

Agenda

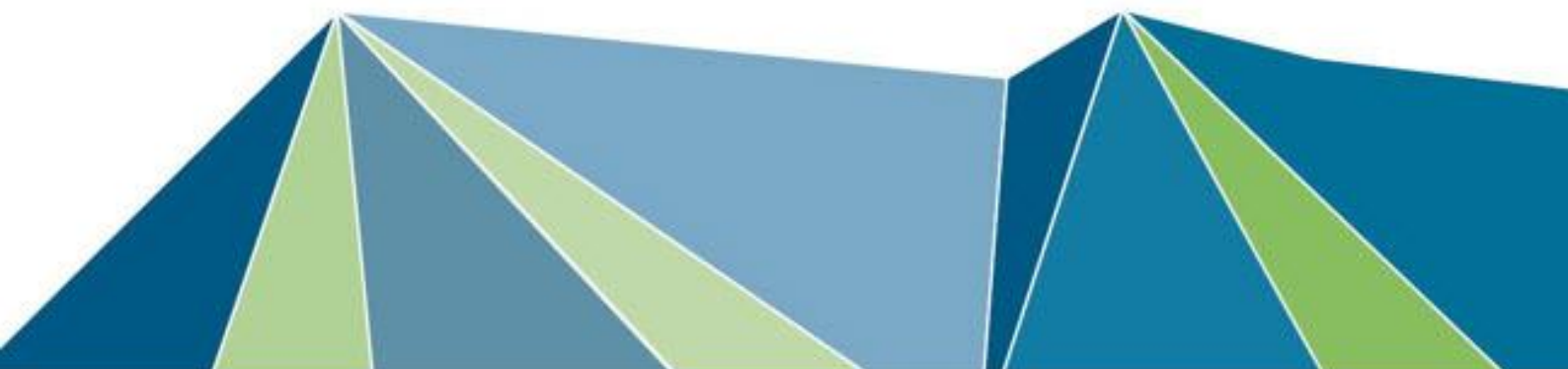
Ordinary Meeting 25 September 2025

An Ordinary Meeting of Ballina Shire Council
will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina
on **25 September 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 two speakers in the affirmative and two speakers 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 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

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 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 28 August 2025.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

7.1 Mayoral Minute - Wardell Recreation Ground

Councillor

Sharon Cadwallader

Mayoral Comments

The Wardell Recreation Ground has been the single sports field available to the Wardell community for decades.

This is Crown Land that is under the direct control of the State Government.

It is understood that the State Government is in the process of confirming that part of the site will remain as housing, resulting in the permanent loss of this open space.

We all support the need for more housing, however if open space is to be allocated to housing, there should be a compensating provision of open space to the community, particularly where is currently no other alternative sports fields available.

Council has allocated \$20,000 to improve Walsh Park, which will still only provide an informal area for limited activities and this site can in no way replace the formalized open space area that previously existed at the Wardell Recreation Ground, until the construction of the temporary pod village, as per the 2022 flood emergency works.

This Mayoral minute asks the State Government not to make any decision to permanently alienate part of the Wardell Recreation Ground for essential housing until a compensating open space and sports field site is identified, or alternatively another site for the proposed housing is identified. The identification of a permanent evacuation centre should also form part of that analysis.

The following information has been submitted to Council to provide historical context to the history of the Wardell Recreation Ground.

History of the Wardell Sporting and Recreation Club Limited – As provided

Back around 1985/86, we had a new Policeman stationed at our town.

His name was Jim Taylor, and his vision was to have somewhere for all the young kids and adolescents play and kick a ball.

At the time Wardell had a good Junior Rugby League Division. They were able to field Under 8's, 10's, 12's and 14's. The teams were made up of young players from Wardell and Cabbage Tree Island.

Wardell was successful in the Juniors and won nearly every premiership almost every year.

7.1 Mayoral Minute - Wardell Recreation Ground

We also had about three to four Cricket Teams in various grades. They played on a 35-acre Crown Reserve, which was the size of cricket field. The rest of the area was just heath and swamp.

They played footy on the cricket field by laying sand over the cricket pitch in the footy season.

When Jim Taylor came to town, his main interest was to keep the local kids off the street and out of trouble but of course, there was not sporting fields as such, except on a little bit of ground and an old shed.

So, he called a town meeting at the school and the Wardell Sporting Recreation Club was formed.

There was a lot of interest from the locals. So, within a space of about six months, the Committee had rallied around and got every local cane farmer and earthmoving business to come along with their tractors, trailers, and bulldozers to volunteer to clear the land of heath and scrub order to create a decent sporting field for all sports.

Every weekend, you would see the machinery driving from one end of the fields to the other with about 50 adults and kids behind, picking up sticks and debris and chucking into the trailers. It was a real community effort and a site to behold.

A lot of people would also volunteer to supply and serve the morning tea (homemade scones by the dozen) and cook the BBQ.

At the time Ken Keys owned the Sandalwood Caravan Park and also ran Bingaree Beef. He would supply the meat free for the BBQ lunch. It was such a terrific community spirit.

Ballina Shire Council helped us immensely and we ended up with two full size cricket fields, two full size football fields, two modular fields and three mini fields. That is quite an achievement from such a small community.

When it was our turn to host the sports days, we would have anything up to 700-800 people there on a Saturday morning.

We were able to run a very profitable canteen selling pies, sausage rolls and soft drinks. Meanwhile all the profit was poured back into the grounds to keep them running.

Then the issue was that we didn't have a Clubhouse or a place to sit while we held our meetings.

A few people got together and decided we would try to raise some money to build a Clubhouse on the Grounds. We were able to call in all the trades around the town to see if they would be willing to help us out and volunteer their time and skills.

Everybody was on board from the day dot, but we had to somehow raise the money.

Harry Woods was our local member at the time, and he said he would match us with a grant dollar for dollar if we could raise \$29,000.

7.1 Mayoral Minute - Wardell Recreation Ground

About 120 townspeople all donated \$100 (who became foundation members of the Wardell Sporting and Recreation Club Limited) and that \$12,000 kicked us off.

We held so many fundraisers to get to the \$29,000 and thankfully we did.

Just to name a few fundraisers:

- Picnic Race Days – we had picnic race days. This was held on Ray Austin's place along Pimlico Road. He had a private airstrip about 500 metres long and was perfect as a racetrack.
- Ballina Players and Dinner nights – we hired a bus and sold tickets for theatre and dinner. We ended up with two busloads of people for our very first event. All profits went towards our goal of raising the extra money.
- Fun Family Night – held at the Sandalwood Caravan Park – we had lots of kids' events, BBQ's, Raffles, Fireworks, Family Fun Games.
- Raffles – so many raffles.
- Festivals and Events – we hosted a Bicentennial Family Fun Day at the Grounds. Another was an Oktoberfest Event where we had live bands play on the back of a truck. Ros Walsh got a committee together and re-invented The Richmond River Cane Festival.

We eventually came up with the extra money, so we were able to start. However, it soon became evident that we were about \$35,000 short to finish the building.

David Daley (who was the Treasurer of the Wardell Sporting Recreation Club Limited at the time) took it upon himself to go the Westpac Bank to enquire about a loan.

The Bank Manager said, "Yeah, we can give you a loan BUT I will need you to go guarantor." David put up the deeds to his house to secure the loan.

David had faith in our Community, and we all worked hard to get the loan paid off over quite a few years.

The Club got built and was such an asset to the community. Everyone got behind it and patronized it, to keep it going.

We then applied for a liquor license. We ran into a lot of opposition which cost the club a lot of money, but we would not be deterred.

This was a Community asset, and we had to have it making money to continue to keep it afloat.

So much effort had gone into it, we had to keep it going. Plus, we had a loan that had to be paid back. We had to persevere for the good of the community.

We had some fierce opposition from the local Hotel and some of the patrons and we had to keep going to court a lot to get our case heard.

7.1 Mayoral Minute - Wardell Recreation Ground

We were never going to give up though. We battled on like this for about three years trying to be granted a full-time liquor licence.

In the meantime, we were able to operate on function licenses.

We then found out from the Lands Department that being a Public Reserve, barred us from holding a liquor licence.

You cannot have a licence on a Public Reserve. However, you can on Crown Land.

We went to the Minister, and he came back to us saying we were allowed to cut off a bit of land off the Reserve and have a license.

So were able to do that and paid a monthly lease to the Wardell Grounds Trust for the land that the Recreation Club and the Car park sit on.

It finally went to court again; this time it was heard in Ballina.

The judge could not believe we were still fighting to get a Full time Liquor Licence and granted us the Licence that day.

We finally had a win for our community.

Wardell was successful on all sporting capacities. At one point we had Senior Cricket Teams, two Softball Teams, Netball Team, Touch Football Teams, Basketball Team, a number of Junior Rugby League Teams, two Senior Rugby League Teams in 2nd Division, Angling Club and Tennis.

Wardell continued to be successful in all the sports.

Then years later and after all the heartache and turmoil and success of finally acquiring a liquor license, the town began to change.

All the younger kids had now grown into adults and have moved on and with no younger generations moving to Wardell at the time, our sports began to dwindle.

We had to come up with a way for the Recreation Club stay financial and continue to stay afloat.

That is when a group of retired folks come up with the idea to build a nine-hole golf course.

The Lands Dept stipulated that the Golf Course could be built if the Football and Cricket fields were retained and maintained as a priority over the Golf.

Then of course, you can't have a Golf Course without water, so the Ballina Shire Council piped in purified water from their Coolgardie Sewage Plant to each of the Greens and we were back in business.

The Golf Course with the Cricket Pitch, the Football Fields and the Clubhouse are a great asset to all the Wardell Community and surrounding areas.

The Council continues to slash the roughs and the Volunteers from the Wardell Golf Club mow and maintains the Greens.

7.1 Mayoral Minute - Wardell Recreation Ground

All the volunteers from the Wardell Grounds Trust, the Wardell Sporting and Recreation Club and the Wardell Golf Club keep the club humming.

The Club regularly hosts our famous Seafood Nights.

These are a fantastic money raiser for the Club and are supported by people from all over the area.

Bookings are always essential, and almost all our Seafood Nights are a sellout – hosting approx. 200 people.

Annual Children's Christmas Tree and Monster Raffle Night – held annually in the first week of December. This is always well patronized by the community.

Santa arrives on the Fire Truck with all the kids getting a small gift and bag of lollies.

This is followed by the Toy & Ham Raffles which flow on into the evening. Meals and snacks are purchased from the Kitchen.

Melbourne Cup Calcutta and Sweep Raffles - Every year, the Club runs a Melbourne Cup Sweep Raffle.

Raffle tickets are sold then are drawn on the Monday night prior to the running of the Melbourne Cup. Tickets are sold for \$2 or a \$20 book.

After the prizemoney is taken out, all other proceeds go to the running and maintenance of the Wardell Sporting Recreation Club Limited.

The Clubhouse is available for a wide use of Community Events. We have hosted, Weddings, Wakes, Parties, Conferences, Sports Presentation Nights, AGM's just to name a few.

The Recreation Grounds have previously played host to the Marist Brothers Rugby League due to the fields in Lismore being too wet to play on.

Our ground sits on sandy soil and has extremely good drainage. It also is used annually for the School Zone Carnivals, Charity Fun Events, Market Days etc.

The Wardell Sporting and Recreation Club Limited is run by a Board of Directors and Committee who all Volunteer their time for the benefit of the Wardell Community.

The Club is opened five nights a week from 3.00 – 9.00pm with every Friday Night hosting Meat Raffles and the Kitchen serving wonderful meals.

Pizzas are also available on Thursday nights.

In summarising, you can see that the Wardell Sporting Recreation Club has been built by the Community and is a much-desired asset to our Town.

This is where the town gathered to share a few stories over a few beers and to stay connected with each other. Since the flood, our town has died.

To date, we still do not have our Recreation Grounds or the Recreation Club.

7.1 Mayoral Minute - Wardell Recreation Ground

There is no place for the kids to run around and kick a footy or soccer ball or to hit a cricket ball with a bat.

We have no Golf Course.

We have no place to enjoy a beer or soft drink.

Whilst the town is slowly being beautified, there is no community sports fields for our kids.

This is exactly what Jim Taylor and the Volunteers of Wardell, and the Community strived to achieve back in 1985/86.

RECOMMENDATION

That Council make representations to the NSW Premier (Hon Chris Minns), the Minister for Lands and Property (Hon Stephen Kamper) and the Minister for Recovery and the North Coast (Hon Janelle Saffin) seeking their support to ensure that there is no permanent transfer of the Wardell Recreation Grounds for essential housing, until a compensating area of open space is delivered to the community, with the inclusion of comparable clubhouse facilities, or alternatively, a separate site is identified for permanent housing, including provision for an evacuation centre.

