

Agenda

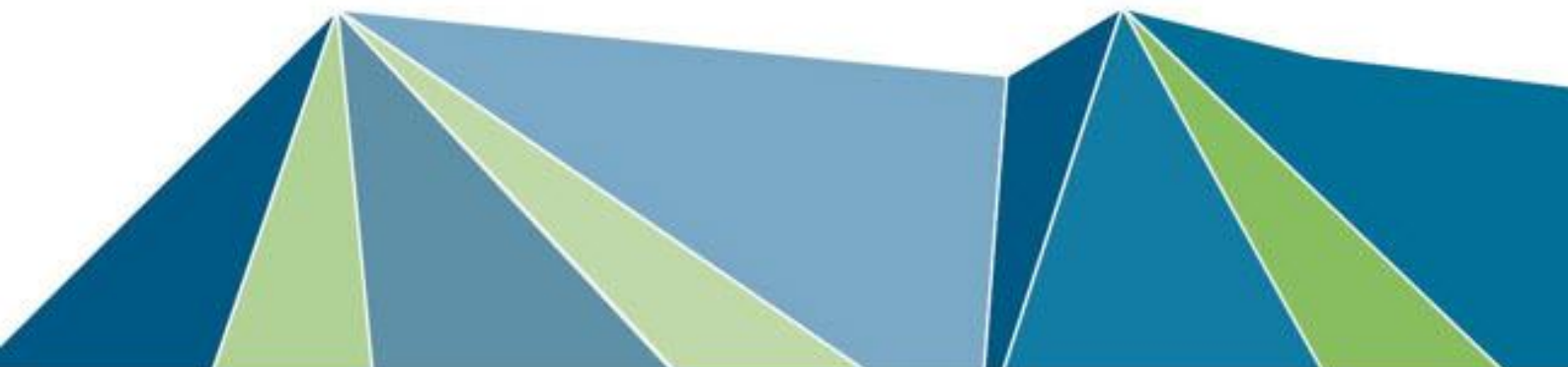
Ordinary Meeting 28 August 2025

An Ordinary Meeting of Ballina Shire Council
will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina
on **28 August 2025 commencing at 9:00 AM.**

1. Australian National Anthem
2. Acknowledgement of Country
3. Apologies
4. Confirmation of Minutes
5. Declarations of Interest and Reportable Political Donations
6. Deputations
7. Mayoral Minutes
8. Planning and Environmental Health Division Reports
9. Corporate and Community Division Reports
10. Civil Services Division Reports
11. Notices of Motion
12. Advisory Committee Minutes
13. Reports from Councillors on Attendance on Council's behalf
14. Confidential Session

Paul Hickey
General Manager

A morning tea break is taken at 10.30am and a lunch break taken at 1.00pm.



Ethical Decision Making and Conflicts of Interest

A guide for Councillors, Council employees and community representatives

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of Interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** – an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to yourself or another person or entity defined in part 4 of the Council's Code of Conduct, with whom you are associated.
- **Non-pecuniary** – a private or personal interest that you have that does not amount to a pecuniary interest as defined in the Council's Code of Conduct.

These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

The test for a conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- It is important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

- Do I have private interests affected by a matter I am officially involved in?
- Is my official role one of influence or perceived influence over the matter?
- Do my private interests' conflict with my official role?

Disclosure and participation in meetings

Pecuniary Interests

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Non-pecuniary Interests

Must be disclosed in meetings. There are a broad range of options available for managing non-pecuniary interests and the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary interests must be dealt with in one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.

- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as per the provisions in the Code of Conduct (particularly if you have a significant non pecuniary interest)

Deputations to Council – Guidelines

- Deputations by members of the public may be made at Council meetings on matters included in the business paper.
- Deputations are limited to one speaker in the affirmative and one speaker in opposition.
- Deputations, per person, will be limited to a maximum of two items on the agenda.
- Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting.
- Deputations are given five minutes to address Council.
- Deputations on the same matter will be listed together with the opposition first and the speaker in affirmative second.
- Members of the public are advised that any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.
- The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.
- To avoid conflicts of interest, real or perceived, deputations will not be accepted from:
 - a) Tenderers during a public tender or request for quotation
 - b) Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
 - c) Consultants who are engaged by Council on the matter the subject of the deputation.

Public Question Time – This Session Does Not Form Part of the Ordinary Meeting

- A public question time has been set aside during the Ordinary meetings of the Council. The Ordinary meeting will be adjourned from 12.45 pm for Public Question Time. If the meeting does not extend to 12.45 pm Public Question Time will be held after the meeting closes.
- The period for the public question time is set at a maximum of 15 minutes.
- Questions are to be addressed to the Chairperson. The period is set aside for questions not statements.
- Questions may be on any topic, not restricted to matters on the Ordinary meeting agenda.
- The Chairperson will manage the questions from the gallery to give each person with a question, a "turn".
- People with multiple questions will be able to ask just one question before other persons with a question will be invited to ask and so on until single questions are all asked and, time permitting, multiple questions can be invited and considered.
- Recording of the questions will not be verbatim and will not form part of the minutes of the Ordinary meeting.
- The standard rules of behaviour in the Chamber will apply.
- Questions may be asked from the position in the public gallery.

Recording and Livestreaming of Council Meetings

- The meeting (with the exception of the confidential session) is being livestreamed and recorded for on-demand viewing via Council's website (ballina.nsw.gov.au/agendas-and-minutes) and a person's image and/or voice may be broadcast.
- Attendance at the meeting is taken as consent by a person to their image and/or voice being webcast.
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.
- This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.

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1. Australian National Anthem

The National Anthem was played.

2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country.

3. Apologies

Cr Therese Crollick has been granted leave of absence.

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 July 2025 were distributed with the business paper.

A copy of the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Monday 4 August 2025 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 July 2025.

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Monday 4 August 2025.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8. Planning and Environmental Health Division Reports

8.1 LEP Amendment - 305 The Coast Road, Skennars Head

Section	Strategic Planning
Objective	To outline a proposal for an LEP amendment relating to land along The Coast Road at Skennars Head.

Background

Council has received a planning proposal to rezone part of Lot 7 DP 1225206 (305 The Coast Road, Skennars Head).

Areas that are currently identified as 'Deferred Matter' within the site are proposed to be zoned part C2 Environmental Conservation, part C3 Environmental Management and part RU1 Primary Production under the Ballina Local Environmental Plan 2012 (BLEP 2012).

The LEP amendment request is included as Attachment 1.

The Council prepared Planning Proposal is included as Attachment 2.

Consequential changes to the relevant minimum lot size (MLS), height of building (HOB) and LEP land application maps are also proposed.

The rationale for the LEP amendment is to limit the development potential of strategically important coastal areas and to facilitate a future subdivision that will support urban development in a planned urban growth area, at Skennars Head.

In circumstances where a parcel of land has multiple zones ('split zones') and a proposed subdivision would result in an area of land that is below the minimum lot size, Clause 4.2C of the Ballina LEP (2012) facilitates an outcome where the subdivision meets the following objectives:

- (a) to permit the creation of lots that support urban development in planned urban growth areas,*
- (b) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
- (c) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.*

However, Clause 4.2C (Exemptions to minimum subdivision lot sizes for split zones) cannot be applied to areas that are 'Deferred' from LEP 2012, as it specifically applies to:

- (a) land in a residential, employment or mixed use zone, and*
- (b) land in a **relevant zone**.*

A relevant zone is defined as *Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone C2 Environmental Conservation or Zone C3 Environmental Management*.

As the clause does not apply to Deferred Matter (DM) areas, a rezoning proposal is required to apply an appropriate zone ('relevant zone') before a development application for subdivision can be lodged.

Additionally, a suitable mechanism is needed to ensure the potential for development in the coastal area (east of The Coast Road) is restricted, as the C2 zone permits dwellings with development consent.

To this end the proponent has offered to enter into a Planning Agreement (PA).

This report recommends that Council endorse the Planning Proposal in Attachment 2 for the purposes of seeking a Gateway determination from the Department of Planning, Housing and Infrastructure.

Key Issues

- Merit of the proposed amendments
- Provisions to limit development opportunity on important coastal land

Discussion

The site and surrounding land

Lot 7 DP 1225206 ("the site") has a total area of 16.66 hectares and is split by The Coast Road.

Approximately 5.52 hectares is located on the eastern side of the road and is largely cleared but contains a mix of endemic and introduced vegetation.

There are no structures on this part of the land.

The balance of the property is located on the western side of the road, with an area of approximately 7.18 hectares zoned R2 Low Density Residential (R2) that forms part of the Skennars Head urban expansion area.

An area of approximately 2.24 hectares is zoned RU1 Primary Production and is proposed to be consolidated with adjoining rural land in the same ownership as the site.

Two farmhouses and ancillary buildings are accessed from a shared driveway on the western side of The Coast Road.

One of the dwellings is located within the Deferred Matter area and the other within the R2 zoned area.

Land to the north (on the western side of The Coast Road) is a mix of residential land, where dwellings are at various stages of construction as part of the Aureus estate, as well as areas of public open space (Deferred Matter) owned by Council that provide a visual buffer between the road and residential development.

8.1 LEP Amendment - 305 The Coast Road, Skennars Head

Land to the south is predominantly vacant grazing land with patches of vegetation that provides an important inter-urban buffer to residential development further to the south.

Land to the north (on the eastern side of The Coast Road) is utilised as car parking and access to Sharpes Beach.

Land to the south is heavily vegetated land that forms part of the Flat Rock Camping Ground.

The Deferred Matter areas are zoned 7(f) Environmental Protection (Coastal Lands) (eastern side of The Coast Road) and 7(d) Environmental Protection (Scenic Escarpment) (western side of The Coast Road) in the 1987 Ballina LEP.

Figure 1 shows the site, existing LEP zoning and surrounding land uses.



Figure 1: The site and surrounding lands.

Proposed zoning

The proposal seeks to rezone 5.304 hectares on the eastern side of the road from DM to C2 Environmental Conservation (C2) and approximately two hectares on the western side of the road from DM to a combination of C3 Environmental Management and RU1 Primary Production as shown in Figure 2.

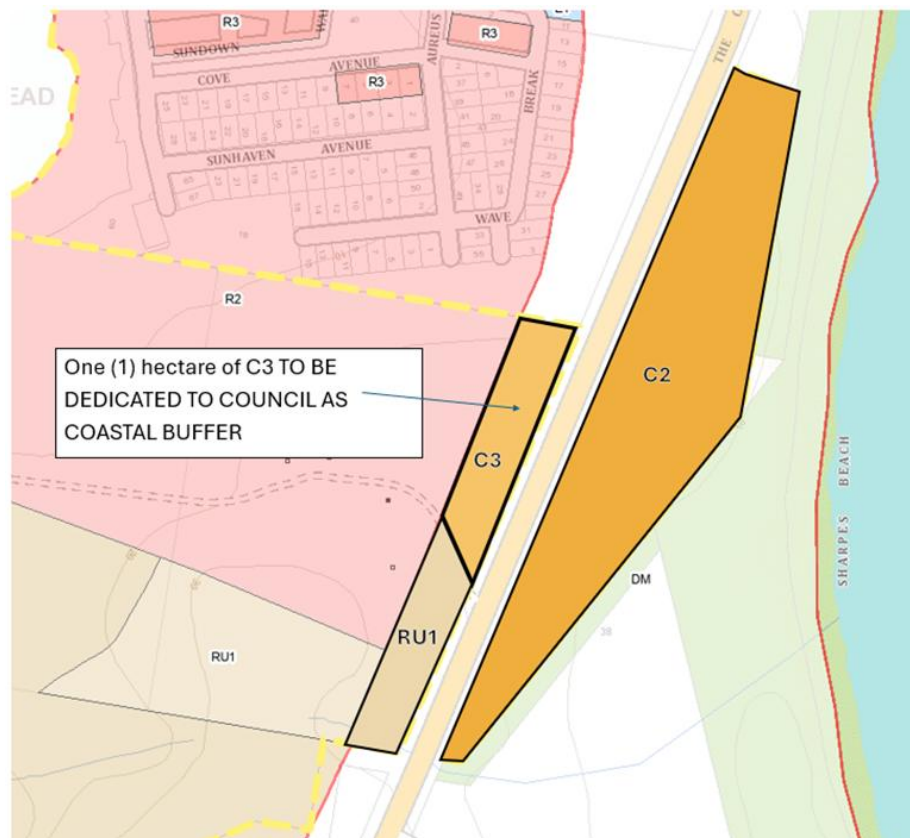


Figure 2: Proposed Zone Changes

Future Use of the Land

A future subdivision of the site will see the proposed C2 area on the eastern side of The Coast Road remain in private ownership, ultimately to be managed by a not-for-profit trust.

The landowners have provided a letter of offer to enter into a Planning Agreement (PA) to ensure that no dwelling can ever be built on the site and to undertake vegetation management and improvement works. The letter of offer is included as Attachment 3.

The limitation on the erection of a dwelling on the eastern side of The Coast Road is particularly key to the merit of the LEP amendment from a public interest perspective.

The area to be zoned C3 is proposed to be transferred to Council, as part of the future residential subdivision, extending the visual buffer and public open space that currently exists directly north, adjacent to the Aureus residential estate.

The area to be zoned RU1 containing an existing dwelling is to be consolidated with adjoining RU1 land in the same ownership.

Application of Conservation Zones

The criteria for the inclusion of land in a 'C' Conservation zone (formally 'E' zones) in the LEP are set out in the *Northern Councils E Zone Review Final Recommendations Report*. The report states on page 15 that:

*Private land may be zoned C2 or C3 despite being inconsistent with the criteria, only if it is consistent with a negotiated development outcome (master plan, rezoning, development consent, designated offset areas) **or at the request of the landowner.***

As a written request has been provided by the landowners, no ecological studies or primary land use considerations are required to apply a C zone to the site.

Land Contamination Considerations

The site is listed in Council's contaminated lands register and there is a record of a historic dip site located on the part of the property on the eastern side of The Coast Road.

Advice from the Department of Planning, Housing and Infrastructure (DPHI) has confirmed that as the proposal will not change the land use (vacant land) and the proposed zone is more restrictive in terms of permitted uses, no further investigation in relation to contamination will be required.

Cultural Heritage

The applicant has undertaken an Aboriginal Heritage Information Management Systems (AHIMS) search that indicates three items are within 50m of the site. Details of the registered items are unknown; however, the proposal will not alter or intensify the current land use (vacant land) and as such, no further Aboriginal cultural heritage studies are warranted.

The planning proposal will be referred to Jali Local Aboriginal Land Council as part of a Gateway condition and if further cultural heritage information is required, it will be done at that stage of the process.

Local Strategic Planning Merit

The proposed rezoning of DM land to a combination of environmental protection zones and a small area of rural zone is consistent with Council's strategic planning framework that supports conservation of areas with environmental significance (coastal buffer areas) and enabling suitable land to be used for housing where it accords with adopted urban growth areas.

Proposed LEP amendments

The planning proposal is for a mapping amendment only (i.e. there are no changes proposed to the LEP instrument). The proposed zone map is provided in Figure 2.

More detail on the proposed mapping amendments to the including the minimum lot size, height of building and LEP land application area is provided in Appendix 4 of Attachment 2.

Council is unlikely to be given delegation to make the plan and as such this will be facilitated by the DPHI.

Summary of the Planning Proposal

The following table provides the justification of the strategic and site-specific merit for the Planning Proposal addressing the requirements of the DPHI for preparing a planning proposal.

Requirement	Response
Section A – Need for the Planning Proposal	
Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?	No. The planning proposal has been initiated by the landowners who are seeking to facilitate a future subdivision under Clause 4.2C.
Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Yes, the requirements of Clause 4.2C require a rezoning to be undertaken before a subdivision can occur.
Section B – Relationship to strategic planning framework	
Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	Yes. The planning proposal will facilitate a future subdivision that will release residential land, giving effect to Objective 1 of the North Coast Regional Plan: <i>to 'provide well located homes to meet demand'</i> . It will also support an action in the Ballina narrative to: <i>Support the delivery of housing supply and greater diversity in strategic and local centres, including higher density housing within and close to Ballina CBD</i>
Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or CSC, or another endorsed local strategy or strategic plan?	Yes, The Ballina LSPS includes as part of the visions that we: <i>value and preserve our beautiful natural assets including our beaches, waterfalls and rural hinterland, through application, maintenance and enforcement of regulatory controls.</i>
Is the planning proposal consistent with any other applicable State and regional studies or strategies?	The Lennox Head Strategic Plan (2023-2043) which incorporates the Skennars Head area, has an area wide objective to: <i>Protect iconic landscapes and the views and vistas to these places from the public realm.</i>
Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?	There are no other applicable state or regional strategies or studies.
Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?	There are no SEPPs directly applicable to the proposed rezoning. The site is within the Coastal Use and Coastal Environment mapped areas in the Resilience and Hazards SEPP, which is addressed in relation to the applicable Ministerial Direction.
	Yes, a detailed response is provided at Appendix 3 of the Planning Proposal.

Requirement	Response
Section C – Environmental, social and economic impact	
Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	No. The proposal seeks to provide additional environmental protections and to prohibit future development of a strategically important coastal area.
Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	No adverse environmental effects associated with the planning proposal have been identified.
Has the planning proposal adequately addressed any social and economic effects?	The planning proposal is considered to have a positive social and economic effect in that the intent is to facilitate future subdivision of the residential zoned land and to provide protections for strategically important coastal areas.
Section D – Infrastructure (Local, State and Commonwealth)	
Is there adequate public infrastructure for the planning proposal?	No additional public infrastructure is required because of the planning proposal.
Section E – State and Commonwealth Interests	
What are the views of state and federal public authorities and government agencies consulted to inform the Gateway determination?	Consultation will be undertaken with relevant agencies as required by the Gateway determination.

Planning Agreement

The landowners are seeking to retain the land on the eastern side of The Coast Road in private ownership, and ultimately to have it managed by a not-for-profit trust.

They are also seeking to ensure that no dwelling(s) can ever be built on the site (in the C2 zone dwelling houses are a permitted use). To facilitate this outcome, the owners have offered to enter a PA with Council.

A PA remains with the land regardless of future ownership and will set out the legal terms that specify that no dwelling can be constructed on the proposed C2 land, and that vegetation restoration works are to be undertaken.

If the letter of offer is acceptable to Council, a draft PA will be prepared and placed on public exhibition as part of the planning proposal post-Gateway.

Delivery Program Strategy / Operational Plan Activity

The proposed amendments align with the 2024 – 2028 Delivery Program and Operational Plan Outcome HE3.1f – Maintain Local Environmental Plan.

Community Engagement Strategy

Community engagement will take place following a Gateway determination and in accordance with the conditions specified by the DPHI and Council's Community Participation Plan.

Financial / Risk Considerations

As a landowner-initiated proposal, the applicants have paid the initial planning proposal fee. In accordance with Council's adopted *Fees and Charges*, further processing fees will be payable at subsequent stages.

Options

Option 1 – Support the Planning Proposal.

This is the recommended option for the reasons outlined in this report.

Option 2 – Do not support the Planning Proposal.

This option is not recommended as there are no substantial planning grounds for not proceeding to exhibition. Where the proposal is not supported for gateway determination, the proponent can seek a rezoning review by the State Government.

RECOMMENDATIONS

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 to rezone part of 305 The Coast Road, Skennars Head as detailed in the Planning Proposal in Attachment 2 to this report (BSCPP 25/002), including consequential changes to minimum lot size, height of building and land application maps.
2. That Council submits Planning Proposal BSCPP 25/002 to the Department Planning Housing and Infrastructure (DPHI) for a Gateway Determination.
3. That upon an affirmative Gateway determination being received, Council proceeds to public exhibition and agency consultation in accordance with Gateway determination requirements.
4. That Council endorse the preparation of a draft planning agreement as detailed in this report.
5. That the draft planning agreement (or other suitable legal mechanism) once finalised be publicly exhibited concurrently with the planning proposal.

Attachment(s)

1. Applicant's Planning Proposal Request [⇒](#)
2. Draft Planning Proposal - 305 The Coast Road, Skennars Head [⇒](#)
3. Planning Agreement Letter of Offer - Proponent [⇒](#)

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

Section Strategic Planning

Objective To address the Deferred Matters Integration Program and the Teven Test Case properties and seek direction on the next steps.

Background

At the 24 April 2025 Ordinary meeting, Council considered reports regarding the deferred matters integration program.

Council resolved as follows in respect to Item 8.2 - Deferred Matters Integration - Program Continuation:

That Council defers its decision on the approach to the transitioning of deferred matters properties which were part of the 2023 Integration of Deferred Matters Planning Proposal to obtain further information from the Department of Planning and the Department of Climate Change, Energy, the Environment and Water on the application of Ministerial Direction 3.4 and the associated Northern Council's E Zone Review

Council resolved as follows in respect to Item 8.3 - Teven Test Case Methodology:

- 1. That Council defers its decision on the initiation of a planning proposal in relation to the five Teven test case properties to obtain further information from the Department of Planning and the Department of Climate Change, Energy, the Environment and Water on the application of Ministerial Direction 3.4 and the associated Northern Council's E Zone Review.*
- 2. That Council invite the Department to provide a briefing to staff and Councillors on the application of conservation zones.*

Following correspondence from the Department of Planning Housing and Infrastructure (DPHI), and the Department of Climate Change, Energy, the Environment and Water (DCCEE), a Councillor briefing took place on 30 June 2025. The briefing was given by Council staff as the DPHI declined to provide a briefing.

The purpose of this report is to consider the matters raised in the referenced reports and to propose a way forward for the Teven Test case properties, properties inadvertently included in LEP Amendment 55 and the remaining deferred matter properties.

Key Issues

- State Government policy interpretation
- Deferred matter integration options
- Teven Test Case options

Discussion

C Zone Rules and Government Department Consultation

The 24 April 2025 reports were deferred to enable advice to be obtained regarding the degree to which the presence, or absence of agriculture, within an area proposed to be zoned for conservation purposes (C2 or C3), determined the primary use of land (PUL).

This issue was raised by a Teven Test Case property owner.

The owner contended that a C zone could not be applied to land, without owner agreement, if the land was used for agricultural purposes and the frequency of such use was not a relevant consideration.

What are the rules for the application of Conservation Zones?

The *Northern Councils E Zone Review Final Recommendations Report* (NCEZR) sets out the process for applying environmental zones (now referred to as conservation zones).

That process includes the following:

- Conservation zones only to be applied where the PUL is environmental conservation (C2) or environmental management (C3) and has been verified as meeting the criteria for such zones. The criteria relate to the land's vegetation characteristics, as specified within the Tables 1 and 2 of the NCEZR
- The PUL is referred to as the main use for which the land has been lawfully used for the last two years. Land zoned rural could continue to have a rural zone applied but may have parts of the land that meet the vegetation criteria included within a mapped planning control (vegetation overlay)
- A C3 zone may be applied to land which meets the C2 criteria but where the PUL has been determined to be environmental management instead of environmental conservation
- It is not mandatory to apply a C2 or C3 zone if Council considers that the intended PUL does not warrant a C zone. In such cases mapped planning controls (overlay) can be applied
- Land voluntarily revegetated by the current landowner cannot have a C zone applied without the landowner's agreement, unless the revegetation was undertaken through grant funding
- Private land may be zoned C2 or C3 despite being inconsistent with the criteria, only if consistent with a negotiated development outcome, or at the request of the landowner.

There is no discussion within the NCEZR as to how the main use of land is to be determined.

There is also no reference within the NCEZR that the absence of agriculture, within a proposed C2 or C3 zone, is part of the test for such zones being applied.

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

The Minister's Local Planning Directions contain a reference to the NCEZR within Direction 3.4 - *Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs*.

The direction requires that C2 and C3 zones be applied in line with the NCEZR unless the inconsistency is of minor significance.

There is no reference within the direction to a requirement relating to the absence of agriculture test.

Are there additional rules which require the absence of agriculture to be established prior to applying the NCEZR rules?

There are no formal rules relating to the absence of agriculture issue that have a legislative base.

Instead, there are two guidance documents issued by the now DPHI, detailed as follows.

Letter from the Planning and Environment Secretary 1 March 2016

This letter is the primary guidance document. A copy of this letter is included as Attachment 1.

The letter was issued to all Northern Councils affected by the then E zone review process to "*further assist Council when seeking to apply E zones in accordance with the Northern Councils E Zone Review Final Recommendations.*"

The letter contains the following relevant statement which is outside of the rules contained in the NCEZR:

For the avoidance of doubt a reference to 'Primary Use of land' in the context of the Recommendations Report is considered to be:

b) If the main use is for environmental conservation or management, the environmental values of the land and vegetation need to be demonstrated and the absence of any agricultural or other land use confirmed.

The letter also indicates that a local planning direction has been issued, and that the direction provides further clarification regarding the 'primary use of land'.

The current local planning direction 3.4 provides no clarification of the 'primary use of land' matter.

It is understood that a draft 2016 direction may have referenced the absence of agriculture issue.

Department of Planning and Environment Frequently Asked Questions 'Northern Councils Environmental Zone Review Final Recommendations Report & Section 9.1 Direction July 2023' (FAQ)

The 2023 FAQ, which replaced a 2016 FAQ containing similar information, is the second guidance document.

The FAQ is included as Attachment 2.

The FAQ repeats the advice contained in the 2016 letter from the Planning and Environment Secretary including the requirements to confirm the absence of any agriculture or other land use.

Advice from Department of Planning Housing and Infrastructure (DPHI)

In accordance with the Council's April 2025 resolution further advice was sought from the DPHI.

The advice is included as Attachment 3 together with initial advice received on 22 April 2025, along with emails.

The DPHI advice confirms that the 2016 letter from the Department Secretary, and the FAQ, is the Department's position and should be taken into consideration when determining the primary use of land.

In cases where the landowner does not agree to a C2 zone being applied to their land, where agricultural land uses are demonstrated to be occurring, the DPHI has stated that the guidance in the Secretary's letter should be considered.

The DPHI initially stated in an email received on 22 April 2025 when discussing the Secretary's advice and the FAQ that:

This would not prevent a landowner requesting or agreeing to a C zone over vegetated land where understorey grazing is being undertaken. However, if the landowner does not agree to a C zone being applied to their land where understorey grazing is demonstrated to be occurring then I would expect a rural zone would be applied to this land. Council could also consider applying an environmental overlay to this land.

Council then sought to clarify this statement and received further advice from the DPHI, which included the following statement:

When considering the application of a C zone, based on the primary use of land, Council should not rely solely on the "absence of agriculture" but should also consider the presence of environmental management or environmental conservation activities on the site and this could inform if a C2 or a C3 zone is appropriate. Activities such as weed control, active planting, vegetation management, watering or the presence or absence of exclusion fencing can be indicators of management or conservation activities.

In respect to the test case properties the DPHI advised:

I note that three of the test case landowners have requested a combination of a C2 and C3 zone over part of their land instead of just a C2 zone. The C3 zone being proposed for land that I understand contains vegetation that would meet the criteria for a C zone but also accommodates some agricultural activities and land management activities. If Council is concerned that the primary use of the land in these test cases cannot justify the application of a C2 zone, consistent with the NCEZR and the Department's guidance contained in the Secretary's letter, then Council could apply a combination of a C2 and C3 zone, as proposed by the landowner.

Finally, in cases where Council and the landowner do not agree in respect to the PUL the DPHI advised:

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

I note that there is a difference of opinion between Council and some of the landowners of the test case properties on the primary use of their land.

The planning proposal process provides opportunities for differences of opinion between Council and a landowner on the primary use of a particular land parcel to be resolved through consultation.

Notification, consultation and the opportunity for an independent review will be requirements of any gateway determination for a planning proposal proposing the application of a C zone.

Consideration of the advice provided by the DPHI has resulted in three test case landowners changing their positions, as previously discussed in the April 2025 report (Item 8.3).

The DPHI advice, whilst identifying the absence of agriculture test for application of C zones, also then introduces further subjectivity.

This relates to the consideration of matters such as the presence of fencing, weed control or vegetation management activities, which the DPHI states may be an indicator that the land is being utilised for conservation purposes.

This is unhelpful as such activities are also associated with the agricultural use of land.

Ultimately it may likely set up a potential conflict situation between Council and landowners.

Council may argue that such activities are related to conservation, and the landowner may argue that they relate to agricultural use.

A fundamental problem here for Council is that the statutory planning requirements do not identify the absence of agriculture test in relation to application of conservation zones, but DPHI has a policy position that does introduce this concept.

Advice from Department of Climate Change, Energy, the Environment and Water (DCCEEW)

DCCEEW was requested to review the advice received from the DPHI as well as the EarthScapes Ecological Report relating to the Teven Test Case properties.

Attachment 4 contains the advice from DCCEEW.

Relevant extracts from the DCCEEW advice are reproduced as follows.

According to the Recommendations Report, the primary use of land is the 'main use' of the land over the previous two years.

Hence, to determine the primary land use is agriculture, agricultural operations such as cropping or grazing would need to be clearly demonstrated as the 'main use' of the land over the previous two years.

The complete absence of agricultural or other land use is not required to determine the primary land use is environmental conservation or environmental

management, provided agricultural or other land uses have not been the 'main use' of the land over the previous two years.

For example, where grazing within a native vegetation community occurs infrequently, such as once a week or month, grazing would not be considered the 'main use' of the land.

In respect to the EarthScapes report (Attachment 7) DCCEEW advised in part that:

... the EarthScapes report has generally assessed the land on 5 test case properties at Teven appropriately according to the criteria for C2 and C3 zones as listed in Tables 1 and 2 of the Recommendations Report.

In terms of negotiated agreements DCCEEW advise:

... there may be cases where a landowner requests a C3 zone or rural zone be applied despite Council determining the land meets the requirements for a C2 zone. In these cases, Council may seek to apply the C2 zone despite the landowner's objection. Notwithstanding, as set out on page 6 of the Recommendations Report, it is also not mandatory for Council to apply the C2 or C3 zone even if the land has been verified to meet the relevant C zone criteria.

The advice provided by DCCEEW accords with how Council staff have previously interpreted and applied the rules.

The interpretation of the rules by the DPHI differs though and it is the DPHI that controls the rezoning process.

2023 Conservation Zone Planning Proposal (2023 PP)

The 2023 PP included a detailed *Methodology Report* (57 pages) which was prepared by Ascent Ecology Pty Ltd.

The report detailed how the PUL was determined and sets out the methodology used to apply C and other zones.

The report included the following statement:

The environmental PLU may include some agricultural uses such as grazing where these activities are of a secondary or ancillary nature. In general, forested areas are considered unlikely to support commercial agriculture as a PLU.

The 2023 PP and the associated Methodology Report did not refer to the absence of agriculture issue.

This is also the case with respect to the 2024 DPHI prepared *Plan Finalisation Report* which recommended that the Minister's delegate make the LEP (Amendment No 55).

In respect to the DPHI *Finalisation Report* it indicates that in respect to Direction 3.4 that:

As discussed above, it is considered that the proposal is consistent with the direction, subject to the changes made by the Department as the local plan-making authority.

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

The approach and interpretations applied by the DPHI and DCCEEW are inconsistent.

Justification for applying C2 and C3 zones to privately owned land

The DPHI FAQ states that C zones are designed to protect land that is of important environmental value.

Council was initially motivated to apply C zones to privately owned land so that it would result in better vegetation management outcomes for land that had marginal agricultural potential and a high environmental value. In many cases this land was zoned for secondary agricultural purposes (Rural 1(b)) under Ballina LEP 1987.

Since the period when Ballina LEP 2012 was made (2013 to 2025) significant State based regulatory changes have occurred to provide better vegetation management outcomes for rural areas.

This includes the following:

- 2013 Local Land Services Act, and the Native Vegetation Regulatory Map 2022 which triggered enhanced clearing controls
- 2016 Biodiversity Conservation Act
- 2018 Changes to the Forestry definition in Ballina LEP 2012 which trigger consent requirements for Private Native Forestry
- 2018 Biodiversity Values Map – triggers requirement for a Biodiversity Assessment Report for any DA involving native vegetation clearing
- 2021 SEPP Biodiversity and Conservation.

In the light of more robust state-based controls related to vegetation management it is relevant for Council to consider what added value arises from zoning privately owned land for conservation purposes, particularly in cases where the landowners do not support such a zone change.

Application of a C2 or C3 zone also results in vegetation management within such a zone becoming a Council responsibility controlled by the DCP, whereas in an RU1 or RU2 zone it is Local Land Services (LLS) that is responsible for vegetation management.

Proposed guiding principles for the application of C2 or C3 zones to privately owned land

The criteria used for the 2023 planning proposal gave considerable weight to the lands ecological characteristics when determining PUL. C zones were applied to areas of vegetation as small as 500m².

In addition, a 100-metre proximity rule resulted in significant areas utilised for agricultural purposes also being designated with a PUL of conservation and a proposed C zone. This resulted if the agricultural use area was located between areas of vegetation meeting the C zone criteria.

Reviewing the previous criteria, submissions from landowners to the 2023 planning proposal, the in-depth evaluations resulting from the Teven Test Case, as well as the DPHI advice relating to the significance of establishing the absence of agriculture, all suggest that a new approach to proposing C zones on privately owned land may be required.

Based on these learnings, it is suggested that the following guiding principles are used when considering the application of C2 or C3 zone to privately owned land.

1. *Primary Use of Land (PUL).*

PUL to be assessed based on the characteristics of each lot, including recognition that different parts of a property may have different characteristics and primary land uses. This allows for different zones be applied based on specific features and uses.

2. *Minimum Land Area for C Zone.*

The minimum land area for the application of a C2 or C3 zone should not be less than 0.5ha, unless the land has been ecologically assessed as having rare characteristics.

The minimum land area may be calculated by including adjoining land (common boundary) having similar ecological characteristics.

3. *C2 – Environmental Conservation Zone.*

A C2 zone be applied to land with a PUL of environmental conservation. This is land that contains native vegetation which meet the criteria for a C2 zone as specified in the NCEZR.

In these areas natural ecological processes predominate and require minimal intervention in terms of weed control, active planting, or other vegetation management activities.

These areas are characterised by the absence of agriculture.

4. *C3 – Environmental Management Zone.*

A C3 zone be applied to land that has a PUL of environmental management. This is land that contains native vegetation which meet the criteria for a C3 zone as specified in the NCEZR.

In these areas ongoing intervention is required through weed control, active planting, or other vegetation management activities to maintain natural ecological processes.

In these areas agricultural activities are generally absent or if present are not dominant.

5. *Rural Zones.*

Rural zones be applied to land with a PUL of agriculture. These are areas where agricultural activities including cropping, horticulture, and pasture management dominate.

Such land may also include areas substantially degraded (>50%) through weed species such as camphor laurel or privet.

6. *Application.*

Unless otherwise agreed by the landowner, C2 or C3 zones only be applied to land in accordance with the guiding principles and as specified in the NCEZR.

Teven Test Case Properties

444 North Teven Road, Lot 101 DP 865070 (Lot 101)

Lot 101 has an area of 39.98ha of which approximately 23ha (57.5%) is zoned RU1 Primary Production (BLEP 2012) and the remaining 17ha (42.5%) is zoned Rural 1(b) Secondary Agriculture (BLEP 1987).

Lot 101 is primarily used for agricultural purposes being the production of beef cattle.

The 2023 planning proposal sought to rezone approximately 8.4ha of the 1(b) zoned land to C2 with the remainder (8.6ha) being rezoned as RU1.

February 2025 ecological ground truthing of vegetation located in the area originally proposed to be zoned C2 in 2023 found that this area was part of a historic banana plantation.

Access tracks and some fences are still present from this historic use.

The ecologists recommended that the 2023 area of proposed C2 zone be reduced to 3.17ha and be designated with a PUL of environmental. This area was not weed tree species dominated (Camphor Laurel and Privet).

The remaining 5.17ha (weed dominated area), which was also used for understorey grazing, was designated with a PUL of agriculture and was recommended to be zoned rural.

The landowner originally proposed that part of the area designated with a C2 zone by the ecologists be zoned C3, as that supported the occasional grazing of cattle.

Some zone boundary straightening was also proposed as per Diagram 1.

The April 2025 Council report recommended that the C2 zone, as recommended by the ecologists, be maintained and the alternatives proposed by the landowner not be accepted.

This was because the occasional grazing of cattle, within part of the C2 zone, was not considered to be the main use of the land.

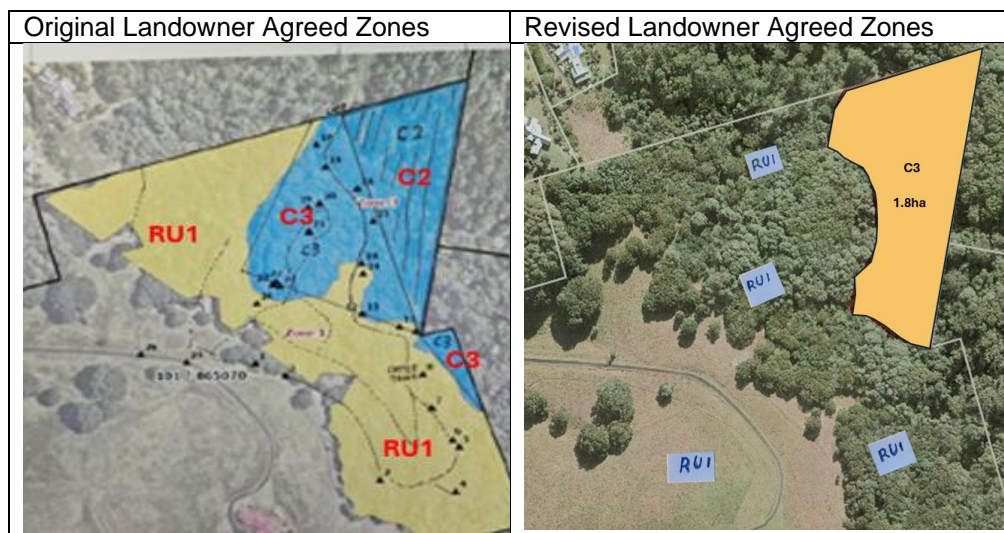
Following consideration of the DPHI advice (Attachment 3) the landowner has reduced the area they previously agreed to be zoned for conservation purposes to 1.8ha of C3 with the remaining 1(b) zoned area to be zoned RU1.

The landowner contends that part of the area they previously designated as a proposed C3 zone is used for understorey cattle grazing. This is agreed.

The 1.8ha now agreed by the landowner to be zoned C3 represents approximately 4.5% of the land area of Lot 101.

The western boundary of this area follows the line of an existing access track and old fence line which dates to the period when this part of the property was used as a banana plantation.

Diagram 1 – Landowner Agreed Rezone Areas



Council has several potential options for Lot 101:

- Take no further action to transition the deferred matter zoned area into Ballina LEP 2012
- Maintain the position recommended by the ecologists in their February 2025 report
- Proceed to prepare a planning proposal based on the landowners original mixed C2 and C3 proposal as shown in blue above
- Proceed to prepare a planning proposal based on the landowner's current C3 zone proposal for a reduced land area
- Apply the guiding principles outlined in the previous section, which supports the landowner's current C3 zone proposal as detailed below.

Application of the suggested guiding principles results in the following conclusions:

1. *Primary Use of Land* – There are variable characteristics within this lot which relate to vegetation type, topography, and vegetation location in relation to other areas on adjoining lots with similar characteristics.

On this basis a PUL of conservation management has been applied to the area now nominated by the property owner for C3 zone.

A PUL of agriculture is applicable for the remainder of the deferred matter area within Lot 101, on the basis that the vegetated areas in this part support an agricultural activity being understorey grazing.

It is also on the basis that an access track and fencing separate the area designated with a PUL of agriculture from the area designated with a PUL of conservation management.

