAL PP2019/0003 FOR A GENERAL INDUSTRIAL REZONING OF LAND IMMEDIATE TO THE EAST OF CASSINO DRIVE INDUSTRIAL ESTATE, CASINO

EXECUTIVE SUMMARY

Council has received a Planning Proposal application (PP2019/0003) to amend the *Richmond Valley Local Environmental Plan 2012* (the LEP) to enable rural land on Johnston Street, Casino (Bruxner Highway), being Lots 1 to 12 and 14 to 20 Section 6 DP976660, Lot 1 DP783330, and a section of unformed Crown Road, to be developed for general industry. The proposed development is sited immediately to the east of the existing Cassino Drive industrial estate (Zoned IN1 General Industry), and is strategically supported as future employment land within the *North Coast Regional Plan 2036* and the *Casino Urban Land Release Strategy 2005*.

The Land is currently zoned RU1 Primary Production, with a minimum lot size for subdivision of 40ha. To facilitate general industrial development of the land, the LEP requires amendment to change the:

- Land Zone Map—by applying *Zone IN1 General Industry* to the land; and
- Lot Size Map—by applying a minimum lot size (MLS) of 750m² to the land.

Council's support for the Planning Proposal is required to commence the rezoning process. This will cause the Planning Proposal to be submitted to the Department of Planning and Environment (DPE) for a Gateway Determination, which normally incorporates conditional agency and community consultation.

A further report on the Planning Proposal will be required at the conclusion of the consultation phase, where Council must decide whether to proceed with the LEP amendment, in whole or part; or not at all. If it is to proceed, Council may use Ministerial Plan Making delegations to prepare and make the final LEP amendment, but only where such delegations have been sought, and granted, through the Gateway process. These delegations should be sought for this Planning Proposal and assigned to the General Manager.

RESOLUTION 190319/14

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That:

1. Council support Planning Proposal PP2019/0003 which proposes to amend the *Richmond Valley LEP 2012*, as it applies to Lots 1 to 12 and 14 to 20 Section 6 DP976660, Lot 1 DP783330, and a section of enclosed unformed Crown Road, by rezoning the land to facilitate its development for general industry (Zone IN1) with a minimum lot size of 750m²;
2. PP2019/0003 be directed to the DPE for a Gateway Determination; and
3. EP&A Act Ministerial Plan Making delegations be requested for the General Manager.

CARRIED

17.3 REGULATORY CONTROL OF THE DIRAWONG RESERVE

EXECUTIVE SUMMARY

Council has been approached by board members of the *Dirawong Reserve Land Management Board* to work in partnership in enforcing the regulations of the *Crown Lands Act 2016* on the *Dirawong Reserve* following a rise in illegal camping and prohibited animals within the reserve. To allow this to occur, Council must provide a resolution under the *Crown Lands Act 2016*.

RESOLUTION 190319/15

Moved: Cr Robert Hayes

Seconded: Cr Stephen Morrissey

That

- Council consent to regulatory control staff enforcing the regulations of the *Crown Lands Act 2016* on the *Dirawong Reserve* on behalf of the *Dirawong Reserve Land Management Board*.
- Council provide a copy of the Council resolution resolving consent and the qualifications of Council's regulatory staff who will be acting on behalf of the *Dirawong Reserve Land Management Board* in enforcing the regulations.

CARRIED

18 MATTERS FOR INFORMATION

RESOLUTION 190319/16

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

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

CARRIED

18.1 DETERMINATION OF DEVELOPMENT APPLICATION 2019.0147 (19-25 WOODBURN STREET, EVANS HEAD)

RESOLUTION 190319/17

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the report titled *Determination of Development Application 2019.0147 (19-25 Woodburn Street, Evans Head)*.

CARRIED

18.2 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 FEBRUARY 2019 TO 28 FEBRUARY 2019

RESOLUTION 190319/18

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That Council receive and note the development application report for the period 1 February 2019 to 28 February 2019.

CARRIED

18.3 REVEGETATION UPDATE REPORT - OCEAN DRIVE, EVANS HEAD

RESOLUTION 190319/19

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That Council receive and note the Ocean Drive Revegetation Update report.

CARRIED

18.4 ROAD MAINTENANCE AND CONSTRUCTION SERVICES REVIEW UPDATE ON IMPLEMENTATION ACTIONS

RESOLUTION 190319/20

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That:

1. Council receive and note the progress report on the implementation of the recommendations of the Road Maintenance and Construction Services Review; and
2. A further progress report be submitted to Council at the September 2019 Ordinary Meeting.