Attachment(s)

Nil

8. Planning and Environmental Health Division Reports

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

| | |
|------------------|---|
| Section | Strategic Planning |
| Objective | To outline a proposal to amend the minimum lot size for subdivision standard for land at 38 Old Tintenbar Road and 86 Foresters Way and seek direction on progression of the proposed change. |

Background

Council has received an LEP amendment request that seeks to amend the minimum lot size for subdivision standard under the Ballina Local Environmental Plan 2012 (BLEP 2012) in relation to 86 Foresters Way, Tintenbar (Lot 2 DP1037930, 109.91 ha) and 38 Old Tintenbar Road, Tintenbar (Lot 15 DP569492, 30.83 ha) and Lot 1 DP1116012 (0.209 ha).

The lots have a combined land holding of approximately 140 ha.

The BLEP 2012 specifies a minimum lot size of 40ha for subdivision of land in the RU1 Primary Production zone (RU1) in this locality.

This equates to a potential for three lots for the combined holding, with each lot having a dwelling entitlement.

The landowner is seeking to create one new small lot of approximately 7.88 ha (<40ha) containing two existing dwellings, with the remaining land to be amalgamated into one lot with an approximate size of 133.4 ha.

Alternative to an LEP amendment, application of Clause 4.2B under the BLEP 2012 was considered.

Clause 4.2B of the BLEP provides for exceptions to the minimum subdivision lot size (40ha) for boundary adjustments in specified zones, including the RU1 zone.

The clause provides that development consent may be granted for a boundary adjustment between adjoining lots to create lots that are less than the minimum size if the consent authority is satisfied that,

- (a) the subdivision will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on a lot, or both, and*
- (b) the subdivision will not have adverse impacts on the long-term agricultural production potential, biodiversity values or environmental characteristics of the lots and the surrounding locality.*

Council staff advised the proponent that the creation of a smaller lot of 7.88 ha, and a new larger lot of 133.4 ha that could subsequently be subdivided into three lots of over 40ha each, would not meet the requirements of clause 4.2B.

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

This is because the subdivision potential for the combined holding would increase to four lots and hence the terms of Clause 4.2A(a) would not be met.

The proponent is seeking to amend the BLEP 2012 to apply a higher minimum lot size of 60 ha to the subject land.

This is to ensure that when the planned future subdivision application is submitted, it will not result in the potential for an additional lot or opportunity for the creation of additional dwelling entitlements and the requirements of clause 4.2B of the BLEP 2012 can be met.

Documentation outlining the proposed amendment submitted by the proponent is contained in Attachment 1.

Key Issues

- Minimum lot size
- Potential dwelling entitlements
- Land management for environmental purposes

Discussion

The subject sites

The land associated with 86 Foresters Way, Tintenbar also known as Lot 2 DP1037930 (109.91 ha), surrounds the Phoenix Park estate as shown in Figure 1.

The land contains a farmhouse and machinery sheds, along with cattle, harvestable forestry plantation trees and diverse remnant ecosystems including rainforest, forested wetlands and riparian zones.

Lot 2 is the residual lot from the Phoenix Park estate which was created in 2002 comprising 61 rural residential lots and one residual lot.

38 Old Tintenbar Road, Tintenbar (Figure 2) is located directly north of 86 Foresters Way.

The parcel is made up of Lot 15 DP 569492 (30.83 ha) and Lot 1 DP1116012, shown in inset below (0.209 ha).

Two dwelling houses are located on Lot 15, whereas Lot 1 is a long narrow lot, consistent with a previous paper road, with no dwelling entitlement.

The remaining land contains similar ecosystems as described above.

The owners are currently focused on improving the ecosystems on site with the strategic removal of cattle from riparian and wetland zones, weed control and conservation planting to assist regeneration of the site.

Both properties are zoned RU1 Primary Production under the BLEP 2012 and have a minimum subdivision lot size standard of 40ha.

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

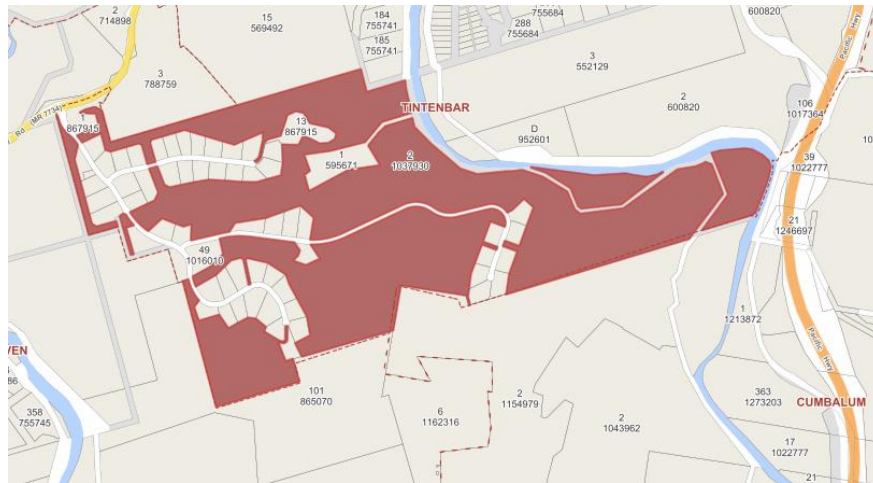


Figure 1: 86 Foresters Way, Tintenbar



Figure 2: 38 Old Tintenbar Road, Tintenbar

Proposed boundary adjustment

A future boundary adjustment application is intended to be submitted for 38 Old Tintenbar Road.

The intended boundary adjustment is shown indicatively in Figure 3.

The proponent has indicated that the change in configuration of the lots is proposed to enable the sale of part of the land associated with 38 Old Tintenbar Road (to include the two existing residential dwellings) to help finance ongoing conservation works to continue with the restoration of the natural environment and support the native flora and fauna species and associated vegetation ecosystems within the site.

The boundary adjustment would reconfigure the three lots to create one lot of approximately 7.88ha, in the north-east of the site, which would contain both existing dwellings, and one lot of approximately 133.4ha containing the remainder of the land.



Figure 3: Indicative Boundary Adjustment Subdivision Alignment

This intended boundary adjustment would result in one lot smaller than the minimum 40ha lot size under the provisions of clause 4.2B of the Ballina LEP 2012, and a lot of 133.4ha which could then be subdivided into three lots in line with the current minimum lot size provisions of the Ballina LEP 2012.

Current LEP Requirements

Whilst Clause 4.2B in the Ballina LEP 2012 provides a pathway for exceptions to minimum subdivision lot size for boundary adjustment (see as follows).

Without a change in the minimum lot size, this proposal would not comply with the requirement to not result in the opportunity for additional dwelling entitlements.

4.2B Exceptions to minimum subdivision lot size for lot boundary adjustments

- (1) *The objective of this clause is to permit adjustments to the boundaries between 2 or more lots that will provide improved agricultural or environmental outcomes without creating additional opportunities for the erection of dwellings.*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone C2 Environmental Conservation,*
 - (d) *Zone C3 Environmental Management.*
- (3) *Development consent may be granted for the subdivision of land for the purposes of a boundary adjustment between adjoining lots to create lots of a size that are less than the minimum size shown for the land on the Lot Size Map if the consent authority is satisfied that—*
 - (a) *the subdivision will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on a lot, or both, and*
 - (b) *the subdivision will not have adverse impacts on the long-term agricultural production potential, biodiversity values or environmental characteristics of the lots and the surrounding locality.*

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

As outlined, the creation of the larger lot cannot be supported if there is potential for that lot to be subject to future subdivision that could result in an opportunity for creation of an additional lot or additional dwelling entitlements (above what currently exists).

Lot Size Amendment

The intention of this Planning Proposal is to amend the minimum lot size for the sites to ensure there is no potential for future subdivisions to result in an increase in the total number of lots, or additional dwelling entitlements for the lots.

The proposal involves amendment to the Lot Size Map under the BLEP 2012 to prescribe a higher minimum lot size, of 60 ha, to the subject sites to ensure any future subdivision will not result in an opportunity for an additional lot or dwelling entitlement.

A planning proposal prepared by Council staff based on the proponent's proposal is contained in Attachment 2.

The proposed amended minimum lot size map is shown in Attachment 3.

Environmental considerations and outcomes

The purpose of the proposed LEP amendment is to facilitate a future boundary adjustment to create a large allotment that will consolidate significant vegetation on the holding, whilst also creating a smaller lot containing existing dwellings.

Conservation outcomes on these properties are part of a larger strategic approach to conservation management.

The subject properties are within an Area of Regional Koala Significance (ARKS) under the NSW Koala Strategy as well as being identified in the Northern Rivers Regional Koala Conservation Strategy as having high strategic importance to create and restore koala habitat with priority, as illustrated in Figure 4.

The Regional Koala Conservation Strategy was developed for the conservation of koalas and their habitat in the Far North Coast of NSW as a collaborative partnership of six regional councils (Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed).



Figure 4: Northern Rivers Koala Conservation Strategy Mapping

The aim of the Regional Strategy is to guide a regional approach for coordinating the conservation, recovery and management efforts to protect and recover koala populations in the Northern Rivers region of NSW over the next 25 years.

Koala activity is regularly observed on the properties, with sightings reported to *Friends of the Koala* and recorded on the NSW Bionet database.

As previously discussed, much of the owners' work is centred on habitat and ecological restoration of the lands. It is noted that the landowners are currently restoring and expanding koala habitat on the land with the support of Council's Koala Habitat Grant (part funded by DCCEEW).

There is also potential conservation benefits associated with a range of other species associated with environmental management and restoration of the subject land.

The LEP amendment and the intended boundary adjustment support these conservation efforts.

Further information on the proponent's rationale is contained in Attachment 1.

Local and Strategic Planning Merit

The planning proposal demonstrates both local and strategic planning merit. In aiming to achieve an outcome that supports biodiversity conservation, the proposal it is consistent with the North Coast Regional Plan 2041 and Council's Community Strategic Plan and Biodiversity Strategy.

As the proposed amendment addresses the issue of creation of additional lots or dwellings (beyond what is currently possible), the proposal is consistent with the Local Strategic Planning Statement and will not impact on infrastructure and services.

Delivery Program Strategy / Operational Plan Activity

The proposal amendments align with the 2024-2028 Delivery Plan and Operational Plan Outcome HE 3.1f – Maintain Local Environment Plan.

Community Engagement Strategy

Community engagement will take place following a Gateway determination and in accordance with the conditions specified by the Department of Planning Housing and Infrastructure (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 Fees and Charges, further processing fees will be payable at subsequent stages.

Options

Option 1 – Council supports the planning proposal.

Under this option, Council would progress the proposed LEP amendment in the form of a planning proposal (Attachment 2).

The planning proposal would be submitted to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination and subsequent public exhibition and agency consultation.

Post an affirmative Gateway determination and exhibition, the planning proposal will be reported back to Council with respect to the outcomes of the exhibition process and finalisation of the amendment.

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 in this report, including that the proposed amendment provides for enhanced environmental outcomes.

Option 2 – Council does not support the planning proposal and takes no further action.

Option 2 is not recommended as the proposed amendment seeks to facilitate reconfiguration of property boundaries to enable positive environmental outcomes in a manner consistent with Council's planning framework in relation to lot creation and dwelling entitlements.

RECOMMENDATIONS

1. That Council endorses the proposed amendment to the Ballina Local Environmental Plan 2012 to amend the minimum lot size for subdivision for 86 Foresters Way (Lot 2 DP 1037930) and 38 Old Tintenbar Road (Lot 15 DP 569492 and Lot 1 DP1116012) to 60ha as detailed in the Planning Proposal contained in Attachment 2 to this report.

8.1 LEP Amendment Request - Foresters Way and Old Tintenbar Road

2. That Council submits Planning Proposal BSCPP 25/004 (Attachment 2) to the Department Planning Housing and Infrastructure for Gateway Determination.
3. 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.
4. That upon an affirmative Gateway determination being received, Council proceeds to public exhibition and agency consultation in accordance with Gateway determination requirements.