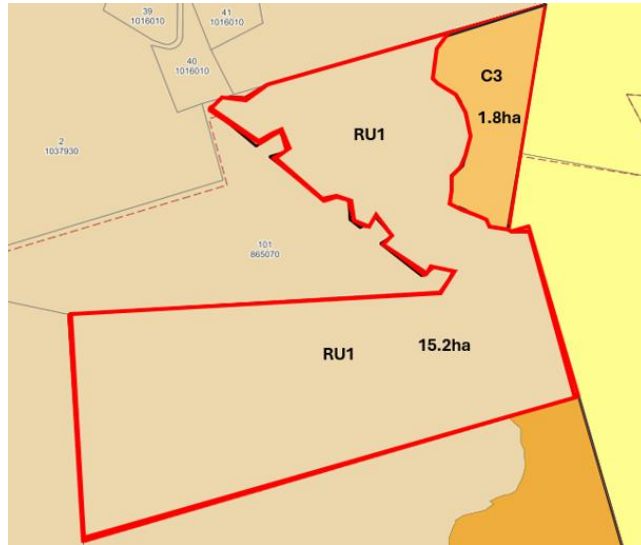
2. *Minimum Land Area* – the proposed C3 zone has an area of approximately 1.8ha and exceeds the recommended 0.5ha minimum area.

On balance given the location of the proposed C3 zone in a steep gully area, which is fenced to exclude stock (environmental management activity), as well as its proximity to adjoining land with similar attributes, acceptance of the landowner's current position is reasonable.

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

Diagram 2 shows the recommended zoning outcomes for the deferred matter area (red outline) on Lot 101.

Diagram 2 – Recommended Zoning Outcomes (deferred matter area) Lot 101



118 Beacon Road, Teven, Lot 6 DP 116231 (Lot 6)

Lot 6 has an area of 15.25ha. The whole of Lot 6 is zoned Rural 1(b) Secondary Agriculture (BLEP 1987).

Lot 6 is primarily used for agricultural purposes which include the production of custard apples, figs, beef cattle and various other agricultural endeavors.

The 2023 planning proposal sought to rezone approximately 5.4ha of the 1(b) zoned land to C2, with the remaining 1(b) zoned land (9.85ha) being rezoned to RU1.

The February 2025 ecological assessment of this property recommended that the C2 zone be reduced to approximately 3.5ha, with the remainder zoned for rural purposes.

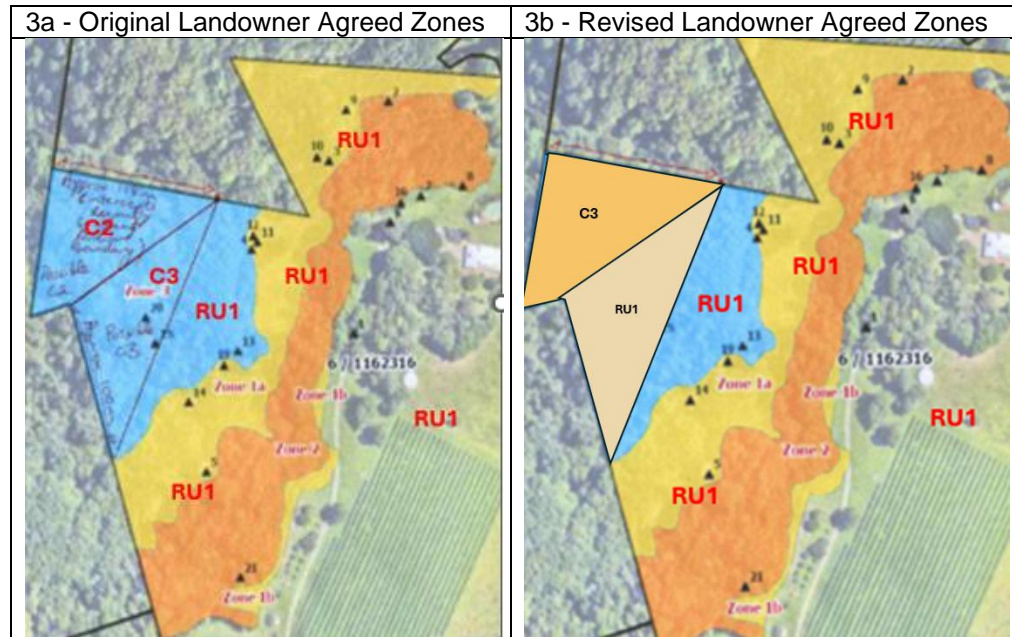
The report to the April 2025 Council meeting recommended that the proposed C2 area be further reduced to approximately 1.73ha with an RU1 zone for the remainder of the lot.

The landowners did not agree to all this area being rezoned C2 (refer to blue coloured area of Diagram 3a) but instead proposed that some of the blue-coloured area be subject to a mixed C2 and C3 zone regime.

The landowners' revised proposal is to now apply a C3 zone to only a triangular area of land in the far northwestern corner of Lot 6 as shown in Diagram 3b.

This area occupies an area of approximately 0.6ha or 4% of the lot area with the remainder of the lot requested to be zoned RU1.

Diagram 3 – Original and Revised Landowner Agreed Zones



In terms of the potential rezoning options for this property Council has a similar range of options to that outlined for Lot 101.

Application of the suggested guiding principles results in the following conclusions:

1. *Primary Use of Land* – This lot has variable characteristics in terms of vegetation type, topography, and its location in relation to other areas on adjoining lots which contains vegetation with similar characteristics.

Assessment has concluded that the area shown by the blue colour on the *Original Landowners Agreed Zones* diagram 3a warrants a PUL of conservation management with the remainder of Lot 6 being designated with a PUL of agriculture.

A PUL of conservation management has been applied as the area is generally fenced to exclude stock. Agricultural activity is not considered to be the main use.

A PUL of conservation management supports the rezoning of this area to C3.

Previously a C2 zone was proposed for all the blue-coloured area in Diagram 3a.

2. *Minimum Land Area for C Zone* – The area designated with a PUL of conservation management is approximately 1.73ha which is larger than the landowners 0.6ha agreed C3 zone.

If Council were to accept the reduced area for a C3 zone proposed by the landowners, this would still be consistent with the land area principle based on it being considered in conjunction with proposed C3 zones on adjoining lots.

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

3. *C2 or C3 zone* - a C3 zone is supported on the basis that fencing generally excludes stock from this area and the landowner undertakes weed management activities.

Vegetation within this area predominantly consists of wet sclerophyll forest. Canopy trees include Brushbox and Tallowwood with a rainforest midstorey and understorey. Forest areas were assessed to be in good condition with high environmental value.

Experimental plantings, with a potential commercial application, in this area are not considered to be of such significance as to warrant a PUL of agriculture and a rural zone being applied.

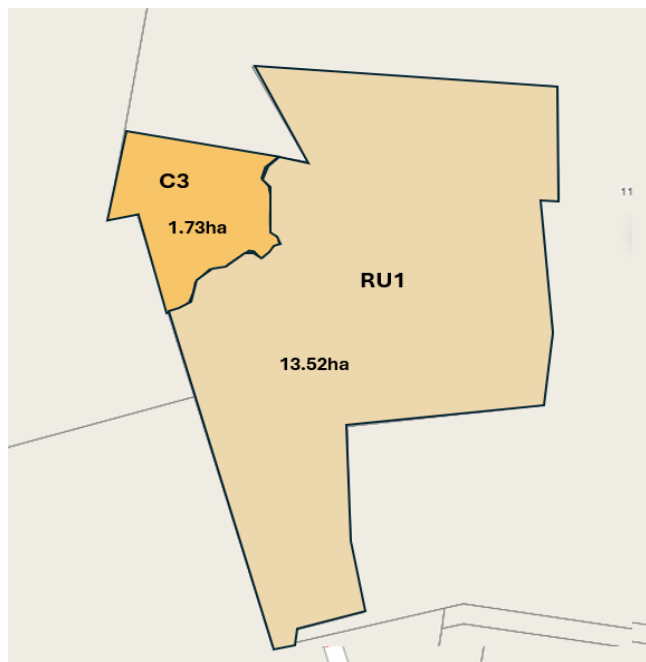
Lot 6 is not shown on the Biodiversity Values Map. The lot is located within a Koala Planning Area with a Habitat category of 'other'.

4. *Application* - Application of a PUL of conservation management and a C3 zone is consistent with the rules nominated in the NCEZR.

If a planning proposal is prepared on this basis and receives a Gateway determination from the DPHI it may result in the property owner seeking an independent review of such decision.

Diagram 4 shows the recommended rezoning outcomes for Lot 6.

Diagram 4 – Recommended Zoning Outcomes (deferred matter area) Lot 6



225 Cumbalum Road, Cumbalum, Lot 2 DP 1154979 (Lot 2)

Lot 2 has an area of 47.74ha. Approximately 44ha is zoned Rural 1(b) Secondary Agriculture (BLEP1987) with the remaining 4ha being zoned RU1 Primary Production (BLEP2012).

Lot 2 is primarily used for agricultural purposes being the production of beef cattle.

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

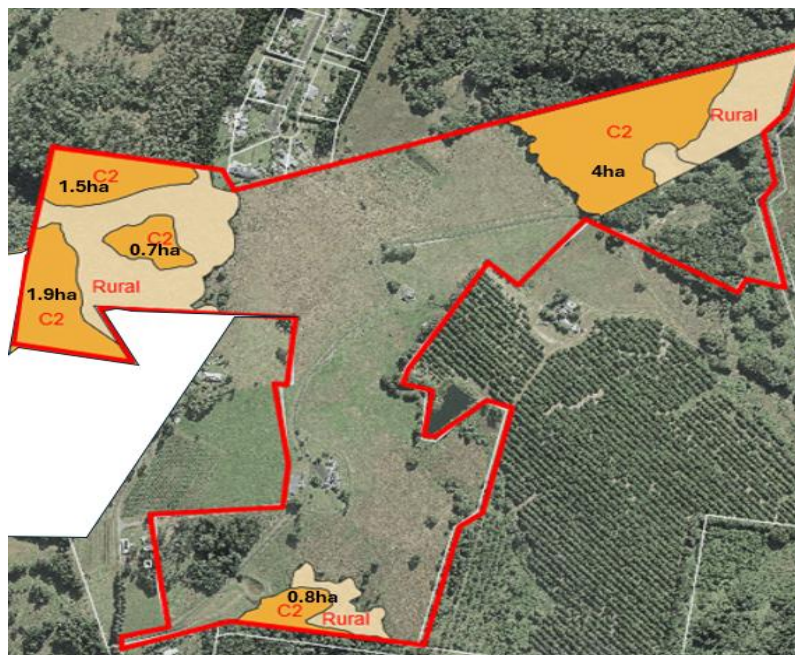
The 2023 planning proposal sought to rezone approximately 15.8ha of the 1(b) zoned land to C2 with the remaining 1(b) zoned land (28.2ha) being rezoned to RU1 and RU2.

February 2025 ground truthing of vegetation located in the area originally proposed to be zoned C2 in 2023, resulted in the ecologists recommending that the proposed C2 zoned areas be reduced to approximately 9ha (19% of the lot area).

The remaining 6.8ha was recommended to be included in a rural zone.

Diagram 5 shows the approximate area for each proposed C2 zone area as well as areas designated for a rural zone by the ecologists.

Diagram 5 – Ecologists Recommended Amendments to 2023 Planning Proposal C2 Zone Extent



The property owners previously objected to the C2 zone and sought to have a C3 zone applied instead.

The April 2025 Council report recommended that the C2 zone be maintained as recommended by the ecologists.

Following the DPHI April advice the property owners advised they object to a C2 or C3 zone being applied to any part of their property.

They maintain that the whole of the property is utilised for cattle grazing with proposed C zone areas not being fenced off from adjoining paddock areas.

Inspection of this property confirms that cattle can generally access areas designated for a proposed C2 zone due to these areas not being fenced.

However, due to the topography of these areas, their high environmental value, and little evidence of more recent agricultural activity a PUL of environmental was regarded as more appropriate.

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

This assessment does not resolve the difficulties associated with confirming an absence of agriculture within these areas.

In further negotiation in July 2025 the property owners have advised they are now agreeable to the three western most proposed C zoned areas (4.1ha) being in a conservation zone.

In return they have requested that the remainder of the deferred matter areas on Lot 2 be zoned RU1.

The areas agreed to be zoned for conservation are in the northwestern corner of Lot 2.

These areas have more special ecological value due to the way they link with vegetation on adjoining lots which is also proposed to be zoned for conservation purposes (C3).

In terms of the potential rezoning options for this property Council has a similar range of options to that outlined for the previous 2 lots.

Application of the suggested guiding principles results in the following conclusions:

1. *Primary Use of Land* - The lot has special characteristics in terms of vegetation type, topography, and its location relative to other areas on adjoining lots with similar characteristics.

The three areas in the north-western corner warrant a PUL of environmental conservation or environmental management.

On the basis that the three landowner C zone nominated areas link with areas on adjoining lots designated with a PUL of environmental management the same PUL has been applied to the areas.

Given also that these areas are not fenced from adjoining grazing paddocks and that conservation management activities including feral animal control (dog baiting) take place on a whole of farm basis the application of a conservation management PUL is considered reasonable.

The remainder of Lot 2 within the deferred matter area has been designated with a PUL of agriculture.

This has been done as the topography within the eastern most area (4ha) originally designated by the ecologists for a conservation zone is not as steep as the northwestern section of Lot 2.

Understorey grazing cannot be excluded from this area given the absence of fencing. This is also the case for the smaller area (0.8ha) adjoining the southern boundary.

2. *Minimum Area* - The combined area (4.1ha) and each individual component exceeds the minimum 0.5ha nominated in the guiding principles.

When combined with proposed C zones on the adjoining property the area increases to 7.63ha in total.

8.2 LEP 2012 - Deferred Matters - Seven Test Cases and Continuation

3. *C2 or C3 zone* - In respect to the vegetation contained within the three areas assigned with a PUL of environmental management the ecologists found that the vegetation was wet sclerophyll forest. Some areas were dominated by Brushbox and other areas also contained Tallowwood (Koala food tree). Rainforest species were also found within these areas at the understorey and midstorey level.

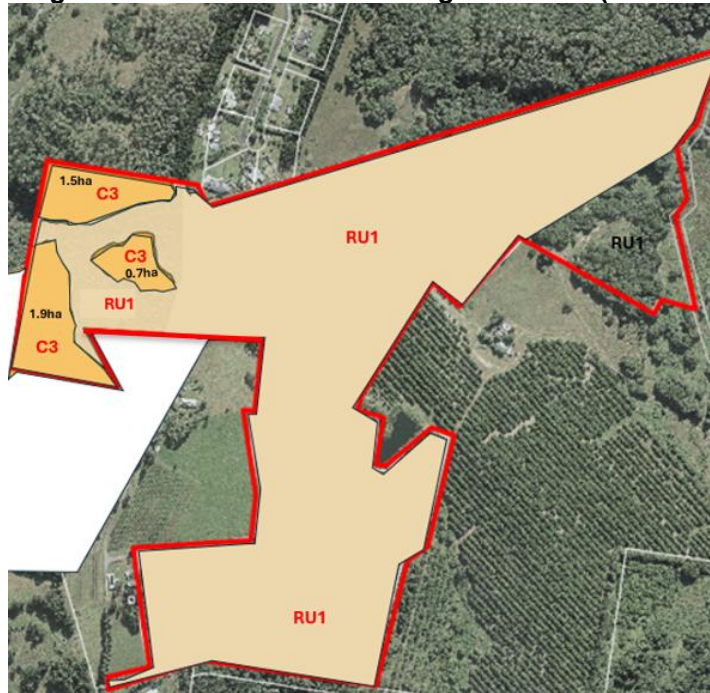
Generally, the native vegetation is in good condition and has high environmental value.

The vegetation meets the C2 and C3 zone criteria being designated as native vegetation in over cleared Mitchell Landscapes and as a key threatened species habitat.

A C3 zone has been nominated for the three areas in the northwestern corner based on consistency with proposed zones on adjoining land and due to the inability to rule out occasional understorey grazing.

Diagram 6 shows the zones recommended for deferred matter areas on Lot 2. These zones are also recommended based on a negotiated development outcome as provided for within the NCEZR.

Diagram 6 – Recommended Zoning Outcomes (deferred matter area) Lot 2



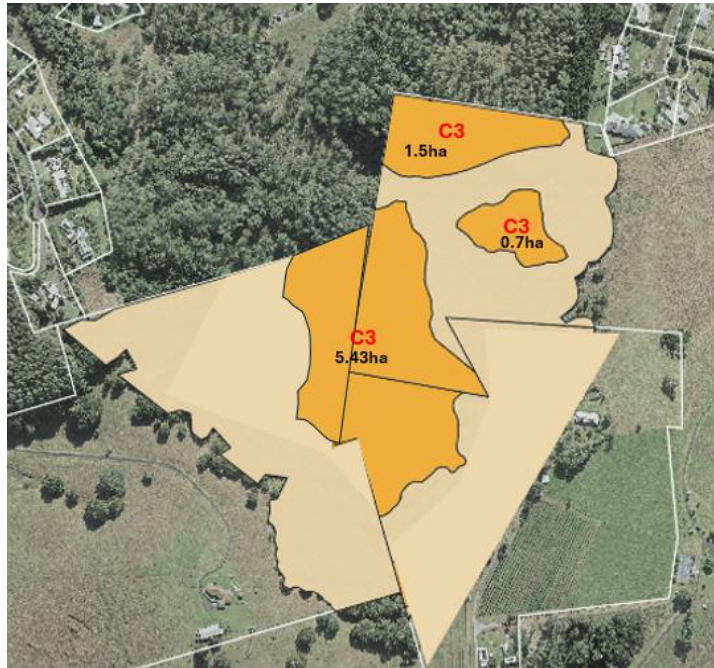
Consolidated Conservation Outcomes Recommended for Lots 101, 6 and 2

Diagram 7 shows how the proposed C3 zones on Lots 101, 6 and 2 fit together.

The total proposed C3 zoned area is 7.6ha.

The owners of Lots 101 and 2 have agreed to the location and extent of proposed C3 zones whereas the owner of Lot 6 has not agreed to the full extent of the proposed zone.

Diagram 7 - Teven Test Case Consolidated C Zone Outcomes



54 Beacon Road, Teven, Lot 104 DP 862670 (Lot 104)

Lot 104 has an area of 9.8850ha. Lot 104 is zoned partly Rural 1(b) Secondary Agricultural (9.1ha) and partly Rural 1(e) Extractive and Mineral Resources (0.8ha) under the provisions of LEP1987.

The 2023 planning proposal sought to rezone approximately 2ha of Lot 104 as C2 with the remainder proposed to be zoned RU1.

The C2 zone was in 4 separate sections with the largest section having an area of around 0.7ha.

The February 2025 ground truthing of Lot 104 resulted in the C2 area being reduced to approximately 1.4ha located in 3 sections as shown in Diagram 8 below.

Diagram 8 - Ecologists Recommended Amendments to 2023 Planning Proposal C2 Zone Extent



Lot 104 was the subject of an ownership change in April 2025.

The previous and current owners do not support any part of Lot 104 being zoned for conservation purposes.

The previous owner revegetated sections of Lot 104.

Applying NCEZR rules, a conservation zone could not be applied to the revegetated areas without that owner's consent.

This rule does not apply to the current owner.

The previous owner also excluded cattle from some of the revegetated areas, through fencing and gates, whereas the current owner has advised that they have recently reintroduced cattle to previously excluded areas.

In terms of the potential rezoning options for this property, Council has a similar range of options to that outlined for the previous three lots.

Application of the suggested guiding principles would support a PUL of environmental being applied to the areas previously recommended for a C2 zoning.

The C2 zoning was recommended based on the characteristics of the vegetated areas at the time of Council's on-site assessment.

The proposed C2 areas also adjoin C2 zoned land on adjacent properties.

This is now complicated by the landowner's indication that cattle have been allowed into these restored areas since Council last visited the property.

Based on Council's original inspection and ecological reporting for the test case program, it is recommended that Council maintains a proposed zoning of C2 for the three areas shown in Diagram 8.

If the landowner disagrees with this and has evidence of agricultural activities, this can be provided in response to public exhibition of the planning proposal, or the owner can seek a review by DPHI.

An alternative approach, that recognises environmental values, and the previous restoration works as a site management initiative, is for Council to apply a C3 zone rather than a C2 zone to the nominated areas.

660 Teven Road, Teven, Lot 1 DP 1166050 and Lot 1 DP 12072272

The whole of this property has previously been assigned a PUL of agriculture and was recommended to be wholly zoned as rural. This property is primarily used for agricultural purposes being cattle grazing and as an orchard. Trees located on the property are predominantly Camphor Laurel.

No changes are proposed to this PUL designation. The recommended zoning outcome for this property is rezoning to RU1. This rezoning outcome is supported by the property owner.

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

Summary of Test Case Rezoning Recommendations

Table 1 details the test case evaluation recommendations contained in the April 2025 Council report (Item 8.3) and the zone change recommendation now proposed.

Changes are recommended following consideration of DPHI advice, negotiation with landowners and consideration of the guiding principles.

Table 1 – Teven Test Case Summary of Zone Change Recommendations

Property	April 2025 Recommendation	Revised Recommendation
444 North Teven Road, Teven (Lot 101 DP 865070)	Proceed with application of C2 zones as recommended by the ecologists with an RU1 zone to be applied to the remaining deferred matter areas.	Apply a mixed PUL of agriculture and environmental management. Rezone deferred matter area as shown in Diagram 2.
118 Beacon Road, Teven (Lot 6 DP1162316)	Apply a C2 zone to the western area as indicated in Figure 3 with an RU1 zone to be applied to the remaining deferred matter areas.	Apply a mixed PUL and zoning regime of agriculture and environmental management. Rezone the lot as shown in Diagram 4.
54 Beacon Road, Teven (Lot 104 DP 862670)	Proceed with application of C2 zones as recommended by the ecologists with an RU1 zone to be applied to the remaining deferred matter areas.	Apply a mixed PUL of environmental conservation and agriculture and rezone deferred matter area as shown in Diagram 8 (noting all areas outside C2 zone would be zoned RU1.)
660 Teven Road, Teven (Lot 1 DP 1166050 & Lot 1 DP 1207272)	Apply an RU1 zone to all the deferred matter areas on this property.	Apply a PUL of agriculture to the whole of the deferred matter area on this lot and rezone these areas to RU1.
225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979)	Proceed with application of C2 zones as recommended by the ecologists with an RU1 zone to be applied to the remaining deferred matter areas.	Apply a mixed PUL of agriculture and environmental management. Rezone deferred matter area as shown in Diagram 6.

Confidential Submissions to 2023 Conservation Review

Not included in Amendment No 55 were 157 lots that were the subject of landowner objections (including the Teven test cases discussed), apart from five lots for which confidential submissions were made.

This meant these properties were zoned as proposed in Council's 2023 planning proposal, instead of being excluded.

Report 8.2 to the April 2025 Council meeting recommended that ground truthing and preparation of a zoning recommendations report be prepared for these five properties unless the landowner does not consent to ground truthing.

In this case, zoning recommendations would be based on available ecological mapping, aerial photography and landowner submissions.

Responses have been received from three of the five affected owners.

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

Two of these owners agreed with ground truthing of their properties and evaluation by ecologists and one declined as detailed below.

278 Marom Creek Road, Meerschaum Vale

The landowners advised Council as follows by email dated 3 April 2025:

In response to your letter dated 30 March 2025 document SP006–06 we do not give permission for you to come on our property. We strongly oppose this conservation review and will continue to oppose the rezoning with various government agencies.

Council has been on our property in the past and has enough data from those previous visits. The trees, as previously stated in other documents to you, are not Australian natives. They are Camper Laurel and other introduced species that have been deemed as noxious weeds. There is not the native wildlife on our property as they have been decimated by the wild dog population.

I will forward a copy of this objection to the Department of planning housing and infrastructure their documentation PP – 204–2305/IRF24/2548 so that they are aware of our objection.

A further invitation to discuss the response was forwarded to the landowners, together with a copy of the EarthScapes Teven Test Case report.

No further response has been received.

Unless the landowners initiate further communication with Council regarding the zoning of their property, no further action is proposed.

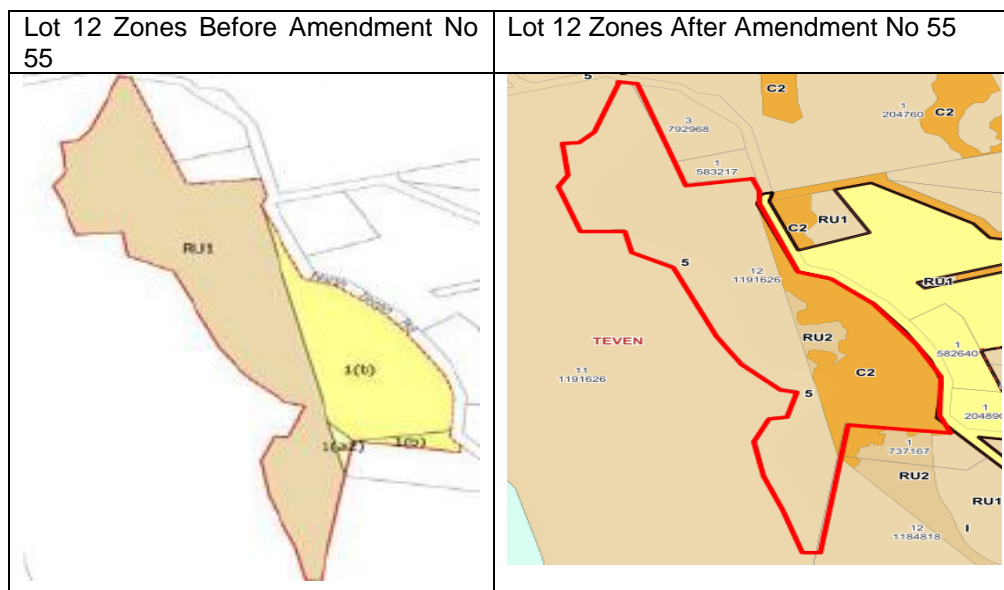
287 North Teven Road, Teven, Lot 12 DP 1191626 (Lot 12)

Lot 12 has an area of 24.86ha and is zoned partly RU1, RU2 and C2 under BLEP 2012.

Prior to Amendment No 55 Lot 12 was zoned part Rural 1(a1) and 1(b) under the provisions of BLEP1987 and part RU1 under the provisions of BLEP 2012.

Diagram 9 shows the way Lot 12 was zoned prior to Amendment No 55 and its current zoning.

Diagram 9 – Zoning Diagrams Lot 12 Before and After Amendment No 55



The C2 zone occupies approximately 7.2ha or 29% of the area of Lot 12.

The landowner objected to the 2023 planning proposal based on mapping inaccuracies, revegetation by owner of proposed C2 areas, and claimed PUL of farming and grazing.

The *Gyde Consulting* 2023 evaluation of the landowner's submission recommended correction of cadastral misalignment before fixing zone boundaries, undertaking of ground truthing to confirm PUL and vegetation type, amending the RU2 zone to an RU1 zone, and removal of the C2 zone from cleared areas.

Lot 12 was subject to ecological ground truthing in May 2025.

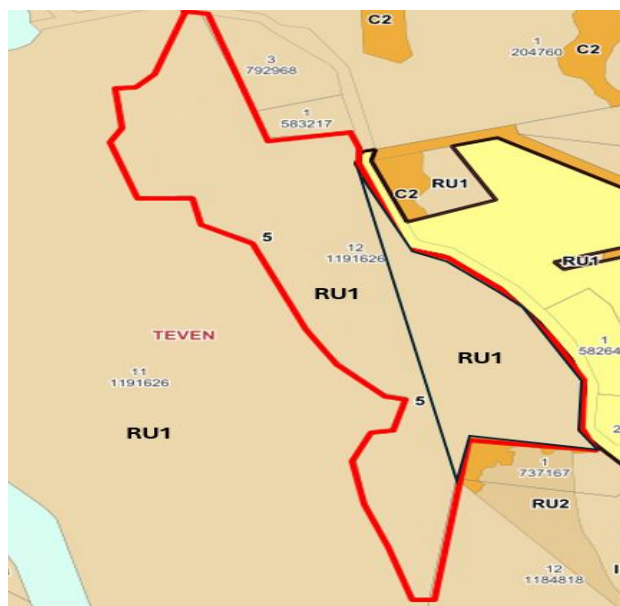
Attachment 5 contains a copy of the EarthScapes Ecological Report.

The ecologists site visit assessment states that:

No Threatened Ecological Communities (TECs) or threatened species were observed. None of the vegetation observed meets the criteria for a C2 or C3 zone because of the dominance of weed species, especially the Camphor laurel dominated canopy. The study area is best suited to a Rural zone.

Application of the suggested guiding principles results in a PUL of agriculture (cattle grazing) being applied to this lot and a recommended zoning of RU1 as shown in Diagram 10.

Diagram 10 – Proposed Zoning Outcome for Lot 12

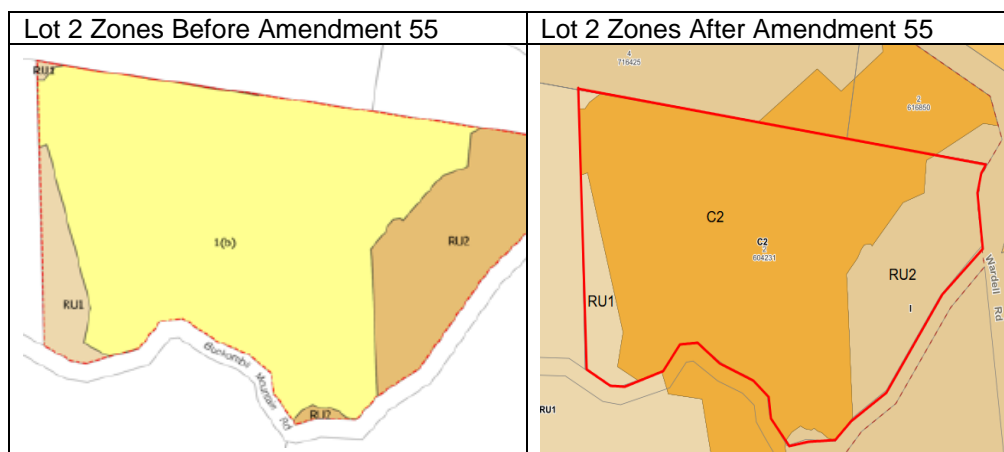


54 Buckombil Mountain Road, Meerscham Vale, Lot 2 DP 604231(Lot 2)

Lot 2 has an area of 13.49ha and is zoned partly C2, RU1 and RU2. The C2 zone occupies an approximate area of 10.5ha or 78% of the lot area.

Prior to Amendment No 55 Lot 2 was zoned part Rural 1(b) under BLEP1987 and part RU1 and RU2 under BLEP2012. Diagram 11 shows the zoning of Lot 2 prior to and after (current zoning) Amendment No 55.

Diagram 11 – Zoning Diagrams Lot 2 Before and After Amendment No 55



The landowner had objected to the 2023 planning proposal and the proposed C2 zone based on financial impact, cleared land being designated for C2 zoning, loss of development opportunities for dual occupancy and cabins, and ongoing need to manage existing Asset Protection Zones (APZ).

The *Gyde Consulting* 2023 evaluation of the landowner's submission recommended ground truthing to verify vegetation type, checking of cadastral alignment of zone boundaries and application of an RU2 zone to the areas occupied by the dwelling and APZs.

Lot 2 was the subject of ecological ground truthing in June 2025.

Attachment 6 contains a copy of the EarthScapes Ecological Report.

Lot 2 is wholly located within a *Koala Planning Area* with the area subject to the C2 zone mapped as *Core Koala Habitat – Secondary Areas B and C*.

These areas, except for the area occupied by the dwelling, are also reflected in the NSW 2022 *Biodiversity Values Map* and designated as *Core Habitat* within an approved Koala Plan of Management.

The ecologists advised that vegetation on the property is predominantly Northern Brush Box Subtropical Wet Forest with rainforest regrowth present in gullies.

This vegetation type meets the criteria for a C2 zone as it contains threatened species habitat.

No evidence of koala activity on this property was found at the time of inspection.

The property owner advised that since the construction of the Pacific Motorway koalas have not been sighted on this property.

The ecologists classified the vegetation as 'open forest' with poor midstorey and fair understorey.

There were no old growth forest trees and a low density of weeds.

A PUL of environmental was nominated by the ecologists for the existing C2 zoned area.

The ecologist recommended that the area of the driveway, house and APZs be excised from the conservation zone and zoned rural and the C2 zone be changed to C3.

This was partly influenced by the C3 zoning of a neighbouring property (owned by Transport for NSW), which contains the same vegetation community.

The site visit found the vegetation within the C2 zoned area to be in overall good condition. This is attributed to the landowner's substantial vegetation management work, consisting mainly of weed species removal, with some replanting, over a 25-year period.

This work extended to the rainforest regrowth areas in gullies which have been maintained mostly weed free.

In accordance with the suggested guiding principles, application of a C3 zone to areas previously zoned C2, excluding the dwelling related areas, is supported.

This is based on the need for ongoing intervention to maintain the natural ecological processes on this land.

Diagram 12 shows the zoning outcomes negotiated with the property owner, which require Council endorsement to progress to a rezoning planning proposal.

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

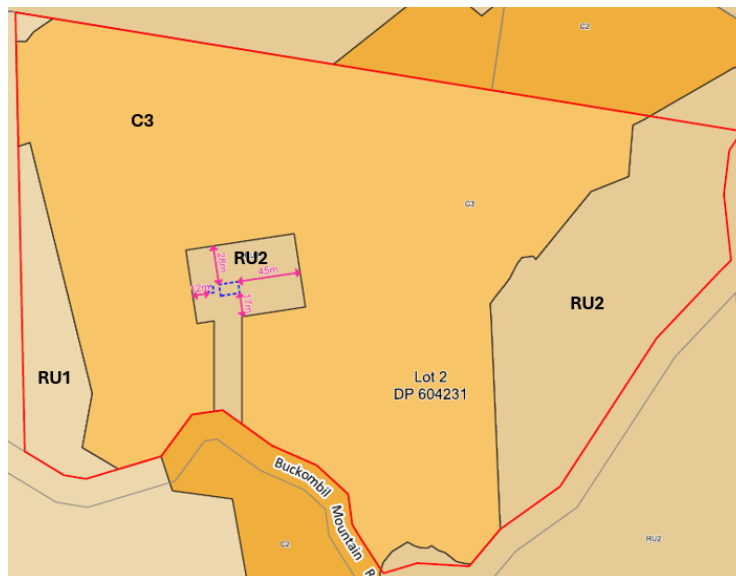
The map shows application of the C3 zone to that part of Lot 2 zoned C2 with the area occupied by the dwelling including the APZs and driveway to be zoned RU2.

The APZs required by the 2009 development consent for the dwelling (DA2009/284) have been extended from 30 to 45 metres east of the dwelling.

This is supported by the applicant's then submitted Bush Fire Assessment.

A 20-metre wide RU2 corridor has also been placed generally over the area occupied by the access driveway.

Diagram 12 - Proposed Zoning Outcomes 54 Buckombil Mountain Rd



Transitioning Program for land Excluded from Amendment No 55

The April 2025 Council report (Item 8.2) proposed options for the transitioning of the deferred matter land excluded from Amendment No 55 into BLEP 2012.

The recommendations of that report included a proposal for a staged annual program.

Such a program is no longer supported due to the extra complexity introduced by the DPHI maintaining their 'absence of agriculture' test position.

The Teven Test Cases highlight the difficulties associated with negotiating rezoning outcomes in accordance with the NCEZR rules as amended by the DPHI guidance documents.

With respect to transitioning the remaining privately owned deferred matter (conservation) lots, 120 of these lots may require ground truthing, which is not feasible in terms of available resources.

There is also Council owned and other land not in private ownership that needs to be considered.

The approach now proposed has the following elements:

1. Transitioning of privately owned deferred matter affected properties into BLEP 2012 for zones substantially other than C2 or C3 to be the subject of proponent-initiated planning proposals. This includes the payment of fees as nominated in Council's Schedule of Fees and Charges.
2. Private property owners wishing to transition deferred matter affected properties to be substantially zoned C2 or C3 to be incorporated in a Council initiated planning proposal on an annual or as required basis generally concurrently with the general amendments planning proposal process. These property owners to be exempt from rezoning fees.
3. Transitioning of Council owned properties excluded from Amendment No 55 be the subject of a planning proposal to be prepared for the consideration of Council within the next 12-month period.
4. Transition of government agency and JALI properties excluded from Amendment No 55 be considered on an on-request basis.

Delivery Program Strategy / Operational Plan Activity

Reviewing deferred matter areas and the preparation of planning proposals aligns with the 2025 – 2029 Delivery Program and Operational Plan Healthy Environment Direction - Strategy HE3.1 *Develop and implement plans that balance the built environment with the natural environment.*

Community Engagement Strategy

Further consultation with affected landowners and nearby property owners will occur in accordance with Council's Community Participation Plan and the requirements of the *Environmental Planning and Assessment Act 1979* and associated Regulation.

Consultation will take place once a planning proposal has been prepared, and a Gateway determination made, which allows the proposal to proceed to public exhibition.

Financial / Risk Considerations

The ecological evaluations referenced in this report cost approximately \$1,600 per property plus GST.

Staff costs to date and any additional staff costs associated with the preparation of a planning proposal will be met through existing budget allocations.

Options

Option 1 – Take no further action

This option is not recommended.

Council has already invested considerable resources into reaching a resolution in respect to the Teven Test Case properties, the benefits of which would be lost if this project did not proceed to the planning proposal stage.

This is also the case in respect to the properties subject to the previously unconsidered objections.

Further with the Teven Test case properties, although there have been substantial points of difference and changes, Council and the landowners have engaged in the process to try and resolve the zoning issues in good faith and considerable effort has been expended to date.

This is a sound basis for completing the deferred matters transition for these properties.

Option 2 – Teven Test Case Properties - Maintain Position as Recommended in the Report to Council on 24 April 2025 (Item 8.3)

It is open to the Council to maintain the position as previously recommended.

This position was mainly in line with the PUL, and zone recommendations contained within the ecological evaluations and the preparation of a planning proposal on that basis.

Adopting this position may not receive the support of the DPHI as it conflicts in each case with their policy guidance position.

It will also likely result in considerable landowner objection. It is for these reasons that this option is not recommended.

Options 3 – Adopt the Guiding Principles outlined in this report and the amended PUL and zones recommended for the Teven Test Case Properties, and the properties subject to unconsidered objections. Adopt the transition strategy detailed in this report.

This is the recommended option.

Adopting this option will result in the preparation of one planning proposal dealing with all seven properties referenced in this report.

The adoption of the guiding principles will also assist in the determination of any future rezoning proposals relating to deferred matter affected properties excluded from Amendment No 55.

Adoption of the transitioning strategy detailed in this report will also better ensure that planning proposals which seek to transition land into BLEP 2012 to maximise landowner perceived economic benefits proceed on a fee for service basis.

This also recognises Council's limited resource capacity to continue with the deferred matters integration.

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

Council can effectively operate and administer its planning framework with two LEPs, with this now having been demonstrated for over ten years.

RECOMMENDATIONS

1. That Council adopts the six guiding principles, as detailed in this report, to evaluate the appropriateness of a C zone being applied to privately owned land.
2. That Council adopts the revised primary use of land (PUL), and zone recommendations contained within Table 1 of this report, for the Teven Test Case properties, and prepare a planning proposal on that basis. The planning proposal is to be submitted for a Gateway determination and subsequent public exhibition.
3. That Council adopts the PUL recommendations in this report, in respect to 287 North Teven Road, Teven and 54 Buckombil Mountain Road, Meerschaum Vale and the zoning outcomes shown in Diagrams 10 and 12. These properties to be incorporated in the planning proposal referenced in point 2.
4. That Council further consider the zones applied to the remaining three properties, subject to unconsidered objections, as detailed in this report, if requested to do so by the property owners, at no cost to the owners.
5. That further transitioning of privately owned deferred matter affected properties into Ballina LEP 2012, for zones substantially other than C2, or C3, be the subject of proponent-initiated planning proposals. This includes the payment of Council's fees and charges.
6. That private property owners seeking to transition deferred matter affected properties to be substantially zoned C2, or C3, be exempt from Council's rezoning fees and charges, as the proposals are to be incorporated into a Council prepared planning proposal, on an annual, or as required basis, concurrently with periodic reviews of the LEP.
7. The transition of Council owned deferred matter properties, excluded from Amendment No 55, are to be included in a planning proposal, within the next 12 months.
8. The transition of Government Agency and JALI Local Aboriginal Land Council owned deferred matter properties, excluded from Amendment No 55, are to be considered on an on-request basis.