CARRIED

18.5 GRANT APPLICATION INFORMATION REPORT - FEBRUARY 2019

RESOLUTION 190319/21

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That the Grant Application report for the month of February be received and noted.

CARRIED

19 QUESTIONS ON NOTICE

19.1 QUESTIONS FROM ORDINARY MEETING 19 FEBRUARY 2019

The following questions on notice were received from Councillor Hayes;

Questions

1. What can Council do to control businesses from outside the area utilising our beaches, for the purpose of leisure based water activities that produce an income for the business at the expense of local businesses?
2. What can Council do to control the amount of out of area vehicles which access Airforce Beach for inappropriate uses, without detracting from the local users?
3. I have been approached by the local community based pre-schools in Evans Head, Woodburn and Coraki, as well as local family day care services across the lower river area, asking what Council can do to prevent a large company proposing a large day care centre in Woodburn. When the application is formally lodged, can Council notify and consult with the committees of the community based centres and representatives from family day care to get a feel for what this could do to the viability of existing local services and support these groups when they lobby our state and federal MP's, as the community preschools are a large local employer and are already struggling for numbers?

Responses

1. Council does not currently have a Commercial Activities on public land policy. The introduction of such a policy would involve a competitive application process and would be open for any business to apply. Such a policy would include requirements like public liability insurance and could limit the number of licences/approvals granted. It should be noted that when Byron Shire Council introduced limits a local business actually did not gain a licence. Council received feedback from one Evans Head business about this over the summer period, which at this point in time would not support the resources required to implement a regulatory response.
2. The introduction of a permit system has again been raised at Council and numerous options have been suggested in recent times. Such a system may deter out of area visitation to the beach and could come at a cost to local businesses.

A recent option discussed with the regulation team by the local NSW Police Sergeant, is for a free permit system where the applicant applies for a permit through Council offices and has a permit issued, possibly in the form of a sticker for the car. The applicant will sign an application form agreeing to terms of use of the beach and provide relevant identifying information. This will then allow penalties to be issued more effectively by the NSW Police or Council rangers. The cost would be borne by Council with the length of time the permit is valid for to possibly being for the period of the vehicle ownership.

Another option could be a paid ticket system with a ticket booth installed in Evans Head in an area that deters vandalism. A suitable area maybe the surf club or out the front of the

administration building. Permits would also be available at Council's Evans Head office. A ticketing system would come at a cost and would be available for anyone wishing to access the beach. Setting a daily limit of vehicles may be an option of controlling vehicle numbers under a ticketing system.

It should be noted that Council does not have the facility for a web based ticketing system that would produce a ticket or receipt at this time.

The issue of the length of the beach, incorporating four beaches (South Ballina, Patches, Broadwater & Airforce), and that entry can be made at South Ballina beach, which is outside the Richmond Valley LGA, complicates the matter. A sign could be installed at Boundary Creek notifying those driving south of the ticketing requirement. Whether this sign is seen as a fair option would need to be determined, especially for those driving at night as the sign may not be lit. Discussions can also be held with Ballina Council in regards to whether they have any intentions to introduce a ticketing system. There have been articles in the local press about the use of the Ballina beaches so this may be a possibility.

Council is in contact with DPI and NPWS in regards to a multi-agency meeting to discuss ongoing land management issues along the beaches.

Overall any ticketing system would come at a cost with new signage installed, a ticketing system agreed upon, introduced and then policed. It would be fair and equitable but may have an impact. It is likely that local residents would seek to receive a free permit to access the beach.

In regards to dealing with inappropriate use of the beach and dune areas, Council officers are currently applying to be authorised under the NPWS Act. This authorisation would be limited to such general actions such as camping, dogs, and driving in sand dunes or off limit areas. Council rangers do patrol the beach and also participate in joint patrols with the police during the year.

3. Like any business and/or land owner the proponent of the proposed large day care centre is entitled to lodge a development application (DA) and Council staff would assess the DA on its merits. Such a DA would involve neighbour notification and advertising in the local papers. Council is not required to and does not notify other businesses in a similar industry of a new DA for a potential competing business.

RESOLUTION 190319/22

Moved: Cr Robert Hayes

Seconded: Cr Jill Lyons

That the responses to the questions regarding questions raised by Councillor Hayes at the 19 February Ordinary meeting be received and noted.

CARRIED

20 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil

The Meeting closed at 6.25pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 April 2019.

.....
CHAIRPERSON