Attachment(s)

1. BSCPP 25/004 - Proponent Planning Proposal - Tintenbar Boundary Adjustment [⇒](#)
2. BSCPP 25/004 - Council Prepared Planning Proposal - Amendment to LEP Minimum Lot Size - 86 Foresters Way and 38 Old Tintenbar Road, Tintenbar [⇒](#)
3. BSCPP 25/004 - Draft Minimum Lot Size Map [⇒](#)

8.2 Development Control Plan - General Amendments

| | |
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| Section | Strategic Planning |
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| | |
|------------------|---|
| Objective | To outline proposed updates to the Ballina Shire Development Control Plan (DCP) and seek direction on public exhibition of the identified amendments. |
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Background

This report addresses proposed general amendments to provisions within the Ballina Shire Development Control Plan 2012 (DCP). The proposed changes follow ongoing monitoring and review of the DCP to ensure it is contemporary and reflects intended planning outcomes.

The last general review was considered at the 25 July 2024 Ordinary meeting. Amendments were adopted at the 28 November 2024 Ordinary meeting.

The proposed amendments from the most recent review relate to the following chapters and provisions:

- Chapter 2: General and Environmental Considerations – clarification with regards to reporting requirements for impacts on koala habitat and heritage items, corrections in relation to public art, removal of onsite parking requirements for exhibition homes and new controls for the Racecourse Road area.
- Chapter 4: Residential and Tourist Development – clarification regarding controls for setbacks, landscaping, solar access, building line variations, visual impact of garages and carports and changes to building envelope controls for medium density development, inclusion of a requirement for flexible housing on larger lots, removal of a maximum density clause and new provisions for redevelopment of R3 Medium Density zoned sites in parts of Lennox Head.
- Chapter 7: Rural Living and Activity - new controls for farm dams (water storage facilities).
- Chapter 8: Other Uses – administrative change to amend signage character requirements and to update a table to refer to all applicable zones.

It is recommended that the draft DCP amendments be placed on public exhibition in accordance with statutory requirements in the *Environmental Planning and Assessment Regulation 2021*.

Following exhibition Council will receive a report on the outcomes of the exhibition process.

The proposed DCP amendments are discussed in more detail within this report and are shown highlighted in the applicable chapters in Attachments 1, 2, 3 and 4 to this report.

Key Issues

- Clarity and operation of DCP provisions.

Discussion

Chapter 2: General and Environmental Considerations

There are five proposed amendments in chapter 2 as follows:

1. Adjustment to reporting requirements for developments within mapped koala habitat areas.

There is a discrepancy between a 'Note' at 3.3A.3 (page 16) relating to koala habitat management reporting requirements and what is in Council's Comprehensive Koala Plan of Management (CKPoM). The Note currently states: *All development applications to which this clause applies must be accompanied by a koala habitat impact assessment report. This includes applications where the proposed development does not involve the clearing of vegetation.*

The proposed new wording is (in red font):

*All development applications to which this clause applies **are required to provide an assessment of any direct and indirect impacts to koalas, prepared by a suitably qualified person.** This includes applications where the proposed development does not involve clearing of vegetation.*

The change clarifies that a Koala Habitat Impact Assessment (which is a standalone report that has specific and rigorous requirements) is not required for minor developments with no vegetation removal, and a simplified assessment of impact can be performed instead.

2. References to best practice guidelines to be added to heritage reporting requirements at 3.12.3 (page 37). The additional wording is provided in red.

*ii. A Statement of Heritage Impact (SOHI) **utilising best practice guidelines from The Burra Charter: the Australian ICOMOS Charter for Places of Cultural Significance (2013) or the relevant technical guides from Heritage NSW** must be prepared with respect to impacts on heritage values (either on or adjacent to the site of the proposed development) for any proposal that involves alterations, demolition or disturbance in relation to heritage items, except as follows:*

3. Correction of typographical errors in a table at 3.16.1 (p44) about public art requirements.

The clause applies to certain developments with a value exceeding \$2 million and references the calculation process within the *Environmental Planning and Assessment Regulation 2000*.

The regulation year should be **2021**.

There is also a reference to 'ground flood retail premises' which should read 'ground **floor** retail premises'.

4. Remove on-site car parking requirements for 'exhibition homes'.

Housing construction companies working in new residential subdivisions within the Ballina Shire often use 'exhibition homes' as a way of marketing their products to potential buyers.

Related to this, at its 25 August 2025 Ordinary meeting Council endorsed a draft LEP general amendments planning proposal which includes an item to allow an approved dwelling to be used for the purpose of an 'exhibition home' as 'exempt development' (i.e. it does not require additional approvals).

The proposed DCP amendment to remove the onsite car parking requirement from Table 2.3 (page 56) seeks to support the LEP exempt development provision by not requiring visitor parking on site for exhibition homes.

5. New controls for all development within the defined Racecourse Road Ballina precinct.

On 12 February 2025, the Strategic Planning Panel of the Northern Regional Planning Panel (NRPP) determined that the Planning Proposal for an Additional Permitted Use for a gymnastics facility at 34 Racecourse Road, Ballina should not be submitted for a Gateway determination.

In declining the rezoning, the Panel determined that the proposal did not have strategic merit largely based on the potential for land use conflict with existing horse stables, training facilities and other equine uses on land in the vicinity of Ballina Racecourse.

The Panel noted that a clear equine precinct has emerged to the west of the Ballina Racecourse and recommended that Council update relevant strategic plans, such as the DCP, to reflect the current and future land use for the area.

It is therefore proposed to insert a new section in chapter 2, section 3.25 (page 70) to recognise the Racecourse Road, Ballina Precinct, along with the following planning objectives and controls to apply in the area shown in Figure 1:

3.25 Racecourse Road, Ballina Precinct Planning Objectives

- a. To support the ongoing use of the area for horse stables, training and associated equine uses.*
- b. To minimise the potential for land use conflict*
- c. To allow for other permissible development at a scale that is compatible with the existing horse stables, training and associated equine uses.*

Planning Controls

Before determining a development application on the land to which this clause applies, the consent authority must consider the following matters:

- i. Traffic generation and the potential impact on horses and their handlers crossing Racecourse Road.*
- ii. Noise generation and the potential impact on horses.*
- iii. A land use conflict risk assessment (LUCRA).*
- iv. The cumulative impact of development in the area and compatibility with the planning objectives for the mapped area*



Figure 1: Proposed Area for DCP Racecourse Road Precinct controls

Chapter 4: Residential and Tourist Development

There are 15 proposed amendments in chapter 4 as follows:

1. Additional control relating to the location of dwellings on large lots (in certain circumstances).

A new clause and associated note are proposed to be added at 3.1.3.1 (page 7) in relation to lot sizes for dual occupancies. It requires:

- i. *For residential lots with an area greater than 800m² and within 200m of public open space, community facilities or an area zoned E1 Local Centre, a primary dwelling is to be located on the lot in such a way as to allow a second dwelling to be constructed on the lot at some future stage.*

Notes:

The purpose of creating 'flexible housing' is to encourage greater density on larger lots within urban centres and to allow for flexibility over time. A young family may want a large yard for a secure recreation/play area and when children have grown, a second house that facilitates ageing in place/intergenerational housing can be constructed.

This provision currently sits in DCP Chapter 3 (Urban Subdivision) and only applies to the Cumbalum A / Banyan Hill area.

As the control relates to the location of a dwelling, it is generally not applicable at the subdivision stage. The intent is that the principle of encouraging greater density on large lots in urban centres be applicable across the shire.

2. Clarification about landscaping requirements within strata lots.

Clause 3.1.3.3 Landscaping and Open Space applies to dwellings and dual occupancies in zones R2 and R3. Table 4.2 (page 9) sets out minimum landscaped area requirements for different sized lots. The table currently does not reference strata lots. The amendment seeks to add the words '*including Strata lots*' to clarify that all lots require landscaped areas.

In addition, the table's controls for lots 600m² – 900m² and for lots over 900m² are the same. The table is to be simplified by deleting the third row and changing the text in the second row to read '*Greater than 600m²*'.

3. Clarification about solar access for secondary dwellings.

Clause 3.2.3 (page 13) provides some exemptions and additional development controls for secondary dwellings. There are currently no provisions for solar access for secondary dwellings. The following additional subclause is proposed:

iv) Secondary dwellings shall be orientated to optimise solar access to indoor living areas and not impact upon solar access requirements for the principal dwelling.

4. Correction of an editing error that occurred when the chapter was last updated in relation to building line setback variations.

Clause 3.3.3.1 Building Envelopes sets controls relating to the location of medium density residential development within the lot. Subclause (i) (page 15) states that:

Residential accommodation and tourist and visitor accommodation and all ancillary development on a lot must be setback behind the building line specified on the Building Line Map (except as specified in items (iii) or (iv) below).

Items (iii) and (iv) no longer appear within the Chapter. It is proposed to reintroduce subclause (iii) from a previous version of the DCP as shown below and delete the reference to (iv) which related to corner allotments and is addressed in amendment number six below.

iii) Where an encroachment is sought, a variation may be granted based on the average distance of the building lines of the nearest two buildings having a boundary to the same primary road and within 40m of the development.

5. Add setback provisions for medium density residential development on corner allotments.

Table 4.3 (page 15) sets out building line setbacks in particular circumstances. An additional row is proposed to be added for corner allotments to provide for a 3m setback from the secondary road.

6. Changes to building envelope controls for side and rear boundaries for medium density development.

Application of these controls indicate they are difficult to comply with, are regularly varied and do not necessarily lead to the best development outcome in terms of meeting the objectives set out at 3.3.3.1. The proposed changes are designed to provide better guidance on how the objectives should be addressed.

The current controls (i) and (ii) in relation to side and rear setbacks are to be deleted (page 16), along with the graphic (Figure 4.2) and all text in relation to variations (page 17). These are to be replaced with the following text:

Side and Rear setbacks:

i) Ground floors are to be setback a minimum of 900mm from side and rear boundaries. Guttering, eaves, hoods and other similar structures may be constructed within the side setback but not closer than 450mm from the boundary.

ii) Upper storeys are to be progressively setback as the building height increases to minimise adverse impacts on adjoining properties by way of overshadowing, reducing privacy or unreasonably obstructing views.

iii) Walls more than 4.5 metres above existing ground level must be setback from side and rear boundaries as follows:

- 2.5m for western and southern elevations.*
- 1.5m for northern and eastern elevations.*

7. Clarification about requirements for solar access.

Clause 3.3.3.2 Solar Access / Designing for Climate (page 18) sets out objectives and controls to ensure living areas and areas of private open space receive minimum direct sunlight. Some additional wording is proposed (shown in red) to clarify that new constructions must not impact adjacent buildings.

Objectives

(c) Ensure that development does not adversely impact on *adjoining residential development* or public foreshore open space by way of overshadowing.

d) New buildings must not impact upon the minimum direct sunlight required to the living area of an adjacent building.

8.2 Development Control Plan - General Amendments

8. Remove clause 3.3.3.5 (Dwelling Density) including the associated maps for certain residential areas at Ballina, East Ballina, Alstonville, Wollongbar, Wardell and Lennox Head (pages 20-21).

The clause seeks to limit the density of dwellings in particular mapped urban areas.

It is proposed to remove the clause to allow an assessment of merit on a case-by-case basis as to what the maximum density should be given based on-site constraints and other DCP design requirements within this chapter. In addition, the Housing Strategy seeks to increase density and promote small housing typologies in existing urban areas.

9. Clarification regarding carport location for development fronting laneways.

Clause 3.4.3.1 sets out controls for all residential developments with laneway frontage. Subclause (iii) (page 22) sets out requirements for when garages are accessed directly from the lane. It is proposed to add the words “*and carports*” to ensure parking is provided within nominated setbacks to reduce stacked parking which has flow on effects for the use of the lane.

10. Clarification over maximum dimension of garages for attached dual occupancies.

Clause 3.4.3.3 provides a range of controls for vehicular access and parking. Subclause (ii) Garages and Sheds (page 26) has the following control relating to the width of garages.

The combined maximum width of garage and shed doors must not be more than 50% of the lot frontage.

The provision does not take into consideration attached dual occupancies which generally require two double garages facing the street to meet carparking requirements. To minimise the visual impact on the streetscape the following additional wording is proposed:

or alternatively, where dual occupancies require two garages, these shall be staggered so as to not dominate the streetscape.

11. Clarification regarding consideration for carports to be built forward of the building line.

A further amendment to Clause 3.4.3.3 is proposed relating to the location of carports forward of the building line, specifically in response to garages being constructed for motorhomes in front of dwellings and dominating and visually impacting upon streetscape.

The following additional wording is proposed to subclause (ii) Carports and Carparking Spaces (page 26):

- *The carport is not to exceed 33% of the width of the allotment frontage and shall be wholly or partially in front of the garage to reduce visual impact; and*

12. Additional controls to allow greater flexibility when considering how to address overlooking and privacy between residential buildings.