Attachment(s)

1. Planning and Environment Secretary letter to Ballina Council - E Zone Review - 1 March 2016 [⇒](#)
2. DPHI 2023 FAQ Northern Councils C Zone Review [⇒](#)
3. Email Correspondence from Department of Planning Housing and Infrastructure re: Absence of Agriculture Issue [⇒](#)
4. Letter from DCCEEW regarding Primary Use of Land - Absence of Agriculture Issue [⇒](#)
5. EarthScapes Report - 287 North Teven Road [⇒](#)
6. EarthScapes Report - 54 Buckombil Mountain Road [⇒](#)

8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation

7. EarthScapes Report - Review of C zone on Teven Test Case properties
[!\[\]\(1207edb9a08751d3d55970560645ed23_img.jpg\)](#)

8.3 Local Environmental Plan - General Amendments

8.3 Local Environmental Plan - General Amendments

Section Strategic Planning

Objective To outline proposed amendments to the Ballina LEP 2012 as a result of a periodic review.

Background

Council undertakes periodic reviews of the Ballina Local Environmental Plan 2012 (LEP) to identify issues and make minor modifications to ensure it is operating effectively and reflects Council's strategic planning. The last review was initiated at the 25 July 2024 Ordinary meeting and it is anticipated this will be finalised soon by the Department of Planning, Housing and Infrastructure (DPHI).

This current review has identified a range of issues that are low impact or consistent with Council's strategic planning framework. These are described within this report and detailed in the attached Planning Proposal. It is recommended that Council progresses the planning proposal to public exhibition to seek community feedback.

Key Issues

- Function and operation of the Ballina Local Environmental Plan 2012

Discussion

This planning proposal seeks to amend the Ballina Local Environmental Plan 2012 to address a range of routine or minor planning matters, progress strategic planning policy, and/or improve interpretation and operation of the plan to ensure it remains contemporary.

The proposed amendments are summarised in Table 1 and discussed in more detail directly after the table.

Table 1: Summary of Proposed Amendments

Item	Location	Affects (LEP)	Details
1	Cumbalum & Ballina	Map DWE_005B	Removal of land at Cumbalum (historic Lot 2 DP1171927) from the Dwelling Opportunities Reinstatement Map to reflect residential subdivision that has occurred in the area.
2	Lennox Head	Schedule 5 Part 1, Part 3 and Map sheet HER_005D	Heritage items are to be more precisely located within the LEP (post residential subdivision approval) so they are not identified on lots within an approved subdivision that do not contain heritage items.
3	Wollongbar	Map LZN_001B	Change of zone from R2 Low Density Residential to R3 Medium Density

8.3 Local Environmental Plan - General Amendments

Item	Location	Affects (LEP)	Details
			Residential for property at 5 Smiths Lane, Wollongbar
4	Shire Wide (Residential zones)	Schedule 2	Introduce a clause to allow an approved dwelling to be used as an 'Exhibition Home' as Exempt Development.
5	Lennox Head and Alstonville (E1 Local Centre Zone)	Maps HOB_002 & HOB_005	Increase the maximum height of building controls from 9m to 10m at Alstonville and 11m at Lennox Head within areas zoned as E1 Local Centre.
6	Alstonville (Tuckombil Quarry)	Clause 7.18	Amend Clause 7.18(3) so that accommodation options can be considered in association with ' <i>recreation facilities (outdoor)</i> ' at Tuckombil Quarry, and to add ' <i>camping ground</i> ' as another form of permissible on-site accommodation where it is associated with existing permitted uses.
7	Shire Wide (Rural zones RU1 & RU2)	Clause 4.2A(4A)	Introduce an additional subclause that requires consideration of the impact of dual occupancies on scenic amenity and rural character.
8	Shire Wide (Rural zones RU1 & RU2)	Land Use tables for zones RU1 and RU2 and delete Clause 4.1C.	Remove rural workers' dwellings as a permitted use.
9	Ballina (airport precinct)	Schedule 4 Part 1	Change the classification of the following lots from 'Community' to 'Operational Land': Lots 1 and 2 DP 1221472.
10	Shire Wide (R2 Low Density Residential Zone)	Land Use table for R2 zone, plus Clause 7.17, Schedule 1 and associated maps.	Add dual occupancy as a use permitted with consent in the R2 Low Density Residential zone and remove clauses that currently permit dual occupancies in certain circumstances in R2 zoned areas at Alstonville, Wollongbar and Wardell and Lennox Head.

Item 1: Correction to Dwelling Opportunities Map at Cumbalum

Issue and Justification

Council's *Dwelling Opportunity Reinstatement Map* identifies land where Council records indicate historic dwelling entitlements exist. Land at Cumbalum, formerly identified as Lot 2 DP1171927, has been subject to a rezoning and subdivision and is now comprised of many residential lots. As such, the dwelling entitlement for the 'parent lot' no longer exists and the LEP map should be updated to reflect this.

Proposed Amendment

It is proposed to amend the *Dwelling Opportunity Reinstatement Map(s)* DWE_005B to remove the subject property.

Item 2: Heritage Items at Lennox Head

Issue and Justification

There are several heritage items listed in Part 1 of Schedule 5 of the LEP at Lots 1 and 2 DP 1070446 that are associated with the former “Henderson Farm” at Hutley Drive, Lennox Head.

This land is accessed from Daybreak Way within the Epiq Estate. The heritage items are:

- I65 - Fig tree (planted by Ted Henderson in 1947 on former “Henderson Farm”)
- I66 - Norfolk Island Pines
- I67 - Dry Stone Walls (walls known as “wall a” and “wall b” on former “Henderson Farm”).

In addition, the following item is listed in Part 3 of Schedule 5 as an archaeological site on Part of Lot 2 DP 1070446.

- A4 - Historic “Henderson Farm” items/features (including historic tree plantings—bunya pines, circle of stones, half circle of stones, well site, location of farm buildings and ruts).

The heritage items mapping in the LEP is shown in Figure 1.

Typically, these maps identify heritage items as being associated with a parcel of land, and this is presently the case in the Ballina LEP 2012.



Figure 1: Current LEP Heritage Map (HER_005D) with aerial background

8.3 Local Environmental Plan - General Amendments

Lot 2 DP 1070446 was subject to a minor boundary adjustment and as a result, the property description was changed, and Lot 2 DP 1070446 no longer exists.

This land is owned by Council and is now Lot 1 DP1270120.

Lot 1 DP 1070446 is subject to an approved residential subdivision (Lennox Rise estate) and under the current LEP mapping, all future lots will be identified as containing items of heritage significance on their Section 10.7 Planning Certificates.

This would preclude future residential development from being undertaken through a Complying Development approval pathway.

The heritage items have been surveyed and polygons on the relevant LEP heritage map are intended to precisely locate these items. In undertaking the survey work, it was discovered that item I65, the fig tree planted by Ted Henderson, is located within an area of Deferred Matter land and as such, should not be listed within the Ballina LEP 2012.

It is already listed separately within the Ballina LEP 1987 as item #50 in Schedule 1.

In addition, items listed as part of archaeological site A4 no longer exist or are located in an area of land that is deferred from the Ballina LEP 2012 and as such, should not be listed in the LEP 2012. This applies to Council owned land. These items are also contained within the Ballina LEP 1987.

Proposed amendment

The proposed amendment aims to accurately identify the location of the heritage items by amending LEP Map HER_005D as shown below in Figure 2.

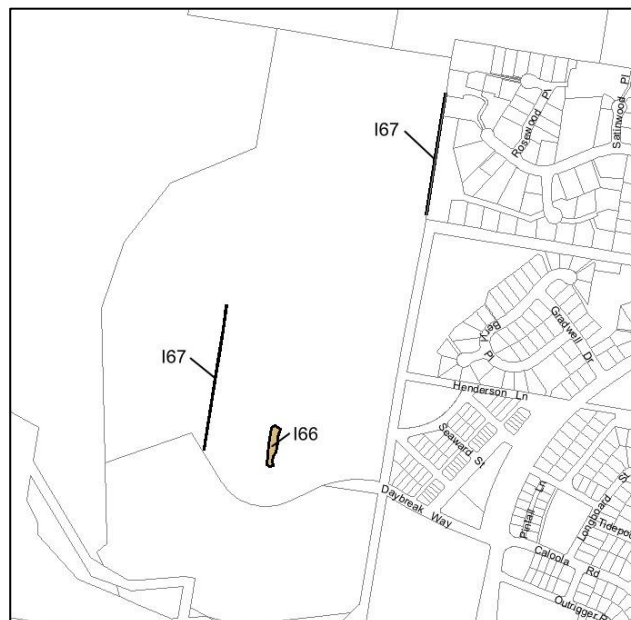


Figure 2: Proposed amendment to heritage map (HER_005D)

8.3 Local Environmental Plan - General Amendments

Consequential amendments are proposed to the LEP written instrument as follows:

Schedule 5, Part 1 Heritage Items

- ~~I65 - Fig tree (planted by Ted Henderson in 1947 on former “Henderson Farm”) Part of Lot 1, DP 1070446~~
- I66 - Norfolk Island Pines – **Part of** Lot 1, DP 1070446
- I67 - Dry Stone Walls (walls known as “wall a” and “wall b” on former “Henderson Farm”). – **Part of Lot 1** ~~Lots 1 and 2,~~ DP 1070446

Schedule 5, Part 3 Archaeological Sites

Remove item A4 from the LEP as all the items associated with the listing have either been removed or are in an area identified as Deferred Matter that is outside the jurisdiction of the Ballina Local Environmental Plan 2012.

Item 3: Change of zone for property at 5 Smiths Lane, Wollongbar

Issue and Justification

The Wollongbar Strategic Plan 2019 – 2039 sets out a range of actions to be undertaken to meet the community vision and locality objectives set out in the plan. The plan includes an objective to, “*ensure that Wollongbar continues to grow so as to facilitate well planned housing choice and employment opportunities*” and a strategic action to “*consider LEP amendment applications for 5 Smith Lane, Wollongbar (R2 to R3).*”

5 Smith Lane is adjacent to the E1 Local Centre zoned shopping centre in Simpson Avenue and is highlighted in Figure 3. The proposed rezoning to R3 Medium Density Residential is consistent with residential land to the north.

There is an existing consent for the site for construction of a seniors housing development. The consent has not been activated, and the proposed change of zoning does not impact upon the existing approval.



Figure 3: Location of 5 Smith Lane, Wollongbar

8.3 Local Environmental Plan - General Amendments

Proposed amendment

It is proposed to amend LEP Map LZN_001B to change the zone from R2 Low Density Residential to R3 Medium Density Residential for 5 Smith Lane, Wollongbar (Lot 1 DP 244611).

Item 3: Change of zone for property at 5 Smiths Lane, Wollongbar

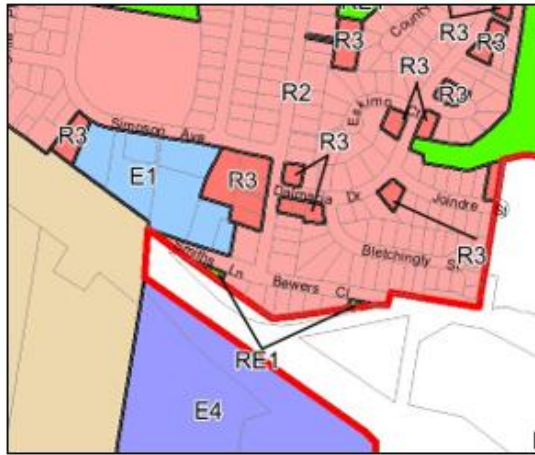


Figure 4: LZN_001B Current

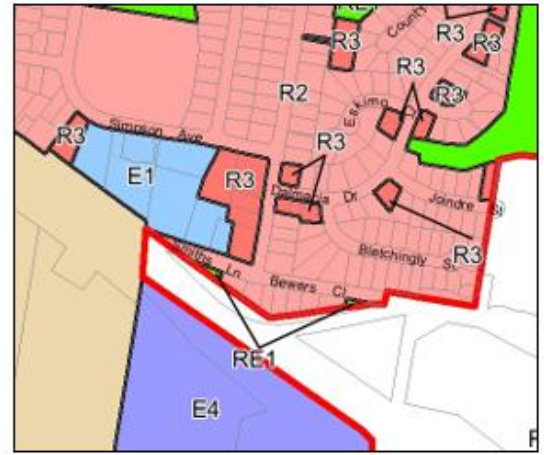


Figure 5: LZN_001B Proposed

Item 4: Exhibition homes permitted as exempt development

Issue and Justification

Housing construction companies working in new residential subdivisions often utilise 'exhibition homes' as a way of marketing their products to potential buyers. The LEP definition is:

Exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

Conversations between industry representatives and Council planning staff have identified that the current process requires separate development consents for the construction of a dwelling and then for the use of the structure for the purpose of an 'exhibition home', which is cumbersome and unnecessarily time consuming for all parties.

Proposed amendment

A new clause in Schedule 2 of the Ballina LEP 2012 to allow an approved dwelling, or dual occupancy, to be used as an 'exhibition home' as exempt development within prescribed times, for a maximum of three years is proposed as follows:

Exhibition Homes

- (1) This clause applies to dwellings or dual occupancies within a Residential zone.
- (2) The dwelling or dual occupancy must have development approval and have been issued with any form of occupation certificate, including a partial occupation certificate.

(3) *The use of a dwelling or dual occupancy for the purpose of an exhibition home is exempt development where:*

- (a) the period of the use as an exhibition home does not exceed three years,*
- (b) any associated advertising or signage must comply with the exempt signage provisions under the Ballina Local Environmental Plan (2012) or the applicable SEPP.*
- (c) any associated fencing must comply with the exempt fencing provisions within the applicable SEPP.*
- (d) the hours of operation for the exhibition home are limited to 8am-6.30pm Monday to Sunday.*
- (e) If the exhibition home includes a sales and/or finance office – The sales/finance office is located within or adjacent to the lot with the exhibition home.*

Item 5: Change height of building controls within E1 Local Centre zoned areas at Lennox Head and Alstonville

Issue and Justification – Lennox Head

Council has adopted several place-based strategies to identify planning objectives and priorities within local geographic communities.

The *Lennox Head Strategic Plan 2023-2043* adopted in October 2023, guides Council's strategic planning and decision making for the Lennox Head and Skennars Head area. There is an objective to '*maintain and enhance local character, village feel and sense of community*'. The plan includes an action to '*consider granting variations to the maximum height of building (HOB) for the E1 Local Centre zone in Lennox Head up to 10 metres.*'

The current HOB control for this area is 9m, which is 0.5 metres higher than the height of building limit for residential areas in Lennox Head.

An increase to 10m was identified as part of community engagement discussions for the Lennox Head Strategic Plan in 2023.

The proposed change to 11 metres is based on a review of design guidelines contained in the DPHI's Apartment Design Guide, especially in relation to internal floor space design issues and floor to ceiling heights.

A building height of 11 metres would allow for ground level commercial premises and two floors of residential apartments with floor to ceiling heights of 2.7 metres and sufficient space for building services, parapets and any roof top structures (three storeys in total).

The proposed additional height is considered necessary for improved design outcomes and usability of internal spaces when the redevelopment of sites is being considered.

An 11 metre HOB control is consistent with a Planning Proposal to change the location and building height in the E1 Local Centre zone at Kinvara (CURA B), which will be reported to the September 2025 Ordinary meeting.

8.3 Local Environmental Plan - General Amendments

The proposed amendment may result in impacts upon the streetscape when compared to the bulk and scale of existing buildings, however on balance this is reasonable.

The proposed height standard supports good internal space design for mixed use buildings and a range of desired outcomes identified in Council's Housing Strategy, which promotes increased density, diversity and walkability within existing urban centres.

A recent approval of a new building at 74 Ballina Street (the old Post Office site) includes a height variation to 9.7m, which was considered acceptable from a design and presentation perspective. This application identified several other buildings in the vicinity that are above the 9.7m height.

If the proposed LEP amendment proceeds to finalisation, subsequent amendments to the DCP will be pursued to review residential floor area, car parking requirements and any other building design issues such as the need for upper storey setbacks from the street.

Issue and Justification – Alstonville

Like the Lennox Head Strategic Plan, the Alstonville Strategic Plan 2017-2037 identifies planning priorities for Alstonville. It includes an objective to '*provide new housing opportunities that are affordable and provide choice for people to meet changing life needs*', and an action to '*increase the maximum building height for the B2 Business Centre Zone (now the E1 Local Centre zone) from 9m to 10m.*'

The rationale for the action is that:

The increase in building height may facilitate two storey development containing ground floor café restaurants with a mixed use or habitable floor above particularly on sloping sites. The NSW Apartment Design Guide specifies a four metre ground floor ceiling height for cafes and restaurants and 3.3 metres for a mixed use floor. Having regard to slab thicknesses and ceiling voids, as well as non-skillion roof solutions (to ensure compatibility with village character), a 10-metre building height creates additional design flexibility.

The primary difference between the 11m proposal at Lennox Head and the 10m proposal at Alstonville is the 11m height overtly enables three storey development with commercial uses at ground floor designed with higher ceilings.

The 10m standard in Alstonville is more aligned to two storey development (again with commercial uses with higher ceilings at ground floor).

The differences in height are also considered to be reasonably matched to existing character, building style, and bulk and scale in the two different localities.

Proposed amendment

An amendment to LEP Maps HOB_002 and HOB_005 is proposed as shown in Figures 6 to 9.

8.3 Local Environmental Plan - General Amendments

As an alternative, if Council prefers to consider this matter and undertake community consultation separately to the other items listed within this report, Item #5 could be excluded and a separate planning proposal and briefing arranged.



Figure 6: Alstonville HOB (Current)



Figure 7: Alstonville HOB (proposed)



Figure 8: Lennox Head HOB (Current)



Figure 9: Lennox Head HOB (proposed)

Item 6: At Tuckombil Quarry site, add ‘*camping grounds*’ as a permissible accommodation option and allow ‘*recreation facilities (outdoor)*’ as a use associated with on-site accommodation options

Issue and Justification

Clause 7.18 of the LEP applies to development at 540 Gap Road, Alstonville (Tuckombil Quarry) and was added to the Ballina LEP concurrently with the rezoning of the site to SP4 Enterprise Zone in June 2024.

The SP4 Enterprise zoning allows creative industries and high technology industries as permissible uses and Clause 7.18 facilitates hotel or motel accommodation and serviced apartments as permissible, with consent, where such development is associated with either creative or high technology industries.

Recreation facilities (outdoor) is also a permitted use within the SP4 zoned area and Council is currently investigating options for the long-term use of this site.

8.3 Local Environmental Plan - General Amendments

Facilitating on-site accommodation options associated with any future application for recreation facilities (outdoor) is an appropriate addition and there was an oversight in it not being included when this clause was originally introduced.

Additionally, adding '*camping grounds*', as another form of permissible on-site accommodation, where it is associated with an existing permissible use, will provide greater flexibility in the type of development that may ultimately be undertaken at this site.

Proposed amendment

An amendment to Clause 7.18(3) is proposed, (with changes shown in red).

(3) Development for the following purposes is permitted with development consent on land to which this clause applies if the development is associated with creative industries, ~~or~~ high technology industries, or recreation facilities (outdoor) —

- (a) hotel or motel accommodation,*
- (b) serviced apartments*
- (c) camping ground*

Item 7: Scenic amenity and character considerations associated with rural dual occupancies.

Issue and Justification

Since December 2017, the Ballina LEP 2012 has permitted detached dual occupancies within zones RU1 Primary Production and RU2 Rural Landscape.

Clause 4.2A(4A) provides a range of controls that must be addressed when assessing applications for this form of rural housing, specifically that:

(4A) Development consent must not be granted under subclause (3) for a dual occupancy unless the consent authority is satisfied that—

- (a) the development will not impair the use of the land or adjoining land for agriculture or rural industries, and*
- (b) each dwelling will use the same vehicular point of access to and from a public road, and*
- (c) the land is physically suitable for the development, and*
- (d) the land will accommodate the on-site disposal and management of sewage for each dwelling.*

A Councillor briefing on 6 May 2025, discussed the merits of permitting detached dual occupancies, with consent, in some areas that are currently identified as 'Deferred Matter' and one of the aspects discussed was the potential for adverse impacts upon scenic amenity and rural character.

A separate report within the 28 August 2025 Ordinary meeting agenda discusses the permissibility of dual occupancies in Deferred Matter areas. Regardless of Council's decision on that issue, it is recommended that scenic amenity and rural character be included as matters to be considered when assessing dual occupancies in rural areas.

Proposed amendment

An additional subclause is proposed to be added to 4.2A(4A), as shown below. The proposed subclause is the same as the requirements of adjoining councils.

(e) the development will not have an adverse impact on the scenic amenity or character of the rural environment.

Item 8: Remove rural workers' dwellings as a permitted use within zones RU1 and RU2

Issue and Justification

Since December 2017, the BLEP 2012 has permitted detached dual occupancies within zones RU1 Primary Production and RU2 Rural Landscape. *Rural workers' dwellings* are also permitted with consent, which could potentially allow three detached dwellings across a rural property.

Clause 4.1C in the BLEP 2012 provides criteria for assessment of rural workers dwellings. Sub-clause (3) of the clause states that:

Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that—

- (a) the development will be on the same lot as an existing lawfully erected dwelling house, and*
- (b) the development will not impair the use of the land for agricultural or rural industries, and*
- (c) the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and*
- (d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land, and*
- (e) there will be not more than 1 rural worker's dwelling on the lot, and*
- (f) the area of the lot is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

These criteria are difficult to satisfy.

The need for workers to live on-site to undertake agricultural or other work relating to a rural industry is rarely considered to be justified within Ballina Shire, where agricultural activities are primarily cattle grazing, macadamia production, nurseries and cut flowers, which do not generally require workers to live on-site.

Additionally, there are housing options available in the area (unlike more remote farming areas). It is very difficult for an application to satisfy the criteria and be approved.

There is also the potential for compliance issues with Council's ability to ensure that a dwelling approved as a rural workers' dwelling is used for that purpose and is not rented out either long-term or for short term holiday letting.

Where landowners are seeking to have a second dwelling on a rural property (zoned RU1 or RU2) so that someone can live on site to assist with farm management, (whether a family member or not), this can be accommodated through the approval of a dual occupancy.

8.3 Local Environmental Plan - General Amendments

Essentially, an easier pathway for a second dwelling on rural land is a detached dual occupancy, which was not permitted at the time the Ballina LEP 2012 came into force.

Now that attached and detached dual occupancies are permitted, with consent, on RU1 and RU2 zoned land, the rural worker's provision is no longer considered necessary, especially when considering the potential it creates for three detached dwellings on a property, and the contemporary challenges in meeting the long-established criteria for these dwellings.

Proposed amendment

Delete *rural workers' dwellings* as permissible with consent from the land use table for zones RU1 Primary Production and RU2 Rural landscape and delete Clause 4.1C which sets out applicable controls.

Item 9: Reclassification of public land adjacent to Ballina airport runway

Issue and Justification

Staff have become aware that a closed road running through the Ballina / Byron Gateway Airport precinct is classified as '*community*' land as defined by the *Local Government Act 1993*.

The land is identified as Lots 1 and 2 DP 1221472 and is shown in green in Figure 10.



Figure 10: Location of Lots 1 and 2 DP 1221472.

Council owned land is classified as either *community* or *operational* in accordance with the *Local Government Act 1993* (LGA).

The purpose of classification is to identify clearly the land which should be kept for use by the public (community) and land which need not (operational).

The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

8.3 Local Environmental Plan - General Amendments

Community land is generally intended for a public purpose, such as a park or reserve and there are restrictions on how the land can be used which are outlined within a Plan of Management.

The subject land is not suitable to be managed as 'community' land, due to its location within the airport precinct.

It is intended to reclassify the land as 'operational', which is land that is usually not intended for use by the public and allows councils to carry out day-to-day functions, in this case the ongoing management of the airport.

In addition to public exhibition of the LEP amendment, Clause 29 of the LGA requires Council to arrange a public hearing regarding the proposed reclassification of the land from *community* to *operational*.

The public hearing occurs following public exhibition of the planning proposal.

Proposed amendment

Add the following to *Schedule 4, Part 1 – Land classified, or reclassified as operational land – no interests changed*.

Locality	Description
Ballina	Lot 1 and Lot 2 DP 1221472, Southern Cross Drive

Item 10: Add dual occupancy as permitted with consent in the R2 (Low Density Residential) Zone and delete redundant clauses that make it permissible in certain circumstances at Alstonville, Wollongbar, Wardell and Lennox Head

Issue and Justification

In July 2024, the State Government's Low and Mid-Rise Housing Policy commenced, making dual occupancies permitted with consent in the R2 Low Density Residential zone, through an amendment to the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). The amendment did not specify lot sizes and excluded any land that is identified as bush fire prone or within a flood planning area.

These automatic exclusions mean that much of the R2 zoned land in the Ballina Shire would be excluded and does not allow any assessment as to whether the risk(s) can be mitigated or managed.

Another amendment to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) allows dual occupancy approvals to be undertaken through a fast-track 'complying development' pathway, but only where it is a permitted use within Council's LEP.

Following the amendment to the Housing SEPP, DPHI is asking councils to nominate preferred lot sizes for dual occupancy.

At the December 2024 Ordinary meeting, Council endorsed minimum lot sizes of 600m² and 450m² for detached and attached dual occupancy respectively.

8.3 Local Environmental Plan - General Amendments

Council also resolved to ask the DPHI to amend LEPs to include dual occupancy, as a permitted use in the R2 zone, to allow it to be undertaken as complying development and to allow merit-based assessments of proposals on bushfire and flood prone land.

In correspondence received on July 15, 2025 the DPHI advised it will amend the Ballina LEP to specify that the minimum lot sizes for dual occupancies in the R2 zone will be 450m² and 600m² for 'attached' and 'detached' dual occupancy respectively, and that minimum lot sizes for subdivision of dual occupancies will be 225m² and 300m² for 'attached' and 'detached' dual occupancy respectively.

DPHI's correspondence also advised its amendment to the LEP relates only to minimum lot sizes, and not to permissibility within the zone's land use table.

The advice states that, *"it is more appropriate for Council to prepare a planning proposal in order to make dual occupancies permitted with consent in R2 zoned land that is excluded from Chapter 6 of the Housing SEPP"*.

The proposal to add 'dual occupancy', as a use permitted with consent, in the R2 Zone will allow for development applications to be considered on merit and for complying development to be undertaken where all the criteria in the Codes SEPP are met.

Alstonville, Lennox Head, Wardell and Wollongbar Provisions

Ballina's LEP currently has provisions that allow dual occupancies in the R2 zone in certain circumstances at Alstonville, Wollongbar and Wardell and at two properties at Lennox Head.

Once dual occupancy becomes permitted with consent in all areas zoned R2, these specific provisions will be redundant and are proposed to be deleted.

Proposed amendment

Add *dual occupancy* as permissible with consent in the land use table for zone R2 Low Density Residential and delete the following clauses:

- *Clause 7.17 – Use of certain land at Wollongbar*
 - (1) *This clause applies to land identified as "Area O" on the Additional Permitted Uses Map that is in Zone R2 Low Density Residential.*
 - (2) *Development for the purposes of dual occupancies (attached) is permitted with development consent on a lot that is at least 900m².*
 - (3) *Development consent must not be granted unless the consent authority is satisfied the dual occupancies (attached) will not be on land the Council or a recognised consultant has determined, in accordance with Planning for Bush Fire Protection, is in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).*
 - (4) *In this clause—*
 - bush fire attack level-40 (BAL-40) has the same meaning as in the Environmental Planning and Assessment Regulation 2021, Part 14.*
 - flame zone (BAL-FZ) has the same meaning as in the Environmental Planning and Assessment Regulation 2021, Part 14.*

8.3 Local Environmental Plan - General Amendments

Planning for Bush Fire Protection has the same meaning as in the Environmental Planning and Assessment Regulation 2021.

recognised consultant has the same meaning as in the Environmental Planning and Assessment Regulation 2021, Part 14.

- *Schedule 1, Additional Permitted Use #1A – Use of certain land at 1 Libby Lane and 200 North Creek Road, Lennox Head.*
 - (1) *This clause applies to land at 1 Libby Lane and 200 North Creek Road, Lennox Head, being Lots 29 and 31, DP 1121058 and identified as “Area D” on the [Additional Permitted Uses Map](#).*
 - (2) *Development for the purposes of dual occupancy is permitted with development consent.*
 - (3) *Clause 4.1B does not apply to the subdivision of this land for the purposes of a strata plan scheme.*
- *Schedule 1, Additional Permitted Use #8 – Use of certain land at Alstonville*
 - (1) *This clause applies to land at Alstonville identified as “Area L” on the Additional Permitted Uses Map, being—*
 - (a) *a lot that has an area of at least 900m², and*
 - (b) *located within Zone R2 Low Density Residential.*
 - (2) *Development for the purpose of dual occupancy (attached) is permitted with development consent.*
- *Schedule 1, Additional Permitted Use #12 – Use of certain land at Wardell*
 - (1) *This clause applies to land at Wardell identified as “Area M” on the [Additional Permitted Uses Map](#).*
 - (2) *Development for the purpose of dual occupancy (attached) is permitted with development consent.*

The following LEP maps are to be deleted or amended as indicated:

- APU_001A to be deleted (to remove Area ‘O’)
- APU_001B to be amended (to remove Area ‘O’)
- APU_002A to be amended (to remove Area ‘L’)
- APU_003A to be deleted (to remove Area M’)
- APU_005D to be amended (to remove Area ‘D’)

The maps proposed to be amended are included in Appendix 2 of the Planning Proposal in Attachment 1 to this report.

Delivery Program Strategy / Operational Plan Activity

Two items within this planning proposal are identified within the Delivery Program and Operational Plan, specifically items 3 and 5.

8.3 Local Environmental Plan - General Amendments

HE3.1b Implement Wollongbar Strategic Plan – Rezone 5 Smiths Lane to medium density, and

HE3.1d Implement Alstonville Strategic Plan – Investigate height increase for town centre.

Community Engagement Strategy

Community engagement including State Government agency referrals will be undertaken in accordance with conditions required by the DPHI Gateway Determination and Council's Community Participation Plan.

A Public Hearing will also be arranged with respect to Item 9 in accordance with the *Local Government Act 1993*.

Financial / Risk Considerations

There are no significant financial or risks associated with progression of the planning proposal.

Options

Option 1 – Proceed with the planning proposal

The attached planning proposal seeks to make several amendments to the Ballina LEP 2012 to improve its operation and function and give effect to adopted Council policy.

This option involves submitting the planning proposal in Attachment 1 to DPHI for a Gateway Determination and, if forthcoming, to progress to public exhibition and state agency referral.

After public exhibition, a public hearing would be arranged with respect to Item 9 of the planning proposal. A further report would then come to Council with the result of any submissions made and the public hearing.

Under this option Council would also seek authority from DPHI to exercise its delegated plan making function.

This is the recommended option for the reasons outlined within this report.

Under this option Council may decide to amend or delete any item identified in the planning proposal.

Option 2 – Decline to support the planning proposal

Council may choose not to proceed with the planning proposal. However, this option is not recommended as the items detailed in this report have planning merit, will improve operation of the LEP and implement Council adopted strategic planning policy.

RECOMMENDATIONS

1. That Council endorses the proposed General Amendments to the Ballina Local Environmental Plan 2012 as detailed in Attachment 1 to this report (BSCPP25/001) and submits the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway determination.
2. That the Department of Planning Housing and Infrastructure be advised that Council is seeking to be authorised as the Local Plan Making Authority for this LEP amendment and to exercise its delegated plan making functions.
3. That upon confirmation of a Gateway determination being received, Council proceeds to public exhibition and agency consultation in accordance with Gateway determination requirements,
4. That, following the public exhibition period, a public hearing is arranged in accordance with requirements in the *Local Government Act 1993* regarding the reclassification of community land as outlined in Item 9 in this report.
5. That the planning proposal be reported to Council along with the report on the public hearing and any submissions received during public exhibition prior to finalisation of the planning proposal.

Attachment(s)

1. General Amendments Planning Proposal - August 2025 [⇒](#)

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

Section	Strategic Planning
Objective	To review the permissibility of dual occupancies on land zoned for environmental protection purposes.

Background

Council's Delivery and Operational Plan contains an action to be undertaken by Strategic Planning in 2025/26, to:

Investigate the permissibility of dual occupancies on land zoned for an environmental purpose (LP1.3f).

Population growth for Ballina Shire over the next 20 years is anticipated to require an additional 275 dwellings per annum.

Consistent with Council's strategic planning, the majority of this is planned to come from residential zoned greenfield sites, increased density in existing urban areas and strategic urban growth areas.

Rural dual occupancies provide another (limited) housing option that can also give rural landowners flexibility to provide housing for family members or generate a rental income to supplement farming or other income. At present attached and detached dual occupancies are enabled on land zoned RU1 Primary Production and RU2 Rural Landscape, with attached dual occupancies only permissible in a range of other circumstances in rural areas.

Council is currently managing compliance issues in several situations where landowners have constructed a second dwelling to make a *detached* dual occupancy without consent in some of the areas that are 'Deferred' from the Ballina Local Environmental Plan 2012 (BLEP 2012).

In areas where the 1987 LEP zones apply, only attached dual occupancies are permissible and there is currently no approval pathway available to assess the suitability of the unapproved dwellings and to have them made 'legal'.

For the purposes of this report, '*land zoned for an environmental purpose*' has been defined as any Deferred Matter area with an underlying 'environmental' zone under BLEP 1987, which are:

- Zone No 7 (a) Environmental Protection (Wetlands) Zone
- Zone No 7 (c) Environmental Protection (Water Catchment) Zone
- Zone No 7 (d) Environmental Protection (Scenic/Escarpment) Zone
- Zone No 7 (d1) Environmental Protection (Newrybar Scenic/Escarpment) Zone
- Zone No 7 (f) Environmental Protection (Coastal Lands) Zone
- Zone No 7 (i) Environmental Protection (Urban Buffer) Zone
- Zone No 7 (l) Environmental Protection (Habitat) Zone,

as well as areas zoned C2 Environmental Conservation and C3 Environmental Management in the BLEP 2012.

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

This report considers the role of rural dual occupancy in the context of Council's strategic housing policy intent, the merit of permitting detached dual occupancies in each of the nominated zones and possible pathways for amending the LEP to make detached dual occupancies permitted, with consent.

Key Issues

- Strategic housing policy intent
- The suitability of environmentally zoned land for additional housing
- Planning pathways available for consideration of detached dual occupancies in certain areas

Discussion

Existing permissibility and controls

There are more than 43,000 hectares of land zoned for rural or environmental purposes across Ballina Shire, which is 87% of the total land mass. Approximately 12,000 hectares is 'deferred' from BLEP 2012.

Since December 2017, attached and detached dual occupancies have been permitted with consent on land zoned RU1 Primary Production and RU2 Rural Landscape under the BLEP 2012.

However, detached dual occupancies are not permitted in any Deferred Matter areas, or on land zoned C2 Environmental Conservation, or C3 Environmental Management.

Prior to December 2017, only attached dual occupancies were permitted in the RU1 and RU2 zones.

Clause 4.2A(4A) of BLEP 2012 requires that rural dual occupancies can only be approved where it is demonstrated that:

- (a) the development will not impair the use of the land or adjoining land for agriculture or rural industries, and*
- (b) each dwelling will use the same vehicular point of access to and from a public road, and*
- (c) the land is physically suitable for the development, and*
- (d) the land will accommodate the on-site disposal and management of sewage for each dwelling.*

Clause 14 of BLEP 1987 allows *attached* dual occupancies in all the '7' environmental zones.

There are no other considerations in the LEP, however, Chapter 7 of the Ballina Development Control Plan (DCP) provides criteria to be complied with.

These include: the second dwelling must be within 10 metres of the first and can be attached by means of a covered walkway and the second dwelling must have the same road access and must be located to minimise conflict with adjoining land uses.

BLEP 1987 also allows rural workers' dwellings in all the '7' environmental zones where the lot is >20ha and supports the need of existing agriculture (Clause 12).

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

Dwelling houses are permitted in all the '7' zones, other than 7(a) *Wetlands*, where they are prohibited.

Unapproved dual occupancies

There are situations where landowners have constructed a second dwelling to make a detached dual occupancy without consent in Deferred Matter areas.

Currently there is no approval pathway available to have these dwellings made 'legal'.

A search of compliance records indicates there have been 10 matters reported, where unauthorised dual occupancies have been identified within three of the '7' zones in the BLEP 1987:

- 6 properties in Zone 7(c) in the Brooklet / Newrybar area
- 2 properties in Zone 7(d1) in the Newrybar area
- 1 property in Zone 7(c) in the Wollongbar area, and
- 1 property in Zone 7(i) in the Alstonville area.

It is likely there are more unapproved detached dual occupancies, unknown to Council, within zones that do not currently have an approval pathway.

Council could continue to pursue compliance action, in which case the landowner could be required to demolish, or to make the second dwelling uninhabitable (through the disconnection of plumbing etc).

Alternatively, LEP amendments can be made to facilitate a merit-based assessment of suitability taking into consideration site constraints, the structural adequacy and safety of the dwelling and adequacy of wastewater treatment etc.

LEP amendments that facilitate a planning approval pathway need to be considered in the context of Council's strategic housing policy expressed in Council's Housing Strategy, Growth Management Strategy (GMS) and Local Strategic Planning Statement (LSPS).

These situations are particularly difficult to address given they involve personal circumstances, housing considerations and property enhancements.

From a planning perspective, the best way to look at this equitably, is to consider the issue from a policy perspective, rather than on a case-by-case basis.

This report examines the policy basis for changes to dual occupancy provisions in environmental zones.

Understanding the role of rural dual occupancies in addressing housing supply in Ballina Shire

Since the BLEP 2012 was amended in December 2017 to permit detached dual occupancies in rural zones, approximately 51 consents have been issued. A significant proportion of these were for a 'change of use' of an existing structure, rather than construction of a new dwelling.

This represents an average of just over seven approvals per annum, over a seven-year period.

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

Prior to the LEP amendment, an estimated eight attached dual occupancies had been approved in five years.

This is a significant change and indicates that any expansion in permissibility of detached dual occupancy will lead to more dwellings in rural areas.

Key balancing considerations here are that each dwelling has potential to result in land use conflict, particularly in relation to agricultural production, relative to potential for additional housing, albeit a modest volume through a means that is not central to Council's overall housing strategy for the shire.

There is sufficient residential zoned land to support an additional 2,800-5,500 dwellings in Ballina Shire over the next 20+ years.

Council's GMS and LSPS also identify future residential growth areas.

Council's Housing Strategy 2024 focuses on increasing density, diversity and affordability within urban centres. Rural housing plays a small role in meeting housing demand in the shire.

Assessment process for dual occupancy permissibility in environmental zones

The geographic location of the deferred matter lands, with an underlying 'environmental' zone under BLEP 1987, zone objectives, permitted and prohibited uses and the potential impacts of allowing detached dual occupancies within the zoned land were assessed.

A summary of this assessment is as follows for the applicable zones.

In respect to the '7' zones, three are based on the protection of vegetation characteristics (wetlands, coastal lands and habitat) and four are based upon their scenic values or water catchment areas.

Zone 7(a) Wetlands

The 7(a) zone is applicable to coastal areas north of Lennox Head, as well as wetland areas of Skennars Head, Kinvara, Meerschaum Vale, and various other small pockets of land around waterways.

Dwellings are prohibited in the zone, and the objectives of the zone are about the protection of significant wetlands and prohibiting development that could damage a wetland ecosystem.

Change to existing controls is not recommended as it would be contrary to the zone objectives.

Zone 7(c) Water Catchment

The 7(c) zone is applicable to areas on the western boundary of Ballina Shire around McLeans Ridges / Wollongbar / Rous, two small areas at Dalwood / Lynwood and to an area in the north of the shire around Newrybar / Brooklet.

The primary zone objective is to prevent development which would affect urban water supply, with secondary objectives to encourage agriculture, and ensure development maintains rural character and does not create unreasonable demand for public amenities / services.

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

Allowing detached dual occupancies, as permitted with consent, on this land would allow for a greater spread of dwellings across the landscape, with some potential impact on the scenic rural character.

Further protection of scenic values could be achieved by adding an additional subclause to the current requirements under C14.2A(4A), similar to clauses in the Lismore, Byron Shire and Richmond Valley LEPs that require:

the development will not have an adverse impact on the scenic amenity or character of the rural environment.

An extension to the current DCP Ridgelines and Scenic Areas Map and associated planning controls would provide additional guidance.

The landscape in these areas is largely cleared agricultural land, predominantly used for grazing and macadamia production and is identified as 'important farmland' within the North Coast Regional Plan.

Council has sufficient guidelines and controls to manage any additional on-site wastewater treatment systems.

However, any change is highly likely to lead to an increase in dual occupancy applications, noting that 7 of the 10 (known) unapproved detached dual occupancy are within the 7(c) zone.

Should Council wish to make detached dual occupancies permissible, with consent, in the 7 (c) zoned areas, there are two possible planning pathways:

1. Amend BLEP 1987

This would involve inserting a new clause to allow detached dual occupancies as permissible with consent in Zone 7(c).

The clause would replicate the requirements of Clause 4.2A(4A) that currently applies to rural areas in BLEP 2012, with an additional subclause to protect scenic rural character.

This option represents a relatively minor change to current planning controls but would need to be supported by the Department of Planning, Housing and Infrastructure (DPHI), which is addressed later in this report.

2. Amend BLEP 2012.

This would involve the transition of areas zoned 7(c) to a rural zoning in BLEP 2012, with a simultaneous amendment to the Drinking Water Catchment overlay map.

The most likely rural zone would be RU1 Primary Production (RU1 zone) as it is consistent with adjoining land and reflects the 'Important Farmland' classification of the land.

At present development in Zone 7(c) is subject to Clause 24A in BLEP 1987 which guides assessment of development impact on water quality within the catchment.

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

These considerations are similar to Clause 7.4 of BLEP 2012, which is triggered by the associated overlay map and provides a series of requirements that must be considered when assessing development within a drinking water catchment.

A map showing all 7(c) zoned land in BLEP 1987 and the current areas captured by the drinking water clause in BLEP 2012 is shown as Figure 1.

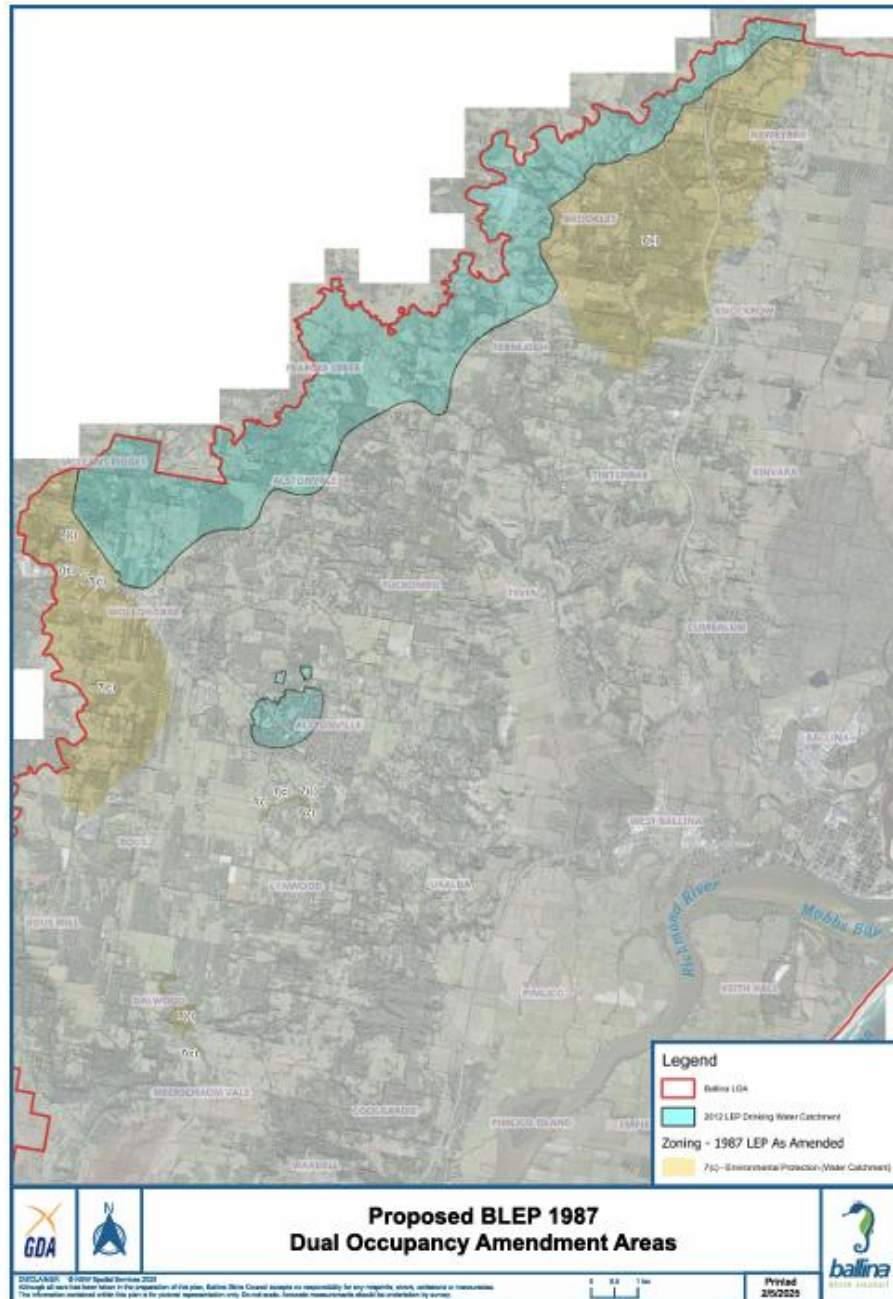


Figure 1: Areas currently zoned 7(c) in BLEP '87 (yellow) and areas mapped as drinking water catchment in BLEP 2012 (blue/green).

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

One of the implications of transitioning land from BLEP 1987 to a rural zone in BLEP 2012 is that a range of additional land uses would also become permissible with development consent. Zone 7(c) currently has a very limited range of permissible uses, specifically:

Bed and breakfast establishments; childcare centres; dwelling-houses; forestry; helipads; home industries; public utility undertakings; retail plant nurseries; roads; telecommunications facilities; utility installations.

Zone RU1 permits a much broader range of uses with consent including *agritourism, animal boarding or training establishments, extractive industries, markets, and recreation facilities (outdoor)* as some examples of additional uses that would be enabled if the 7(c) zoned land was transitioned to RU1.

Enabling additional uses and changing LEP controls applying to this area would be subject to consultation with Rous Water.

Given that this policy review is focused on dual occupancies, the preferred approach to enabling detached dual occupancy is to amend the 1987 LEP.

This is a more targeted approach and does not require broad scale analysis of planning policy and other consequences of change, or consideration of the State Government's environmental protection zone criteria.

Zone 7(d) Environmental Protection (Scenic/Escarpment)

The 7(d) zone is applicable to various small areas throughout the shire.

The primary zone objectives are about protecting scenic value, minimising soil erosion and preventing development in geographically hazardous areas.

Secondary objectives are to be consistent with zone objectives for land zoned 1(b) Rural (Secondary Agriculture) which encourages agriculture and ancillary uses including dwellings and tourism orientated development.

The 7(d) zone includes land at Skennars Head and Lennox Head, that acts as a separation between residential areas and The Coast Road.

These scenic areas are sensitive to change, and impacts associated with new structures. These areas are also highly valued by the community, as part of the open space, scenic and environmental characteristics of the shire. There appears to be very few existing dwellings within 7(d) zoned land.

No change is recommended for the 7(d) zone.

Zone 7(d1) Environmental Protection (Newrybar Scenic/Escarpment)

The 7(d1) zone is applicable to a visually prominent narrow area running north – south in the Newrybar / Knockrow area as shown in Figure 2.

The primary zone objectives focus on protecting areas of scenic value, ensuring development maintains rural character, encouraging productive use of the land and development ancillary to agriculture, including dwellings and rural workers' dwellings and ensuring development is of a scale that does not impact adversely on amenity.

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

Secondary objectives are about minimising soil erosion and ensuring development does not create unreasonable demand for public amenities / services.

The DCP Ridgelines and Scenic Areas Map applies to development on land zoned 7(d1).

The zone was specifically introduced to recognize scenic values associated with this area, founded in extensive community engagement.

Permitting detached dual occupancies, with consent, is highly likely to lead to an increase in applications for housing in this area.

Due to the location and associated land values, this could see development applications for substantial sized dwellings that would likely impact on scenic amenity and rural character.

While this could partly be addressed through an additional LEP subclause and existing DCP controls, no change is recommended at this time for the 7(d1) zone.

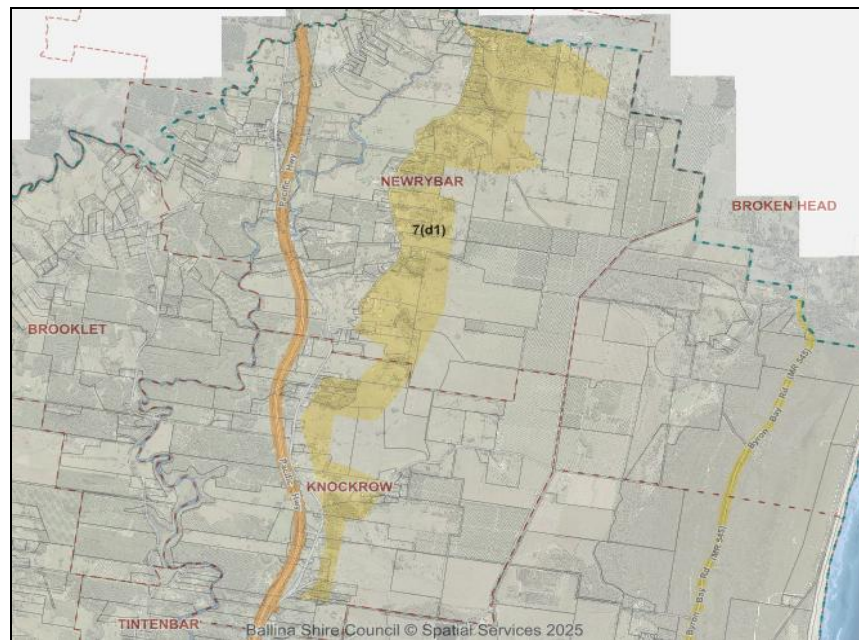


Figure 2: Areas zoned 7(d1) in BLEP '87.

Zone 7(f) Environmental Protection (Coastal Lands)

The 7(f) zone is applicable exclusively to various coastal areas from Lennox Head to East Wardell.

The land is predominantly in public ownership.

The primary objectives are the protection of environmentally sensitive coastal lands and to prevent development that would impact on coastal processes.

Change to existing controls is not recommended as it would be contrary to the zone objectives and the coastal characteristics that are highly valued.

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

Zone 7(i) Environmental Protection (Urban Buffer)

The 7(i) zone applies exclusively to land located around Alstonville and Wollongbar that is part of the inter-urban space between the two villages.

Land is located on both sides of the Bruxner Hwy and east of Alstonville near Tuckombil Quarry. It covers 105 properties (around 632 hectares), including numerous large (20+ ha) macadamia farms and the Elvery Lane sports area (tennis / soccer / rugby / netball) fields.

The primary objective of the zone is to create a green space separation between Alstonville and Wollongbar and to enable development that is consistent with zone 1(a1) which is to ensure land is utilised for agriculture and ancillary uses.

Both the Wollongbar and Alstonville Place Plans identify the need to maintain an inter-urban buffer between the villages to maintain the rural character of the area and to prevent urban style development in this area.

The area is shown in Figure 3.

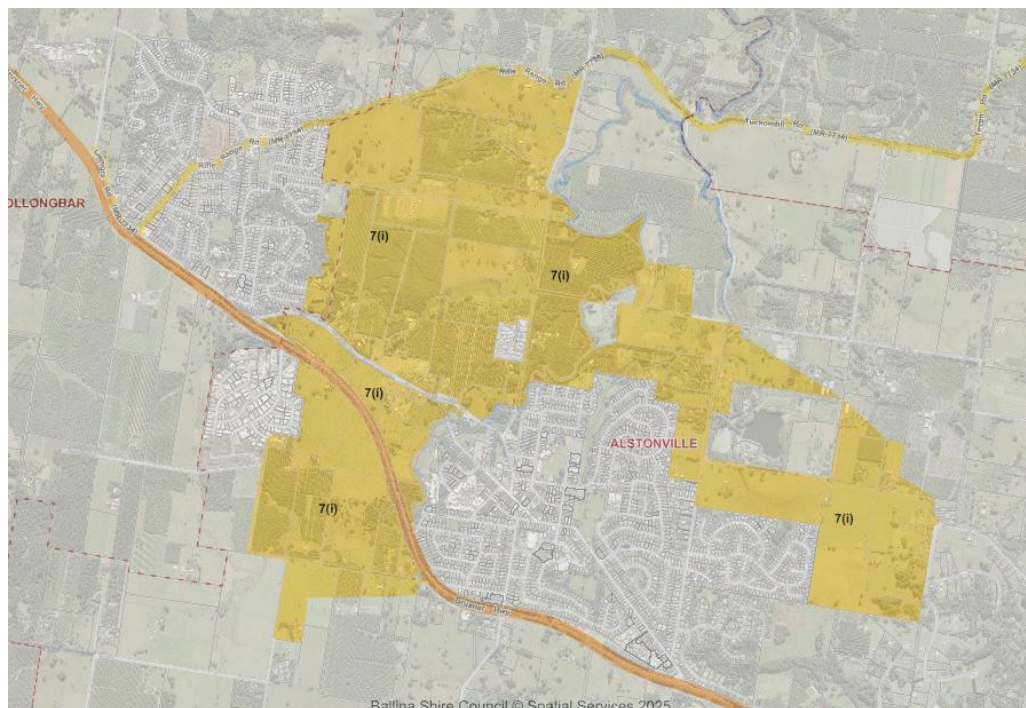


Figure 3: Area zoned 7(i) in BLEP '87

Allowing detached dual occupancies, as permitted with consent, would likely lead to an increase the number of dwellings in the urban buffer, with potential impacts on rural character and farming enterprises.

As discussed in relation to Zone 7(c), impacts on visual amenity could be addressed through an additional LEP subclause and associated DCP controls.

However, the potential increase in dwellings would result in incremental and unplanned expansion of development into an area valued by the community as an 'urban buffer'.

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

Rather than make ad hoc changes, it is preferable to consider the future use of these buffer areas more strategically in conjunction with ongoing planning for the future of Wollongbar and Alstonville and in consultation with these communities.

At present, enabling detached dual occupancy in this zone would be contrary to current place-based planning policy for the plateau villages, which is founded in extensive community engagement.

No change is recommended for the 7(i) zone.

Zone 7(l) Environmental Protection (Habitat)

The 7(l) zone applies to various small areas across the shire identified for their habitat value, including a large area east of Wardell that is predominantly owned by Jali LALC.

The primary objective is the protection of significant habitat, and the secondary objective is to be consistent with objectives for land zoned 1(b) Rural (Secondary Agriculture), which encourages agriculture and ancillary uses including dwellings and tourism orientated development.

These objectives and the current permissible land uses appear to be in conflict (e.g. protection of significant habitat is generally not consistent with development for agriculture, additional dwellings and/or tourism operations).

No change to existing controls is recommended due to the presence of significant habitat.

Zone C2 Environmental Conservation (BLEP2012)

Land zoned C2 is in small clusters across the shire.

Dwelling houses are permitted with consent. Dual occupancies are prohibited.

The zone objectives are to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values and to prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Changing existing controls is not recommended as it would be contrary to the zone objectives.

Zone C3 Environmental Management (BLEP2012)

Land zoned C3 is currently limited to two properties in the Coolgardie / Meerscham Vale area and one in Wollongbar.

Dwelling houses are permitted with consent. Dual occupancies are prohibited.

The zone objectives are to protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values and to provide for a limited range of development that does not have an adverse effect on those values.

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

Changing existing controls is not recommended as it would be contrary to the zone objectives.

Summary of LEP zone recommendations

Of the nine existing environmental zones, it is recommended that an LEP amendment is considered only to the 1987 LEP Zone 7(c).

This is within a context where there are existing controls in place to protect the drinking water catchment from the impacts of development, including additional on-site wastewater treatment systems, and it will support some additional (limited) housing opportunities.

Any amendment to enable additional development in this area would be subject to consultation with Rous County Council.

Considerations for amending BLEP 1987

Preliminary advice from DPHI is that amendments to non 'Standard Instrument' LEP's such as BLEP 1987 are generally discouraged.

However, it can be done where it is sufficiently justified.

It is considered that sufficient justification can be provided to DPHI to amend the 1987 LEP including that:

- the land has characteristics that are compatible with enabling detached dual occupancy and environmental considerations can be suitably managed through LEP and DCP provisions
- the amendments will allow for an (albeit limited) increase in housing supply, which is consistent with DPHI's broader objectives to support increased housing
- the change would allow Council to better regulate on-site sewage management and compliance matters where illegal housing is occurring
- the area is largely cleared of vegetation and in that regard the proposed amendment will have minimal environmental impact
- on the basis the policy issue around permissibility is settled by Council, the amendment is relatively minor from a technical perspective.

If the DPHI only supports an amendment to a similar zone in LEP 2012, likely RU1 and/or RU2, this would be reported back to Council.

Advice was also sought from the DCCEEW's conservation division, now called Conservation Programs, Heritage and Regulation (CPHR).

They advised a "cautious approach" be taken to allowing detached dual occupancy in 7 zones and indicated it would only support a planning proposal where it can be demonstrated future detached dual occupancies are "*unlikely to have impact on biodiversity values and are in flood free locations*".

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

CPHR's advice is that Council should undertake an assessment to determine all properties that contain High Environmental Value (HEV) vegetation and to exclude them from any planning proposal.

This would be a significant undertaking and potentially costly if ground truthing investigations were required.

Further, this is not justified as the '7 (c) zone' proposed to be amended, is an 'environmental protection' zone for water catchment reasons, rather than the conservation or protection of habitat or HEV vegetation.

Delivery Program Strategy / Operational Plan Activity

The Delivery and Operational Plan contains the following action:

Investigate the permissibility of dual occupancies on land zoned for an environmental purpose (LP1.3f)

Community Engagement Strategy

Community consultation has not been undertaken at this preliminary stage.

Should Council resolve to proceed with any amendments to planning controls via a planning proposal, community engagement provisions that are in line with the Community Engagement Strategy and any statutory provisions will be applied, including public exhibition.

Financial / Risk Considerations

The recommendations provided within this report are not considered to pose any financial risk to Council and do not require additional funding sources.

Options

Option 1

Council endorses the preparation of a planning proposal to amend BLEP 1987 to provide an application pathway for detached dual occupancies within Zone 7(c) Water Catchment.

The amendment would include a clause that replicates the controls required for detached dual occupancies in BLEP 2012 Cl. 4.2A(4A) and add an additional requirement as follows:

- (a) the development will not impair the use of the land or adjoining land for agriculture or rural industries, and*
- (b) each dwelling will use the same vehicular point of access to and from a public road, and*
- (c) the land is physically suitable for the development, and*
- (d) the land will accommodate the on-site disposal and management of sewage for each dwelling.*
- (e) the development will not have an adverse impact on the scenic amenity or character of the rural environment.*

This option is recommended for the reasons outlined in this report.

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

This option would ultimately result in compliance action being taken on the two properties in the 7(d1) zone in Newrybar and the one property in the 7(i) zone in Alstonville to demolish or decommission the dwellings to render them uninhabitable.

Owners of currently unauthorised dwellings in 7(c) zoned areas would be afforded an opportunity to regularise their dwellings to make them lawful.

It is not good practice to amend planning instruments to provide for correction of unlawful land use outcomes unless there is a sound policy basis in the public interest.

In this instance, there is alignment with broader strategic objectives around housing that can be in the public interest.

Option 2

Council endorses the preparation of a planning proposal to amend BLEP 1987 to allow an approval pathway for detached dual occupancies within Zones 7(c) Water Catchment, Zone 7(d1) Newrybar Scenic/Escarpment and Zone 7(i) Urban Buffer.

This could be extended to other environmental zones.

The approach would include a clause that replicates the controls required for detached dual occupancies in BLEP 2012 Cl. 4.2A(4A) and add an additional requirement relevant to protection of scenic amenity and rural character as set out in Option 1.

This option would extend the permissibility for rural detached dual occupancies to more areas.

The protection of scenic values could be considered via a new subclause and an update to the DCP scenic ridgeline overlay map and associated provisions. However, over time these values could be eroded.

Option 2 is not recommended as it would likely result in direct conflict with zone objectives, and the characteristics and values of the land, ultimately undermining Council's current zoning framework.

Option 3

Council endorses preparation of a planning proposal to transition land zoned 7(c) Water Catchment to an appropriate rural zoning in BLEP 2012.

This option would have a similar impact as Option 1, in that properties within Zone 7(c) would have detached dual occupancies as a permitted use.

However, it would also facilitate a range of additional potential uses, as discussed in this report.

Almost all the land in Zone 7(c) is identified as 'Important Farmland', which would indicate a RU1 Primary Production zoning could be the most appropriate LEP 2012 zone and consistent with adjoining land.

8.4 Dual Occupancy Permissibility - Environmental Protection Zones

Provisions for the protection of water quality would be facilitated by an extension of the Drinking Water Catchment overlay map which triggers a range of requirements under Clause 7.4 of BLEP 2012.

This option is not recommended as transition of only one of the Deferred Matter areas to BLEP 2012. This approach also requires much broader consideration of implications and consequences and address of a wider range of planning matters. If this approach is preferred, it is recommended that Council receive a further report.

Option 4

Take no further action.

This option is not recommended as there are areas where rural detached dual occupancies may be appropriate subject to meeting LEP and DCP controls.

RECOMMENDATIONS

1. That Council prepare a planning proposal to amend the Ballina Local Environmental Plan 1987 to allow an application pathway for detached dual occupancies within Zone 7(c) Environmental Protection (Water Catchment), including insertion of the following clause:
 - (a) *the development will not impair the use of the land or adjoining land for agriculture or rural industries, and*
 - (b) *each dwelling will use the same vehicular point of access to and from a public road, and*
 - (c) *the land is physically suitable for the development, and*
 - (d) *the land will accommodate the on-site disposal and management of sewage for each dwelling.*
 - (e) *the development will not have an adverse impact on the scenic amenity or character of the rural environment.*
2. The planning proposal is to be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
3. Upon an affirmative Gateway Determination, the procedural steps associated with progression of the planning proposal be undertaken, including consultation with Rous County Council and the relevant State Government Agencies, along with public exhibition.
4. That the Department of Planning, Housing and Infrastructure be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.

Attachment(s)

Nil

8.5 Local Strategic Planning Statement - Draft

Section	Strategic Planning
Objective	To provide an overview of a review of Council's Local Strategic Planning Statement (LSPS) and seek Council endorsement to publicly exhibit a renewed LSPS.

Background

The *Environmental Planning and Assessment Act (1979)* (EP&A Act) was amended in 2018 to require all NSW councils to prepare a Local Strategic Planning Statement (LSPS). All regional councils were required to adopt an LSPS by 1 July 2020 and Council adopted its first Local Strategic Planning Statement (2020-2040) on 28 May 2020.

The LSPS is a 20-year overarching strategic land use planning document that sets long-term vision and direction for land use and a range of other sub-strategies.

The EP&A Act requires that an LSPS identifies planning priorities and actions that are the basis for strategic planning in the shire, having regard for economic, social and environmental matters.

The LSPS must be consistent with any applicable regional plan (*North Coast Regional Plan 2041*) and Council's *Community Strategic Plan (CSP)*.

The EP&A Act requires that Local Strategic Planning Statements are reviewed at least every seven years.

Council's Delivery Program and Operational Plan 2025-2029 (DPOP) contains the following action to be undertaken in 2025/26:

Review Local Strategic Planning Statement to incorporate updated local growth management strategy. (HE3.1g)

An updated draft LSPS is attached to this report. The draft LSPS is consistent with statutory requirements and incorporates the local growth management strategy in accordance with the DPOP action.

The draft LSPS provides a refreshed set of planning priorities and actions that are consistent with priorities that emerged from recent community engagement activities (undertaken for the development of the CSP) and a range of other plans, studies and strategies that Council has adopted over many years.

A Councillor briefing was held on 4 June 2025 to discuss the draft LSPS, with an additional briefing held on July 2 to discuss the role of Strategic Urban Growth Areas (SUGAs) and the SUGA review that occurred in 2022/23.

This report outlines the review process and recommends proceeding to publicly exhibit the draft Ballina LSPS.

Key Issues

- Ensuring sufficient land is available to meet population and employment growth
- Integration of LSPS and Growth Management Strategy to form a single overarching strategic land use planning policy document
- Ensuring Council's strategic land use planning framework reflects Council and community priorities

Discussion

Role of the Local Strategic Planning Statement

The first Ballina Shire LSPS was adopted on 28 May 2020 consistent with the legislation and guidelines provided by the (then) Department of Planning, Industry and Environment.

Section 3.9 of the EP&A Act requires that a LSPS includes:

- (a) context – the basis for strategic planning in the area having regard to economic, social and environmental matters,*
- (b) planning priorities for the area that are consistent with any applicable regional plan and Community Strategic Plan (CSP).*
- (c) actions that will be undertaken to achieve the priorities, and*
- (d) implementation – the mechanisms Council will use to monitor and report on delivery of the actions.*

In addition to the above, guidelines issued by the (then) Department of Planning, Industry and Environment required an LSPS to set out:

- the 20-year vision for land use in the local area
- the special characteristics which contribute to local identity
- shared community values to be maintained and enhanced
- how growth and change will be managed into the future.

The LSPS is intended to be an overarching document that identifies strategic land use planning priorities and direction for Ballina Shire.

It guides delivery of strategic initiatives, as well as statutory planning controls, such as the Ballina Local Environmental Plan 2012 (LEP) and Development Control Plan 2012 (DCP), and infrastructure and developer contribution planning.

Section 3.33 of the EP&A Act also requires that any planning proposal to amend the LEP, must demonstrate how it will give effect to the LSPS.

Prior to the EP&A Act's requirement to adopt a LSPS, Council's *Growth Management Strategy 2012* (GMS) was the key document that guided land release for future residential and employment growth.

The GMS has been progressively implemented and guided the planning and location of new land release areas across the Ballina Shire. The revision of the LSPS and a review of the GMS will now combine these documents into a single land use strategy.

Implementation and Review of the LSPS

Since its adoption in 2020, Council has completed 13 of the 56 actions identified in the LSPS, with many others ongoing and/or embedded in 'business as usual' operations.

Since 2020, the Ballina Shire, like many other areas, has experienced natural and other disasters including the COVID-19 pandemic and 2022 floods.

There has been a population increase through migration and a national housing crisis that has seen the affordability and availability of housing become a major issue for people of all ages.

The review of the LSPS reflects these and other changes that were expressed as community priorities through recent consultation activities.

It also reflects a range of other strategic planning work undertaken and adopted by Council since 2020.

Many of the themes and planning priorities have been carried forward, and a summary of the changes in the attached draft, from what was adopted in 2020, is provided in this report.

Issues and Considerations for the LSPS

The following section sets out the key planning issues that are addressed within the LSPS, and reflected in the vision, themes, planning priorities and associated actions.

Population and Housing

Ballina Shire is continuing to experience relatively high population growth.

Between 2011 and 2021 the population grew by 5,449 people (13.3%) from 40,747 to 46,196.

Over the 25-year period from 2021 to 2046, the population is forecast to grow by a further 16,141 people to 62,308 which is an annual increase of 1.21%.

Ballina Shire also has an ageing population. By 2046, 36% of our residents are expected to be over the age of 65 years (up from 27.1% in 2021).

Data from the 2021 Census shows 66% of dwellings across Ballina Shire had only one or two permanent occupants, with an average of 2.34 persons per household. Yet there is a continuing preference for the market to build three plus bedroom houses (75% of dwellings built between 2016 – 2021 have three or more bedrooms).

An assessment of land supply to meet projected growth for the next 20-30 years shows there is 358 hectares of undeveloped residential zoned land that can supply greenfield sites for 2,800-5,500 new dwellings.

SUGAs, which will be subject to detailed investigations of site constraints (such as flood and bushfire risk) prior to rezoning for housing, could potentially yield a further 1,000 plus residential lots in the longer term.

The existing residential zoned land and adopted SUGA areas are mapped in the draft LSPS.

The review has not resulted in any new SUGA areas, being proposed for residential purposes, rather the LSP reflects existing Council policy in relating to greenfield urban release areas.

Infill housing will also be important to meeting future housing demand, including the need for smaller housing close to shops and services.

The LSPS reflects principles and actions in Council's Housing Strategy 2024, including that future housing is available, diverse, walkable and resilient.

The provision of community facilities, open space and infrastructure such as roads, water and sewer to support housing growth are also addressed in the draft LSPS and incorporated into the planning priorities.

Employment Land

The *Ballina Commercial Centres and Employment Lands Strategy 2019* (Hill PDA) forecasts demand and supply of commercial and industrial land within Ballina Shire to 2041.

The forecast demand for commercial and industrial space / land includes:

- 48,500m² of additional retail space,
- 37,000m² of additional office space, and
- Up to 50ha of additional industrial zoned land.

Retail and office space

Based on the anticipated capacity in zoned business areas, no new land releases were recommended in the 2020 LSPS, to deliver the additional retail and office floor space that was estimated to be required to 2041. This position is monitored to ensure there is sufficient supply to meet demand as circumstances and assumptions change over time.

A scoping proposal was received in May 2025 seeking support for the rezoning of R2 Low Density Residential zoned land, to an employment zone (E3 Productivity Support), for a site bounded by Kerr, Bentick and Burnet Streets. The site includes the Amart furniture store, the Baptist Church and adjoining dwelling house, a joinery workshop and two dwelling houses in Bentick Street occupying an area of approximately 1.4ha.

The draft LSPS identifies this site as part of a wider precinct plan that will look at the potential for a range of residential and employment uses in this area.

Industrial / associated employment uses

The demand for industrial uses is quite different to commercial and retail.

A regional study of supply and demand for employment lands (*Northern Rivers Employment Land Study*, Hill PDA, 2023) identified that industrial uses such as manufacturing, transport and warehousing and wholesalers were the largest sectors driving demand for new employment land.

The report recommends a further 106ha of new employment land should be investigated across the Northern Rivers region and that Council consider an additional 26-30 hectares to meet demand forecasts.

Based on the recommendations in the 2019 Hill PDA study, the 2020 LSPS identified the bulk of the supply for future industrial land uses would come from the existing and proposed expansion of the Southern Cross Industrial Estate.

Hill PDA also recommended consideration of land at Lennox Head, Alstonville and Wardell.

Further investigation of the Southern Cross land shows that environmental and flooding constraints severely limit the development potential of the 35ha expansion area.

Council resolved in March 2025 to investigate additional sites east of the Russellton Estate and north of Wardell for inclusion in an updated draft LSPS, whilst retaining the Southern Cross expansion area within the strategic planning framework.

Potential employment land areas are shown on the following map extracts from the draft LSPS.

Some of the areas shown have the potential to be either employment land, or residential land, or a combination of the two land use outcomes.

Potential expansion of Russellton Estate

The draft LSPS identifies 23 hectares of land at Alstonville adjacent to the existing Russellton Industrial Estate as having potential for employment land uses.

This land was previously endorsed by Council as a SUGA in 2022/23.

However, the site was not endorsed by the Department of Planning for inclusion in the LEP SUGA mapping on the grounds that it was not included in a local growth strategy and is mapped as important farmland.

The Department's decision did not recognise that the purpose of the SUGA mapping in the LEP is to protect land from uses incompatible with future urban uses to enable time for the land to be suitably studied.

SUGA mapping does not rezone land for urban purposes.

Regardless of the Department's previous position, the investigation of this land aligns with contemporary Department of Planning reporting about shortages of employment land and the need for more supply to be provided on the North Coast.

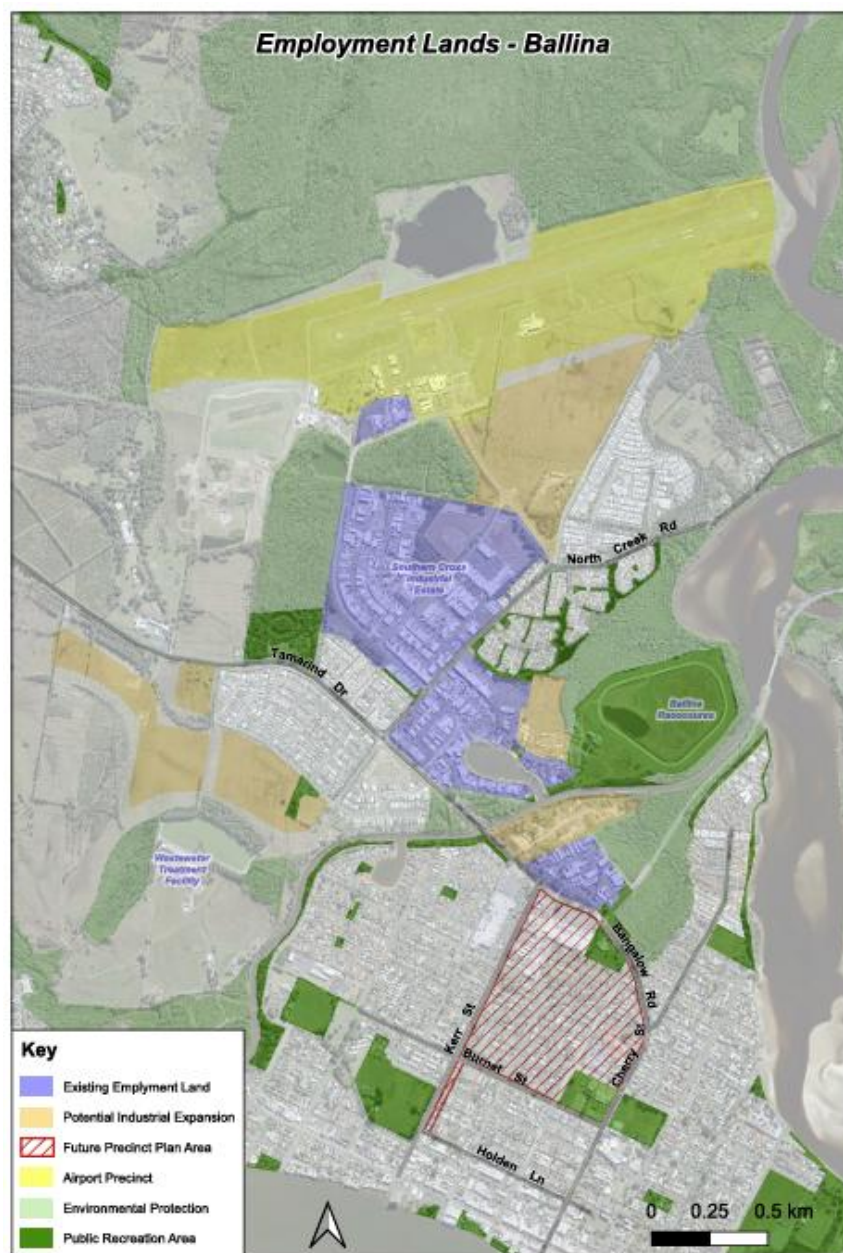
A scoping proposal has now been received for this site and will be reported to Council at a future meeting.

Land at Wardell

At the June 2025 Councillor briefing, a potential employment land site of approximately 68ha at Wardell was identified. This has since been removed as the land is predominantly owned by Transport for NSW (TfNSW) which has advised the site is required to be managed as a koala food tree offset site.

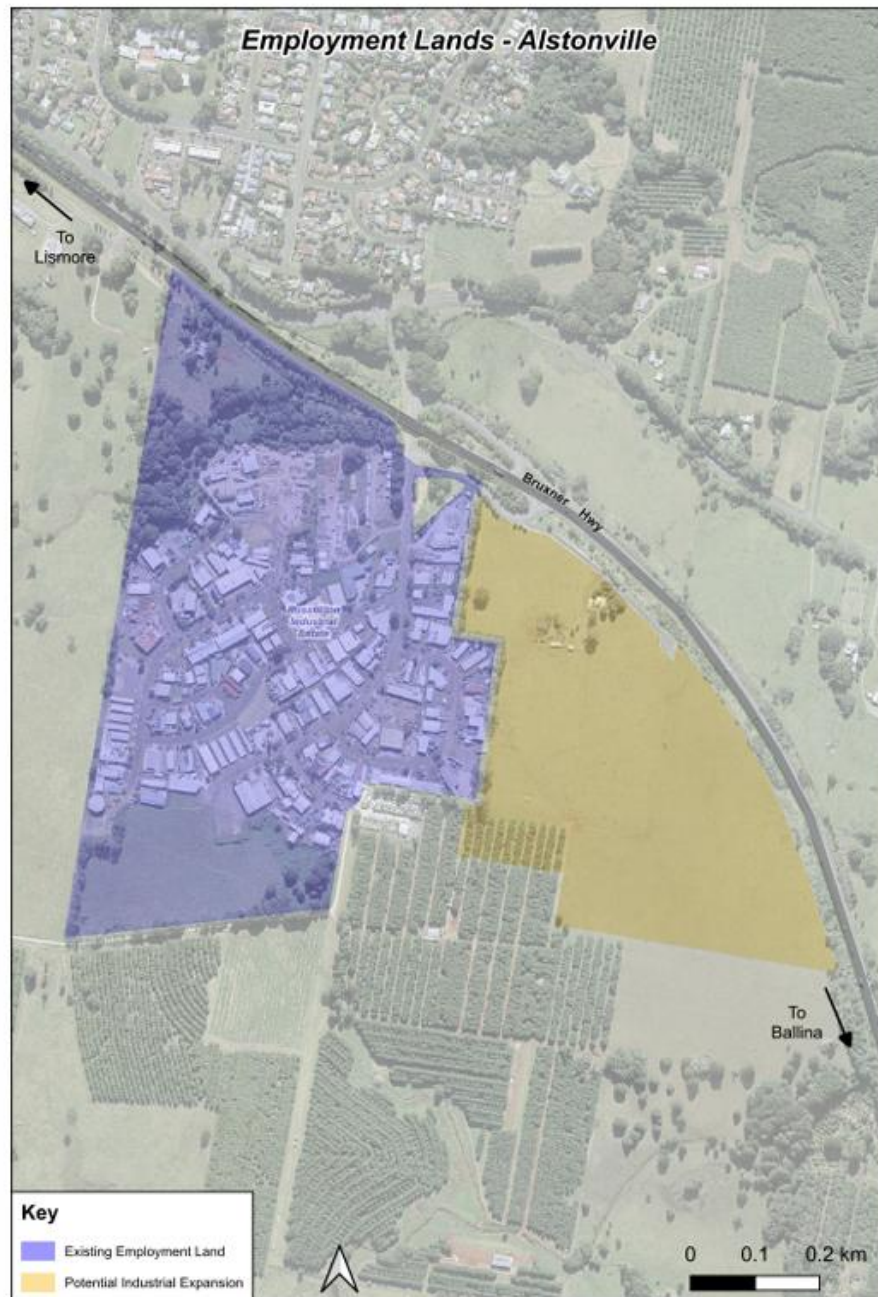
Another area of approximately 13ha, mapped as a SUGA north of Wardell, has been included for consideration as either future residential or employment land.

The draft LSPS provides an assessment of potential new employment lands, including commentary on individual site constraints, infrastructure requirements, existing approvals and possible timing on pages 34-35. The associated maps are as follows and are included at pages 36-40 of the draft LSPS.





Map 2: West Ballina Potential Employment Expansion Area



Map 3: Alstonville Potential Employment Expansion Area



Map 4: Lennox Head / Skennars Head Potential Employment Expansion Areas



Map 5: Wardell Potential Employment Expansion Area

Towns and Villages

Council has undertaken extensive community engagement and planning work to ensure that the character and qualities of the shire's towns and villages are maintained and enhanced.

A series of localised place plans have been developed and adopted to provide a framework for future works and decision making in relation to these areas.