8.2 Development Control Plan - General Amendments

Clause 3.4.3.4 (page 29) applies to all forms of residential and tourist development and provides objectives and controls in relation to the location of windows and screening requirements to ensure visual privacy between buildings. There are numerous numerical standards which are often varied.

The following additional text is proposed to be added after control (iv) to provide some additional flexibility.

Variations

i) Variations to controls i – iii will be considered where it can be demonstrated that the objectives have been met and privacy between residential buildings is maintained by:

- offsetting windows along boundaries*
- installing windows at different heights to adjoining buildings and/or*
- providing landscape plantings along boundaries to screen bedrooms and living areas.*

13. Correction of an administrative / editing error and addition of a graphic. Clause 3.4.3.5 relates to controls for fences and walls. Subclause (ii) (page 30) refers to a requirement in Table 4.5 that is incorrect.

An additional graphic is also proposed to be inserted to demonstrate requirements where fences are proposed to exceed 1.2m.

14. Addition of a new Special Area Control clause for R3 zoned areas on the eastern side of Byron Bay Road at Lennox Head (page 50).

The proposed new clause will ensure no net loss of dwellings where redevelopment of a site is proposed, and an increase in density where consolidation of lots is proposed. The rationale is to maintain and/or increase density over time and to facilitate ageing in place of residents in an area that is well serviced by commercial and public amenities.

This was identified as an action in the Lennox Head Strategic Plan to 'investigate minimum dwelling number requirements for existing medium density sites proposed for redevelopment.' This is also reflected in the current DPOP action to 'Implement Lennox Head Strategic Plan – Investigate Minimum Dwelling Numbers for Medium Density Sites'.

The proposed clause and associated map (Figure 2) are provided as follows:

4.9 Lennox Head Medium Density Redevelopment Area

4.9.1 Application

| Applies to: | |
|----------------------------|--|
| Location/s: | <i>Areas within Lennox Head zoned R3 Medium Density, on the eastern side of Byron Bay Road (as shown on the Special Areas Controls Map).</i> |
| Development Type/s: | Residential accommodation |

4.9.2 Planning Objectives

- To ensure there is no net loss of dwellings when redevelopment is proposed.*
- To facilitate increased housing density over time and ageing in place by residents in an area that is well serviced by commercial services and public amenities.*

4.9.3 Development Controls

- Development proposals must demonstrate no net loss in the total amount of housing where redevelopment of a site is proposed.*

8.2 Development Control Plan - General Amendments

- b. *Development proposals for new residential development where a consolidation of lots has been undertaken (or is proposed) must demonstrate a net increase in the total amount of housing.*

Notes:

Demolition of existing residential development will not be supported unless it is part of a development application for new residential development or there are significant public health, safety or environmental benefits associated with the demolition.



Figure 2: Proposed Area for Lennox Head Medium Density Redevelopment controls (as referenced in 4.9.1).

Chapter 7: Rural Living and Activity

There is one proposed amendment in this chapter to include new controls for the construction of farm dams (*water storage facilities*).

8.2 Development Control Plan - General Amendments

There are currently no development controls within the DCP to guide applications for farm dams, which are defined in the LEP as:

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Whilst there are various controls relating to vegetation clearing and a requirement for an approval from Water NSW for any works that are not covered by 'domestic and stock rights' (as defined in the *Water Management Act, 2000*), it is considered that general guidelines are necessary to provide clarity on the information required to assess potential environmental impacts. The following is proposed to be added as a new section on pages 31-32.

3.11 Water Storage Facilities

3.11.1 Applies to: Zone RU1 and RU2

Development type: Water Storage Facilities

3.11.2 Planning Objectives:

To ensure the construction of water storage facilities comply with relevant State Government requirements and do not have an adverse impact on the surrounding environment.

3.11.3 Development Controls:

- i) Relevant State Government licenses and / or approvals have been obtained.*
- ii) applications shall include a detailed site plan showing the location of the proposed facility in relation to all water courses, gradient and overland run off catchments.*
- iii) applications must also include:*
 - any proposed vegetation clearing,*
 - expected storage volume of the facility,*
 - any potential contaminants,*
 - the location of any sediment and erosion control measures and*
 - any associated equipment or infrastructure.*

Chapter 8: Other Uses

There are two proposed changes in this chapter as follows:

1. Update reference to the character for local signage.

Section 3.4 relates to signage. Section B. Context, Siting and Number of Advertising Signs (page 12) is proposed to be amended as follows:

*ii. Signage must be compatible with the "desired future character" of the locality in which it is located as defined in **any applicable place-based strategy**. ~~the Ballina Shire Growth Management Strategy~~.*

It is not necessary to reference the Growth Management Strategy as it is to be superseded by the updated Local Strategic Planning Statement and desired character statements are included in the place-based strategies for Alstonville, Wollongbar, Wardell, Lennox Head and Skennars Head, and the Ballina Major Regional Centre Strategy.

2. Update table to reflect all applicable zones.

Part 4 applies to a range of development types that are not the dominant land uses within residential, business and industrial zones. The table at 4.1.1 (page 23) identifies that the controls are applicable to zones E1, E2, E3, E4 and MU1.

8.2 Development Control Plan - General Amendments

It also states that they are applicable to: *Development other than residential accommodation or tourist and visitor accommodation in zones R2 and R3.*

The proposed amendment will add zones R2 and R3 into the table for clarity.

Delivery Program Strategy / Operational Plan Activity

The proposed DCP amendments are part of a routine and regular review of existing development controls.

Community Engagement Strategy

The amendments are proposed to be put on public exhibition for 28 days which is consistent with the requirements in Council's Community Participation Plan and the *Environmental Planning and Assessment Regulation 2021*.

Financial / Risk Considerations

The proposed work will be undertaken within existing resources.

Options

Option 1 – Endorse the proposed draft DCP amendments for public exhibition
This is the recommended option as the proposed amendments will ensure that the Development Control Plan remains contemporary and improves the usability of the document for applicants and staff assessing development applications.

Option 2 – Decline to progress to draft DCP amendments or amend
This option is not recommended as the proposed changes seek to ensure efficient operation of the Development Control Plan in line with adopted Council policy and contemporary planning considerations.

RECOMMENDATION

That Council endorses amendments to chapters 2, 4, 7 and 8 of the Ballina Shire Development Control Plan 2012 as outlined in this report and its attachments for public exhibition for a period of 28 days in accordance with requirements in the *Environmental Planning and Assessment Regulation*.

Attachment(s)

1. BSDCP 2012 Chapter 2 - General and Environmental Considerations - 2025 amendments ➡
2. BSDCP 2012 Chapter 4 - Residential and Tourist Development - 2025 amendments ➡
3. BSDCP 2012 Chapter 7 - Rural Living and Activity - 2025 amendments ➡
4. BSDCP 2012 Chapter 8 - Other Uses - 2025 amendments ➡

8.3 Community Land Plan of Management - Revisions

8.3 Community Land Plan of Management - Revisions

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| Section | Strategic Planning |
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| Objective | To outline proposed changes to Council's Plan of Management for Community Land and seek direction on public exhibition of the revised Plan of Management. |
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Background

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

Section 36 of the LG Act requires councils to prepare a Plan of Management (PoM) for all land that is classified community.

Community classified land is land intended for public access and use that generally has some importance to the community such as parks, reserves, sportsgrounds, natural areas and community facilities.

Community classified land cannot be sold or otherwise disposed of and there are limits on a lease or licence granted over the land.

Restrictions on how community land can be used are outlined in a PoM.

The introduction of the Crown Land Management Act 2016 (CLM Act) required all councils in NSW to also prepare PoMs for the Crown reserves they manage, and to manage such land as 'community land' under the LG Act.

PoMs for Crown reserves are required to be endorsed by the relevant Minister, prior to public exhibition.

In November 2022 Council adopted a Plan of Management for all sites within the Ballina Shire that are required to have a PoM under the respective Acts.

This Plan of Management for Community Land 2023 (CLPoM) contains Council-owned and Crown land within the one document.

Amendments to the CLPoM were adopted by Council in April 2023.

Separate PoMs also exist for the management of the Ballina Coastal Reserve, Williams Reserve and Hampton Park.

In March 2024, Council was appointed Crown land manager for part of Boomerang Park. This area is now to be included within the CLPoM.

Additionally, in May 2025, Council adopted a Master Plan for Hampton Park which outlines proposed future works.

The future works in the Master Plan supersede the current PoM for Hampton Park. In line with Council's move towards all Council managed Crown Lands being managed through the CLPoM, it was also resolved:

8.3 Community Land Plan of Management - Revisions

2. *That Council undertakes the applicable procedural steps to amend the Plan of Management for Community Land to incorporate Hampton Park and the Hampton Park Master Plan.*

In updating the CLPoM to include these two additional Crown Reserves (Boomerang Park and Hampton Park), a review has been undertaken to consider if any other amendments are required.

The purpose of this report is to outline the proposed changes and seek Council's endorsement to publicly exhibit the revised CLPoM and undertake a public hearing with regards to the re-categorisation of community land at Skennars Head in accordance with the requirements of the LG Act.

The revised draft Plan of Management for Community Land 2025 was sent to Crown Lands (a division of the Department of Planning, Housing and Infrastructure) for Ministerial endorsement and has been approved for public exhibition in accordance with requirements in the CLM Act.

Key Issues

- Statutory requirements for the management of 'community' land
- Statutory requirements for public exhibition of documents and a public hearing when seeking to change the categorisation of 'community' land.

Discussion

Management of community land

Chapter 6, Division 2 of the LG Act outlines the requirements of councils for the management of community land, including the process of preparing and amending Plans of Management.

Section 36(4) requires that all areas of community land are to be categorised and managed as:

- (a) *a natural area,*
- (b) *a sportsground,*
- (c) *a park,*
- (d) *an area of cultural significance,*
- (e) *general community use.*

More than one categorisation can be applied to a single site. Land categorised as a natural area is further categorised as one or more of bushland, wetland, escarpment, watercourse, foreshore or a category prescribed by the regulations.

The LG Act and associated regulations set out objectives and requirements for the management of land in each of the categories along with the process for changing categorisation of land.

Proposed changes to Plan of Management for Community Land (CLPoM)

In addition to updating the CLPoM to include Boomerang Park and Hampton Park, a review of the CLPoM found that the use of a storage shed at Skennars Head Reserve by the Lions Club should more correctly be categorised as 'General Community Use', rather than 'Sportsground'.

8.3 Community Land Plan of Management - Revisions

Additionally, several minor administrative matters have been identified to clarify and improve the readability of the document.

Table 1 outlines the proposed changes to Council's Plan of Management for Community Land 2023. The revised draft CLPoM is included as Attachment 1 to this report.

Table 1: Summary of Changes

| Page No. | Summary of Change | | | | | | | | | | | | | | | |
|---|--|---------------|--|-------------------|------------|----------------|-------------------------------|-------------------|-----------|-----------------------------|------|---|-------------------|------------|--|-------------------|
| 4 | Remove reference to Hampton Park being excluded from the POM. | | | | | | | | | | | | | | | |
| 5 | Remove reference to Hampton Park as land not covered by the POM. | | | | | | | | | | | | | | | |
| 6 | Add additional text referencing that any reserves within coastal areas are to be managed in accordance with the requirements in the <i>Coastal Management Act 2016</i> . | | | | | | | | | | | | | | | |
| 12-13 | <p>Add Boomerang Park and Hampton Park to Table 2.1 Crown Reserves Covered by this POM. Details are as follows:</p> <table><tr><th>Reserve No.</th><th>Reserve Purpose</th><th>Gazettal Date</th><th>Properties</th><th>Categorisation</th></tr><tr><td>Part of R75925 Boomerang Park</td><td>Public Recreation</td><td>15/5/1953</td><td>Part of Lot 7009 DP 1073072</td><td>Park</td></tr><tr><td>Part of R540004 Clements Park Reserve (known as Hampton Park)</td><td>Public Recreation</td><td>20/08/1886</td><td>Lot 441 DP 45984 & Lot 5612 DP 1282979 <u>Note:</u> Lot 5611 DP 1282979 & Lot 560 DP 1119965 are currently managed by Council but an application for the transfer of management to the Cherry Street Sports Club is underway.</td><td>Park Sportsground</td></tr></table> | Reserve No. | Reserve Purpose | Gazettal Date | Properties | Categorisation | Part of R75925 Boomerang Park | Public Recreation | 15/5/1953 | Part of Lot 7009 DP 1073072 | Park | Part of R540004 Clements Park Reserve (known as Hampton Park) | Public Recreation | 20/08/1886 | Lot 441 DP 45984 & Lot 5612 DP 1282979 <u>Note:</u> Lot 5611 DP 1282979 & Lot 560 DP 1119965 are currently managed by Council but an application for the transfer of management to the Cherry Street Sports Club is underway. | Park Sportsground |
| Reserve No. | Reserve Purpose | Gazettal Date | Properties | Categorisation | | | | | | | | | | | | |
| Part of R75925 Boomerang Park | Public Recreation | 15/5/1953 | Part of Lot 7009 DP 1073072 | Park | | | | | | | | | | | | |
| Part of R540004 Clements Park Reserve (known as Hampton Park) | Public Recreation | 20/08/1886 | Lot 441 DP 45984 & Lot 5612 DP 1282979 <u>Note:</u> Lot 5611 DP 1282979 & Lot 560 DP 1119965 are currently managed by Council but an application for the transfer of management to the Cherry Street Sports Club is underway. | Park Sportsground | | | | | | | | | | | | |
| 14 | Remove reference to Hampton Park as land not covered by this POM. | | | | | | | | | | | | | | | |
| 15 | Remove reference to the LG Act in the fifth dot point of first column as it is in error. | | | | | | | | | | | | | | | |
| 16 | Remove incorrect statement and reference to Table 4.4. | | | | | | | | | | | | | | | |
| 20 | Remove unnecessary text. | | | | | | | | | | | | | | | |