The following placed-based strategies are summarised within the draft LSPS, and an action included to continue implementation and review every ten years:

- Ballina Major Regional Centre Strategy 2035,
- Alstonville Strategic Plan 2018-2037,
- Wollongbar Strategic Plan 2019-2039,
- Wardell Strategic Plan 2015-2035, and

- Lennox Head Strategic Plan 2023-2043

The draft LSPS also notes that Council may review the option for a third village on the Alstonville Plateau, in the longer term, if current identified areas are not suitable to meet future demand for housing.

This carries this concept forward from the current Growth Management Strategy and previous urban land release strategy documents.

Rural Hamlets

Ballina Shire contains nine rural hamlets, including Newrybar and Tintenbar.

The current LSPS includes character statements prepared for each of these settlements in 2014, that define key features and the qualities that make them special to the local community.

The draft LSPS proposes retaining these qualities along with consideration of recent place-based work in Newrybar.

In July 2025 Council adopted a Streetscape Masterplan for Newrybar that sets out the community vision and place values for the future.

It proposes changes to traffic and parking conditions, additional pedestrian connections and other amenity improvements that are in keeping with the community's vision, as expressed through recent consultation activities.

The historic character of Newrybar, and a range of commercial and community activities, makes it attractive to both residents and visitors.

The draft LSPS indicates that amendments to planning controls that facilitate some expansion of these enterprises can be considered where it is demonstrated that proposed activities are in keeping with the character of the village, the vision expressed in the streetscape masterplan and can be accommodated by existing infrastructure.

No change in policy is proposed for other rural hamlets.

Rural land and environmental values

Of the Ballina Shire's 491 square kilometres, 88% of the land is zoned for rural or environmental uses.

Rural and environmental land contributes to the scenic amenity and beauty of the region, as well as providing highly productive farming land for food production.

It also provides a range of environmental services to support biodiversity and ensure we maintain healthy river systems and clean airways.

In recognition of the value of these lands and their strategic importance, the draft LSPS proposes several planning priorities and actions that are designed to maintain and protect productive agricultural land, rural hamlets, scenic views and biodiversity assets and waterways.

Environment, Climate Change and Natural Disaster Planning

The draft LSPS reflects a range of other Council strategies and policies including the Biodiversity Strategy 2023, Climate Change Policy 2021 and the Climate Change Risk Assessment and Adaptation Plan 2024.

The draft LSPS notes that regarding planning for natural disasters, Council is guided by a range of statewide policies including the *Flood Risk Management Manual 2023*, *Planning for Bushfire Protection 2019* and the *Coastal Management Act 2016*.

A range of local data mapping and associated management strategies are in place that will be periodically updated as required.

As Council data sets are updated in respect to the risk from fire, flood, storms, rising sea levels and rising temperatures, there is an obligation to keep the community informed, through appropriate engagement activities and to ensure best practice planning controls and decision-making processes are applied.

Council is also participating in preparation of a regional Disaster Adaption Plan (DAP), which is an initiative of the State Government through the NSW Reconstruction Authority. The DAP will guide regional initiatives to reduce risk, where we can adapt and where we cannot, taking into consideration the recommendations of the CSIRO's Northern Rivers Resilience Initiative.

Infrastructure and services

The LSPS identifies Ballina Shire's strategic assets, such as the Ballina Byron Gateway Airport and Pacific Motorway link to Southeast Queensland, as well as plans for the delivery of key infrastructure including water and sewer, roads, walking and cycling facilities, open space and other community infrastructure.

It provides an overview of delivery programs and funding arrangements in the context of the long-term planning for Ballina's future.

Draft LSPS Vision, Planning Priorities and Actions

Vision

The vision statement that, '*The Ballina Shire is safe, with a connected community, a healthy environment and a thriving economy*' remains the same as was adopted in the LSPS in 2020.

Planning Priorities, Themes and Actions

Thirteen (13) planning priorities have been identified, which have been grouped into four themes as shown below in Table 1.

The four themes generally align with the themes in the CSP, except for 'Housing and Liveable Places' which has been added to better reflect planning priorities and to align with priorities in the *North Coast Regional Plan 2041*.

The CSP theme 'Engaged Leadership' has not been included in the updated draft LSPS as it does not directly align with the focus on land use planning matters.

8.5 Local Strategic Planning Statement - Draft

The CSP theme 'Liveable and Prosperous Communities' is reflected across both the 'Employment and Economy' and 'Housing and Liveable Places' themes in the LSPS.

56 actions have been identified with indicative timeframes as follows:

Short Term = 0-2 years

Medium Term = 2-5 years

Long Term = 5+ years, or

Ongoing = an ongoing activity of Council

Table 1: Draft LSPS Themes and Planning Priorities

Housing and Liveable Places	Employment and Economy	Healthy Environment	Connected Community
<p>Planning Priority 1</p> <p>Encourage good urban design to support healthy, safe and vibrant lifestyles and ensure open space and public facilities meet community needs and expectations.</p> <p>Planning Priority 2</p> <p>Increase housing supply, diversity and affordability in existing population centres and key strategic growth areas.</p> <p>Planning Priority 3</p> <p>Maintain the character and settlement pattern of existing village hamlets and protect rural vistas.</p>	<p>Planning Priority 4</p> <p>Stimulate economic activity and provide local services around major Shire infrastructure such as Ballina Hospital, Ballina Byron Gateway Airport and education facilities.</p> <p>Planning Priority 5</p> <p>Maintain a supply of suitably located employment land, close to population centres at Alstonville – Wollongbar, and Ballina – Lennox Head, to foster local employment opportunities and reduce journey to work travel distances.</p> <p>Planning Priority 6</p> <p>Maximise proximity to growth in Southeast Queensland for future housing and tourism opportunities and leverage the Pacific Motorway, Ballina Byron Gateway Airport and digital technologies for employment opportunities.</p>	<p>Planning Priority 7</p> <p>Provide leadership in mitigating and adapting to climate change.</p> <p>Planning Priority 8</p> <p>Identify and manage risks from natural hazards and ensure adaptation strategies are in place.</p> <p>Planning Priority 9</p> <p>Ensure biodiversity values, waterways, drinking water catchments and riparian areas are protected and enhanced.</p> <p>Planning Priority 10</p> <p>Protect productive agricultural land and encourage on-farm diversification.</p>	<p>Planning Priority 11</p> <p>Ensure high quality transport networks including roads and walking and cycling paths are planned for and provided</p> <p>Planning Priority 12</p> <p>Support a regional approach to the sustainable release of land for housing and industry as well as the location of key industries, infrastructure and other inter-Council issues.</p> <p>Planning Priority 13</p> <p>Protect and celebrate Ballina Shire's culture and heritage.</p>

Implementation

Council will monitor and report on the LSPS to ensure that the planning priorities are achieved through the existing Integrated Planning and Reporting (IP&R) framework.

In accordance with the IP&R framework, actions within the LSPS will be incorporated into the Delivery Program and Operational Plan, which is reviewed annually with progress reports provided quarterly.

Summary of changes from LSPS (2020)

The main changes in the reviewed and updated draft LSPS are:

- Themes have been slightly modified, including a new 'Housing and Liveable Places' theme and removal of the Engaged Leadership theme.
- Planning Priorities have been changed, modified and consolidated from 14 to 13.
- New actions have been identified that align with the revised planning priorities.
- Urban growth area maps have been updated, and the *Growth Management Strategy 2012* is incorporated into the LSPS and as a result is superseded on adoption of the revised LSPS.
- Housing, demographic and growth data has been updated post the 2021 Census and forecasts undertaken since that time to reflect anticipated growth to 2046 have been included.
- Updated data on future residential growth and new housing over the forecast period.
- Updated data and maps on the demand for new employment land and options for potential sites.
- Updated community engagement section to reflect the findings from engagement activities undertaken in late 2024 to early 2025.
- Updated references to the revised *North Coast Regional Plan 2041* that was endorsed and published by the State Government in 2022.
- Update alignment and references to the *Community Strategic Plan 2025 – 2035*.
- Relevant Council strategies including the Housing Strategy, Biodiversity Strategy, Destination Management Plan and others including contributions plans have been incorporated.
- Updated section on town and village place-based strategies.

Delivery Program Strategy / Operational Plan Activity

The Delivery Program and Operational Plan contains the following action:

Review Local Strategic Planning Statement to incorporate updated local growth management strategy. (HE3.1g)

Community Engagement Strategy

The review of the LSPS and development of the updated planning priorities was informed by the findings of community engagement undertaken for the development of a new Community Strategic Plan.

This engagement included:

- 500+ randomly selected residents contacted via phone
- 173 survey responses via Your Say
- 394 targeted youth survey responses
- 92 responses via short answer questions, face-to-face engagement and written submissions or drawings.

The key themes to emerge from these engagement activities were:

- ✓ Cost and availability of housing, and how future development or growth will be managed from an environmental or lifestyle / character perspective
- ✓ The importance of beaches and waterways, including their condition, accessibility and facilities that enable their enjoyment, and
- ✓ Infrastructure to meet existing and future populations, from basic needs such as transport networks, water and sewer services, through to those that provide for community wellbeing, such as recreational, sporting and cultural assets.

Nine community priorities were identified, being:

- Protect the environment and live sustainably
- Balancing housing and population growth
- Enhance waterways and recognise their risks
- Demonstrate leadership and communication
- Connect and support all communities
- Enhance community safety
- Improve community recreational infrastructure
- Encourage vibrant foreshores and town centres
- Provide safe and effective transportation networks

These community priorities have been incorporated into the draft LSPS where they are relevant to land use planning matters.

Council's *Community Participation Plan* 2019 requires that the LSPS be put on public exhibition for a minimum of 28 days.

Financial / Risk Considerations

No financial risk has been identified in placing the draft LSPS on public exhibition.

Options

Option 1. That Council proceed to public exhibition of the draft Ballina Local Strategic Planning Statement attached to this report.

This option is recommended as it is considered that the draft LSPS generally reflects Council and community values and priorities and provides the most up to date forecasts and proposed release areas in relation to housing and employment land needs.

Releasing the draft LSPS will provide the opportunity for the community to give feedback on priorities and actions.

The attached document will be graphically designed prior to exhibition to make it easier to read and access.

If Council prefers to amend the draft LSPS prior to exhibition, additional points may be added to the recommendation.

Submissions will be reported back to Council for consideration in relation to adoption of the LSPS.

Option 2. That Council does not proceed to public exhibition of the draft LSPS.

The statutory timeframe for updating the LSPS is 2027, so Council could choose not to update the LSPS at this time.

This option is not recommended as the revision is timely.

RECOMMENDATION

That Council approves the public exhibition of the draft Local Strategic Planning Statement (LSPS), as per Attachment 1 to this report.

Attachment(s)

1. Ballina Shire - Local Strategic Planning Statement - Draft [⇒](#)

8.6 Fire Safety Order - 103 River Street, Ballina

8.6 Fire Safety Order - 103 River Street, Ballina

Section Development Services

Objective To advise Council of the response to a fire safety inspection report received from Fire and Rescue NSW

Introduction

On 22 May 2025, Council received an Inspection Report from Fire and Rescue NSW regarding the adequacy of the provisions for fire safety at the subject premises (Australia Hotel).

In accordance with the Environmental Planning and Assessment Act, a report on this matter was provided to the 26 June 2025 Ordinary meeting.

The purpose of this report is to advise Council of the action taken in response to the inspection report.

Key Issues

- Compliance with the Environmental Planning and Assessment Act.
- Fire safety and public risk

Discussion

Council staff inspected the premises on 20 June 2025 in response to the inspection report provided by Fire and Rescue NSW.

A Notice of Proposed Fire Safety Order was issued on 21 July 2025 with respect to the subject premises. This Notice set out several matters requiring attention.

In response Council received a written representation from Mr Anton Green, General Manager/Licensee, on 1 August 2025. The representation requested an extension of timeframes to comply with the requirements set out in the proposed Order.

Following consideration of the matters raised in the representation Council issued a Fire Safety Order (Attachment 1) on 11 August 2025, which included adjustment to the originally proposed timeframes. The Order requires rectification works to be completed by 26 September 2025.

Delivery Program Strategy / Operational Plan Activity

This matter relates to Delivery Program Strategy CC1.3d of the Delivery program and Operational Plan with respect to fire safety compliance.

Community Engagement Strategy

No community engagement is required in relation to this matter.

8.6 Fire Safety Order - 103 River Street, Ballina

Council has engaged with the operator of the premises and the operator has been cooperative in enabling Council to inspect the property and in relation to the fire order process.

Financial / Risk Considerations

This matter is being addressed utilising existing resources allocated to the Development Services Section.

Options

This information is reported to comply with the terms of the Environmental Planning and Assessment Act. No decision is required other than noting the contents of the report.

RECOMMENDATION

That Council notes the content of this report regarding the issue of a Fire Safety Order in relation to 103 River Street, Ballina.

Attachment(s)

1. 103 River Street, Ballina - Fire Safety Order and Fire Safety Schedule - BFP Ballina Pty Ltd [↗](#)

8.7 Policy (Review) - Burials on Private Rural Land

8.7 Policy (Review) - Burials on Private Rural Land

Section Public and Environmental Health

Objective To review the Burials on Private Rural Land Policy.

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Burials on Private Rural Lands Policy.

Council first adopted this policy in May 2021.

The Public Health Regulation 2022 regulates the burial of a deceased person on private rural land, where the area of landholding is at least five hectares and with the approval of the local government authority.

The policy provides guidance for Council and property owners who may wish to be buried on private rural land.

Key Issues

- Whether the Policy meets the requirements of Council and current legislation
- Restriction to user registration

Discussion

There has been one burial on private rural land in 2022 since the introduction of the policy.

In this case, the burial proceeded without any significant issues.

There were, however, difficulties after the burial with the property owner finalising the requirement for a 'restriction to user' being placed on the title of the land to allow for the ongoing protection of, and access to, the grave site.

To ensure the requirement is complied with, it is proposed that the policy be amended to require payment of a bond, at the time of the application, for a burial on private land.

This bond payment is similar to that applied in other local council areas.

It is proposed that the bond will be \$2,000.

The bond will be held by Council and is to be returned to the applicant in full, when the restriction to user is successfully lodged with Land and Property NSW and approved.

8.7 Policy (Review) - Burials on Private Rural Land

With the application of a bond, applicants may be encouraged to promptly register the restriction to user on the title of the land, saving Council resources, which may be spent pursuing the landowner in fulfilling this requirement.

Otherwise, the review of the policy identified only minor changes, which have been marked in yellow and red on the amended policy, attached to this report.

Delivery Program Strategy / Operational Plan Activity

The policy aligns with the Delivery Program and Operational Plan as follows:

- *HE3.2 – to minimise negative impacts on the natural environment.*

The policy achieves this through the consideration of environmental factors prior to approving a burial on private rural lands.

Community Engagement Strategy

As the changes are administrative and relatively minor, it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment.

If any significant submissions are received, they can be reported back to Council however there will not be a need for any further report if there is no public comment.

Financial / Risk Considerations

The bond is recommended to improve the efficiency of this policy.

Options

Council may accept or amend the proposed changes to the policy. The changes included are minor and it is recommended that the policy be adopted as presented.

It is also recommended that if no submissions are received from the exhibition process, no further action is required.

RECOMMENDATIONS

1. That Council adopts the amended Burials on Private Rural Lands Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, then no further action is required.

Attachment(s)

1. Policy (Review) - Burials on Private Rural Land [⇒](#)

8.8 Policy (Review) - Community Event Signage

8.8 Policy (Review) - Community Event Signage

Section Open Spaces

Objective To undertake a review of the Community Event Signage policy

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Community Event Signage policy.

Council first adopted this policy in March 2013.

The policy has been developed to provide for the approval and installation of community event signage within Ballina shire in pre-determined locations.

The intent is to ensure signs are provided in an appropriate and uniform manner, so they are easily identified, located and understood by motorists and the public.

Key Issues

- Whether the policy meets the requirements of Council and current legislation.

Discussion

This review of this policy identified only a minor change as follows:

- The State Environmental Planning Policy No 64 (Advertising and Signage) has been replaced with the updated policy, The State Environmental Planning Policy (Industry and Employment) 2021.

The changes have been marked in yellow.

Otherwise, the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended.

A copy of the amended policy is attached to the report.

Delivery Program Strategy / Operational Plan Activity

The policy aligns with the Delivery Program and Operational Plan as follows:

Direction One: Connected Community

Delivery Program Strategy Item CC2.2 - Create events and activities that promote interaction and education, as well as a sense of place

Community Engagement Strategy

As the changes are only minor it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment.

If any submissions are received, they can be reported back to Council however there will not be a need for any further report if there is no public comment.

Financial / Risk Considerations

There are no legal or resource implications with the review of this policy.

Options

Council may accept or amend the proposed changes to the policy. The changes included are minor and it is recommended that the policy be adopted as presented.

It is also recommended that if no submissions are received from the exhibition process, no further action is required.

RECOMMENDATIONS

1. That Council adopts the amended Community Event Signage Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, then no further action is required.

Attachment(s)

1. Policy (Review) - Community Event Signage [⇒](#)

9.1 Use of Council Seal

9. Corporate and Community Division Reports

9.1 Use of Council Seal

RECOMMENDATION

1. That Council affix the Common Seal to the following documents.

US2025/15	1. That Council, in accordance with the relevant provisions of the Local Government Act 1993 and the Crown Land Management Act 2016, enters the following lease/licence of <i>community land</i> :		
	Property	Tenant	Tenure
	Part of Reserve 82164, Kingsford Smith Reserve, Part lot 7064 DP 1118403 (Council is Crown Land Manager of Reserve 82164)	Ballina Hockey Club Incorporated	Three-year lease at an initial annual rent of \$9,506.63 inc GST plus December 2025 CPI, with rent increased annually by the December quarter CPI for each subsequent year in the lease term.
	Part Wollongbar Sportsfields, being part Lot 2 DP 1168781	Alstonville Tennis and Pickleball Club Incorporated	Four-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$609 per annum plus GST)
	The Storage Shed at 'Skennars Head Sportsfields' being Lot 13 DP 1245669	Le-Ba Boardriders Incorporated	Four-year licence at a rent equal to the statutory minimum charged by Crown Lands (currently \$609 per annum plus GST)
	The clubhouse at 'Kingsford Smith Reserve' being Lot 153 DP 1098090	Ballina Seagulls Football Club Incorporated	12-month licence at a rent equal to the statutory minimum charged by Crown Lands (currently \$609 per annum plus GST)
	Wardell Tennis Court Complex, being part of Fitzroy Park Wardell (Part lot 18 DP 1129974, 32 Bridge Drive Wardell)	Wardell and District Tennis Club Incorporated	Four-year lease at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$609 per annum plus GST)
	Storage shed at Wollongbar Hall, being part of Lot 267 DP 1209571	Alstonville & District Cricket Club Inc	Four-year licence at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$609 per annum plus GST)

9.1 Use of Council Seal

	<p>2. That prior to point one being actioned, statutory public notification relating to the proposed lease/licence of community land be undertaken, with a report to be presented to Council if an objection of a substantive nature is received to the grant of the proposed lease/licence.</p>
US2025/16	<p>Ballina Shire Council lease to Alstonville Plateau Historical Society Incorporated over Crawford House being Lot 6 DP 235088, 10 Wardell Road Alstonville, for a four-year lease term at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$609 per annum plus GST).</p>
US2025/17	<p>Ballina Shire Council licence to Northern Rivers Dirty Wheels Mountain Bike Club Incorporated over Lot 12 DP 814359, Bruxner Highway Alstonville (Duck Creek Mountain Bike Park), for a four-year licence term at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$609 per annum plus GST).</p>
US2025/18	<p>Ballina Shire Council Sublease to Ballina River Street Children's Centre Incorporated over Lot 2, 5-8 Section 1, DP 758047, (12 River Street, Ballina), for a three-year sublease term at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$609 per annum plus GST).</p>
US2025/19	<p>Notice to Crown Lands NSW requesting to resign as Crown Land Manager of part of Hampton Park, Ballina (Dedication D540004), being Lot 560 DP1119965 and Lot 5611 DP1282979.</p> <p>Explanation: Previous Council reports relating to Hampton Park Ballina have identified Crown Lands' intention to grant a direct lease over the croquet building and croquet lawns (Lot 5611 DP1282979), and an area inside the fencing of the existing Cherry Street Sports Club (Lot 560 DP1119965), to Ballina Bowling and Recreation Club Limited. Council is currently the appointed Crown Land Manager of these two parcels.</p> <p>Council resolved at the May 2021 Ordinary Meeting (270521/15):</p> <ol style="list-style-type: none"> <i>That Council in its capacity as Crown Land Manager for Crown Reserve D540004 provides a letter of support for the inclusion of Lot 560 in DP1119965 in a direct lease arrangement between the Department of Primary Industries & Environment – Crown and the Cherry Street Sports Club.</i> <i>That Council in its capacity as Crown Land Manager for Crown Reserve D540004 defers its decision on the inclusion of part Lot 561 DP1119965 in a direct lease arrangement between the Department of Primary Industries & Environment – Crown and the Cherry Street Sports Club until the completion of the Hampton Park Management Plan review.</i> <p>Crown Lands has now requested that Council provide a written request to resign its appointment as Crown Land Manager of</p>

9.1 Use of Council Seal

	<p>these two parcels (noting that the part of Lot 561 DP1119965 referred to in the above resolution is now Lot 5611 DP1282979). The resignation will facilitate a direct lease by Crown Lands to the Club. The date of resignation will coincide with the date the direct lease is executed by Crown Lands/the Minister's delegate.</p> <p>If Council decided not to issue this notice, the Minister still has the power under the Crown Land Management Act to remove Council as the Crown Land Manager. The Minister does not need Council's consent.</p> <p>For this reason, the recommendation is to proceed to issue the notice to Crown Lands requesting to resign as Crown Land Manager of both lots."</p>
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2. Council authorises the General Manager to affix the seal to the documents listed in US2025/15 to US 2025/19 and any other associated documents.

Attachment(s)

Nil

9.2 Investment Summary - July 2025

9.2 Investment Summary - July 2025

Section	Financial Services
Objective	To provide details of Council's cash and investments portfolio breakup and performance

Background

In accordance with the Local Government (General) Regulation 2021, the Responsible Accounting Officer of a council must provide a monthly investment report setting out the council's cash and investments. The report is to be presented at the ordinary meeting, immediately following the end of the respective month.

This report provides details of the total funds invested, where the investments are held and other related matters, to confirm that Council is complying with Council's Investment Policy and to ensure transparency.

The Responsible Accounting Officer certifies that the investments made during July 2025, have been made in accordance with the Act, the Regulations and Council's Investment Policy.

Key Issues

- Compliance with Investment Policy
- Return on investments

Discussion

Council's investments are in accordance with Council's Investment Policy, Section 625 of the Local Government Act 1993, and the Local Government (General) Regulation 2021. A copy of the [Investment Policy](#), adopted 27 June 2024, is available on Council's website and linked above.

The total balance of investments, as at 31 July 2025 was \$104.9m compared to a balance of \$98.9m as at 30 June 2025.

Council's investments, as at 31 July 2025, were invested at a weighted average interest rate of 4.647%, which was 0.970% higher than the July average 90 Day Bank Bill Index (BBSW) of 3.677%.

The balance of Council's Commonwealth Bank business account, as at 31 July 2025 was \$7,751,284, compared to a balance of \$18,038,620 as at 30 June 2025. Total combined cash and investments, as at 31 July 2025 was \$112,651,284 compared to a balance of \$116,938,620, as at 30 June 2025.

The net decrease of \$4.3m in cash and investments from June to July is the result of creditor balances inflated at the end of the financial year with little income being received during the month.

9.2 Investment Summary - July 2025

TCorp's monthly Economic Commentary report for July 2025 can be viewed using the following link: [Monthly economic report – July 2025](#)

Restricted Reserves

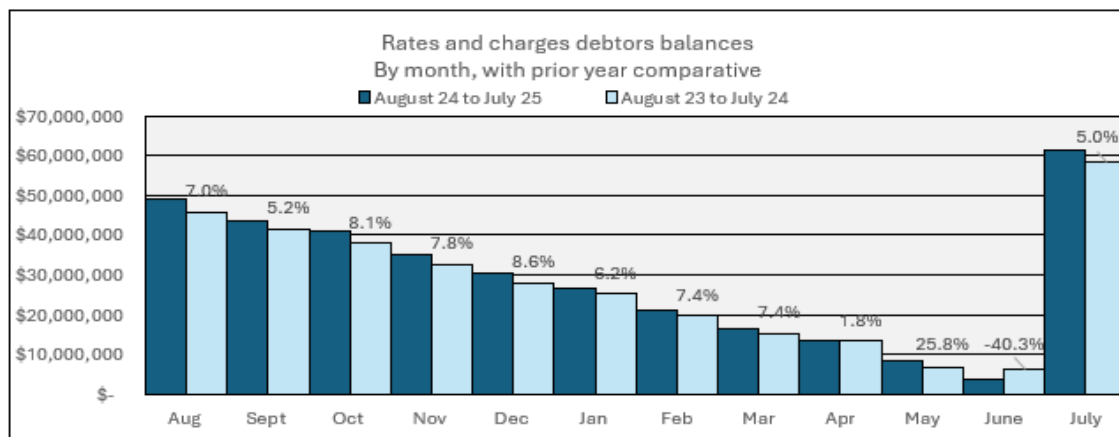
The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for specific purposes. The following table reflects the portfolio percentages based on 30 June 2024 balances.

Reserve Name	Restriction	% Portfolio*
Wastewater (incl developer contributions)	External	24.18%
Water (incl developer contributions)	External	15.66%
Section 7.11 Developer Contributions	External	18.74%
Domestic Waste Management	External	1.81%
Bonds and Deposits	External	3.07%
Specific Purpose Unexpended Grants	External	8.17%
Commercial Properties	Internal	1.16%
Carry Forward Works	Internal	3.25%
Bypass Maintenance	Internal	3.32%
Management Plans / Studies	Internal	1.03%
Airport	Internal	2.02%
Landfill and Resource Management	Internal	0.09%
Employee Leave Entitlements	Internal	2.65%
Quarries	Internal	0.56%
Property	Internal	1.31%
Plant and Vehicle Replacement	Internal	0.20%
Road Works	Internal	0.94%
Open Spaces	Internal	1.17%
Miscellaneous Internal Reserves	Internal	3.14%
Community Facilities	Internal	0.71%
Financial Assistance Grant in Advance	Internal	4.53%
Unrestricted		2.29%
Total		100.00%

* Reflects reserves held as at 30 June 2024. This table will be updated for 30 June 2025 as part of the financial statements' completion process.

Debtors

As per the following chart, the balance, as at 31 July 2025, was 5.0% higher than 31 July 2024.



9.2 Investment Summary - July 2025

This increase is predominantly due to the rate pegging increase for 2025/26 of 3.8% and growth in the rating base.

A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green Investment	Rating S&P	30 June \$'000	31 July \$'000	Quota %	% of Total
AMP Bank	Yes	BBB+	7,000	9,000	20%	8.58%
Australian Unity	Yes	BBB+	12,000	12,000	20%	11.44%
Auswide Bank	Yes	BBB	6,000	6,000	20%	5.72%
Bank of Queensland	Yes	A-	11,000	11,000	20%	10.49%
BankVic	n/a	BBB+	5,000	5,000	20%	4.77%
Bendigo & Adelaide Bank	Yes	BBB+	1,000	1,000	20%	0.95%
Commonwealth Bank	No	AA-	1,000	1,000	20%	0.95%
Defence Bank Ltd	n/a	BBB+	3,000	-	20%	0.00%
IMB Bank	Yes	BBB	3,000	3,000	20%	2.86%
ING Bank (Australia) Ltd	No	A	2,000	2,000	20%	1.91%
Judo Bank	n/a	BBB	8,000	8,000	20%	7.62%
Macquarie Bank	No	A+	1,600	1,600	20%	1.53%
MyState Bank Ltd	Yes	BBB+	2,000	2,000	20%	1.91%
National Australia Bank	No	AA-	10,000	10,000	20%	9.53%
Newcastle Greater Mutual Group Ltd	Yes	BBB+	1,000	1,000	20%	0.95%
Rabobank Australia Ltd	No	A	11,000	14,000	20%	13.35%
Suncorp Limited	No	A+	8,300	8,300	20%	7.91%
Unity Bank (previously G & C Mutual)	Yes	BBB+	4,000	4,000	20%	3.81%
Westpac Bank Corp – Green	Yes	AA-	-	4,000	20%	3.81%
Westpac Bank Corp	No	AA-	2,000	2,000	20%	1.91%
Total			98,900	104,900		100.0%

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value 30 June \$'000	Value 31 July \$'000	%	%
	%	Value \$'000				
A- or Higher	100%	104,900	46,900	53,900	47.4%	51.4%
BBB	60%	62,940	52,000	51,000	52.6%	48.6%
Total			98,900	104,900	100.0%	100.0%

Liquidity Risk Parameters as per the Investment Policy	Maximum Allowed		Value \$'000 30 June	Value \$'000 31 July	%	%
	%	Value \$'000				
Term equal to 1 year or less	100%	104,900	89,000	95,000	90.0%	90.6%
Term > 1 year and < 3 years	40%	41,960	-	-	-	-
Term > 3 years	20%	20,980	9,900	9,900	10.0%	9.4%
Total			98,900	104,900	100.0%	100.0%

Fossil Fuel Free and Green Investments

Environmental Classification	30 June		31 July	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned Investments	35,900	41.0	38,900	37.1
Non-Fossil Fuel and Green Aligned Investments	47,000	50.1	53,000	50.5
Not Classified	16,000	8.9	13,000	12.4
Total	98,900	100.0	104,900	100.0

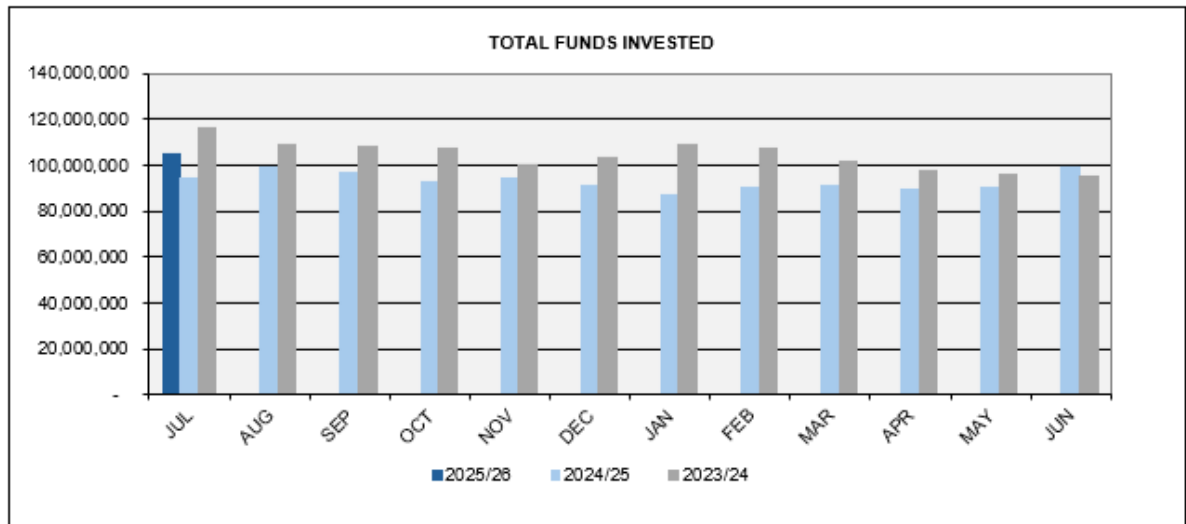
9.2 Investment Summary - July 2025

In July 2025, eight investments matured totalling \$17m. Four of these investments were non-fossil fuel aligned investments totalling \$8m and two were not classified totalling \$3m.

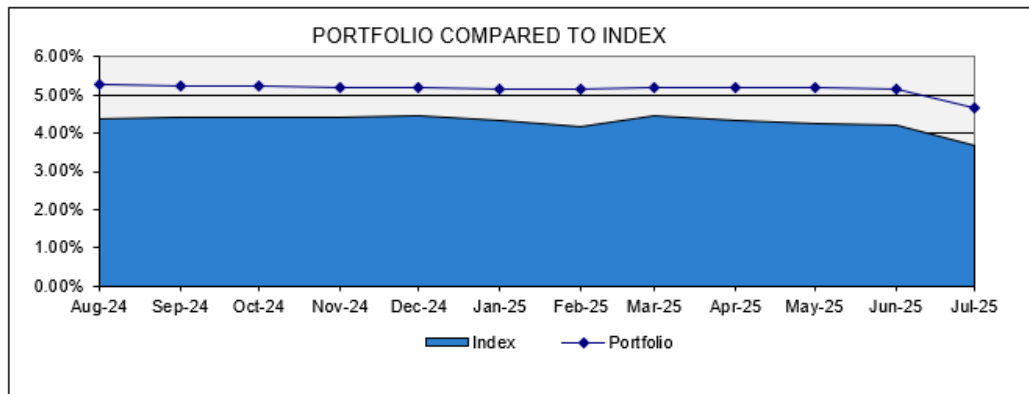
Twelve new investments, totalling \$23m were placed.

Seven of these investments were non-fossil fuel and green aligned totalling \$14m. It is worth noting that this included two new “green” investments totalling \$4m with Westpac Banking Corporation.

B. Monthly Comparison of Total Funds Invested

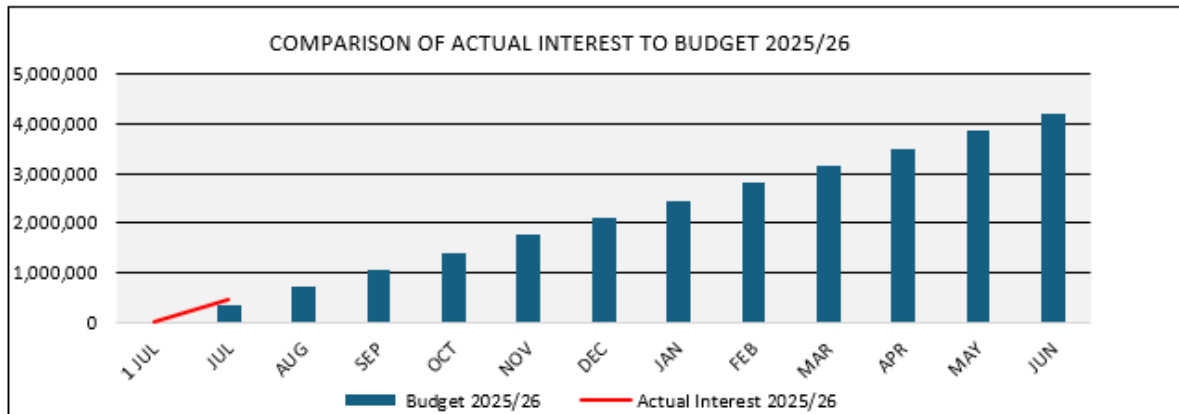


C. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.2 Investment Summary - July 2025

D. Progressive Total of Interest Earned to Budget



E. Investments held as of 30 June 2025 and 31 July 2025

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	30 June \$'000	31 July \$'000
24/02/21	Suncorp-Metway Limited	FRN	4.16%	24/02/26	1,300	1,300
04/03/21	Newcastle Greater Mutual Group Ltd	FRN	4.33%	04/03/26	1,000	1,000
18/06/21	Bendigo & Adelaide Bank	FRN	4.35%	18/06/26	1,000	1,000
29/06/23	AMP Bank	FRN	6.07%	29/06/26	1,000	1,000
14/09/23	Macquarie Bank Limited	FRN	4.56%	14/09/26	1,600	1,600
20/02/24	Westpac Banking Corporation	FRN	4.66%	20/02/29	2,000	2,000
19/03/24	Suncorp-Metway Limited	FRN	4.67%	19/03/29	1,000	1,000
22/08/24	Commonwealth Bank of Australia	FRN	4.60%	22/08/29	1,000	1,000
10/07/24	Suncorp-Metway Limited	TD	5.45%	08/07/25	3,000	-
31/07/24	Rabobank Australia Ltd.	TD	5.35%	31/07/25	3,000	-
11/09/24	G&C Mutual Bank	TD	5.00%	03/09/25	2,000	2,000
12/11/24	Australian Unity Bank	TD	5.10%	11/11/25	1,000	1,000
12/11/24	Australian Unity Bank	TD	5.10%	11/11/25	1,000	1,000
19/11/24	ING Bank (Australia) Ltd	TD	5.17%	18/11/25	2,000	2,000
26/11/24	Bank of Queensland	TD	5.15%	01/07/25	2,000	-
11/12/24	Auswide Bank	TD	5.15%	15/07/25	2,000	-
07/01/25	AMP Bank	TD	5.10%	08/07/25	2,000	-
07/01/25	Defence Bank Ltd	TD	5.10%	22/07/25	1,000	-
07/01/25	Defence Bank Ltd	TD	5.10%	29/07/25	2,000	-
07/01/25	BankVic	TD	5.10%	07/08/25	1,000	1,000
08/01/25	AMP Bank	TD	5.10%	15/07/25	2,000	-
14/01/25	BankVic	TD	5.10%	13/08/25	2,000	2,000
21/01/25	National Australia Bank	TD	4.95%	19/08/25	2,000	2,000
21/01/25	National Australia Bank	TD	4.90%	02/09/25	2,000	2,000
21/01/25	National Australia Bank	TD	4.90%	16/09/25	2,000	2,000
28/01/25	Suncorp-Metway Limited	TD	4.91%	09/09/25	2,000	2,000
28/01/25	Suncorp-Metway Limited	TD	4.91%	07/10/25	1,000	1,000
04/02/25	Bank of Queensland	TD	4.85%	05/08/25	2,000	2,000
27/02/25	Auswide Bank	TD	4.76%	17/02/26	2,000	2,000
27/02/25	Auswide Bank	TD	4.76%	24/02/26	2,000	2,000
28/02/25	Rabobank Bank Australia Ltd.	TD	4.79%	02/09/25	2,000	2,000
04/03/25	IMB Bank	TD	4.70%	02/09/25	2,000	2,000

9.2 Investment Summary - July 2025

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	30 June \$'000	31 July \$'000
04/03/25	IMB Bank	TD	4.70%	09/09/25	1,000	1,000
28/03/25	BankVic	TD	4.75%	28/03/25	2,000	2,000
28/03/25	G&C Mutual Bank	TD	4.75%	14/10/25	2,000	2,000
01/04/25	Bank of Queensland	TD	4.78%	03/10/25	2,000	2,000
15/04/25	Bank of Queensland	TD	4.70%	13/10/25	1,000	1,000
21/05/25	AMP Bank	TD	4.50%	28/10/25	2,000	2,000
30/05/25	Bank of Queensland	TD	4.30%	02/12/25	2,000	2,000
30/05/25	National Australia Bank	TD	4.20%	03/03/26	2,000	2,000
03/06/25	Australian Unity Bank Ltd	TD	4.35%	05/01/26	2,000	2,000
03/06/25	Australian Unity Bank Ltd	TD	4.35%	06/02/26	2,000	2,000
03/06/25	Australian Unity Bank Ltd	TD	4.35%	03/03/26	2,000	2,000
03/06/25	Australian Unity Bank Ltd	TD	4.35%	02/04/26	2,000	2,000
03/06/25	Australian Unity Bank Ltd	TD	4.35%	03/06/26	2,000	2,000
03/06/25	MyState Bank Ltd	TD	4.35%	02/12/25	2,000	2,000
03/06/25	Rabobank Bank Australia Ltd.	TD	4.41%	09/12/25	2,000	2,000
10/06/25	Rabobank Bank Australia Ltd.	TD	4.44%	16/12/25	2,000	2,000
10/06/25	Rabobank Bank Australia Ltd.	TD	4.31%	17/03/26	2,000	2,000
24/06/25	Bank of Queensland	TD	4.37%	20/01/26	2,000	2,000
24/06/25	Judo bank Pty Ltd	TD	4.50%	16/12/25	2,000	2,000
24/06/25	Judo bank Pty Ltd	TD	4.35%	21/10/25	2,000	2,000
26/06/25	Judo bank Pty Ltd	TD	4.45%	13/01/26	2,000	2,000
26/06/25	Judo bank Pty Ltd	TD	4.45%	06/01/26	2,000	2,000
26/06/25	National Australia Bank	TD	4.25%	23/09/25	2,000	2,000
08/07/25	AMP Bank	TD	4.30%	09/12/25	-	2,000
08/07/25	AMP Bank	TD	4.30%	09/12/25	-	2,000
08/07/25	Suncorp-Metway Limited	TD	4.12%	03/02/26	-	2,000
08/07/25	Suncorp-Metway Limited	TD	4.12%	10/02/26	-	1,000
08/07/25	Bank of Queensland	TD	4.20%	13/01/26	-	2,000
15/07/25	AMP Bank	TD	4.30%	16/12/25	-	2,000
15/07/25	Auswide Bank	TD	4.30%	15/07/25	-	2,000
24/07/25	Westpac Banking Corporation - Green	TD	4.19%	23/07/26	-	2,000
24/07/25	Westpac Banking Corporation - Green	TD	4.17%	21/04/26	-	2,000
29/07/25	Rabobank Australia Ltd.	TD	4.28%	21/07/25	-	2,000
29/07/25	Rabobank Australia Ltd.	TD	4.20%	28/07/25	-	2,000
29/07/25	Rabobank Australia Ltd.	TD	4.20%	31/03/26	-	2,000
	Total				98,900	104,900
	TD=Term Deposit; FRN=Floating Rate Note					

RECOMMENDATION

That Council notes the contents of this report on banking and investments for July 2025.

Attachment(s)

Nil

9.3 Legal Matters - Update

9.3 Legal Matters - Update

Section Governance

Objective To provide an update on legal matters involving Council.

Background

This quarterly report provides an update on legal matters to ensure that the community is informed on Council litigation.

The report focuses on Council's planning and compliance activities.

Key Issues

- Outcomes
- Cost of litigation

Discussion

A summary of current and recent legal cases follows.

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Lindsay Taylor Lawyers	GTH Resorts v Council	Land and Environment Court - Class 1 Proceedings – Deemed refusal of Development Application 2022/721.	500,000	807,000
Comment <p>DA 2022/721 was originally for the development of 148 independent living units for a seniors housing community with associated manager's residence, community facilities, infrastructure and services at 550-578 River Street, Ballina. At the first directions hearing on 21 August 2023 a section 34 conciliation conference was scheduled for 8 March 2024.</p> <p>The DA was reported to the Northern Regional Planning Panel for determination on 30 November 2023. The Panel determined to refuse the DA. The section 34 conciliation conference was held on 8 March 2024 and was subsequently terminated.</p> <p>On 10 April 2024 the Court granted the applicant leave to amend the DA to rely on amended plans and materials and to amend the proposal to 146 independent living units. This matter was heard on 16-23 September 2024. The commissioner has reserved judgement.</p> <p>The Court granted leave to the applicant on several occasions, including just prior to and during the hearing, to amend the proposed development and to provide numerous technical documents and updated plans and reports to accompany the amended proposals and to address outstanding technical deficiencies. The proposed development that went before the Court at the hearing was considerably different from the proposal originally appealed against and refused by the NRPP.</p> <p>Council successfully put a motion to the Court to reopen the case to have additional material relating to another decision of the Land and Environment Court presented. Further submissions were provided to the Court and Council is now waiting for the judgement.</p> <p>In June this year, the Applicant paid Council an agreed amount of \$125,000 for costs thrown away in this appeal.</p>				

9.3 Legal Matters - Update

Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Parker and Kissane	Chase Bangalow Developments Pty Ltd	Land and Environment Court - Class 1 Proceedings – Refusal of Modification Application to DA 2006/12 and Refusal of Building Information Certificate 401.2021.57.	250,000	42,000
<p>Comment These proceedings relate to an appeal against Council's refusal of a modification application (DA 2006/12.5) to modify development consent 2006/12 and refusal of an associated Building Information Certificate at 19 Old Pacific Highway, Newrybar.</p> <p>Whilst the extent of the modification application is unclear, it purported to seek approval to utilise the existing buildings on site for nominated purposes.</p> <p>In 2021 and in response to outstanding development compliance matters, Council issued a Development Control Order (DCO) to Chase Bangalow Developments Pty Ltd. Class 1 proceedings were subsequently filed in the L&E Court appealing the DCO.</p> <p>To resolve the Class 1 proceedings, Chase Bangalow Developments Pty Ltd gave an undertaking to Council and in return Council revoked the DCO and the applicant discontinued the proceedings.</p> <p>As part of these undertakings, the subject application was lodged with Council.</p> <p>Council prepared and filed its Statement of Facts and Contentions. No Statement of Facts and Contentions in Reply has submitted by the Applicant. A section 34 conference was held on 12 August 2025. A short extension of this Conference has been granted to enable the Applicant further opportunity to submit information to attempt to resolve the matter.</p>				
Council Legal Rep	Applicant	Description	Estimate (\$)	Actual (\$)
Parker and Kissane	David Morgan & David Hughes	Land and Environment Court - Class 1 Proceedings – Refusal of Development Application DA 2024/106	300,000	3,200
<p>Comment These proceedings relate to an appeal against Council's refusal of a development application (DA 2024/106) which seeks consent for the construction of a tourist park (caravan park) comprising 145 sites (116 long term and 29 short term) at 10 Lismore Road, Alstonville.</p> <p>Council has prepared and filed its Statement of Facts and Contentions. The matter is listed for a section 34 conference on 19 November 2025.</p>				

Delivery Program Strategy / Operational Plan Activity

Legal cases are linked to Delivery Program strategies such as:

- HE3.2 - Match infrastructure with development to mitigate any impacts on the environment
- HE3.3 - Minimise negative impacts on the natural environment

Community Engagement Strategy

This report is in open Council to ensure the community is informed on legal matters. If Council wishes to discuss any details, it may be necessary to resolve into confidential session to ensure any legal advice is not discussed in open session.

Financial / Risk Considerations

The following table provides a break down planning related legal costs for recent years, including the finalisation of the 2024/25 financial year.

Table 1 – Legal Expenditure 2021/22 to 2024/25

Description	2021/22	2022/23	2023/24	2024/25
DA 2017/244 – Aureus Estate – Intrapac	32,000	0	0	0
The Beach House	4,000	14,400	3,100	0
DA 2020/49 – 38 Newrybar Swamp Rd (Anderson)	13,700	0	0	0
DA 2020/192 – GTH Resorts (Gem Life)	307,300	0	4,900	0
DA 2021/137 – 10 Old Pacific H'way (Newrybar Pty)	0	26,600	2,600	0
DA 2021/605 – 38 Dress Circle Drive (Snashall)	0	114,000	0	0
DA 2022/33 – Bangalow Road (Advertising Sign)	0	18,000	125,800	300
DA 2022/284 – The Crest (DAs 2018/51, 2021/420)	0	16,100	91,000	400
DA 2022/333 – 43 Ballina Street, Lennox Head	0	0	20,500	46,600
DA 2022/469 – 404 Old Byron Bay Road (New DA)	0	11,800	0	2,400
DA 2022/721 – GTH Resorts (Gem Life)	0	7,600	230,000	570,000
DA 2023/504 – Alstonville Showground	0	0	8,400	0
DA 2024/106 – 10 Lismore Road	0	0	0	3,200
Compliance – 19 Old Pacific Highway, Newrybar	22,800	3,800	0	15,800
Compliance – Coolgardie Road	0	10,800	0	0
Compliance – Swimming Pools	37,100	26,300	0	0
Compliance – Council Teven Reserve Works	0	0	0	31,800
Compliance – Wunsch Noise	0	0	0	3,500
Other Compliance and Planning Agreements	54,100	47,900	32,200	24,000
Total Expenditure	471,000	297,300	518,500	698,000
Legal Expenditure Budgets	465,000	315,000	510,000	710,000
Expenditure Budget Result – Surplus / (Shortfall)	(6,000)	17,700	(8,500)	12,000
Legal Income from Costs Recovered	364,000	8,000	17,400	125,500
Legal Income Budget	160,000	120,000	80,000	20,000
Income Budget Result – Surplus / (Shortfall)	204,000	(112,000)	(62,600)	105,500
Net Legal Budget Result – Surplus / (Shortfall)	198,000	(94,300)	(71,100)	117,500

With respect to the Wunsch compliance matter, this relates to a Prevention Notice issued to Matthew and Susanne Wunsch under the Protection of the Environment Operations Act. This was issued in relation to offensive noise generated by roosters.

In summary, the Notice required Mr and Mrs Wunsch to prevent offensive noise from the roosters, confirm the suitability of any mitigation measures via an acoustic assessment and maintain approved noise management measures.

Mrs and Mrs Wunsch elected to appeal the Notice in the Land and Environment Court. The matter is currently at the point of a conciliation conference.

Legal expenditure can vary significantly each year, as shown in the next table, which provides an eight-year summary of actual results.

9.3 Legal Matters - Update

Table 2 – Legal Expenditure – Period 2017/18 to 2024/25 (\$'000)

Year	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Expense	967	503	1,042	736	471	297	519	698
Income	108	61	157	539	364	8	17	125
Net Cost	859	442	885	197	107	289	502	573

The average net expenditure for the last five years is \$334,000, with the 2025/26 budget for planning and development providing a net total of \$340,000 (\$10,000 income and \$350,000 expenditure).

Options

This report is for public information as there is public interest in legal matters involving Council.

RECOMMENDATION

That Council notes the contents of this Legal Matters – Update report.

Attachment(s)

Nil

9.4 Rates and Charges Write Offs - 2024/25

Section Financial Services

Objective To provide Council with details of the rates and charges written off during the 2024/25 rating year.

Background

Clause 131 of the Local Government (General) Regulation 2021 (LGGR) and section 607 of the Local Government Act 1993 (LGA), outline procedures that councils must follow to write off certain rates, charges, and interest.

Write offs not covered by specific sections of the LGA must be approved by Council resolution unless the General Manager has been provided with delegated authority by the Council.

The Council's delegated authority to the General Manager provides authority to write off general debts to a maximum of \$1,000 per debt.

The General Manager has provided the Coordinator Rating with delegated authority to write off interest amounts, pursuant to section 567 of the LGA, up to the value of \$100 per assessment.

Clause 131 (6) of the LGGR requires the General Manager to inform the Council of any amounts written off under delegated authority.

This report complies with that clause for the 2024/25 financial year.

Key Issues

- Compliance with clause 131 (6) of the LGGR.

Discussion

Table 1 details write offs approved by Council resolution.

Table 2 details 2024/25 rates, charges and interest written off under delegated authority, in accordance with clause 131 of the LGGR.

Detailed information regarding individual assessments is contained in Council's rating files.

Tables 3 and 4, although not required under clause 131 of the LGGR, details other debts (besides rates, charges and interest) written off during 2024/25.

In respect to the postponed rates, Council is required to write rates off where the property meets certain criteria (refer to notes in Table 3).

In accordance with Clause 132 LGGR all rates, charges and interest written off during the period 1 July 2024 to 30 June 2025, totalling \$19,553.64, will be included in Council's Annual Report.

Table 1 - Write-offs – Approved by Council

Council Meeting	Amount (\$)	Report Description
Ordinary Meeting - 24 April 2024	14,849.47	Debt Recovery Options (Compliance sundry debtor – Pimlico Road, Wardell)
Ordinary Meeting - 27 March 2025	2,324.20	Debt Recovery – Community Facility Hire (Community Facilities hire debtor)
Total	17,173.67	

Table 2 - Write-offs – Under General Manager’s Delegated Authority

Assessment/Debtor	Amount (\$)	Description (write offs)
9 rate assessments	80.78	Interest charges raised (over \$5.00)
14084.11	450.00	Airport parking and late fee
14086.11	150.00	Airport parking and late fee
14220.17	264.00	Airport parking (part write off)
14101.01	65.00	Dog microchipping fee
14080.01	458.34	Dog microchipping fee
14079.11	196.00	Airport parking fee
14224.17	46.00	Airport parking fee
Total	1,710.12	

Table 3 - Write-offs – Postponed Rates - Required by LGA Legislation

Assessment	Amount (\$)	Description
Two assessments	541.41	Year 5 write off postponed ordinary rate and interest charges - Section 595 LGA - Postponements relate to a single dwelling house that is zoned for multiple occupancy - The Valuer General supplies a land value for the highest potential use of the land. Upon application for postponement, the Valuer General supplies an attributable value (i.e. extra value due to subdivision or higher use potential) and Council levies but postpones the attributable component. Interest is also charged. After five years the postponed amount and interest is written off. If the entitlement to postponement ceases at any time, any amounts not written off become due.
Total	541.41	

Table 4 - Write-offs – Small Balances

Assessment	Amount (\$)	Description
309 rate assessments	128.43	Write off small balances (less than \$5.00) for 2024/25 – processed 30 June 2025. This process is applied when there are identified small arrears balance brought forward on the rates notice.
Debtor 13227.12	0.01	NSW Government Telco underpayment.
Total	128.44	

Delivery Program Strategy / Operational Plan Activity

The provision of rates and charges write offs contributes to our Operational Plan and aligns with the Delivery Program Strategy EL2.1 Proactively pursue revenue opportunities, cost savings and/or efficiencies and EL3.3 Deliver responsive and efficient services.

Community Engagement Strategy

The write-off information is included in Council's Annual Report.

Financial / Risk Considerations

Revenue to the value of \$19,553.64 has been foregone.

The overall percentage of rates and charges outstanding has increased from 3.93% to 4.10% based on a total collection figure of approximately \$63m.

The debt recovery results for the last ten years are as follows.

30 June	% Outstanding
2015/16	3.74
2016/17	2.96
2017/18	2.88
2018/19	2.67
2019/20	4.67
2020/21	3.73
2021/22	3.77
2022/23	3.66
2023/24	3.93
2024/25	4.10

The figures compare very favourably with the Office of Local Government (OLG) benchmark, which recommends a figure of less than 10%.

The Group Four Council average, which includes Ballina Shire, on the OLG "yourcouncil" website is 6.5%, as at 30 June 2023, being the latest available figure.

Options

This report is for information purposes based on the provisions of the Local Government (General) Regulation 2021.

RECOMMENDATION

That Council notes that rates, charges, and interest totalling \$2,379.97 (as per Tables 2, 3 and 4 of this report) were written off under delegation of the General Manager for the 2024/25 rating year pursuant to clause 131 of the Local Government (General) Regulation 2021.

Attachment(s)

Nil

9.5 Policy (Review) - Code of Meeting Practice

Section	Governance
Objective	To adopt the updated Code of Meeting Practice

Background

At the 26 June 2025 Ordinary meeting, Council received a report confirming that Section 360 of the Local Government Act (LGA) outlines the requirements for councils to adopt a Code of Meeting Practice, with clause (3) stating as follows:

A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.

As a result of this report Council resolved as follows:

That Council approves the public exhibition of Council's currently adopted Code of Meeting Practice, as required by Section 361 of the Local Government, for public comment, prior to adoption, subject to points three and four.

That section 4.2 of the Code of Meeting Practice be amended to state that deputations are limited to two speakers in the affirmative and two speakers in opposition.

In respect to exhibition Section 361 of the LGA states as follows:

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.*
- (2) The council must give public notice of the draft code after it is prepared.*
- (3) The period of public exhibition must not be less than 28 days.*
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.*

The updated Code of Meeting Practice has now been exhibited, and the purpose of this report is to adopt the Code.

Key Issues

- Compliance with Model Code of Meeting Practice
- Address any submissions

Discussion

As per the LGA, the draft policy document was exhibited for a period of 28 days to allow for public comment and included a further 14 days for submissions.

9.5 Policy (Review) - Code of Meeting Practice

The exhibition period was notified via Council's website and in Council's electronic newsletter. There were no submissions received during the 42-day period.

Delivery Program Strategy / Operational Plan Activity

The Model Code is linked to Community Strategic Plan (CSP) Outcome EL1 and Delivery Program (DP) Strategy EL1.2 as follows:

- CSP Outcomes - EL1 – decision making is inclusive, transparent and underpinned by sustainability
- DP Strategy - EL1.2 - involve our community in our planning and decision-making processes

Community Engagement Strategy

Section 361 of the LGA requires Council to advertise the draft Code of Meeting Practice, for 28 days, plus an extra 14 days for submissions.

The draft policy was placed on public exhibition with the closing date of 13 August 2025, and no submissions were received.

Financial / Risk Considerations

Nil

Options

Option 1 - Council adopts the policy as exhibited. Given there were no submissions during the exhibition period, this is the recommended approach.

Option 2 - Council can make further amendments and adopt the Code, albeit any amendments should be minor in nature.

RECOMMENDATION

That Council adopts the Code of Meeting Practice, as exhibited, as per Attachment 1 to this report.

Attachment(s)

1. Policy (Review) - Code of Meeting Practice [↗](#)

9.6 Tender - Wildlife Hazard Management Services - Airport

9.6 Tender - Wildlife Hazard Management Services - Airport

Section Commercial Services

Objective To report the outcomes of the tender evaluation for the Tender - Wildlife Hazard Management Services - Airport

Background

The works to be undertaken under this contract are Wildlife Hazard Management Services - Ballina Byron Gateway Airport.

Tenders were called on 13 June 2025 and at the close of tenders on 17 July 2025, three tender submissions were received.

This report outlines the results of the tender process.

Key Issues

- Comply with the Local Government (General) Regulation 2021
- Obtain value for money

Discussion

Thirty-three companies downloaded the documentation with tenders received from:

- Aviology Pty Ltd
- Avisure Pty Ltd
- Biodiversity Australia Pty Ltd

The tender submissions were assessed to ensure conformance with the conditions of tender and the mandatory criteria, being:

- Insurance
- Work Health and Safety
- Demonstrated experience with Wildlife Hazard Management Services at airports over the preceding 5-year period

All tender submissions met the mandatory assessment and were assessed using the following weighted assessment criteria:

- | | |
|---------------------------|-----|
| • Price | 35% |
| • Demonstrated experience | 30% |
| • Organisational Strength | 20% |
| • Social and Community | 15% |

Avisure Pty Ltd has been assessed as the preferred tenderer based on the evaluation. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Delivery Program Strategy / Operational Plan Activity

The operational activity of this tender contributes to ensuring the on-going viability of the Ballina Byron Gateway Airport

LP3.1 (Enhance transport and other business networks) of the current Delivery Program and Operational Plan.

Community Engagement Strategy

Council has undertaken a public tender process in accordance with the Local Government (General) 2021 Regulations.

Financial / Risk Considerations

The Long-Term Financial Plan for the Ballina Byron Gateway Airport allows \$520,000 for Wildlife Hazard Management in the operational budget over five years. The total cost of the preferred tender is \$522,716.34 excluding GST.

Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulation 2021, which requires that:

(1) After considering the tenders submitted for a proposed contract, the council must either:

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) decline to accept any of the tenders.*

Based on the tender evaluation, it is recommended that Council accept the tender from Avisure Pty Ltd.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to Avisure Pty Ltd for the Tender - Wildlife Hazard Management Services - Airport for the total amount of \$522,716.34 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential Memorandum - Tender Report - Wildlife Hazard Management Services - Ballina Byron Gateway Airport (Confidential)

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Section Financial Services

Objective To provide a review of the 2024/25 financial year results and to advise of budgets carried forward to 2025/26, and transfers to reserves for 2024/25.

Background

The purpose of this report is to provide a preliminary overview of the 2024/25 financial results and seek approval to carry funds forward from 2024/25 to 2025/26 for ongoing, or incomplete, projects and to advise on transfers to reserve for the end of 2024/25. The report also seeks approval for additional revisions, including new or additional budgets, for 2025/26.

Key Issues

- Variations to the budget and financial performance of Council

Discussion

This section of the report provides an overview of the very preliminary financial results. The results are still subject to change, due to end year accounting adjustments, however they provide an early summary of 2024/25.

General Fund

Table 1 outlines the draft General Fund Operating Result, with the draft result being a deficit of \$8.7m, which is a \$12.2m variance compared to the forecast surplus of \$3.5m, primarily as the gain on disposal of assets has not yet been finalised. Briefly, the major reasons for the variance are:

- Gain on disposal is currently \$7.6m below budget. The budgeted profit on sale included sale of real estate (Boeing Avenue) of \$7.9m. This land has been sold, and the profit on sale is part of the year end calculations, with adjustments still in progress. This has not been included in Table 1.
- Depreciation and loss on disposal is \$1.1m above budget.
- Operating revenue is \$1.7m lower than budget, primarily due to the timing of the Federal Government Financial Assistance Grant
- Operating expenditure is \$1.8m above budget, with a major contributor being expenditure of \$1m on Cyclone Alfred. Council is not able to raise matching income for that expenditure until the grant funding is approved.

The Operating Result, excluding the non-cash items for gain and loss on Disposal, and depreciation, is an operating surplus of \$14.4m, compared to the budget of \$17.9m, a negative variation of \$3.5m, with the Financial Assistance Grant and Cyclone Alfred contributing \$2.7m towards that \$3.5m.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Table 1: General Fund – Draft Operating Result by Section (\$'000)

Description	Revenue Actual	Revenue Budget	Expense Actual	Expense Budget	Operating Surplus / (Deficit) Actual	Operating Surplus / (Deficit) Budget
Planning and Environmental Health Division						
Strategic Planning	317	1,230	932	1,127	(615)	103
Development Services	1,976	1,820	4,349	4,173	(2,373)	(2,353)
Public and Environmental Health	1,102	1,031	3,877	3,796	(2,775)	(2,765)
Community Gallery	93	109	464	475	(371)	(366)
Open Spaces	1,617	1,545	8,360	7,532	(6,743)	(5,987)
Sub Total	5,104	5,735	17,981	17,103	(12,877)	(11,368)
Civil Services Division						
Infrastructure Planning	337	326	2,194	2,147	(1,857)	(1,821)
Roads and Bridges	6,988	7,439	9,475	9,078	(2,487)	(1,639)
Emergency Services	125	164	768	834	(643)	(670)
Landfill and Resource Mgmt	12,905	13,062	12,822	12,766	83	296
Domestic Waste Management	8,646	8,688	9,174	9,066	(528)	(378)
Sub Total	29,002	29,679	34,433	33,891	(5,431)	(4,212)
Corporate and Community Division						
Governance	20	0	1,597	1,521	(1,576)	(1,521)
Communications	14	19	538	647	(524)	(628)
Financial Services	37,688	38,169	715	777	36,973	37,392
Information Services	230	261	3,373	3,558	(3,144)	(3,297)
People and Culture	510	296	1,173	694	(662)	(398)
Property Management	3,145	3,249	2,280	2,278	865	971
Ballina Byron Gateway Airport	10,319	10,195	7,494	7,264	2,825	2,931
Community Facilities	914	890	1,170	1,237	(256)	(347)
Facilities Management	56	62	675	688	(619)	(626)
Library Services	194	193	2,037	2,133	(1,842)	(1,940)
Swimming Pools	1,233	1,245	2,105	2,089	(872)	(844)
Tourism	179	188	547	586	(369)	(398)
Plant Operations	5,901	6,051	4,025	3,853	1,876	2,198
Sub Total	60,404	60,818	27,729	27,325	32,675	33,493
Operating Result (excl depreciation)	94,510	96,232	80,143	78,319	14,367	17,913
Add Gain on Disposal	1,275	8,860			1,275	8,860
Less Depreciation and Loss on Disposal			24,350	23,232	24,350	23,232
Operating Result (incl depreciation)	95,785	105,092	104,493	101,551	(8,708)	3,541

The results in Table 1 are prior to the re-allocation of interest earnings between the General, Water and Wastewater Funds, and prior to year-end accounting

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

journals, for items such as the capital expenditure review, with some capital expenditure likely to be expensed.

Operating Revenue

The Operating revenue, excluding gain on disposal, was \$1.722m below the total General Fund budget of \$96.2m, with larger contributors to this result as follows:

- There was a change in the timing of the receipt of the Financial Assistance Grant in the 2024/25 year, which resulted in approximately \$1.94m less income compared to budget
- Combined Waste Operations income was \$198,000 below budget
- People and Culture income was \$214,000 above budget, with the largest variance being unbudgeted grant income of \$245,000 for trainees, cadets and apprentices
- Development Services income was \$156,000 above budget, after several reductions during the year
- Total budgeted Interest income for the General Fund was \$2.822m. The preliminary results include actual interest income of \$2.957m allocated to the General Fund. A redistribution of interest income between the General Fund, Water Fund and Wastewater Fund will occur once reserve balances across the three funds are determined.

Further discussion on the operating revenue, by section, is outlined later in this report.

Operating Expenditure

Operating expenditure, excluding depreciation and loss on sale, was \$1.824m above the total General Fund budget of \$78.319m.

- Unbudgeted expenditure of \$1,084,000 was incurred by the General Fund in relation to the March 2025 Ex-Tropical Cyclone event.

Most of this expenditure was within Engineering Works (\$864,000) and Open Spaces (\$178,000).

As with previous natural disaster events, these amounts were incurred throughout the year, and natural disaster funding claims are lodged. The funding to be received is not able to be recognised until the claims are approved. As such, associated income from this event is expected to be recognised in 2025/26.

- Unspent operating expenditure budgets totalling \$1,247,000 are carried forward to 2025/26. All carry forwards are detailed in Table 4 of this report.
- The largest variation to budget was within Open Spaces, which was \$650,000 over budget, excluding the natural disaster expenditure. This area remains under financial pressure to meet service level demands, from within the limited resources available.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

- People and Culture expenditure also had a variation of \$285,000 in expenditure, for the unbudgeted trainees, cadets and apprentices employed through the State Government funding program, however this is largely offset by the unbudgeted grant income.
- Superannuation expense was \$250,000 over forecasts
- Airport expenditure was \$230,000 over forecasts
- Development services \$176,000 over forecasts
- Plant Operations expenses \$172,000 over forecasts

Further discussion on the operating expenditure, by section, is outlined later in this report.

Gain on Disposal and Other Non-Cash Income

Table 1 shows the budgeted Gain on Disposal (and Other Non-Cash Income) of \$8.86m.

That budget consists of \$7.9m profit on sale of real estate assets and \$960,000 fair value increment for investment properties.

The year end calculations for profit on real estate assets are being finalised and will be accounted for as part of the year end journals.

A revaluation of investment properties, undertaken as at 30 June 2025, contributes actual non-cash income of \$1.226m, compared to the forecast of \$960,000.

The actual gain on disposal shown also includes profit on sale of plant of \$48,000.

Depreciation and Loss on Disposal

The actual depreciation and loss on disposal expense in Table 1 is \$1.1m higher than budget.

The forecasts for depreciation and loss on disposal are difficult to estimate, and the actuals can vary significantly each year.

Some of the contributing factors are timing of asset revaluations, capitalisation of works and the complexity of calculating future partial replacements.

The 2024/25 estimate for General Fund depreciation was \$21.202m.

Actual depreciation for General Fund was \$24.093m, 14% higher than budgeted.

The \$2.891m depreciation variance is predominantly the result of the roads and transport asset revaluation during 2024/25, which resulted in a higher depreciation charge for those asset classes.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

The 2024/25 budget estimate for the General Fund loss on disposal was \$2.03m. The budget was based on the average of the preceding years.

Actual net loss on disposal for General Fund is only \$257,000, which is comparatively low to previous years.

During the comprehensive revaluation of roads and transport assets, a comprehensive assessment of useful lives and potential obsolescence was undertaken.

As a result, the accumulated depreciation was more closely aligned, which has resulted in a lower loss on disposal.

Reclassification of Capital Expenditure

Year-end adjustments include a review of capital expenditure incurred during the year, as well as amounts that have been held on the Balance Sheet as capital works in progress (WIP).

These adjustments are not included in the draft results shown in Table 1.

A preliminary review of capital expenditure for the 2024/25 year indicates that \$81,000 of expenditure incurred as capital, within the General Fund, will have to be reclassified to operating expenditure.

A review of amounts that had been held on the Balance Sheet as WIP, from previous years, has also identified approximately \$94,000 relating to the General Fund requiring write off as an expense.

There were no individually large items within these reviews.

The above will result in a combined deterioration of \$175,000 to the General Fund operating result.

Commentary on Operating Result per Section

Brief comments for each section on the major items of interest for the year (i.e. comparisons to budget) are as follows:

Planning and Environmental Health Division

Strategic Planning

Operating income is \$913,000 below budget in Table 1 however the budgeted income includes \$954,000 as interest earnings on Section 7.11 developer contribution reserve balances.

The allocation of interest to the various sections and reserve balances is yet to occur, as part of the year end finalisation.

Excluding the interest budget, the variance in operating income is \$32,000 above budget.

Operating expenditure is \$195,000 below budget.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Table 4 identifies net expenditure budgets of \$160,000 to be carried forward to the next financial year.

Other projects, identified within Table 7 provide a net transfer back to reserves of \$17,600.

Development Services

Total income of \$1,976,000 was \$156,000 above the budget of \$1.82m.

Legal fees recovered of \$125,000 were received in June 2025.

Other revenues came close to budgeted figures, which had been revised down during the year.

Total expenses were \$176,000 above the budget of \$4.173m.

The ongoing use of consultant planners and temporary staff was not offset by below budgeted salaries resulting from staff vacancies.

Planning legal expenses totalled \$660,000, which ended up \$40,000 below the final budget.

Table 4 identifies an expenditure budget of \$8,000 to be carried forward to the next financial year.

Public and Environmental Health

The operating result was an unfavourable \$10,000 in comparison to budget, with operating income being \$71,000 above budget and operating expenditure being \$81,000 above budget.

This section includes Animal Control, Public Order, Public Health, and Environmental Health budgets.

Animal Control expenditure \$68,000 was above budget due to extra expenditure on poo bags, cleaning and utility costs.

Public Order was \$85,000 above budget, due to extra expenditure on ranger salaries and allowances.

Table 4 also identifies Environmental Health expenditure budgets of \$176,000 to be carried forward, including the Maguires Creek Rehabilitation project.

Unspent budgets of \$88,000, as shown in Table 7, are held in reserve.

Community Gallery

Operating income was \$16,000 below budget and operating expenditure was \$11,000 below budget.

Open Spaces

This section encompasses parks and reserves, sporting fields, open spaces buildings and public amenities, cemeteries, and vegetation management.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Operating income for the section was \$72,000 more than forecast.

The larger variances were for beach permits \$23,000, unbudgeted compensatory vegetation contributions \$22,000, cemetery fees were \$11,000 higher than budget and event and film income \$9,000 above budget.

Operating expenditure for the section was \$828,000 more than budget.

Parks and reserves operating expenses was \$527,000 higher than the budget of \$4.55m.

This expenditure included unbudgeted expenditure of \$178,000 incurred in relation to the March 2025 Ex-Tropical Cyclone event. Once this is eliminated the net variance is \$349,000 representing a 7% variation to budget.

Public amenities expenditure was \$130,000 above budget, with maintenance on toilets being \$55,000 over budget and maintenance on picnic tables and BBQs being \$30,000 over budget.

Vegetation management expenditure was \$38,000 below budget.

Beach expenditure was \$52,000 above budget, with \$32,000 relating to maintenance activities and \$20,000 to the lifesaving contract.

Sporting Fields expenditure was \$69,000 above budget.

Cemetery expenditure was \$88,000 above budget.

The operating budgets for the Open Spaces Section continue to face significant resource and financial pressures, as the areas under Council's control continue to grow, and the funds allocated struggle to keep pace with that growth.

Civil Services Division

Infrastructure Planning

Operating income was over budget by \$11,000.

Operating expenditure was over budget by \$47,000, with additional expenditure on software licence fees and temporary staff costs contributing.

Roads and Bridges

This section encompasses roads, stormwater, street lighting, street cleaning, wharves, jetties, and pontoons and the net operating result had an unfavourable variance of \$848,000 compared to budget.

The significant variance related to unbudgeted expenditure, being \$864,000 in relation to the March 2025 Ex-Tropical Cyclone event.

Operating income was under budget by \$451,000.

The budgeted income includes \$168,000 for interest earnings on bypass reserve balances, with the allocation of interest yet to occur as part of the year end finalisation.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Table 4 also identifies income budgets of \$288,000 to be carried forward to 2025/26, as the income from grants has not yet been realised.

The various sub-sections had largely offsetting favourable and unfavourable variances to budget, once carry forward budgets are considered.

Emergency Services

Operating income was below budget by \$39,000 and operating expenditure was below budget by \$66,000.

Table 4 identifies an expenditure budget of \$52,000 to be carried forward to the next financial year.

Landfill and Resource Management (LRM)

A preliminary net surplus of \$83,000 was achieved, compared to the March forecast surplus of \$296,000, an unfavourable variance of \$213,000.

Operating income was below forecast by \$157,000, with the larger contributors being sales from recyclable metal being \$109,000 below forecast.

This was, in part, due to a downturn in the international pricing for scrap metal towards the end of the financial year, and due to the scheduling of stockpile collection occurring later than forecasted, in the first week of the 2025/26.

The budgeted income also includes \$35,000 for interest earnings, with the allocation of interest yet to occur.

Operating expenditure was \$56,000 above forecast.

Table 4 identifies an expenditure budget of \$127,000 to be carried forward to the next financial year.

Domestic Waste Management (DWM)

DWM operations produced a preliminary net deficit of \$528,000, compared to a budgeted deficit of \$378,000, an unfavourable variance of \$150,000.

Operating income was \$42,000 below budget.

Budgeted income includes \$56,000 as interest earnings with the allocation of interest yet to occur.

Operating expenditure was \$108,000 above budget.

The largest individual component was for organics waste processing, which was \$90,000 above budget.

This is due to a larger than anticipated volume of food and garden organics (FOGO) material being generated for collection and processing through the green bin collection service.

Table 4 identifies an expenditure budget of \$30,000 to be carried forward to the next financial year.

Corporate and Community Division

Governance

Unbudgeted income of \$20,000, a motor vehicle insurance rebate, was received in April 2025.

Operating expenditures were over budget by \$76,000 in total.

Subscriptions and memberships expenses were \$57,000 higher than budgeted.

Actual expenditure includes the Northern Rivers Joint Organisation (NRJO) membership and the Local Government NSW Membership Subscription, with a combined expenditure of \$97,000, Data base and Infocouncil subscriptions combined of \$15,000, along with several smaller subscriptions.

Communications

Operating income was \$5,000 below budget.

Operating expenditure was \$109,000 below budget.

Expenditure budgets included \$129,000 for the Festival and Events program, inclusive of the Fair Go Event, of which \$42,000 was not expended.

The required carry forward for Festival and Events program is \$35,000, with a balance of \$7,000 of the budget remaining unutilised.

Expenditure budgets also included \$96,000 for the Donations Community Groups, of which \$24,000 was not expended. The required carry forwards for this program are \$5,000, with a balance of \$19,000 of the budget remaining unutilised.

Donations to Sporting Groups and Donations to Community Groups were \$10,000 under budget.

Savings were realised within the budgets for utility costs and salaries expenses, of \$25,000 and \$20,000, respectively.

Financial Services

The draft operating revenue shown in Table 1 is \$481,000 below budget.

The Financial Services Section currently includes actual interest income of \$2.87m compared to budgeted interest income of \$1.39m, a variance of \$1.48m.

This result is prior to the adjustment between Funds and the allocation of interest to other sections within the General Fund.

This section also includes income from the Federal Government's Financial Assistance Grant, with actual income of \$4.13m compared to the budgeted income of \$6.15m, a variance of \$2.02m.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

In 2023/24, the Commonwealth Government made an advance payment of 85% of the 2024/25 grant.

The budget for 2024/25 was formulated on the assumption that a similar advance would be made in 2024/25 (i.e. that the advance would again be 85%).

In late June 2025, councils were advised that the advance was only 50% of the 2025/26 grant.

This means that the Financial Assistance Grant income recognised in 2024/25, is approximately \$1.94m lower than budget.

Operating expenses were \$62,000 below forecast.

Savings were realised in salaries of \$62,000, with some staff vacancy during the year, as well as leave balances utilised, and bank fees and postage fees were lower than forecast.

Debt recovery expenses were \$27,000 more than forecast.

Information Services

Operating income was \$30,000 below a budget of \$261,000.

Operating expenditure was \$185,000 below budget, with salaries significantly under budget due to vacancies throughout the year.

Unspent budget of \$28,000 is carried forward to 2025/26.

This relates to grant funded expenditure for the NSW Planning Portal.

People and Culture

This section manages, amongst other things, government reimbursements to Council under various employment programs, staff leave, superannuation, recoupment of on-costs (a negative expense) and workers compensation for the entire organisation with a gross total expenditure budget of approximately \$10.5m (excluding the recoupment of on-costs).

Operating income was \$510,000 compared to the budget of \$296,000, a variance of \$214,000.

Operating income in this section includes reimbursements from Council's workers compensation insurer, contributions for employees received from the Federal Department of Employment and Workplace Relations (DEWR) and contributions from the Office of Local Government for trainees, apprentices and cadets.

Income of \$245,000 for the 2025/26 year has been recognised from the Office of Local Government under the Fresh Start for Local Government Apprentices, Trainees and Cadets Grants program.

To date, Council was successful in commencing seven apprentices, eight trainees and four cadets under Round 1 and 2 of this program. These positions are substantially funded under the program.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

The salaries paid in relation to these trainees, apprentices and cadets amounted to \$285,000, with a net cost to Council of \$40,000.

Income and expenditure budgets had not been raised in respect to this program, as the number of employees was unknown in the last budget review.

The Statecover Workers Compensation reimbursement was \$180,000, exceeding budget by \$54,000.

Operating expenditure was \$1,173,000 compared to budget of \$694,000. above budget, a variance of \$479,000.

As noted earlier, expenditure of \$285,000 relates to the trainees, apprentices and cadets program.

Total superannuation expenses paid were \$250,000 higher than budgeted, with total paid of \$3.729m.

Property Management

Operating income is \$6,000 below budget.

Budgeted income includes \$196,000, as interest earnings on anticipated reserve balances, with the actual allocation yet to occur, as part of the year end finalisation.

Rental income exceeded budget by \$107,000.

Across the Property Management Section, operating expenses of \$2.280m were above budget by \$2,000.

Ballina Byron Gateway Airport

The Airport achieved an operating surplus of \$2.825m, excluding depreciation.

This was \$106,000 below the forecast surplus of \$2.931m.

Operating income was \$124,000 above forecast.

Passenger charges were below budget by \$177,000, with actual income of \$3.657m compared to the \$3.834m budget.

Security Charges received from the airlines exceeded budget by \$214,000, with actual income of \$2.289m compared to the budget of \$2.075m.

Car rental income was below budget by \$65,000, with actual income of \$1.435m compared to the budget of \$1.5m.

Operating expenditure was \$230,000 above forecast.

The combined Wages/Salaries and cleaning costs expense exceeded budget by \$186,000.

Security expenses exceeded budget by \$96,000, with actual expense of \$2.271m compared to the budget of \$2.175m.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

These charges vary according to airport operating hours and are recovered in security fees levied to the airlines.

The marketing budget was underspent by \$77,000.

Maintenance expenditure was \$48,000 below budget of \$525,000.

Utility expenses were \$42,000 above budget of \$182,000.

Consultant expenditure of \$173,000 was incurred, compared to a budget of \$150,000.

Community Facilities

The operating result for this section was \$91,000 more favourable than budget.

Operating income was \$24,000 above budget, with the larger variations noted below.

Lennox Head Cultural Centre income was \$23,000 below budget of \$182,000.

Ballina Indoor Sports Centre income was \$16,000 over budget of \$272,000.

Ballina Surf Life Saving Club income was \$22,000 over budget of \$148,000.

Richmond Room income was \$15,000 over budget of \$50,000.

Total expenditure was \$67,000 below budget.

Employee and related costs charged to this section were \$57,000 below budget of \$734,000.

The next largest expenditure variation was for the Ballina Indoor Sports Centre expenditure, \$27,000 above budget of \$92,000.

Facilities Management

Operating income was \$6,000 below budget of \$62,000.

Operating expenditure was \$7,000 above budget of \$688,000.

Library Services

Operating income of \$194,000 compared to budget of \$193,000.

Operating expenditure was \$96,000 under budget.

Unspent funds of \$59,000 from the NSW Library Special Projects funding is placed into reserves.

Swimming Pools

Ballina pool income for the year of \$762,000 was \$3,000 less than the forecast.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Alstonville pool income for the year of \$465,000 was \$15,000 less than the forecast.