8.3 Community Land Plan of Management - Revisions

| Page No. | Summary of Change |
|-----------|---|
| 20 | <p>Add the following text after Future Development and before General Provisions:</p> <p>Community Land with Endorsed Master Plans or Management Plans In addition to permissible uses set out under this section (Section 4 - Development and Use) and Section 6 – Special Provisions, development and uses identified in a Council adopted mater plan or management plan are permitted to occur on the land the subject of the plans.</p> <p>Site-specific master plans and management plans are available on Council's website under Council Documents.</p> |
| 22 | Correct reference to table (should be Table 3.1) |
| 23 - 25 | Clarify that the permissible uses of community land are examples and not exhaustive lists. |
| 28 | Delete and add text for clarification as to what is authorised by the PoM |
| 32-33 | Minor updates within Table 4.4 including the addition of Hampton Park. |
| 38- 49 | Minor updates within Tables 6.1 and 6.2 including some changes to the condition of facilities and authorised uses and the inclusion of Hampton Park as a site with special provisions. |
| 50 | Correction to spelling for Bulwinkel Park |
| 58 | Table updated to include a new row to show General Community Use at Skennars Head Reserve and a new land register number. |
| 63 | In Appendix 1, replace existing map for Skennars Head Reserve with new categorisation map – see Figure 1 below. |
| 73 | In Appendix 2, update the Crown Reserves table to incorporate reserve details and categories for Boomerang Park and Hampton Park. |
| 105 - 106 | In Appendix 2, insert new categorisation maps for Boomerang Park and Hampton Park as shown on Figures 2 and 3 below. |

New or amended categorisation of community land

The map for Skennars Head Reserve has been updated to amend the categorisation of the storage shed on the site from 'sportsground' to 'general community use'.

The shed includes storage spaces used by the Lennox Head Lions Club as well as Le-Ba and the Lennox Head Football Club.

The map is included on page 63 of the draft CLPoM and shown in Figure 1.

8.3 Community Land Plan of Management - Revisions

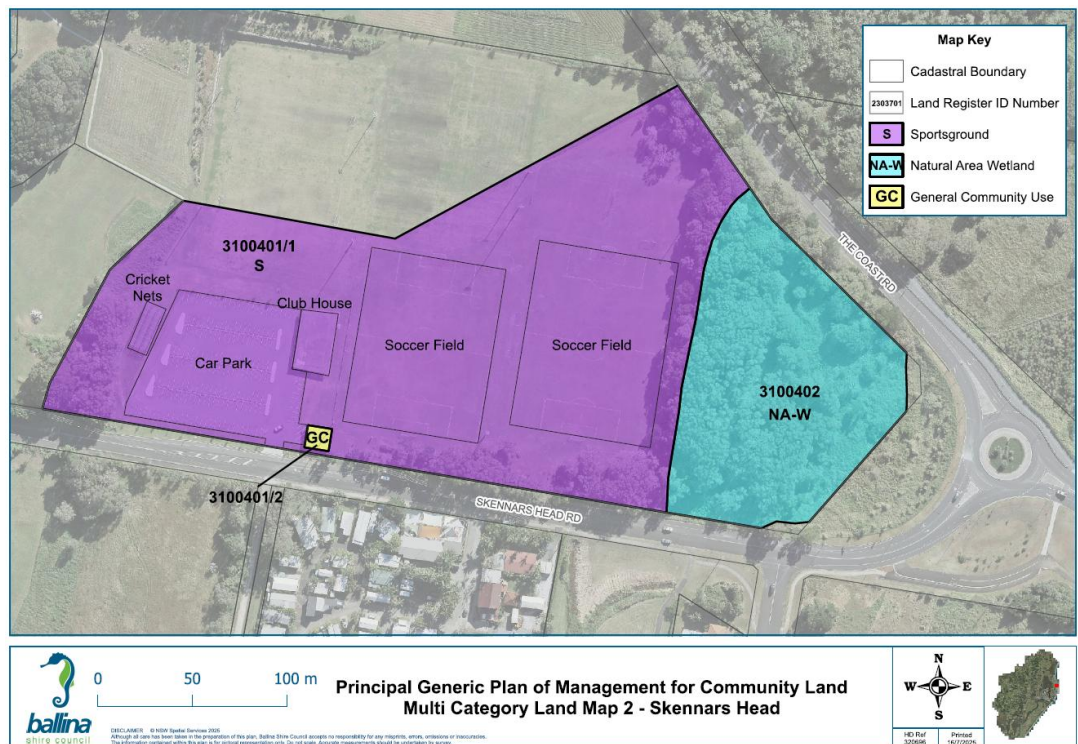


Figure 1: Skennars Head Reserve Categorisation Map

New maps showing the categorisation of land for Boomerang Park and Hampton Park have also been included (Maps 30 and 31 at pages 105-106) as shown in Figures 2 and 3.

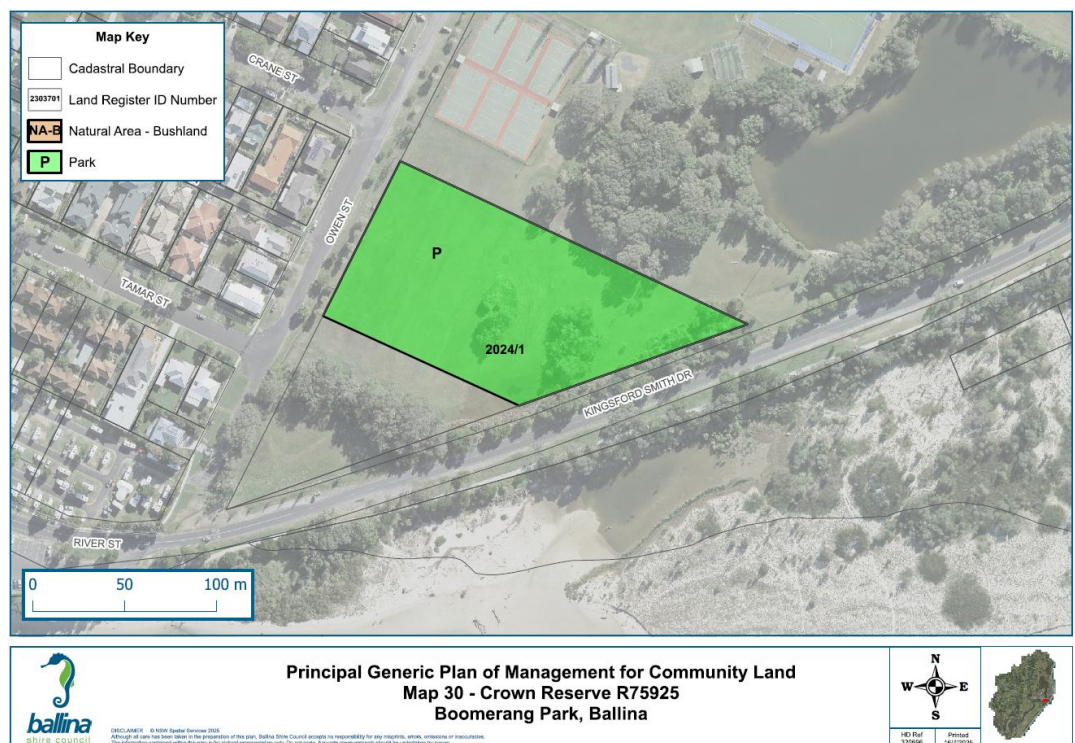


Figure 2: Boomerang Park Categorisation

8.3 Community Land Plan of Management - Revisions

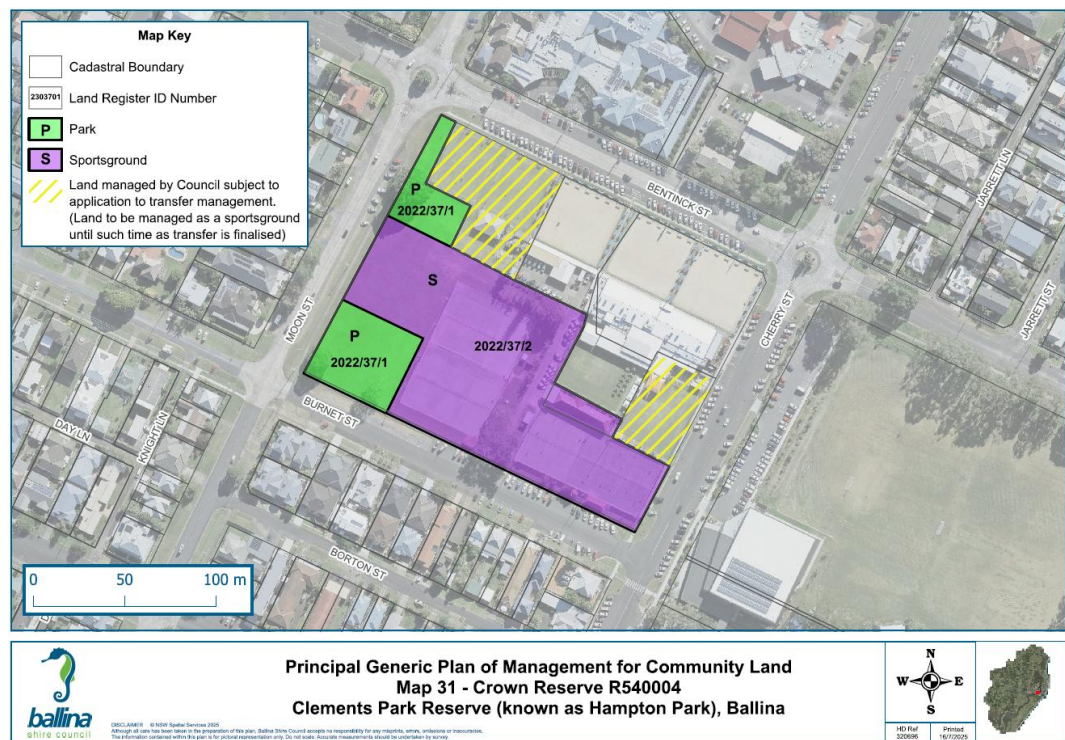


Figure 3: Hampton Park Categorisation

Process for amendment of the Plan of Management

In accordance with Section 38 of the LG Act, Council must give public notice of a draft Plan of Management, must exhibit it for a minimum of 28 days and allow a minimum of 42 days in which submissions may be received.

Section 40A of the LG Act requires that a public hearing be held if a proposed PoM has the effect of altering the categorisation of community land.

Changing the storage shed at Skennars Head Reserve from 'Sportsground' to 'General Community Use' triggers this requirement.

Section 47G spells out further requirements for public hearings, including that:

- (2) *The person presiding at a public hearing must not be—*
- (a) *a councillor or employee of the council holding the public hearing, or*
 - (b) *a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.*

Delivery Program Strategy / Operational Plan Activity

There is no specific action within the DPOP about updating the Community Land Plan of Management. It is required by State legislation as outlined within this report.

The action is consistent with CSP outcomes EL1 and EL3 that:

- *Decision making is inclusive, transparent, and underpinned by sustainability, and*
- *Our leaders work effectively with the community, other levels of government and councils.*

Community Engagement Strategy

Community engagement will occur in accordance with the LG Act and Council's Community Participation Plan and will include:

- Public exhibition of the draft document on Council's Your Say website including opportunities for submissions, and
- A public hearing to be chaired by an independent person regarding the recategorisation of part of the Skennars Head Reserve.