Overall expenditure for Ballina pool was \$932,000, which was \$72,000 over forecast, with maintenance exceeding budget by \$114,000, offset by savings realised in chemicals, utility costs and various other operating budgets.

Overall expenditure for Alstonville pool was \$781,000, which was \$51,000 lower than forecast, with savings realised in maintenance, chemicals, utility costs and various other operating budgets.

Tourism

Operating income was \$9,000 below budget of \$179,000, with the largest variation being merchandise sales \$20,000 below budget of \$155,000.

Operating expense was \$39,000 below budget of \$586,000.

Savings of \$58,000 were realised within salaries and wages, offset by cost of inventory purchased \$14,000 over budget.

Plant Operations

The preliminary net operating result was \$322,000 below forecast.

Total income was \$150,000 below forecast of \$6.051m.

The largest income source for this section is internal plant hire charges which were \$146,000, or 3%, below a budgeted figure of \$5.183m.

Total expenditure was \$172,000 above forecast \$3.853m.

Plant operations were \$155,000, or 5%, above a budgeted figure of \$2.966m.

Water Operations

The preliminary result for Water Operations is shown in Table 2.

Table 2 - Water Operations – Draft Financial Results (\$'000)

Item	Actual (\$)	Budget (\$)
Operating Revenues	16,288	16,826
Operating Expenses	14,001	14,069
Operating Result (excluding depreciation)	2,288	2,757
Depreciation and Loss on Disposal	2,499	2,330
Operating Result (including depreciation)	(212)	427

Commentary on Operating Result

The draft operating result, inclusive of depreciation is a deficit of \$212,000.

Operating income is showing as \$538,000 less than forecast, a variation of 3.2%.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Water consumption is the most significant income source, with a total annual budget for water consumption for 2024/25 of \$9.52m. The very wet weather would have contributed to this overall reduction in water usage.

Actual water consumption is \$9.11m, an unfavourable variation of \$407,000, or 4.2%.

Water access charges are a smaller income source for this Fund, with a total budget for 2024/25 of \$5.47m, which consists of \$4.5m for residential and \$970,000 for non-residential properties.

Actual residential access charges were \$15,000 below budget.

Actual non-residential access charges were \$50,000 below budget.

Budgeted income includes interest from investments of \$850,000. Actual income currently includes \$1.002m, however a reallocation between Funds is yet to occur as part of the year end finalisation.

Tapping fees actual income of \$123,000 is \$237,000 less than the budgeted income of \$360,000.

Operating expenditure is showing as \$68,000 less than forecast, a variation of less than 0.5%.

Depreciation and Loss on Disposal

The actual depreciation and loss on disposal expense in Table 2 is above budget.

Actual depreciation, of \$1.774m, was \$106,000 below budget.

Actual losses from the disposals, of \$725,000 were above the budget figure of \$450,000.

Reclassification of Capital Expenditure

Year-end adjustments include a review of capital expenditure incurred during the year as well as amounts that have been held on the balance sheet as capital works in progress.

These adjustments are not reflected in Table 2.

A preliminary review of capital expenditure for the 2024/25 year indicates that \$23,000 of expenditure incurred as capital, within the Water Fund, will have to be reclassified to operating expenditure.

A review of amounts that had been held on the Balance Sheet as WIP, from previous years, has also identified approximately \$10,000 relating to the Water Fund requiring write off, as an expense.

These adjustments, when completed, will result in a deterioration in the operating result.

Wastewater Operations

The preliminary result for Wastewater Operations is shown in Table 3.

Table 3 - Wastewater Operations – Draft Financial Results (\$'000)

Item	Actual (\$)	Budget (\$)
Operating Revenues	25,000	24,485
Operating Expenses	14,402	14,247
Operating Result (excluding depreciation)	10,598	10,238
Depreciation and Loss on Disposal Expense	4,971	5,230
Operating Result (including depreciation)	5,627	5,008

Commentary on Operating Result

The draft operating result, inclusive of depreciation, is a surplus of \$5.627m compared to a forecast surplus of \$5.008m.

Operating income is showing as \$515,000 above forecast.

Access charges are the most significant income source for this Fund, with a total annual budget for access charges for 2024/25 of \$20.78m, which consists of \$18.53m for residential and \$2.25m for non-residential properties.

Actual residential access charges were \$212,000 above budget, a variation of 1.1%.

Actual non-residential access charges were \$2,000 below budget, a variation of less than 0.1%.

Wastewater volumetric charges are a smaller income source for the Fund, with a total annual budget for 2024/25 of \$1.4m.

Actual volumetric charges were \$85,000 below budget, a variation of 6.0%.

Recycled water consumption charges are a smaller income source for this Fund, with actual income of \$464,000 compared to budget of \$422,000, a favourable variance of \$42,000.

Budgeted income includes interest from investments of \$850,000. Actual income currently includes \$1.207m, however a reallocation between Funds is yet to occur as part of the year end finalisation.

Operating expenditure is showing as \$155,000 above forecast, a variation of 1.1%.

Depreciation and Loss on Disposal

The actual depreciation and loss on disposal expense in Table 3 is below budget by \$259,000.

Actual depreciation, of \$4.741m, was \$141,000 above the budget.

Actual losses from disposals, of \$230,000, was \$400,000 below the budget.

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Reclassification of Capital Expenditure

A preliminary review of capital expenditure for the 2024/25 year indicates that \$15,000 of expenditure incurred as capital, within the Wastewater Fund, will have to be reclassified to operating expenditure.

These adjustments, when completed, will result in a deterioration in the operating result.

Works Carried Forward and Reserve Transfers

It is important for budgeting purposes that any incomplete projects / tasks / actions, which are still on-going, are carried forward to the next financial year (2025/26).

This ensures that the 2025/26 budget reflects the totality of the works and services program.

Tables 4 and 5 show works to be commenced, or completed, in 2025/26.

Items in Tables 4 and 5 have previously been approved by Council, unless noted in this report, and the designated funding source is also carried forward.

Table 4 represents operating expenses forecast for 2024/25, that did not occur, which then improves the operating result for that year.

Once these budgets are carried forward the forecast operating result for 2025/26 is adversely impacted.

Table 5 represents capital projects planned for 2024/25, not yet completed, and now proposed for commencement, or completion, in 2025/26.

Table 6 shows transfers to or from reserves for 2024/25 that are in addition to previously approved budget transfers.

Table 4 - Operating Expense and Income Carried Forward to 2025/26 (\$)

Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
<i>Planning and Environmental Health Division</i>				
<i>Strategic Planning</i>				
Biodiversity Strategy	57,000		57,000	Carry forward grant funded unspent expenditure budget
Resilient Lands Strategy	103,000		103,000	Carry forward grant funded unspent expenditure budget
<i>Development Services</i>				
Strong Start Cadetship Program	8,000	8,000	0	Grant funded program in progress
<i>Environmental and Public Health</i>				
Maguires Creek Rehabilitation Project	185,000	82,000	103,000	Carry forward unspent 2024/25 expenditure budget and related grant funding

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
Emigrant Creek Stabilisation Project	4,000		4,000	Project in progress
Litter Prevention		-48,000	48,000	Reduction to 2025/26 adopted budgets for unbudgeted grant income recognised in 2024/25
Regional Watershed Initiative - Ground Restoration	-13,000	-30,000	17,000	Reduction to 2025/26 adopted budgets for unbudgeted expenditure and grant income recognised in 2024/25
Division Total	344,000	12,000	332,000	
Civil Services Division				
<i>Roads and Bridges</i>				
Develop Agricultural Levee Guidance	62,000	10,000	52,000	Carry forward unspent 2024/25 expenditure budget and related grant funding
Pearces Creek Compensatory Works	38,000		38,000	Carry forward unspent 2024/25 expenditure budget
<i>Ancillary Transport</i>				
Alstonville to West Ballina Shared Path Concept	193,000	193,000	0	Carry forward unspent 2024/25 expenditure budget and related grant funding
Street Lighting Hackett Lane, Ballina	64,000		64,000	Not commenced
Street Lighting Hill Street/Pine Avenue, Ballina	15,000		15,000	In progress
Street Lighting Sharpes Beach (underpass)	9,000		9,000	Not commenced
Canal Dredging	9,000		9,000	Carry forward part of the unspent 2024/25 expenditure budget for Lake Banyanda
Ferry Annual Slip	37,000		37,000	Carry forward unspent 2024/25 expenditure budget
<i>Stormwater</i>				
Floodplain Management Plan (Ballina Island and West Ballina)	117,000	70,000	47,000	Carry forward unspent 2024/25 expenditure budget and related grant funding
Overland Flood Studies for Alstonville, Lennox Head and Wardell	23,000	15,000	8,000	Carry forward unspent 2024/25 expenditure budget and related grant funding
<i>Emergency Services</i>				
Emergency Management and Social Cohesion	52,000		52,000	Carry forward unspent budget, which is grant funded
<i>Landfill and Resource Management</i>				
Waste Management Centre Masterplan	25,000		25,000	In progress

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
Wardell Landfill Management Plan	70,000		70,000	In progress
Local Government Waste Solutions	32,000	6,000	26,000	Carry forward unspent 2024/25 expenditure budget and related grant funding
<i>Domestic Waste Management</i>				
Education Programs	30,000		30,000	Carry forward unspent budget, for rural service review, compost bins and education rollout
Division Total	776,000	294,000	482,000	
Corporate and Community Division				
<i>Communications</i>				
Festival and Events Program	35,000		35,000	Donations outstanding from 2024/25
Donations Community Groups	5,000		5,000	Donations outstanding from 2024/25.
<i>Information Services</i>				
NSW Planning Portal	28,000		28,000	Carry forward grant funded unspent expenditure budget.
<i>Library Services</i>				
NSW Library Special Projects Funding	59,000		59,000	Carryforward of grant funded unspent expenditure budget.
Division Total	127,000	0	127,000	
GENERAL FUND TOTAL	1,247,000	306,000	941,000	
Water Operations				
Nil	0		0	
WATER FUND TOTAL	0	0	0	
Wastewater Operations				
Nil	0		0	
WASTEWATER FUND TOTAL	0	0	0	

Table 5 – Capital Expenditure Carried Forward to 2025/26 (\$)

Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
Planning and Environmental Health Division				
<i>Open Spaces</i>				
Alstonville Creek Restoration	268,000	268,000	0	Carry forward of unspent expenditure budget and associated grant income

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
Sharpes Beach Masterplan Implementation	-35,000	-35,000	0	Reduction of 2025/26 expenditure and grant income budgets by amount expended in advance
<i>Sporting Fields</i>				
Ballina Pump Track Kingsford Smith Reserve	-9,000	-9,000	0	Reduction of 2025/26 expenditure and grant income budgets by amount expended in advance
Williams Reserve	9,000		9,000	Unspent funds carried forward
Division Total	233,000	224,000	9,000	
Civil Services Division				
<i>Stormwater and Environmental Protection</i>				
Kawana Street Basin (LG Recovery Grant funded)	28,000		28,000	Carry forward of unspent expenditure budget
Mellis Circuit (LG Recovery Grant funded)	9,000		9,000	Carry forward of unspent expenditure budget
West Ballina (LG Recovery Grant funded)	26,000		26,000	Carry forward of unspent expenditure budget
Rossmore Park Diversion Works (LG Recovery Grant funded)	38,000		38,000	Carry forward of unspent expenditure budget
Coral Street (LG Recovery Grant funded)	13,000		13,000	Carry forward of unspent expenditure budget
Williams Reserve, Lennox Head	19,000		19,000	Carry forward of unspent expenditure budget
Lindsay Crescent, Wardell (LG Recovery funded)	20,000		20,000	Carry forward of unspent expenditure budget
Greenfield Drive & Tallow Wood Place, Lennox Head	40,000		40,000	Carry forward of unspent expenditure budget
Lems Lane & Cliff Murray Lane, Lennox Head	78,000		78,000	Carry forward of unspent expenditure budget
Ballina Fair, Ballina	20,000		20,000	Carry forward of unspent expenditure budget
Tide Gates to Urban Streets	63,000		63,000	Carry forward of unspent expenditure budget
Urban Lanes (Holden Lane)	35,000		35,000	Carry forward of unspent expenditure budget
<i>Roads</i>				
Evacuation Route Raising (Northern Rivers Recovery and Resilience Grant)	166,000	166,000	0	Carry forward of unspent expenditure

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
				budget and associated grant income
North Creek/Tamarind Drive/Southern Cross Drive - 4 Lanes	138,000		138,000	Carry forward of unspent expenditure budget
Byron St Byron Bay Roundabout (Australian Government Blackspot funding)	300,000	300,000	0	Carry forward of unspent expenditure budget and associated grant income
Bagot Street seg 10-30 (AGRN 1012 EPAR funded)	10,000		10,000	Carry forward of unspent expenditure budget and associated grant income
Owen Street seg 60-100 (AGRN 1012 EPAR funded)	10,000		10,000	Carry forward of unspent expenditure budget and associated grant income
Tamar Street seg 30 (AGRN 1012 EPAR funded)	10,000		10,000	Carry forward of unspent expenditure budget and associated grant income
North Creek Road seg 10 (AGRN 1012 EPAR funded)	10,000		10,000	Carry forward of unspent expenditure budget and associated grant income
The Coast Road, Lennox Head Landslip Seg 30 (AGRN 1012 EPAR funded)	66,000		66,000	Carry forward of unspent expenditure budget and associated grant income
AGRN 1012 EPAR Grant Income budget carry forward for Urban Roads above		110,000	-110,000	Carry forward of income budget for AGRN 1012 EPAR funded urban projects noted above
Roads budget (previously unallocated)	150,000		150,000	Carry forward of unspent budget, allocation to Teven Bridges Guard Rail
Wardell Town Centre Master Plan and Improvements	283,000		283,000	Carry forward of unspent expenditure budget for finalisation of works
Urban Road Reseals	102,000		102,000	Carry forward of unspent expenditure budget
Tamarind Drive (North Creek Road to Kerr Street) - 4 Lanes	-128,000	-128,000	0	Reduction to 2025/26 expenditure and grant income budgets by amounts expended in advance
River Street Stage 3 Fishery Creek Bridge	29,000	29,000	0	Carry forward of unspent expenditure budget
Perrys Lane dust sealing (MEMS funded)	20,000		20,000	Carry forward of unspent budget
MEMS budget (previously unallocated)	95,000		95,000	Carry forward of unspent budget

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
MEMS grant income		34,000	-34,000	Carry forward of MEMS grant income budget not recognised
Cooks Lane dust sealing	61,000		61,000	Carry forward of unspent expenditure budget
Rifle Range Road (Safer Roads funded)	19,000	19,000	0	Carry forward of unspent expenditure budget and associated grant income
Teven Road seg 60	269,000		269,000	Carry forward of unspent expenditure budget
Houghlahans Creek Road part 150	501,000		501,000	Carry forward of unspent expenditure budget
Uralba Cutting Road landslip seg 10 (AGRN 1012 EPAR funded)	20,000		20,000	Carry forward of unspent expenditure budget and associated grant income
Hinterland Way landslip seg 80 (AGRN 1012 EPAR funded)	17,000		17,000	Carry forward of unspent expenditure budget and associated grant income
Forest Road landslip seg 10 and Pearces Creek Road seg 50 (AGRN 1012 EPAR funded)	35,000		35,000	Carry forward of unspent expenditure budget and associated grant income
Towalbyn Place landslip seg 10 (AGRN 1012 EPAR funded)	21,000		21,000	Carry forward of unspent expenditure budget and associated grant income
Duck Creek Mountain Road landslip seg 20 (AGRN 1012 EPAR funded)	66,000		66,000	Carry forward of unspent expenditure budget and associated grant income
Teven Road landslip seg 125 (AGRN 1012 EPAR funded)	45,000		45,000	Carry forward of unspent expenditure budget and associated grant income
Tamarind Drive landslip seg 310 (AGRN 1012 EPAR funded)	45,000		45,000	Carry forward of unspent expenditure budget and associated grant income
Marom Creek Road landslip seg 130 (AGRN 1012 EPAR funded)	24,000		24,000	Carry forward of unspent expenditure budget and associated grant income
Helen Court seg 10	6,000		6,000	Carry forward of unspent expenditure budget
Fox Street seg 90	79,000		79,000	Carry forward of unspent expenditure budget
Sneaths Road landslip seg 70 (AGRN 1012 EPAR funded)	14,000		14,000	Carry forward of unspent expenditure budget and associated grant income

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
Tintenbar Road landslip seg 30 (AGRN 1012 EPAR funded)	29,000		29,000	Carry forward of unspent expenditure budget and associated grant income
AGRN 1012 EPAR Grant Income budget carryforward for Rural Roads above		288,000	-288,000	Carry forward of income budget for AGRN 1012 EPAR funded rural projects noted above
Empire Vale Road seg 30 Foam bitumen stabilisation (RERRF funded)	338,000		338,000	Carry forward of unspent expenditure budget and associated grant income
Reedy Creek Road seg 10 foam bitumen stabilisation (RERRF funded)	-19,000		-19,000	Reduction to 2025/26 expenditure by amounts expended in advance
Humpty Back Road seg 20 foam bitumen stabilisation (RERRF funded)	343,000		343,000	Carry forward of unspent expenditure budget and associated grant income
Hermans Lane seg 30 foam bitumen stabilisation (RERRF funded)	490,000		490,000	Carry forward of unspent expenditure budget and associated grant income
Riverbank Road Pimlico seg 10-50 (RERRF funded)	356,000		356,000	Carry forward of unspent expenditure budget and associated grant income
RERRF funded grant income still to recognise		1,535,000	-1,535,000	Carry forward of income budget for RERRF projects above
Betterment Ross Lane	96,000	96,000	0	Carry forward of unspent expenditure budget and associated grant income
<i>Bridges</i>				
Eltham Road Bridge Scour seg 20 (AGRN 1012 EPAR funded)	164,000	164,000	0	Carry forward of unspent expenditure budget and associated grant income
Bridges – Other	68,000		68,000	Carry forward of unspent expenditure budget for minor works.
<i>Footpaths</i>				
Lennox Head Shared Path (Get NSW Active funded)	10,000	10,000	0	Carry forward of unspent expenditure budget and associated grant income
Horizon Drive, Ballina	47,000		47,000	Carry forward of unspent expenditure budget
Stewart Street, Lennox Head	96,000		96,000	Carry forward of unspent expenditure budget
Fig Tree Hill and Ross Lane, Lennox Head	17,000		17,000	Carry forward of unspent expenditure budget

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
Camoola Avenue, Ballina	12,000		12,000	Carry forward of unspent expenditure budget
<i>Ancillary</i>				
Car Parking - Meldrum Park, East Ballina	44,000		44,000	Carry forward of unspent expenditure budget
Ancillary works - Parklet	23,000		23,000	Carry forward of unspent expenditure budget
<i>Emergency Services</i>				
Ballina SES Building	19,000	19,000	0	Carry forward of unspent expenditure budget and associated grant income
<i>Landfill and Resource Recovery</i>				
Leachate System Electrical and SCADA	32,000		32,000	Works in progress
Landfill Bulk Loadout Area	50,000		50,000	Works in progress
Front of House Upgrades	208,000		208,000	Works in progress
Division Total	5,295,000	2,642,000	2,653,000	
Corporate and Community Division				
<i>Property Management</i>				
Wigmore Arcade Tenant Carpark Upgrade	4,000		4,000	Works in progress
Russellton Industrial Estate Subdivision	1,360,000		1,360,000	Works in progress
Boeing Avenue Lots Two and Three	381,000		381,000	Works in progress
Wollongbar Urban Expansion Stage Three	294,000		294,000	Works in progress
<i>Ballina Byron Gateway Airport</i>				
Ground Transport Master Plan	55,000		55,000	Works in progress
Transition to Controlled Airspace	38,000		38,000	Works in progress
Runway	45,000		45,000	Works in progress
<i>Quarries</i>				
Stokers Quarry Remediation	119,000		119,000	Works in progress
<i>Facilities Management</i>				
Ballina Indoor Sports Centre Court Lighting	20,000		20,000	Carry forward of unspent expenditure budget
Open Spaces / Trade Shed Roof Replacement	129,000		129,000	Carry forward of unspent expenditure budget
Ballina Library Furnishings, Floor Coverings, Security	168,000	168,000	0	Carry forward of unspent expenditure budget and associated grant income

9.7 Financial Review - 2024/25 - Carry Forwards and Reserve Movements

Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
Bulwinkel Park Toilets	71,000		71,000	Carry forward of unspent expenditure budget
Depot Water and Wastewater Shed Roof	270,000		270,000	Works not commenced
Depot Store Roof	143,000		143,000	Works in progress
Ballina Surf Club Carpets and AC	78,000		78,000	Works not commenced
Ballina Library Internal Paint	94,000		94,000	Works not commenced
Lennox Head Cultural Centre Library Carpet and Paint	59,000		59,000	Works in progress
Lennox Head Cultural Centre Roof Replacement Library/Foyer/CWA Hall	174,000		174,000	Works in progress. Additional budget raised in Table 7
Alstonville Cultural Centre Redevelopment	86,000		86,000	Works in progress
<i>Tourism</i>				
Historic Ballina Riverfront Walk and Cultural Ways Signage	90,000	90,000	0	Carry forward of expenditure budget and associated grant income still to be recognised.
Division Total	3,678,000	258,000	3,420,000	
GENERAL FUND TOTAL	9,206,000	3,124,000	6,082,000	
Water Services				
Reservoirs External Painting	10,000		10,000	In planning stages
Reservoir Pine Avenue	36,000		36,000	Works in progress
Reservoir Pacific Pines	6,000		6,000	Works in progress. Additional budget raised in Table 7
WATER FUND TOTAL	52,000	0	52,000	
Wastewater Services				
SP2218 Elkhorn Parade, North Ballina, Pump Renewals	76,000		76,000	Works in progress
SP2313 Compton Drive, East Ballina, Pump Renewals	27,000		27,000	Works in progress
SP2102 Boat Harbour Road, West Ballina, Switchboard Upgrade	92,000		92,000	Works in progress
Waste Water Treatment Plant Ballina, Access Road	10,000		10,000	Works in progress
Wastewater Treatment Plant Wardell, UV Replacement	30,000		30,000	Works not commenced
Wastewater Treatment Plant Alstonville, Dosing Upgrade	50,000		50,000	Works not commenced

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Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
Wastewater Treatment Plant Alstonville, WAS Pump Upgrade	150,000		150,000	Works not commenced
Wastewater Treatment Plant Lennox Head, Hydrochloric Acid Dosing Upgrade	13,000		13,000	Works in progress
Wastewater Treatment Plant Lennox Head, WAS Pump Upgrade	150,000		150,000	Works not commenced
Wastewater Treatment Plant Lennox Head, Belt Press	100,000		100,000	Works in progress
Wastewater Treatment Plant Ballina, Sludge Digester Aeration Upgrade	95,000		95,000	Works in progress
Wastewater Treatment Plant Ballina, Hypo Dosing	100,000		100,000	Works not commenced
SP2014 Webster Lane Pump Renewal	85,000		85,000	Works in progress
GM4104 Trans Mains - Alstonville Wollongbar	253,000		253,000	Works in progress
Wastewater Treatment Plant Lennox Head, Sludge Return	150,000		150,000	Works not commenced
SP2002 Tamar Street, Switchboard Upgrade	22,000		22,000	Works in progress
SP2007 Owen Street, Pump Renewal and Switchboard Upgrade	20,000		20,000	Works in progress
SP2302 John Sharp Street, East Ballina, Pump Renewals	19,000		19,000	Works in progress
SP2011 Cherry Street, Ballina Island, Switchboard Upgrade	18,000		18,000	Works in progress
SP2008 Burnett Street, Ballina Island, Switchboard Upgrade	19,000		19,000	Works in progress
Seamist Pumpstation Sewer Rising Main	24,000		24,000	Works in progress
Pumpstation SP2402 Lindsay Avenue	17,000		17,000	Works in progress
Wastewater Treatment Plant Alstonville Biosolids	20,000		20,000	Works not commenced
Wastewater Treatment Plant Alstonville Inlet Works	158,000		158,000	Works in progress
Wastewater Treatment Plant Lennox Head Chlorination Renewal	59,000		59,000	Project complete, defects liability period in progress
Wastewater Treatment Plant Lennox Head Solar Installation	10,000		10,000	Works not commenced
Wastewater Treatment Plant Ballina Defect Rectification	825,000		825,000	Works in progress

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Description	Expenditure (\$)	Income (\$)	Net (\$)	Comment
Recycled Water - Bulk Filling Point	50,000		50,000	Works in progress
Recycled Water Main - Ferngrove to Ballina	50,000		50,000	Works in progress
Recycled Water Connection - Convair and Airport	259,000		259,000	Works in progress
WASTEWATER TOTAL	2,951,000	0	2,951,000	

Table 6 - Additional Reserve Transfers for 2024/25 (\$)

Reserve Description	Amount (\$)	Comment
Planning and Environmental Health Division		
<i>Strategic Planning</i>		
Plans of Management	5,000	Unspent funds placed back into reserve until required.
Public Arts Reserve	39,600	Unspent expenditure budget of \$22,000 and unbudgeted income of \$17,600 received for public art purposes
Koala Habitat Restoration	-27,000	Unbudgeted 2024/25 expenditure funded from Strategic Planning Reserve
<i>Environmental and Public Health</i>		
Contaminated Lands	42,000	Unspent budget placed back into reserve
Shaws Bay Coastal Management Plan	21,000	Unspent budget placed back into reserve
Environmental Health Education Projects	25,000	Unexpended budget of \$23,000 and unbudgeted income of \$2,000 received placed into reserve.
Civil Services Division		
<i>Stormwater</i>		
Stormwater capital works	64,000	Savings from Cronulla Street Rehabilitation Works placed into reserves to fund 2025/26 Works at Owen Street Stormwater Outlet.
Corporate and Community Division		
<i>Financial Services</i>		
Financial Assistance Grant-Advance Payment	-1,940,000	The reserve balance as at 30 June 2025 has been reduced to a balance of \$3.177m to reflect the change in the amount of advance payment, with the advance reduced from 85% to 50%.
<i>Facilities Management</i>		
Depot Administration Building and Depot Program	-47,000	2025/26 expenditure in advance, this amount being the amount spent over the 2024/25 budget.
<i>Library Services</i>		
NSW Library Special Projects Funding	59,000	Grant funded unspent expenditure from 2024/25 budgets placed into reserve.
Water Supply		

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Reserve Description	Amount (\$)	Comment
Nil	0	
Wastewater Services		
Nil	0	

Proposed New and Additional Budgets for 2025/26

This section of the report identifies proposed further revisions to the adopted 2025/26 budgets based on current information.

Table 7 outlines the revisions proposed.

Following Table 7 is additional information on the Sharpes Beach Car Park Master Plan, the Ballina Pump Track and Kingsford Smith Reserve works, and the Richmond River Sailing Club Ramp.

Table 7 - Revisions to 2025/26 Budgets (\$)

Description	Expenditure Increase / (Decrease)	Income (Increase) / Decrease	Reserve Balance Increase / (Decrease)	Comment
GENERAL FUND				
Planning and Environmental Health Division				
<i>Strategic Planning</i>				
Shaws Bay Heritage Investigations	50,000	-25,000	-25,000	ADDITIONAL operating budget, part grant funded through the 2025-27 Local Government Heritage NSW program. Total grant of \$25,000 requiring matching Council funds funded from reserve
Koala Habitat Restoration	73,000		-73,000	ADDITIONAL operating budget, funded from Strategic Planning Reserve. This funding (together with an unbudgeted amount of \$27,000 expended in advance in 2024/25) is to match budgeted grant funding of \$100,000 expended during 2024/25. A total budget of \$200,000 is in line with a Council resolution from June 2022.
<i>Open Spaces</i>				
Sharpes Beach Car Park Masterplan	1,000,000		-1,000,000	ADDITIONAL capital budget, funded from Section 7.11 Open Spaces and Community Facilities Plan. Refer commentary following Table 7

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Description	Expenditure Increase / (Decrease)	Income (Increase) / Decrease	Reserve Balance Increase / (Decrease)	Comment
Ballina Pump Track and Kingsford Smith Reserve Master Plan	415,000		-415,000	ADDITIONAL capital budget, funded \$154,000 from Section 7.11 Open Spaces and Community Facilities Plan and \$261,000 from the Community Infrastructure Reserve. Refer commentary following Table 7
Civil Services Division				
<i>Stormwater and Environmental Protection</i>				
Works at Owen Street Stormwater Outlet	64,000		-64,000	NEW capital budget, funded from unspent funds from 2024/25 capital projects that had been placed into Stormwater reserves
<i>Ancillary</i>				
Richmond River Sailing Club Ramp	10,000	5,000	-5,000	NEW capital budget, funded \$5,000 from Richmond River Sailing Club contribution and \$5,000 Council reserve. Refer commentary following Table 7
Corporate and Community Division				
<i>Facilities Management</i>				
Depot Administration Building	-122,000		122,000	REDUCTION of 2025/26 capital budget. The adopted budget for 2025/26 was \$135,000. \$47,000 was spent in 2024/25 in advance. The revised budget required for 2025/26 from General Fund is \$13,000. This budget had been funded from the Facilities Management Reserve, so the reduction in budget is transferred back to those reserves in 2025/26
Depot Internal Car Park	190,000		-190,000	ADDITIONAL capital budget for completion. Funded \$48,000 (25%) from Internal Contributions Landfill and Resource Management; \$38,000 (20%) from Internal Contributions Wastewater Fund; \$29,000 (15%) from Internal Contributions Water Fund; \$15,000 from Civil Carpark Reserve. The remaining \$75,000 (40%) funded

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Description	Expenditure Increase / (Decrease)	Income (Increase) / Decrease	Reserve Balance Increase / (Decrease)	Comment
				from Facilities Management Reserves
Lennox Head Cultural Centre Roof Replacement Library/Foyer/CWA Hall	7,000		-7,000	ADDITIONAL capital budget for completion, funded from Asset Revaluation Reserve
WATER FUND				
Depot Administration Building	-96,000		96,000	REDUCTION of 2025/26 capital budget. The adopted budget for 2025/26 was \$112,000. \$151,000 was spent in 2024/25 in advance. The revised budget required for 2025/26 from General Fund is \$16,000, so the 2025/26 budget is reduced by \$96,000
Depot Building Fit Out	35,000		-35,000	NEW capital budget funded from Water Reserves
Reservoir Pacific Pines	58,000		-58,000	ADDITIONAL capital expenditure budget for completion, funded from Warer Reserves
WASTEWATER FUND				
Depot Administration Building	-96,000		96,000	REDUCTION of 2025/26 capital budget. The adopted budget for 2025/26 was \$112,000. \$151,000 was spent in 2024/25 in advance. The revised budget required for 2025/26 from General Fund is \$16,000, so the 2025/26 budget is reduced by \$96,000.
Depot Building Fit Out	35,000		-35,000	NEW capital budget funded from Wastewater Reserves

Sharpes Beach Car Park Master Plan

The Sharpes Beach Master Plan has been a priority project for Council for several years. The Master Plan has been subject to ongoing reviews and the latest plan, as adopted at the July 2024 Ordinary meeting, forms part of Council's capital works program for 2025/26.

The 2025/26 budget is \$1.3m, with \$82,000 having been expended in 2024/25, to obtain all necessary approvals, detailed designs etc. Council staff have recently commenced construction works on the car park.

The 2025/26 budget is funded through \$1.05m from round two of the NSW State Government's Regional Tourism Activation Fund (RTAF), as announced in

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2023, with the balance funded through Section 7.11 developer contributions, sourced from the Open Spaces and Community Facilities Contributions Plan.

Several reports to Council on updates to the Master Plan (i.e. July 2024, June 2024, April 2024, November 2023) have highlighted that the total cost of implementing the Master Plan is likely to be closer to \$2m, which means that Council may need to stage part of the works, or source additional funding.

The Open Spaces Section has now received an updated costing to implement the total Master Plan, with that estimate being \$2.3m, which means Council needs to increase the current budget by \$1m or delete components of the plan.

A copy of the adopted Master Plan is included as Attachment 1 to this report

In respect to implementing components of the Master Plan, savings could be made in reduced landscaping, or deleting key improvements such as the showers and / or toilet facilities etc.

This has the potential to save around \$200,000 to \$400,000, albeit that it would result in a far inferior outcome from what is a heavily utilised and iconic car park location.

With Council staff, primarily through the Engineering Works Section, undertaking the works, there should be savings in the \$2.3m estimate, which includes a contingency allowance, however that is always subject to factors such as wet weather, ground conditions, environmental and cultural constraints.

This means, that at this stage, to complete the entire Master Plan, the preference is to allocate a total budget of \$2.3m.

Section 7.11 developer contributions can be allocated to this project as it is identified in the Open Spaces and Community Facilities Contributions Plan, under the heading of "Upgrade local and district parks and foreshore areas", based on a total value of \$2.5m, when this plan was adopted in 2022.

This item also references other works such as the Ballina Foreshore, Captain Cook Park, Hampton Park, etc. The developer contribution apportionment is 100% of the \$2.5m, with Council, to date, not having allocated developer contributions to any of the projects listed under this heading, other than the Sharpes Beach Master Plan.

This Open Spaces and Community Facilities Contributions Plan is currently being reviewed, to allow an updated plan to be adopted in 2025/26, that reflects contemporary estimates for the projects in the plan, particularly the Alstonville Cultural Centre refurbishment.

With \$2.5m in developer contributions allowed to be allocated to the projects listed under the heading of "Upgrade local and district parks and foreshore areas", and Council only having allocated \$332,000 to date (i.e. \$82,000 expended in 2024/25, plus the budget of \$1.3m in 2025/26, less the \$1.05m RTAF grant), this means Council can allocate the additional \$1m from developer contributions, subject to there being sufficient contributions available, as well as balancing the need for those funds against competing priorities.

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Subject to finalising the 2024/25 financial results, the balance of funds held, along with potential future commitments from this funding source, are as follows.

**Table 8 – Contributions Plan Movements
Open Spaces and Community Facilities**

Description	2023/24 Actual (\$'000)	2024/25 Preliminary (\$'000)	2025/26 Estimate (\$'000)	2026/27 Estimate (\$'000)
Opening Balance	2,920	4,037	4,787	2,912
Income				
Collected	957	585	1,500	1,500
Interest Accrued	172	165	255	161
Sub Total	1,129	750	1,755	1,661
Project Expenditure				
Pop Denison Master Plan	12		530	0
Ballina Pump Track	0	0	1,040	0
Sharpes Beach Master Plan	0	0	300	0
Alstonville Cultural Centre	0	0	1,760	800
Sub Total	12	0	3,630	800
Closing Balance	4,037	4,787	2,912	3,773

No contributions are currently allocated to works beyond 2026/27, as it remains unclear what contributions will be held at that date, along with uncertainty around the final cost for the Alstonville Cultural Centre Refurbishment.

One of the risks with developer contributions is that it is extremely difficult to forecast future contributions collected, as collections are subject to the rate of development, particularly land releases.

The level of Open Space and Community Facilities Contributions collected in 2020/21 was \$1.87m, 2021/22 \$1.9m, and 2022/23 \$1.2m, whereas 2023/24 and 2024/25, have been well below those figures.

After a couple of quieter years, it is anticipated that development will steadily increase, however there is still a great deal of uncertainty over future contribution figures.

This means it is important to budget conservatively with respect to future works.

Based on the current forecasts, there are sufficient funds available in the Open Spaces and Community Facilities Contributions Plan to allocate the additional \$1m needed for the Sharpes Beach Car Park Master Plan, and the recommendation is to proceed with the full scope of works.

This also needs to be balanced with changes to the Ballina Pump Track Project as per the next item.

Ballina Pump Track – Kingsford Smith Reserve

This project has a budget of \$1.2m in 2025/26, with \$578,000 expended in 2024/25, representing a total estimate of approximately \$1.778m.

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The project is funded from a \$733,000 State Government grant, being round five of the Stronger Country Communities Fund, with the balance of \$1.045m funded through Section 7.11 developer contributions, sourced from the Open Spaces and Community Facilities Contributions Plan.

This project is listed in the Open spaces and Community Facilities Plan, under the heading of “Upgrade local and district parks and foreshore areas - Kingsford Smith Reserve Master Plan - Kingsford Smith Reserve”, with the pump track forming part of that Master Plan.

Only 18%, or \$2.716m, of the total project cost of \$15m in the Contributions Plan can be funded from developer contributions, based on the developer apportionment.

Council has been able to allocate approximately \$1.045m in contributions to this project to date, as there has been extensive expenditure on other works in the Kingsford Smith Reserve Master Plan, that have been funded through other sources such as State Government grants and Council revenue.

A summary of that expenditure is as follows:

Financial Year	Expended (\$)
2021/22	63,000
2022/23	2,840,000
2023/24	1,328,000
2024/25	236,000
Total	4,467,000

Once the allocated budget of \$1.778 for the Pump Track is added to the \$4.467m expended to date, this represents a total expenditure and budget figure for the Kingsford Smith Reserve Master Plan, of \$6.245m.

Council can source a total of 18% of that funding from Open Spaces and Community Facilities Developer Contributions, being \$1.124m, with \$1.045m allocated to date.

This means there is potential to allocate another \$79,000 in developer contributions to the project, if needed, which is the case due to the identification of asbestos on the site, and the possible need for more car parking available, prior to opening, as this facility is likely to prove very popular.

Construction of the pump track has resulted in a significant historical asbestos deposit being identified.

The remediation action plan developed to manage this issue has been endorsed through Safework NSW and the NSW EPA and is expected to add an additional \$180,000 to the project.

The endorsed Kingsford Smith Master Plan also makes provision for additional car parking to service the pump track and netball.

It also identifies a crossing point along Kingsford Smith Drive, providing an important link to further parking and the wider off-road pedestrian path network.

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The following is link to the [Kingsford Smith Master Plan](#), with the additional car parking and pedestrian refuge noted at references 03 and 13 in the legend on page 64 of the Master Plan, subject to detailed designs.

The car parking referenced in the Master Plan as item 03, extends to the south, with Council now being the land manager for that parcel of crown land.

Current estimates identify \$35,000 in funding is required to implement a crossing point and \$200,000 to implement the car parking improvements.

To complete these three items, total funding of \$415,000 is needed (\$180,000 asbestos plus \$35,000 crossing plus \$200,000 car parking).

If the \$415,000 is added to the \$6.245m figure for expended and budget allocated to date on the Kingsford Smith Reserve Master Plan, representing a total of \$6.66m, an amount of \$1.199m can be sourced from developer contributions (18%).

With \$1.045m allocated in developer contributions to date, this represents additional funding of \$154,000, which still leaves a shortfall of \$261,000 (\$415,000 minus \$154,000) to complete the asbestos remediation, Kingsford Smith Drive crossing and additional car parking.

The \$154,000 extra in developer contributions can be allocated to this project, as per the earlier summary for the movement in contributions held, outlined for the Sharpes Beach Master Plan (refer to Table 8).

The asbestos remediation is essential, whereas the car parking is recommended as Council will likely receive numerous complaints for a lack of parking, and associated pedestrian safety, once this new facility is operational.

The only option available, to complete all the three projects, is to fund the shortfall of \$261,000 through internal reserves.

The Community Infrastructure Reserve, which is funded through property dividends, is forecast to have a closing balance of \$88,000 by 2028/29 in the Long-Term Financial Plan, following the allocation of significant funding to the Ballina SES building (\$5m) and the Alstonville Cultural Centre refurbishment (\$10m). There are significant land sales that the reserve balance is also dependent on during the next three years to achieve that closing balance.

Pleasingly, following the acceptance of the construction tender for the Ballina SES building at the July 2025 Ordinary meeting, it has been possible to reduce the forecast budget for that project by a total of \$530,000, which represents a corresponding saving to the Community Infrastructure Reserve.

Therefore, the recommendation is to reallocate \$261,000 of this funding to the Ballina Pump track and associated car parking, resulting in the following revised project and funding summary.