Financial / Risk Considerations

There will be a cost to Council in engaging a suitable person to hold a public hearing and provide a report in accordance with the requirements of the LG Act.

The cost for the amendment process can be met from within the existing operating budget allocated to the Strategic Planning Section.

Options

Option 1 – Exhibit the revised draft Plan of Management for Community Land attached to this report and arrange a Public Hearing as required by the LG Act.

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

The LG Act requires public exhibition of a draft Plan of Management and for submissions to be open for a minimum of 42 days.

A public hearing is also required for the proposed change of categorisation at Skennars Head Reserve.

After Council has considered any submissions received, the LG Act allows minor amendments to be made to the PoM without further public exhibition.

For efficiency, the recommendation is for Council to adopt the amended PoM if no submissions are received during public exhibition or to the public hearing.

This means any minor amendments can be undertaken by staff without the need for a further report to Council.

On adoption of the revised plan, inclusive of Hampton Park, the stand-alone Plan of Management for Hampton Park (2002) will be repealed.

If any submissions are received, a further report will be provided to Council.

Option 2 – Not to proceed with the amendments.

This option is not recommended as Council has statutory requirements under the LG Act and the CLM Act to maintain an up-to-date Plan of Management for all community land it manages. This includes incorporating any additional reserves and planned development outcomes and reflecting the most appropriate categorisation of community classified land.

RECOMMENDATIONS

1. That Council endorses the proposed changes to the Plan of Management for Community Land as outlined within this report and included within Attachment 1 to this report.
2. That the revised draft Plan of Management for Community Land be placed on public exhibition and a public hearing be held in accordance with requirements of the Local Government Act.
3. That, if no submissions are received during the public exhibition period or to the public hearing, Council adopts the amended Plan of Management for Community Land and gives notice of its adoption in accordance with requirements of the Local Government Act.
4. That the Hampton Park Plan of Management (2002) be repealed upon finalisation of the revised draft Plan of Management for Community Land.

Attachment(s)

1. Plan of Management for Community Land - Revised Draft 2025 [⇒](#)

8.4 Healthy Waterways Program - Update

8.4 Healthy Waterways Program - Update

Section Health and Environment

Objective To provide an update on the implementation of Council's Healthy Waterways Program.

Background

This report provides an update on the delivery of Council's Healthy Waterways Program. The report also addresses the 24 April 2025 Ordinary meeting resolution regarding the Tuckean Swamp.

Council originally endorsed the Healthy Waterways Program in 2018.

An updated program was endorsed in 2021, with the 2021 program outlining Council's ongoing and future commitments to improving the health of local catchments through coordinated activities both in and around waterways and across adjacent land areas.

Since the introduction of the program a significant number of initiatives have been advanced. Information about completed and current projects can be found on Council's website at [Healthy Waterways | Ballina Shire Council](#).

At the 24 April 2025 Ordinary meeting, in response to a notice of motion, Council resolved as follows:

That Council:

- *Acknowledges the immense cultural, environmental, social and economic value that Maamang (the Richmond River) provides to the people of the Ballina Shire.*
- *Notes that one of the major contributors to mass fish kills in the river is blackwater runoff, most of which originates from low-lying flood-prone land surrounding the Tuckean Swamp.*
- *Supports the work being led by OzFish and other stakeholders in their efforts to restore the Tuckean Swamp.*
- *Receives a report on options to facilitate, and expedite, the acquisition of privately owned land surrounding the Tuckean Swamp under the NSW Coastal Lands Protection Scheme, including priority sites for acquisition.*

This report addresses the status of the Healthy Waterways Program and provides an update in response to the resolution.

Key Issues

- Nature and scope of healthy waterways projects and environmental and community outcomes.
- Contributions to biodiversity

Discussion

The Healthy Waterways Program is a strategic plan to “work collaboratively throughout the catchment to improve the health and resilience of our waterways, coastline and surrounding lands and the ecosystems, cultures and communities they support and to build awareness of the connections between land, river, sea and community”.

A key aspect of the program is integration with the State Government’s coastal management framework.

The coastal management framework under the *Coastal Management Act 2016* (the Act), aims to deliver strategic and integrated management, use and development of the coast by state and local government for the social, cultural and economic wellbeing of the people of NSW.

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) oversees and facilitates implementation of the framework by local councils in the coastal zone.

The Department of Planning, Housing and Infrastructure (DPHI) facilitates integration of the framework with the land use planning system.

Local councils are then supported by DCCEEW and DPHI to develop coastal management programs (CMPs) that set out risk-based, long-term strategies for managing the coast.

The program includes the development and implementation of CMPs to identify and address threats to environmental, cultural, community and economic values in the coastal, estuarine and upper catchment areas.

Council has been working in coastal management for decades and to support this work the Healthy Waterways Program commenced in 2018 with the implementation of a special rate variation (SRV) to assist the development and delivery of projects. The SRV currently equates to approximately \$340,000 in come and matching expenditure annually.

The SRV budget is now an essential contribution to Council’s waterway and environmental conservation initiatives, largely because it allows Council to leverage significant amounts of external grant funds and to sustain projects beyond the life of a grant cycle.

The NSW Coast and Estuary Grants program provides funding to CMP planning projects on a 1:1 basis, and CMP implementation projects at a 2:1 basis (there are also some high risk and hazard projects that are 100% funded).

This means that actions identified in CMPs have access to significant amounts of external funding to progress and implement.

Council currently has five CMPs in development or implementation (Figure 1).

This sees the Healthy Waterways team working closely with other teams in Council (e.g. Engineering Works, Open Spaces), DCCEEW and other relevant authorities.



Figure 1: Ballina Shire Coastal Management Programs

Over the next two years the intention is to consolidate the CMPs into one overarching CMP for Council.

This will improve efficiency, resourcing and prioritisation of coastal management actions across the Shire.

With respect to implementation of the CMPs and the Healthy Waterways Program more broadly, major achievements and advancements since commencement include:

- Being awarded over \$5m in grant funding from a variety of agencies.
- Delivery of riparian restoration projects throughout the Ballina Shire, totalling the restoration of over 12kms of riparian edge and 26 ha of critically endangered Big Scrub lowland subtropical rainforest.
- The Shaws Bay Coastal Zone Management Plan was certified in 2015. With over \$3m of investment, all actions in this CZMP have been completed.

This has significantly increased the ecological and recreational values of Shaws Bay and provides a showcase for other local governments and state agencies.

Council fully funded the development of this CZMP and recognised the importance before other State Agencies became involved.

- The Lake Ainsworth Coastal Management Plan was certified in 2022, making it one of the first to be certified under the new State guidelines.

26 of 29 actions have been successfully completed with the balance of actions currently underway.

- Council is a member of numerous stakeholder committees and working groups which facilitates communication about matters of importance to Ballina Shire participation in collaborative and wholistic catchment management.

8.4 Healthy Waterways Program - Update

This includes, for example, Council being an active member of the Tuckean Swamp Steering Committee, since its inception, and having contributed to the development of various studies including the *Technical Note: Blackwater Events, alongside Rous County Council*.

- Established strong collaborative partnerships with a range of organisations to achieve improvements in catchment health including: all local councils within the Richmond River catchment, Rous County Council, DPIRD Fisheries & Forests, Local Land Services (LLS), DCCEE, Seabird Rescue & Wires, OzFish, the Environmental Protection Authority (EPA), the Richmond River Collaborative Partnership (RCP), Northern Rivers Joint Organisation NRM Group (NRJO NRMG), Richmond Valley Landcare, Jali Local Aboriginal Land Council (Jali LALC), Jagun alliance, Bundjalung Tribal Society (BTS), Southern Cross University, Water Research Laboratory (WRL), Griffith University, Richmond River Keeper, schools, numerous consultants and these relationships continue to strengthen .
- Purchased land at Teven to develop Teven Reserve and further enhance riparian vegetation and restoration works (Teven Reserve Parkland Development).

This project commenced in 2022, and it is expected the project will be completed in 2026.

It involves large-scale revegetation on a previously degraded portion of land at the confluence of Houghlahans and Maguires Creek.

The project also includes a water access structure, a nature playground, interpretive signage and walking trails.

The project is currently on hold due to the discovery of Aboriginal artefacts.

- Building stronger relationships with Aboriginal organisations to improve acknowledgement of cultural heritage, co-design, collaboration and employment opportunities in our projects and sharing of skills and knowledge.
- Commenced investigation into coastal hazards and sand levee at the southern end of Seven Mile Beach.
- Delivery of the Regional Watershed Initiative, to fund riparian restoration works on private and public land in highly degraded and weed infested sections of upper and lower Maguires Creek. Work has already commenced.
- Being awarded the NSW Coastal Conference's Local Government award in 2024.
- Hosting the NSW Coastal Conference in Ballina in November 2025.
- Stage 2 of the Ballina Coast and Estuary CMP in progress, which includes identification of risks, vulnerabilities and opportunities.
This includes the preparation of four studies that will aid the development of the CMP. These studies are:

8.4 Healthy Waterways Program - Update

- a) The Ballina Open Coast Hazard Study and Risk Assessment
 - b) The Ballina Open Coast Geotechnical Hazard Study and Risk Assessment.
 - c) The Richmond River Storm Tide and Tidal Inundation Study Risk Assessment
 - d) The Ballina Coastal and Estuarine Habitat and Biodiversity Study
- Stage 1 Scoping Study for the North Creek CMP finalised in 2019.

Stage 2 has been on hold since the 2022 floods whilst waiting on data from CSIRO to input into our hydrological model.

This assessment has now recommenced with the relevant data reviews currently being undertaken by Council's consultants Hydrosphere and Water Technology.

- Transition of the Shaws BAY CZMP to a CMP. The Stage 1 Scoping Study for the Shaws Bay CMP was finalised in 2023.

Consideration being given to the inclusion of Stage 2 into the remaining stages of the Ballina Coast and Estuary CMP.

- Richmond River Estuary CMP – Stage 2 in progress with Rous County Council coordinating the development of this CMP in partnership with constituent councils (Richmond Valley Council, Kyogle Shire Council, Byron Shire Council, Lismore City Council and Ballina Shire Council) and DCCEEW.
- Working with State Agencies on options for private land acquisition by State Government and the development of processes to transfer into local council ownership and memorandum of understanding by all stakeholders to support.
- Refreshed Healthy Waterways Program documentation is currently being prepared to reflect current and planned initiatives.

This will be published to Council's website once complete.

Restoration and Rehabilitation Projects and Linkage to Biodiversity

The Healthy Waterways Program incorporates extensive riparian restoration works throughout the Ballina Shire.

To date this includes 12km of creek line and encompasses more than 26ha of critically endangered lowland subtropical rainforest.

Program funding allows Council to leverage funding through a variety of grant sources which often contribute between 50-100% of project costs.

These projects also aim to enhance community understanding, connection and appreciation for the natural environment through education, interpretive signage, and improved amenity.

8.4 Healthy Waterways Program - Update

The Biodiversity Strategy and Healthy Waterways Program have aligned actions and Council teams work together to deliver environmental objectives on a variety of projects.

Most of the land that adjoins waterways (rivers, creeks and streams) is held in private land ownership.

The recent regional watershed initiative project that is currently being undertaken in collaboration with private landholders, it has demonstrated the opportunity to establish a small grant funded initiative from the Healthy Waterways Program.

This funding will be able to support works on private land that is demonstrated to provide riparian and environmental outcomes to protect the ongoing health of waterways.

It is envisaged that, depending on demand, around \$90,000 will be set aside annually over the next three years for small rural landholder grant partnership works.

The aim will be to assist with primary works and ongoing maintenance activities such as riparian zone improvements and wetland habitat enhancement, connected rehabilitation and restoration works, and bank stabilisation and erosion control.

If the private rural landholder small grants program initiative is supported then Council will develop guidelines, criteria and an application process.

The procedure is to ensure the assessment criteria is fair, reasonable and meet the objectives of the Council's Health Waterways Program and Biodiversity Strategy.

This type of rural landholder initiative has been successful in other local councils and demonstrates ongoing commitment from the community.

Council also has recent experience with a similar program under the Biodiversity Strategy that was targeted towards koala habitat restoration.

The proposed eligibility criteria include:

- Land for works must be within the Ballina Shire
- All landholders involved must be up to date with rates and charges and be current rate payers to Council
- Individual landholder projects have funding up to \$15K and up to \$50K for grouped projects over three years.

Projects will also be given consideration for variation to this depending on the risk analysis and hazard prioritisation and benefits to the site

- Projects are to enhance the environmental values on private properties, including the interface to public land and waterways, and are to achieve strategic outcomes across the Shire

8.4 Healthy Waterways Program - Update

- Projects focused solely on beautification or amenity improvements without significant environmental outcomes are not eligible
- Projects tied to development consent conditions and or other compliance related orders and notices are not eligible
- An equal cash or in-kind contribution is required and is to be demonstrated
- Applicants must agree to maintain the project site beyond the funding period and for an active period to ensure establishment and sustainability of works and plantings (time period to be dependent on works).
- Applicants must commit to sustain projects beyond the life of a grant.

Landcare and Coastcare

Balina Shire is very fortunate to have the ongoing voluntary support from numerous environmental care groups that deliver or enable on ground works.

These care groups consist of landcare, dunecare and coastcare groups and other entities such as residents' associations.

These groups put in countless voluntary hours helping to conserve and protect our natural environment at various locations on Council and Crown land throughout the shire.

This is achieved through restoring and rehabilitating the native vegetation communities in the area by undertaking activities that include weed control, native species plantings, fencing and education.

Environmental care groups operate within a range of vegetation communities. Some of these communities include littoral rainforests, sub-tropical lowland rainforest ("Big Scrub" areas), wetlands, heath lands and dunal vegetation communities.

Council is committed to supporting the local environmental care groups within the shire.

This support covers enabling of various environmental restoration and rehabilitation projects on Council and Crown lands including training, funding support, resource provision and technical guidance.

Financial support is typically via Council's donations program and assistance in seeking grant funding.

Coastal Management Performance Audit

The NSW Auditor General's report released on 10 September 2025 looked at the overall coastal management system in NSW, based on operations of the State agencies responsible for the environment and planning, and three example councils being Coffs Harbour, Shoalhaven and Northern Beaches. The audit is not specific to Ballina Shire.

The audit examined whether State agencies are effectively overseeing and facilitating council's implementation of coastal management framework and

8.4 Healthy Waterways Program - Update

whether councils are effectively developing programs and priorities for coastal management.

The audit findings reflect some of the experiences Council has had in terms of challenges in implementation of coastal management programs, and in particular challenges for local government in delivering large scale and costly management initiatives and working across different land ownerships and regulatory frameworks.

Many of the management issues relate to land Council manages on behalf of the State of NSW (e.g. beaches, foreshore areas, waterbodies) and State constructed infrastructure (e.g. training walls, revetment walls).

Council has a long history of having management plans in place for coastal areas, including a Coastal Zone Management Plan for the open coastline adopted in 2016.

Also as mentioned earlier, Council developed the Shaws Bay CZMP, without any State Government commitment and fully funded the CZMP, which under the new guidelines should have received at least equal grant funding.

Currently both these programs are undertaking a review to bring them in line with the current Coastal Management program framework in NSW.

The Lake Ainsworth Coastal Management Program was one of the first CMPs to be adopted in the State under coastal management legislation reforms that occurred in 2018.

For the Richmond River, Council is engaged in preparation of an updated coastal management program for the Richmond River with constituent councils under Rous.

Council has had generally good success in implementing coastal management plans/programs and working with our regional counterparts at State government agencies, including obtainment of substantial grant funding.

Council's coastal management program initiatives are identified in the Delivery Program and Operational Plan and are integrated into Council's work program in alignment with the Community Strategic Plan.

Lake Ainsworth and Shaws Bay recreational enhancements and environmental restoration outcomes are good examples of what can be achieved through well-developed coastal management plans and related funding.

State Government Land Acquisition

The NSW Coastal Lands Protection Scheme is a NSW Government initiative, established in 1973, that acquires significant coastal land for public ownership to improve access, preserve scenic qualities, and protect ecological sites.

It covers the entire NSW coast except for the Greater Sydney area between Broken Bay and the Minnamurra River.

8.4 Healthy Waterways Program - Update

Since its inception, over 15,000 hectares of land have been acquired, much of which is now managed by local councils or the National Parks and Wildlife Service (NPWS).

The scheme aims to protect these vital areas for present and future generations by ensuring they are available for public use and benefit.

The Tuckean Swamp has been identified as a priority NSW wetland for rehabilitation.

A regular challenge with wetland rehabilitation is the patchwork of different land ownership that can occur throughout a single wetland, impacting rehabilitation effectiveness.

Some areas around the Tuckean Swamp have been documented to present hypoxic water and acid generation risk.

Their inclusion in any wetland rehabilitation project would facilitate effective improvements, especially when combined with other lots already in public ownership.

The NSW Planning Housing and Infrastructure - Coastal Land Protection Scheme (CLPS) is one avenue available to consolidate the ownership of lands for potential rehabilitation.

To allow informed consideration of any future property purchase and management decisions, Department of Primary Industries and Regional Development (DPIRD) is proposing to undertake a two-stage independent assessment of potential management risks and associated land management implications and costs for land in the Tuckean area.

A preliminary assessment of the wetland will identify site elements that require more detailed investigations and will include a costed proposal for more detailed investigation of the identified site elements and threats and risks.

An assessment of remediation options will follow to consider opportunities for future management options of the site.

Currently Stage 1 involves a preliminary assessment of a property (two lots) and identification of site elements and threats and risks that require more detailed investigations.

This Preliminary Site Assessment and Key Elements for Further Investigation Report will also include a budgeted proposal outlining methods for more detailed investigation of the identified site elements and threats and risks.

This report will provide an overview of management risks and costs for a future public authority landowner, such as Council and how these risks and costs could be successfully managed.

Stage 2 will involve the completion of those investigations proposed in the Stage 1 report (as agreed to by DPIRD Fisheries and Forestry and Council), and finalisation and presentation of the final report to Council.

8.4 Healthy Waterways Program - Update

The Stage 1 report is now in a draft version and hasn't identified any significant issues that would be a basis not to progress to Stage 2.

DPHI and CLPS will not progress any aspects of the potential land acquisition until a government landholder, such as Council indicates their willingness to accept ownership of the property.

NPWS has clearly articulated that they will not take ownership of additional properties at the Tuckean Swamp, until a strategic plan has been developed and approved.

It is envisaged that if Council provides an intent to accept ownership of the properties (partial or total acquisition), as a short to medium term land manager (with the plan to eventually transfer ownership to NPWS), CLPS will then initiate the negotiations with the landholders and initiate land valuation and other actions (survey/subdivision if required, etc) and if finances are available, make an acquisition offer.

This may provide an opportunity for Council and or the State Government to investigate capitalising on opportunities at the site for utilisation of the higher elevation sections of the properties for uses other than environmental restoration, or different types of environmental restoration

If deemed feasible, after the completion of commenced studies and the opportunity is available to support the purchase of private land for restoration works, the process appears to be that State Government purchases the land (including funding the studies and those that have already commenced) and then transitions the land into the ownership of Council or another government entity.

If this opportunity proceeds it would be necessary to support Council and the community with a Memorandum of Understanding between other catchment local councils and State agencies to ensure a holistic approach is developed and commitment to financial support for initial works and all on ongoing maintenance works for such a land partnership to be sustainable and successful.

Council will be provided with further updates as to the outcomes of studies as they progress and are completed, and the associated processes should the land be suitable for acquisition.

Delivery Program Strategy / Operational Plan Activity

The Healthy Waterways Program aligns with numerous aspects of the Delivery Program and Operational Plan including the following elements:

- HE1.1 Our planning considers past and predicted changes to the environment.
- HE1.2 Undertake and promote initiatives that improve our waterways.
- HE1.3 Enhance our open spaces, reserves, natural areas and their heritage values.
- HE3.1 Develop and implement plans that balance the built environment with the natural environment.
- HE3.2 Minimise negative impacts on the natural environment.

Community Engagement Strategy

Council engages actively through community consultation as part of coastal management projects and works and in accordance with Council's Community Engagement Strategy and the NSW Coastal Management Manual.

Regional engagement occurs through the following meetings:

- Richmond River Catchment Partnership
- NRJO NRM Group Managers
- North Coastal Practitioners Roundtable
- Tuckean Swamp Steering Committee
- Richmond Riverfest Meetings
- Waterways Advisory Group

Financial / Risk Considerations

Council continues to leverage the current funding stream to successfully acquire grants. Projects under the program are considered in relation to funding and risks through the project management processes that are undertaken.

Options

The information provided in this report is for the information of Council and the community.

Confirmation of Council's position on the introduction of a small grants program for rural landholders, as a Healthy Waterways initiative, is also sought and is recommended as follows.

RECOMMENDATIONS

1. That Council notes the contents of this report with respect to the implementation of the Healthy Waterways Program.
2. That Council approves the implementation of a small grants program for the restoration of private land, in rural areas, under the Healthy Waterways Program, as outlined within this report.

Attachment(s)

Nil

9.1 Use of Council Seal

9. Corporate and Community Division Reports

9.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following documents.

| | |
|-----------|---|
| US2025/20 | <p>Assignment of Lease – Tweed Byron Transit Pty Ltd to CXN Transport Pty Ltd for property known as 1/1277071 being part of the Ballina Byron Gateway Airport Terminal known as “Desk Area 7”.</p> <p>Explanation: Tweed Byron Transit Pty Ltd has sold their business (known as Byron Easy Bus) to CXN Transport Pty Ltd. They have requested consent to assign the lease.</p> <p>CXN Transport currently operate an airport shuttle service for Gold Coast and Brisbane Airports.</p> <p>The lease is for a concession desk at the arrivals hall at Ballina Byron Gateway Airport.</p> <p>The current concession desk holders were appointed following an expression of interest process.</p> |
| US2025/21 | <p>Variation to Lease – Ballina Turf Farm are seeking to add an additional 5-year option to their lease. R R Macdonald lease Lots 1 DP865860, Lot 2 & Lot 3 DP854149 Kays Road Wardell known as Ballina Turf Farm and Residence.</p> <p>Explanation: The current lease terminates on 31 July 2028 with one x five-year option to the Lessee.</p> <p>The Lessee has requested an additional five-year option.</p> <p>This would represent a lease term currently terminating on 31 July 2028 with two x five-year options (i.e. additional 10 years).</p> <p>This period will enable them to continue to plan and invest into their business for the future.</p> <p>The lease fee is subject to annual CPI adjustments and a review to market at the commencement of each term.</p> |

Attachment(s)

Nil

9.2 Investment Summary - August 2025

9.2 Investment Summary - August 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 August 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 August 2025 was \$101.9m compared to a balance of \$104.9m as at 31 July 2025.

Council's investments, as at 31 August 2025, were invested at a weighted average interest rate of 4.576%, which was 0.932% higher than the August average 90 Day Bank Bill Index (BBSW) of 3.644%.

The balance of Council's Commonwealth Bank business account, as at 31 August 2025 was \$14,449,283, compared to a balance of \$7,751,284 as at 31 July 2025. Total combined cash and investments, as at 31 August 2025 was \$116,349,283 compared to a balance of \$112,651,284, as at 31 July 2025.

The net increase of \$3.7m in cash and investments from July to August is mainly the result of rate instalments received during the month offset by regular creditor payments.

TCorp's monthly Economic Commentary report for August 2025 can be viewed using the following link: [Monthly economic report – August 2025](#)

9.2 Investment Summary - August 2025

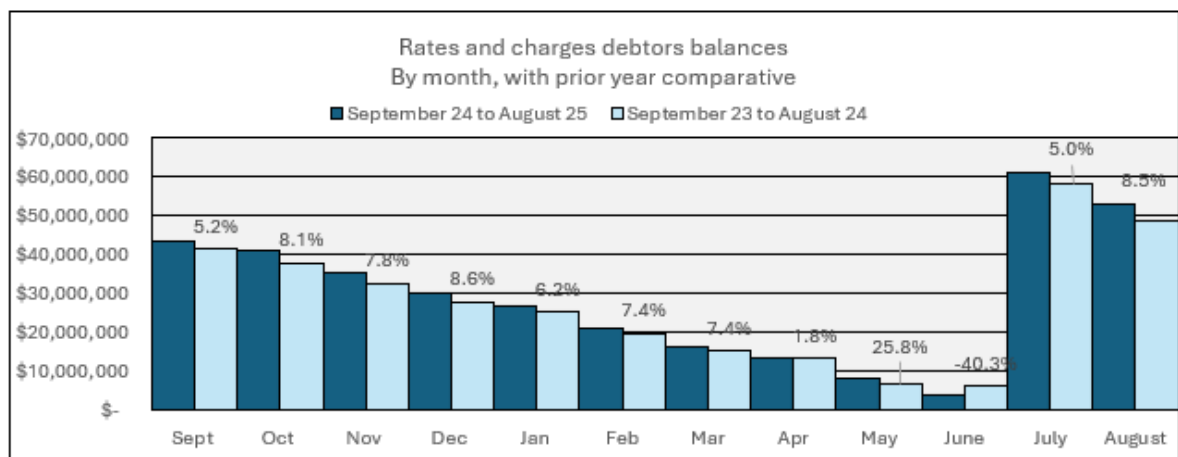
Restricted Reserves

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 2025 balances.

| Reserve Name | Restriction | % Portfolio* |
|---|-------------|----------------|
| Wastewater (incl developer contributions) | External | 19.03% |
| Water (incl developer contributions) | External | 16.34% |
| Section 7.11 Developer Contributions | External | 21.87% |
| Domestic Waste Management | External | 1.38% |
| Bonds and Deposits | External | 2.59% |
| Specific Purpose Unexpended Grants | External | 6.30% |
| Commercial Properties | Internal | 0.99% |
| Carry Forward Works | Internal | 1.58% |
| Bypass Maintenance | Internal | 2.94% |
| Management Plans / Studies | Internal | 0.66% |
| Airport | Internal | 2.66% |
| Employee Leave Entitlements | Internal | 2.57% |
| Quarries | Internal | 0.41% |
| Property | Internal | 9.40% |
| Plant and Vehicle Replacement | Internal | 0.08% |
| Open Spaces | Internal | 2.11% |
| Miscellaneous Internal Reserves | Internal | 2.18% |
| Community Facilities | Internal | 0.67% |
| Financial Assistance Grant in Advance | Internal | 2.72% |
| Unrestricted | | 3.52% |
| Total | | 100.00% |

Debtors

As per the following chart, the balance, as at 31 August 2025, was 8.5% higher than 31 August 2024.