**Table 9 - Ballina Pump Track and Kingsford Smith Reserve Master Plan
Car Parking – Budget Summary (\$)**

Description	2025/26 Adopted Budget (\$)	2025/26 Revised Budget (\$)	Variation (\$)	Comment
Project				
Ballina Pump Track	1,200,000	1,380,000	180,000	Asbestos Remediation
Kingsford Smith Drive – Pedestrian Crossing	0	35,000	35,000	Pedestrian Safety
Kingsford Smith Reserve – Car Parking	0	200,000	200,000	Additional demand for netball and pump track
Total	1,200,000	1,615,000	415,000	
Funding Sources				
Stronger Country communities Fund	160,000	160,000	0	
Section 7.11 Open Spaces and Community Facilities	1,040,000	1,194,000	154,000	Ensures 18% of total expended and budget allocated for the implementation of the Kingsford Smith Reserve Master Plan is funded from contributions
Community Infrastructure Reserve	0	261,000	261,000	Funds available following reduction in Ballina SES building budget
Total	1,200,000	1,615,000	415,000	

Ballina SES Building

In respect to the SES Building, the adopted LTFP included the following budgets for the project, which totalled \$6,880,000:

- 2024/25 - \$180,000 – funded from the State Government grant (with \$220,000 having been funded in 2023/24 from the original grant)
- 2025/26 - \$2,700,000 - \$1.7m grant and \$1m from the Community Infrastructure Reserve
- 2026/27 - \$4,000,000 – fully funded from the Community Infrastructure Reserve

Based on the tender accepted at the 24 July 2025 Ordinary meeting, with a large part of the project anticipated to be completed in 2025/26, the revised budget and cash flow for this project is now as follows:

- 2024/25 - \$161,000 – actual expenditure funded from the State Government grant
- 2025/26 - \$4,569,000 – increase of \$1,850,000 plus \$19,000 carried forward from 2024/25, as referenced in Table 5. The increase is funded through \$1.719m in grant funds and \$2,850,000 from the Community Infrastructure Reserve
- 2026/27 - \$1,620,000 – funded from the Community Infrastructure Reserve

The revised total budget is now \$6,350,000 for the three financial years, as compared to the adopted LTFP budgets of \$6,880,000.

The net saving is \$530,000, which represents a reduced transfer from the Community Infrastructure Reserve. This net saving has allowed the additional \$261,000 to be allocated to the Ballina Pump Track and Kingsford Smith Master Plan works, as outlined earlier in this report.

Richmond River Sailing Club Ramp

The Richmond River Sailing Club (the Club) have been in several discussions with Council staff, seeking the building of a replacement ramp down onto the river sand bank.

The ramp was damaged during works undertaken, contracted by Council, for the building of the rock revetment.

The upper part of the ramp has since been rectified; however, a subsequent storm has revealed further damage below the existing sand level. Due to the age and condition of the existing ramp, the underlying timbers are also observed to be rotting and in need of replacement.

The replacement of the ramp is noted by the Club as essential for their safe operations and considered imperative to be rebuilt as soon as possible.

The Club has put forward a proposal for a replacement ramp to be built from Fiber Reinforced Plastic, however, understand that any final decision on structure and materials would rest with Council engineers.

The estimated cost of works is \$10,000 and the Richmond River Sailing Club has offered a contribution of \$5,000 towards this works.

The recommendation to this report is to adopt an expenditure budget of \$10,000 subject to the contribution of \$5,000 from the Richmond River Sailing Club.

The \$5,000 contribution from Council can be sourced from the Boat Ramps and Ferry Reserve which is estimated to have a closing balance of \$46,000 by 2026/27.

Delivery Program Strategy / Operational Plan Activity

The content of this report relates to the financial sustainability of Council. This is identified within Council's adopted Delivery Program, under Direction Engaged Leadership.

Community Engagement Strategy

The required carry forward budgets and reserve transfers involved consultation across the organisation.

Financial / Risk Considerations

This report details draft financial results for the 2024/25 year and proposed revisions to adopted 2025/26 budgets and reserve balances.

Options

This report is designed to provide an overview of the preliminary results for 2024/25 and to ensure Councillors are informed on the works and services

carried forward, transfers to reserves, and other proposed budget adjustments for 2025/26. The options are to approve or not approve the adjustments outlined in the report, with the recommendations for approval.

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the preliminary forecast operating results for 2024/25.
2. That Council approves the works and services carried forward, reserve movements and other additional changes to budget, as outlined in Tables 4, 5, 6 and 7 of this report, for inclusion in the Long-Term Financial Plan.
3. That Council approves the allocation of an additional \$1m for the Sharpes Beach Car Park Master Plan works, as described within this report, funded from the Open Spaces and Community Facilities Developer Contributions Plan.
4. That Council approves the budget revisions for the Ballina Pump Track and Kingsford Smith Reserve Master Plan Car Parking and Pedestrian Refuge, as per Table 9 of this report, representing a total increase in funding of \$415,000.
5. That Council confirms the revised cash flows and funding for the Ballina SES building, based on the construction tender accepted at the 24 July 2025 Ordinary meeting, are as follows:
 - 2024/25 - \$161,000 – actual expenditure funded from the State Government grant
 - 2025/26 - \$4,569,000 – increase of \$1,850,000 plus the \$19,000 carried forward from 2024/25. Funded through \$1.719m in grant funds and \$2,850,000 from the Community Infrastructure Reserve
 - 2026/27 - \$1,620,000 – funded from the Community Infrastructure Reserve.
6. That Council approves the budget of \$10,000 for the Richmond River Sailing Club Ramp, subject to a \$5,000 contribution from the Richmond River Sailing Club, with the remaining \$5,000 funded from the Council Boat Ramps and Ferry Reserve.

Attachment(s)

1. Sharpes Beach Car Park Master Plan [↗](#)

9.8 Special Rate Variation - Community Engagement

Section Communications

Objective To endorse a community engagement plan for a proposed special rate variation 2026/27 to 2029/30

Background

Council resolved at the June 2025 Ordinary Council meeting to include information on a proposed Special Rate Variation (SRV or SV) in Council's adopted Delivery Program and Operational Plan 2025/26 – 2028/29, following the exhibition of the draft documents.

The purpose of this report is to provide overview of the further community engagement to implement an SRV to satisfy the IPART guidelines.

Key Issues

- Community engagement
- Financial sustainability
- Transparent process

Discussion

The Independent Pricing and Regulatory Tribunal (IPART) provides guidance to councils seeking a special rate variation. The guidelines can be found at this link [IPART's Special Variation Guidelines](#)

IPART was also contacted in May and June 2025 to seek their feedback to ensure Council complies with the SRV guidelines in the preparation of our Integrated Planning and Reporting (IP&R) suite of documents. The response from IPART, which is largely generic, was as follows:

Based on the Guidelines, Council's IPR documents should aim to address the following key areas:

- 1. Clear articulation and purpose:** *the need for a different revenue path should be clearly identified in the Delivery Program, Long Term Financial Plan (LTFP), and where relevant, the Asset Management Plan, including the consideration of alternatives to a rate rise*
- 2. Scenario modelling:** *the LTFP should compare a baseline scenario (scenario without the SV) and SV scenarios, showing the financial impact of each on the Council's financials.*
- 3. Demonstrated community awareness and engagement:** *Council must provide evidence that the community is aware of the proposed SV, its extent (in both percentage and dollar terms), and the reasons for it, using a variety of engagement methods*

9.8 Special Rate Variation - Community Engagement

4. **Assessment of community impact:** *the Delivery Program and LTFP should detail how the proposed rate rise would impact ratepayers and demonstrate consideration of affordability and community capacity to pay.*
5. **Status of IP&R documents:** *The relevant IPR document (including Asset Management Plan if the purpose includes infrastructure) should be exhibited and formally adopted, and up to date at the time of application*
6. **Efficiency measures:** *Council should outline past and planned productivity improvements and cost containment strategies, and quantify their estimated financial impacts in the LTFP.*

Items 1, 2, 4, 5 and 6 have been addressed in Council's IP&R documents and the purpose of this report is to seek Council approval for further community engagement that should satisfy the IPART SRV guidelines.

The overall SRV Community Engagement is two phased:

- Phase 1 – Initial Engagement (May–June 2025) during the exhibition of Council's IP&R documents. This is complete. Submissions and feedback were reported to Council in June 2025.
- Phase 2 – Formal Engagement (September - November 2025) aligned with the IPART Timeline for applications affecting the 2026/27 year (see below).

The IPART timeline for 2026/27 SRVs has not yet been released, however it is expected to follow a similar process to previous years. Based on the 2025/26 timeline, key milestones are anticipated to include:

Milestone	Timeframe	Status
Pre-application community engagement – Phase 1	May to Jun 2025	Complete
Pre-application community engagement – Phase 2	Sep to Nov 2025	Planned
Notification to IPART of intention to apply	November 2025	Pending
Report to Council and resolution	December 2025	Planned
Application submission to IPART	February 2026	Pending
IPART community exhibition	Mar to Apr 2026	Pending
IPART decision	May to Jun 2026	Pending
Implementation of approved SRV	1 July 2026	Pending

Delivery Program Strategy / Operational Plan Activity

A proposed Special Rate Variation of 6% for 2026/27 to 2029/30 is in Council's adopted Delivery Program and Operational Plan 2025/26 – 2028/29.

Community Engagement Strategy

The proposed engagement approach directly aligns with the principles and commitments outlined in Ballina Shire Council's Community Engagement Strategy (CES), including:

- Accessible and inclusive by reaching a broad and diverse cross-section of the community through digital, print and direct communication.
- Transparent by clearly communicating the reason for the proposed rate variation, how the funds will be used, and what the community can expect in return.
- Timing and coordinated by providing the community with adequate time and multiple opportunities to engage, both before and during the formal IPART consultation period.
- Responsive by acknowledging and responding to feedback and demonstrating how community input will shape the final decision.

By embedding these principles, the engagement will provide Council with the insights needed to make an informed decision.

Ratepayers are key stakeholders in the SRV engagement process as they are directly affected by any proposed rate increases and contribute financially to Council's income.

Other important stakeholders include the general public, such as residents, businesses, industry and essential services, as well as Ballina Shire Council's Mayor and Councillors, staff, and Advisory Committees and Reference Groups.

Engagement Objectives:

- **Increase community awareness and understanding.** Clearly and consistently communicate the need for, purpose of, and full impact of the proposed Special Rate Variation (SRV), including that is permanent and what it will fund.
- **Encourage informed community participation.** Encourage meaningful and accessible feedback from a broad cross-section of the community using a diverse range of engagement methods.
- **Ensure transparency of financial information.** Provide clear, accessible, and transparent financial data and impact modelling to help the community understand the implications of the SRV.
- **Demonstrate alignment with community priorities.** Show how the SRV proposal responds to the community's values and aspirations identified through the Integrated Planning and Reporting (IPR) process.
- **Meet regulatory consultation requirements.** Deliver an engagement process that complies with IPART's guidelines.

Given the broad impact and scale of the proposed SRV on the community, Standard 2 or the Engagement Standards Matrix (page 4 of the CES) will be applied. To inform, consult and involve the community in the decision-making process, tools for engagement will use a mix of traditional, in person and online methods.

9.8 Special Rate Variation - Community Engagement

For example:

Engaging in person

- Information stalls and displays
- Customer service
- Council and committee meetings
- Over the phone.

Engaging online

- Dedicated page on Council's website linking to Your Say Ballina (including rates calculator, Q&A, online survey, submission form)
- Media release
- Social media (Facebook, Instagram, LinkedIn)
- eNews and Community Connect
- Internal communications (staff and Councillor communication channels).

Traditional communication

- Letter to all ratepayers
- Information on rates instalment notices (October)
- Community Connect (October edition)
- Fact sheet/hand out with Q&A
- Advertising in local print
- Media release to local media (print, tv, radio).

Formal engagement is proposed to take place over eight weeks, in two parts.

- Part 1 – Launch communications – Raise awareness and educate the public, submissions open (four weeks, 22 September – 17 October)
- Part 2 – Direct communications – Reinforce key messages and encourage action (four weeks, 17 October – November)

It is also proposed to re-exhibit the adopted Delivery Program and Operational Plan, as part of this exhibition, to ensure the community has access, and can comment on, all of Council's IP&R documents.

Council can expect largely negative feedback to the SRV proposal, as demonstrated by the last SRV consultation Council undertook in 2017.

The report on the 2017 SRV consultation to the 23 November 2017 Ordinary meeting, summarised the feedback as follows.

- 41 written submissions, with 36 or 88% against the SRV and
- 143 responses to an online survey, with 71% not supportive of a 1.5% increase for the Healthy Waterways Program and 77% not supportive for an extra 5.3% in 2018/19 and 3.4% in 2019/20 to fund increased asset renewal works.

9.8 Special Rate Variation - Community Engagement

The difficult decision for Council is to determine whether to proceed with an SRV, when the responses to the community engagement typically result in a clear majority not supporting the SRV.

Financial / Risk Considerations

The SRV inclusive and exclusive operating results for the General Fund, as shown in the adopted IP&R documents are as follows.

General Fund – LTFP – 2025/26 to 2024/25 – Exclusive of SRV 3.5% Rate Peg Per Annum for 2026/27 to 2029/30

Item	2025/26 ('000)	2026/27 ('000)	2027/28 ('000)	2028/29 ('000)	2029/30 ('000)	2030/31 ('000)	2031/32 ('000)	2032/33 ('000)	2033/34 ('000)	2034/35 ('000)
Op Revenues	100,752	104,686	109,095	112,639	116,768	119,888	123,994	128,270	132,803	137,414
Op Expenses	105,285	108,096	111,478	115,049	118,516	120,723	124,750	128,758	132,143	136,233
Surplus/(Deficit)	(4,533)	(3,410)	(2,383)	(2,410)	(1,748)	(835)	(756)	(488)	660	1,181

General Fund – LTFP – 2025/26 to 2024/25 – Inclusive of SRV 6% (3.25% Rate Peg Plus 2.75%) Per Annum 2026/27 to 2029/30

Item	2025/26 ('000)	2026/27 ('000)	2027/28 ('000)	2028/29 ('000)	2029/30 ('000)	2030/31 ('000)	2031/32 ('000)	2032/33 ('000)	2033/34 ('000)	2034/35 ('000)
Op Revenues	100,752	105,561	110,940	115,556	120,866	124,150	128,427	132,880	137,598	142,402
Op Expenses	105,285	108,491	112,213	116,066	119,744	121,984	126,047	130,092	133,513	137,643
Surplus/(Deficit)	(4,533)	(2,930)	(1,273)	(510)	1,122	2,166	2,380	2,788	4,085	4,759

The impact on ratepayers is highlighted as per the following tables.

Rate Peg Only - Average Rates and % Increases

Item	2025/26 Forecast	2026/27 Forecast	2027/28 Forecast	2028/29 Forecast	2029/30 Forecast	Cumulative Change
Peg % Increase	3.80%	3.25%	3.25%	3.25%	3.25%	13.65%
Residential Rate (\$)	1,319	1,362	1,406	1,452	1,499	180
Business Rate (\$)	4,269	4,408	4,551	4,699	4,852	583
Farmland Rate (\$)	2,065	2,132	2,201	2,273	2,347	282

Proposed SRV for 2026/27 to 2029/30 - Average Rates and % Increases

Item	2025/26 Forecast	2026/27 Forecast	2027/28 Forecast	2028/29 Forecast	2029/30 Forecast	Cumulative Change
SRV % Increase	3.80%	6.00%	6.00%	6.00%	6.00%	26.25%
Residential Rate (\$)	1,319	1,398	1,482	1,571	1,665	346
Business Rate (\$)	4,269	4,525	4,797	5,085	5,390	1,121
Farmland Rate (\$)	2,065	2,189	2,320	2,459	2,607	542

9.8 Special Rate Variation - Community Engagement

The additional SRV funds are distributed based on key service areas. The funding distribution included in the IP&R documents is as per the following table.

Distribution of Additional Special Rate Variation (SRV) Funds (\$)

Service	2026/27	2027/28	2028/29	2029/30
Additional Capital Budgets				
Open Spaces	50,000	200,000	300,000	310,000
Sports Fields	100,000	200,000	300,000	500,000
Roads Reconstruction Program	150,000	300,000	475,000	550,000
Footpaths and Ancillary	0	50,000	150,000	210,000
Community Facilities	80,000	160,000	300,000	750,000
Stormwater	100,000	200,000	375,000	550,000
Sub Total	480,000	1,110,000	1,900,000	2,870,000
Expanded Operating Budgets				
Healthy Waterways Program	45,000	100,000	105,000	110,000
Biodiversity Strategy	45,000	100,000	100,000	100,000
Crime Prevention Programs	50,000	102,000	105,000	108,000
Roads Operations	100,000	103,000	214,000	250,000
Stormwater Operations	10,000	90,000	93,000	196,000
Open Spaces Operations	100,000	140,000	280,000	324,000
Facilities Operations	45,000	100,000	120,000	140,000
Sub Total	395,000	735,000	1,017,000	1,228,000
Total	875,000	1,845,000	2,917,000	4,098,000

A capital works program with, and without, the SRV is also included in the adopted documents.

Options

There are two options available to Council.

Option 1 is to proceed with further community engagement for a proposed SRV commencing in 2026/27. This is the recommended approach to ensure compliance with the IPART guidelines.

Option 2 is that Council does not proceed with the community engagement. This will mean ending the progress of an SRV application to commence in 2026/27.

RECOMMENDATION

That Council endorses the community engagement approach, as outlined in this report, for an application to the Independent Pricing and Regulatory Tribunal, for a proposed four year Special Rate Variation of 6% per annum, commencing in 2026/27.

Attachment(s)

Nil

10.1 Donation - Community Resource Recovery Initiatives

10. Civil Services Division Reports

10.1 Donation - Community Resource Recovery Initiatives

Section	Resource Recovery
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Objective	To approve funds for a community waste minimisation project.
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Background

The Donations – Community Resource Recovery Initiatives Policy was first adopted in November 2022. A link to the policy is as follows:

[policy_d12_donations_community_resource_recovery_initiatives_adopted_24_november_2022](#)

The policy is designed to encourage and support community-led innovative projects that reduce waste, foster reuse and recycling, and build community awareness and capacity.

The policy was introduced with an intent to leverage community reach and engagement available through the range of individuals, community groups and education providers that operate in the Ballina Shire

The targeted financial support, provided through the policy, aims to foster partnerships between Council and these groups, facilitating the delivery of strategically aligned waste minimisation and resource recovery messaging to the various sectors of the community that Council is not able to reach through education programs.

The application process remains open throughout the year to provide applicants flexibility to submit applications, when they choose

An application has been received from Little Village for their Clothes Swap Project.

This report assesses the application.

Key Issues

- Community education and awareness
- Diverting waste from landfill
- Facilitating and leveraging community interaction and volunteerism
- Transparent and equitable allocation of funds

Discussion

The application, as per Attachment 1 to this report, from Little Village for their Clothes Swap Project was assessed in accordance with Council's internal processes and the policy criteria.

10.1 Donation - Community Resource Recovery Initiatives

The Clothes Swap Project addresses a challenge in resource recovery within the Ballina Shire, specifically targeting textile waste.

Ongoing audits of our residual waste red bin waste stream consistently identify textiles as the second or third most prevalent item, underscoring the need for targeted interventions. The issue is exacerbated by the rise of fast fashion, which promotes frequent purchasing and disposal of clothing, contributing to substantial volumes of textile waste.

In our community, the impact of fast fashion is particularly pronounced among families with young children, where clothing turnover is high due to rapid growth and changing needs.

The Clothes Swap initiative offers a practical and sustainable solution by facilitating the exchange of gently used children's clothing, thereby extending the life cycle of garments and reducing landfill contributions.

Beyond waste reduction, the project fosters long-term behavioural change by encouraging repair, reuse, and conscious consumption. It also provides opportunities for skill development in textile care and strengthens community connections through shared participation.

The initiative demonstrates value for money, given its projected diversion of textiles from the waste stream and its broad community reach.

Overall, the Clothes Swap Project exemplifies the type of innovative, community-led initiative that the policy aims to support. It responds to both environmental and social challenges, making it a strong candidate for Council's endorsement.

The Clothes Swap Project will involve 12 swap events conducted monthly and 3 workshops on circular economy practices. The workshops are designed for skill development in practices such as mending and upcycling.

The amount requested by Little Village is \$6,368. These funds are to be used for administration (labour) costs, venue hire, storage, and residual textile waste collection costs.

The assessment recommends supporting the request in full.

Delivery Program Strategy / Operational Plan Activity

The provision of funds via this policy aligns with the funding strategies in the Delivery Program and Operational Plan

- HE2.2 – Use our resources wisely,
- CC2.1 – Encourage volunteering, events, and activities that promote social connections and wellbeing, and
- CC3.3 – Support improved health and wellbeing outcomes through the provision of sporting, recreational and community facilities

Community Engagement Strategy

Since inception, the policy has been promoted through Council's Community Connect, eNews, and social media channels, as well as direct outreach to community groups.

Despite these efforts, interest has remained low, however showcasing this successful application will help raise awareness and encourage future participation.

Financial / Risk Considerations

The policy provides a commitment of \$50,000 in the Landfill and Resource Management (LRM) annual budget to support this policy.

Given the lack of applications, a specific budget allocation was not allocated in this year's budget.

The recommendation is to source the funds from existing LRM operational budgets.

Options

Council's options are to support the request from Little Village for their Clothes Swap Project in full, or in part, or not all.

The assessment is that the application complies with the policy and the outcomes from the project are beneficial and value for money.

Accordingly, the recommendation is to support the request for the full amount.

RECOMMENDATIONS

1. That Council approves a donation of \$6,368 to the Little Village for their Clothes Swap Project, as per Attachment 1 to this report, in accordance with the Donations – Community Resource Recovery Initiatives Policy.
2. That Council notes that the existing Landfill and Resource Management operating budgets will be the funding source for this donation.

Attachment(s)

1. Application - Little Village Donations Community Resource Recovery Initiatives Application Form [↗](#)

11.1 Rescission Motion - Policy (Review) - Councillor Expenses and Facilities

11. Notices of Motion

11.1 Rescission Motion - Policy (Review) - Councillor Expenses and Facilities

Councillor	Cr Chate
	Cr Dicker
	Cr Karsten

We move that resolution 240725/7 as follows, be rescinded:

- 1. That Council notes the contents of this update on the Councillor expenses, as per the Councillor Expenses and Facilities Policy, for the period 1 July 2024 to 30 June 2025.*
- 2. That Council notes the key priorities for Councillor training in 2025/26 are Financial Management, NSW Planning System, Community and Stakeholder Engagement and Integrated Planning and Reporting.*
- 3. That the definition of appropriate refreshments be amended to include alcoholic beverages.*

In the event that the above rescission motion is carried, we intend to move the following alternative motion:

- 1. That Council notes the contents of this update on the Councillor expenses, as per the Councillor Expenses and Facilities Policy, for the period 1 July 2024 to 30 June 2025.*
- 2. That Council notes the key priorities for Councillor training in 2025/26 are Financial Management, NSW Planning System, Community and Stakeholder Engagement and Integrated Planning and Reporting.*

Staff Comment

Prior to resolution 240725/7, the Councillor Expenses and Facilities Policy included the following definition for appropriate refreshments:

Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business. Alcohol may be provided for special occasions, such as the Christmas and Councillor Oath / Affirmation functions

Appropriate refreshments are then referenced in the policy in clauses:

- 6.22 – appropriate refreshments will be available for council meetings, briefings, official functions etc.
- 6.33 – councillors can be reimbursed for the reasonable costs of meals not included in the conference fees (with reference to clause 6.22)
- 9.1 – for provisions relating to the councillor meeting room

11.1 Rescission Motion - Policy (Review) - Councillor Expenses and Facilities

Based on resolution 240725/7, the definition of appropriate refreshments is amended to not exclude alcohol, which means alcohol can be provided, or reimbursed, in accordance with the listed clauses.

The Office of Local Government's Better Practice template, which is a guide only, excludes alcohol in the definition of appropriate refreshments.

The template does not include exceptions for Christmas and Councillor Oath / Affirmation functions.

The Councillor Expenses and Facilities policy is a matter for councils to determine, which is highlighted by the variations in the region, as per the following table, with the information sourced from the Council General Managers.

Provision of Alcohol for Councillors - Regional Summary

<i>Council</i>	<i>Available at no cost following meetings / briefings etc. (i.e. kept in Councillors room)</i>	<i>Can be claimed when attending conferences / official functions / openings etc.</i>	<i>Provided for one off special occasions (e.g. Christmas etc.)</i>
Byron	Yes	No	Yes
Clarence Valley	No	No	No
Kyogle	No	No	Yes – Christmas
Lismore	Yes	No	Yes
Richmond Valley	Yes	Yes	Yes
Rous County	No	Yes – Limited to two drinks per meal	Yes – Limited to beer and wine
Tweed	Yes	Yes	Yes

COUNCILLOR RECOMMENDATION

That resolution 240725/7 as follows, be rescinded:

1. That Council notes the contents of this update on the Councillor expenses, as per the Councillor Expenses and Facilities Policy, for the period 1 July 2024 to 30 June 2025.
2. That Council notes the key priorities for Councillor training in 2025/26 are Financial Management, NSW Planning System, Community and Stakeholder Engagement and Integrated Planning and Reporting.
3. That the definition of appropriate refreshments be amended to include alcoholic beverages.

Attachment(s)

Nil

11.2 Notice of Motion - NSW State Government Cost Shifting to Councils

11.2 Notice of Motion - NSW State Government Cost Shifting to Councils

Councillor

Cr Loone

I move:

1. That Council accepts the Local Government NSW commissioned report on the cost shifting to Local Government Councils across New South Wales.
2. That the approved report is highlighted in Council's Community Connect magazine, so that ratepayers and tenants are aware of the ever-increasing cost shifting to Councils across New South Wales

Councillor Comments

Cost shifting occurs when State and Federal Governments force councils to assume responsibility for infrastructure, services, and regulatory functions, without providing sufficient support funding.

The 2025 Cost Shifting report, commissioned by LGNSW, and prepared by Morrison Low, revealed that NSW Councils are currently being asked to absorb cost shifting worth more than \$1.5 billion each year.

Cost shifting now amounts to an average annual cost of \$497.40 paid by each NSW ratepayer.

A link to the report is as follows.

[Cost Shifting | LGNSW](#)

COUNCILLOR RECOMMENDATIONS

1. That Council accepts the Local Government NSW commissioned report on the cost shifting to Local Government Councils across New South Wales.
2. That the approved report is highlighted in Council's Community Connect magazine, so that ratepayers and tenants are aware of the ever-increasing cost shifting to Councils across New South Wales

Attachment(s)

1. LGNSW Cost Shifting Report 2025 [⇒](#)
2. LGNSW Cost Shifting 2025 summary report [⇒](#)

11.3 Notice of Motion - Northern Rivers Resilience Initiative

Councillor

Cr Dicker

I move:

That Council makes a written submission to the Northern Rivers Resilience Initiative (NRRI) that:

1. Congratulates the CSIRO and Project Lead Dr Jai Vaze on the completion of the hydrodynamic model for the Richmond River catchment.
2. Expresses concern at the methodology used in the recent NRRI consultation process, including that:
 - No information was provided on the origin of the proposed solutions or the level of scientific rigour applied
 - Proposed solutions did not consider the likely impacts on river health or First Nations cultural heritage, or local economies, causing angst and upset in the community
 - The expectation that members of the public could reliably rank the proposed solutions in order of preference with almost no explanation about what they entailed was unrealistic and constitutes poor practice in community engagement
 - None of the proposed solutions were nature-based (e.g. the restoration of riparian zones) despite their proven capacity to mitigate flooding and benefit the health of the river
 - Online submissions were limited to 40 words, which is an inadequate given the complexity of the issue and its importance to local communities.
3. Advises the NRRI on Council's endorsed policy position (where it exists), on the proposed solutions within its jurisdiction including:
 - **Solution 12:** Council's recent resolution to support the work currently being undertaken to restore the Tuckean Swamp and it is therefore strongly opposed to a solution which proposed further drainage to this area
 - **Solution 14:** A levee for Ballina has been investigated and modelled by Council on numerous occasions and found to be unfeasible and it is therefore not a good use of public money to further investigate this solution
 - **Solution 15:** Culverts in West Ballina have been investigated and modelled by Council and are supported, and that any money spent further modelling this solution would be better spent implementing the proposed works.

4. Requests that the CSIRO/National emergency Management Agency (NEMA) report the outcomes of the NRRI community consultation and proposed scenarios for modelling back to the Councils in the Richmond River catchment so that they may be endorsed.

Councillor Comments

The Northern Rivers Resilience Initiative, implemented by NEMA and CSIRO, is a \$11 million publicly funded program to model engineered water projects for the Northern Rivers.

The proposed solutions only consider their hydrological effect and are blind to the potential impacts on the health of the Richmond River, which is among the sickest in NSW.

History has shown that engineered flood mitigation solutions, including weirs, drains and floodgates have a devastating impact on river ecology, including worsening blackwater events leading to regular mass fish kills.

All the proposed solutions involve new engineered infrastructure.

None of the proposed solutions are nature-based, such as restoring swamps and backwaters, revegetating riparian zones, despite being a proven economical and effective method of flood mitigation by slowing, absorbing, and diverting floodwaters, while also improving water quality, supporting wildlife, improving drought resilience, reducing storm damage and erosion, and benefiting local communities and economies.

Spending millions of dollars on modelling scenarios and undertaking subsequent technical studies for projects that are ultimately infeasible because of their negative impacts on river health is a poor use of public money, especially when funding to improve the health of the river and support communities to adapt to living on a floodplain are wanting.

We cannot consider flood mitigation in isolation from the health of the Richmond River.

Staff Comments

The level of investment in creating this model is unprecedented and being a truly regional model it is very important, as previous studies have predominately been based around local government boundaries.

Accordingly, flood mitigation options with this model is an exciting opportunity for Ballina Shire and the Northern Rivers.

Project officials have advised only a limited number of mitigation options can be assessed under the existing budget.

Therefore, to ensure the opportunities from this project are maximised, the consultation needs to be supported with sufficient information for the community to properly develop its response.

It is understood the proposed options have not been investigated in any detail and this is reasonable. However, preliminary, high level information including cost,

11.3 Notice of Motion - Northern Rivers Resilience Initiative

flood mitigation benefit, and environmental and social impacts is considered essential when comparing options, even at this very early options development phase.

This information is not available at present.

It is agreed that flood mitigation options should be considered within the context of the health of the Richmond River.

There are some concerns that the objective of the modelling project does not articulate which flood events are being considered for assessment.

For example, modelling mitigation measures in the upper parts of the catchment for an event that is equivalent to the 2022 flood event is likely to present very different outcomes to assessing events at the 1% Annual Exceedance Probability (AEP).

There has been no commentary provided for how the options presented are influenced by the size of the event, or how the community's appetite for risk is considered.

Implementing measures for events larger than the 1% AEP, will involve increased tradeoffs involving cost, the environment and social amenity.

The project lacks clarity in respect of how the decision-making process to select the short list of options will be managed.

This should be clearly articulated to the community, and it is reasonable to expect the elected Council is to be provided opportunity to comment on the community feedback and draft options shortlist, or preferably, be part of the decision.

Nature based solutions represent opportunities to improve the environment and assist with flood mitigation.

It is reasonable to request the Federal Government to respond to the concerns about the information available to the community and request clarity on the decision-making processes to follow.

Council could focus on improving the project and consultation process for now by engaging in conversations about the project objectives and methods.

Once the process is more robust, debate regarding the preferred solutions can be managed in a structured and informed way so that the community can consider what can be achieved and what tradeoffs might be involved when comparing the options.

COUNCILLOR RECOMMENDATIONS

That Council makes a written submission to the Northern Rivers Resilience Initiative (NRRI) that:

1. Congratulates the CSIRO and Project Lead Dr Jai Vaze on the completion of the hydrodynamic model for the Richmond River catchment.

2. Expresses concern at the methodology used in the recent NRRI consultation process, including that:
 - No information was provided on the origin of the proposed solutions or the level of scientific rigour applied.
 - Proposed solutions did not consider the likely impacts on river health or First Nations cultural heritage, or local economies, causing angst and upset in the community.
 - The expectation that members of the public could reliably rank the proposed solutions in order of preference with almost no explanation about what they entailed was unrealistic and constitutes poor practice in community engagement.
 - None of the proposed solutions were nature-based (e.g. the restoration of riparian zones) despite their proven capacity to mitigate flooding and benefit the health of the river.
 - Online submissions were limited to 40 words, which is an inadequate given the complexity of the issue and its importance to local communities.
3. Advises the NRRI on Council's endorsed policy position (where it exists), on the proposed solutions within its jurisdiction including:
 - **Solution 12:** Council's recent resolution to support the work currently being undertaken to restore the Tuckean Swamp and it is therefore strongly opposed to a solution which proposed further drainage to this area.
 - **Solution 14:** A levee for Ballina has been investigated and modelled by Council on numerous occasions and found to be unfeasible and it is therefore not a good use of public money to further investigate this solution.
 - **Solution 15:** Culverts in West Ballina have been investigated and modelled by Council and are supported, and that any money spent further modelling this solution would be better spent implementing the proposed works.
4. Requests that the CSIRO/NEMA report the outcomes of the NRRI community consultation and proposed scenarios for modelling back to the Councils in the Richmond River catchment so that they may be endorsed.

Attachment(s)

Nil

12. Advisory Committee Minutes

12.1 Commercial Services Committee Meeting Minutes - 14 August 2025

Attendance

Crs Sharon Cadwallader (Mayor - in the chair), Michelle Bailey (Online), Simon Kinny, Damian Loone, Simon Chate (Online), Eva Ramsey, Erin Karsten and Kiri Dicker.

Paul Hickey (General Manager), John Truman (Director - Civil Services Division), Caroline Klose (Director - Corporate and Community Division), Paul Tsikleas (Manager Commercial Services) and Nikki Glassop (Executive Assistant - General Manager and Mayor) were in attendance.

There was one staff member in the gallery at this time.

1. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country.

2. Apologies

An apology was received from Cr Therese Crollick and Cr Phil Meehan.

RECOMMENDATION

(Cr Damian Loone/Cr Eva Ramsey)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick and Cr Phil Meehan

3. Declarations of Interest

Ballina Bowling and Recreation Club membership declarations were discussed as not necessary to declare unless the interest is more than a standard membership.

4. Deputations

Nil

5. Committee Reports

5.1 Ballina Bowling and Recreation Club Ltd (Club Lennox) - Lease Update

RECOMMENDATION

(Cr Kiri Dicker/Cr Erin Karsten)

1. That Council authorises the General Manager to invoice a payment in part of the reduced rental rebate of 50% (\$35,264) due by Ballina Bowling and Recreation Club Limited for 10 Stewart Street and part King Street Lennox Head.
2. This reduced rental rebate amount is based on the Ballina Bowling and Recreation Club Limited planning to expend significant funds in the next few years to upgrade the facilities in Lennox Head.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick and Cr Phil Meehan

5.2 Bitupave Ltd (Boral) - Tuckombil Quarry

RECOMMENDATION

(Cr Damian Loone/Cr Erin Karsten)

That Council notes the contents of this report in respect to the revised timeframe for the decommissioning of the Tuckombil Quarry site by Bitupave Ltd.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick and Cr Phil Meehan

5.3 Wollongbar Land Sales - Status

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Damian Loone)

1. That Council notes the contents of this report in respect to the results of the public auction of Lots 1 to 6 in Avalon Avenue, Wollongbar
2. That Council defer the sale of any further lots in the Wollongbar Urban Expansion Area Stage Three until such time as Lots 1 to 6 Avalon Avenue, Wollongbar are sold.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick and Cr Phil Meehan

5.4 Russellton Industrial Estate - Land Sale Update

RECOMMENDATION

(Cr Simon Kinny/Cr Eva Ramsey)

1. That Council notes the contents of this report including the commission payable to real estate agents, particularly with respect to the Russellton Industrial Estate land sale, as reported to the 24 July 2025 Ordinary meeting, with that commission set at 1.5% plus GST.
 - a.
2. That Council revise the Property Investment and Development policy to clarify how Council engages with real estate agents on property sales.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick and Cr Phil Meehan

6. Confidential Session

RECOMMENDATION

(Cr Erin Karsten/Cr Eva Ramsey)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick and Cr Phil Meehan

(The Council moved into Confidential Session at 4.22pm).

Open Council

RECOMMENDATION

(Cr Simon Kinny/Cr Damian Loone)

That Council move into Open Council and out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick and Cr Phil Meehan

(The Council moved into Open Council at 4.37pm).

The Mayor reported to the Open Meeting the recommendations made while in Confidential Session:

6.1 Wollongbar Land Sales - Pricing

RECOMMENDATION

(Cr Damian Loone/Cr Erin Karsten)

That Council resolve to adopt option one as detailed in this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick and Cr Phil Meehan

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Damian Loone/Cr Erin Karsten)

That the recommendations made whilst in Confidential Session, be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Therese Crollick and Cr Phil Meehan

MEETING CLOSURE

The meeting was closed at 4.38pm.

RECOMMENDATION

That Council confirms the minutes of the Commercial Services Committee meeting held 14 August 2025 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

13.1 Mayoral Meetings

13. Reports from Councillors on Attendance on Council's behalf

13.1 Mayoral Meetings

Councillor

Sharon Cadwallader

Activities I have attended, or propose to attend, as at the time of writing this report, since the July 2025 Ordinary meeting are as follows:

<u>Date</u>	<u>Meeting</u>
26 July	Golf NSW Open (Men) Regional Qualifier
26 July	Alstonville Wollongbar Business Awards Gala Night
28 July	Official Opening of Northern Rivers Wildlife Hospital
28 July	Funeral service – David Cook, RFS
28 July	Northern NSW Local Health District Regional Stakeholder Forum
29 July	Northern Rivers Resilience Initiative (NRRI) meeting with NEMA and CSIRO
29 July	SES Media Event – Sod Turn for the Ballina SES Unit New Build Project
29 July	Meeting with Tamara Smith MP
29 July	Waterways Advisory Group Meeting
30 July	Australian Coastal Councils Association (ACCA) Meeting
31 July-1 August	Australian Coastal Councils Association (ACCA) Conference
2 August	Ballina Chamber of Commerce 2025 Business Excellence Awards Night
3 August	Northern Rivers Regional Rally Pickleball Tournament medal presentation
4 August	Extraordinary meeting
4 August	Lennox Head Residents Association meeting
5 August	Bi-monthly NSW Reconstruction & Ballina Shire Council meeting
5 August	BSC meeting with Glenn Hamilton, Optus Local General Manager NSW North Coast
6 August	DAMA Project Working Group meeting
7 August	Joint Organisation meeting
7 August	Country Mayors Association (CMA) Biodiversity and Waste workshop with Minister Penny Sharpe
7 August	Country Mayors Association (CMA) Dinner with former Prime Minister the Hon Tony Abbott AC
8 August	Country Mayors Association (CMA) Crime, Law and Order meeting
8 August	Gurmesh Singh MP, NSW Shadow Minister for Regional Health - Ballina Marina Masterplan and Ballina Hospital redevelopment
9 August	Scope Club of Ballina 48 th Annual Changeover Luncheon
11 August	Australian Coastal Councils Association (ACCA) Zoom meeting
11 August	Councillors and Executive Team meeting
12 August	Ballina Shire Economic Activation Group Meeting
13 August	Country Mayors Association (CMA) Executive Meeting
14 August	Commercial Services Committee meeting
15 August	NRJO Board meeting
15 August	Ballina Players Theatre Opening Night – ‘Spamalot’
18 August	Northern Regional Planning Panel meeting
18 August	Ballina RSL sub-Branch commemoration of Vietnam Veterans Day and luncheon
18 August	Councillors and Executive Team meeting
18 August	Public Citizenship Ceremony
19 August	Rous County Council meeting
20 August	Wardell & District Progress Association (WPA) meeting
21 August	Cancer Council – Daffodil Day Fundraiser
21 August	Homelessness Roundtable

13.1 Mayoral Meetings

21 August	Northern Rivers Community Gallery – September/October Exhibitions Launch Event
22 August	NRJO Board Induction training
22 August	Our Kids Fundraiser Tu Tu Ballina RSL Club
25 August	Councillors and Executive Team meeting
25 August	Ordinary meeting business paper review
27 August	Ballina Chamber of Commerce and Industry – Business After Hours Networking event
28 August	Ordinary meeting

RECOMMENDATION

That Council notes the contents of the report on Mayoral meetings.

Attachment(s)

Nil

14. Confidential Session

Nil Items