This increase is predominantly due to the rate pegging increase for 2025/26 of 3.8% and growth in the rating base.

Staff continue to monitor balances and implement timely debt recovery procedures.

9.2 Investment Summary - August 2025

A. Investments by Institution

| Funds Invested With | Fossil Fuel Free / Green Investment | Rating S&P | 31 July \$'000 | 31 August \$'000 | Quota % | % of Total |
|--------------------------------------|-------------------------------------|------------|----------------|------------------|---------|---------------|
| AMP Bank | Yes | BBB+ | 9,000 | 10,000 | 20% | 9.81% |
| Australian Unity | Yes | BBB+ | 12,000 | 12,000 | 20% | 11.78% |
| Auswide Bank | Yes | BBB | 6,000 | 6,000 | 20% | 5.89% |
| Bank of Queensland | Yes | A- | 11,000 | 9,000 | 20% | 8.83% |
| BankVic | n/a | BBB+ | 5,000 | 5,000 | 20% | 4.91% |
| Bendigo & Adelaide Bank | Yes | BBB+ | 1,000 | 1,000 | 20% | 0.98% |
| Commonwealth Bank | No | AA- | 1,000 | 1,000 | 20% | 0.98% |
| IMB Bank | Yes | BBB | 3,000 | 3,000 | 20% | 2.94% |
| ING Bank (Australia) Ltd | No | A | 2,000 | - | 20% | 0.00% |
| Judo Bank | n/a | BBB | 8,000 | 8,000 | 20% | 7.85% |
| Macquarie Bank | No | A+ | 1,600 | 1,600 | 20% | 1.57% |
| MyState Bank Ltd | Yes | BBB+ | 2,000 | 2,000 | 20% | 1.96% |
| National Australia Bank | No | AA- | 10,000 | 8,000 | 20% | 7.85% |
| Newcastle Greater Mutual Group Ltd | Yes | BBB+ | 1,000 | 1,000 | 20% | 0.98% |
| Rabobank Australia Ltd | No | A | 14,000 | 14,000 | 20% | 13.74% |
| Suncorp Limited | No | A+ | 8,300 | 10,300 | 20% | 10.11% |
| Unity Bank (previously G & C Mutual) | Yes | BBB+ | 4,000 | 4,000 | 20% | 3.93% |
| Westpac Bank Corp – Green | Yes | AA- | 4,000 | 4,000 | 20% | 3.93% |
| Westpac Bank Corp | No | AA- | 2,000 | 2,000 | 20% | 1.96% |
| Total | | | 104,900 | 101,900 | | 100.0% |

| Credit Rating Summary as per the Investment Policy | Maximum Allowed | | Value 31 July \$'000 | Value 31 August \$'000 | % | % |
|---|-----------------|-----------------|----------------------------|------------------------------|---------------|---------------|
| | % | Value \$'000 | | | | |
| A- or Higher | 100% | 101,900 | 53,900 | 49,900 | 51.4% | 49.0% |
| BBB | 60% | 61,140 | 51,000 | 52,000 | 48.6% | 51.0% |
| Total | | | 104,900 | 101,900 | 100.0% | 100.0% |

| Liquidity Risk Parameters as per the Investment Policy | Maximum Allowed | | Value \$'000 31 July | Value \$'000 31 August | % | % |
|---|-----------------|-----------------|-------------------------|---------------------------|---------------|---------------|
| | % | Value \$'000 | | | | |
| Term equal to 1 year or less | 100% | 101,900 | 95,000 | 92,000 | 90.6% | 90.3% |
| Term > 1 year and < 3 years | 40% | 40,760 | - | - | - | - |
| Term > 3 years | 20% | 20,380 | 9,900 | 9,900 | 9.4% | 9.7% |
| Total | | | 104,900 | 101,900 | 100.0% | 100.0% |

Fossil Fuel Free and Green Investments

| Environmental Classification | 31 July | | 31 August | |
|---|----------------|--------------|----------------|--------------|
| | (\$'000) | (%) | (\$'000) | (%) |
| Fossil Fuel Aligned Investments | 38,900 | 37.1 | 36,900 | 36.2 |
| Non-Fossil Fuel and Green Aligned Investments | 53,000 | 50.5 | 52,000 | 51.0 |
| Not Classified | 13,000 | 12.4 | 13,000 | 12.8 |
| Total | 104,900 | 100.0 | 101,900 | 100.0 |

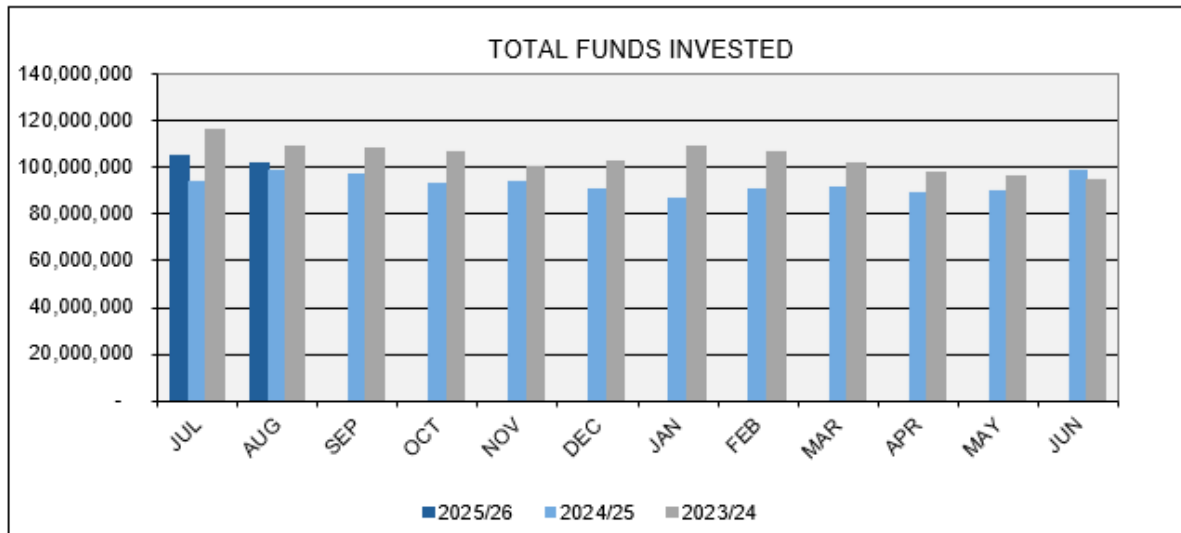
9.2 Investment Summary - August 2025

In August 2025, seven investments matured totalling \$11.3m. One of these investments was a non-fossil fuel aligned investment of \$2m and two were not classified totalling \$3m.

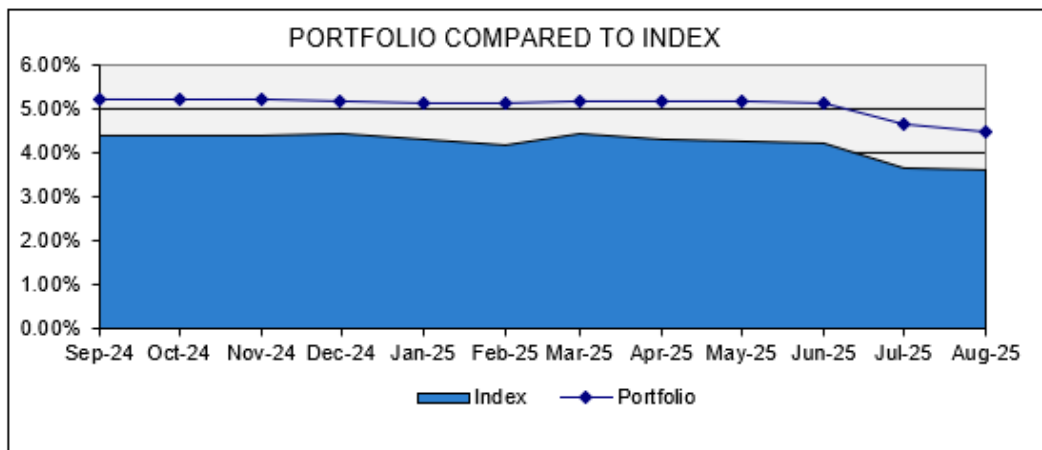
Six new investments, totalling \$8.3m were placed.

One of these investments was non-fossil fuel of \$1m and two were not classified totalling \$3m.

B. Monthly Comparison of Total Funds Invested

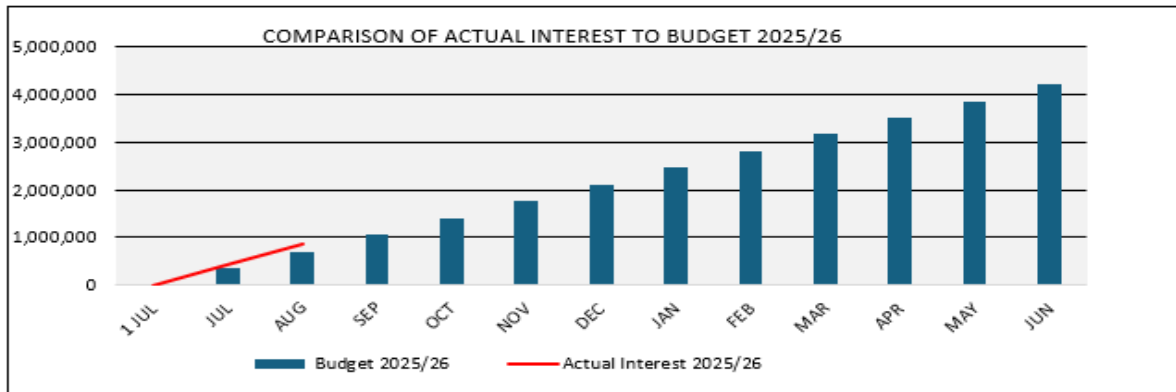


C. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.2 Investment Summary - August 2025

D. Progressive Total of Interest Earned to Budget



E. Investments held as of 31 July 2025 and 31 August 2025

| PURCH DATE | ISSUER | TYPE | RATE | FINAL MATURITY DATE | 31 July \$'000 | 31 August \$'000 |
|------------|------------------------------------|------|-------|---------------------|----------------|------------------|
| 24/02/21 | Suncorp-Metway Limited | FRN | 4.00% | 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 | 4.44% | 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 | 4.44% | 22/08/29 | 1,000 | 1,000 |
| 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 |
| 07/01/25 | BankVic | TD | 5.10% | 07/08/25 | 1,000 | - |
| 14/01/25 | BankVic | TD | 5.10% | 13/08/25 | 2,000 | - |
| 21/01/25 | National Australia Bank | TD | 4.95% | 19/08/25 | 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 | - |
| 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 |
| 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 |

9.2 Investment Summary - August 2025

| PURCH DATE | ISSUER | TYPE | RATE | FINAL MATURITY DATE | 31 July \$'000 | 31 August \$'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 | 2,000 |
| 08/07/25 | AMP Bank | TD | 4.30% | 09/12/25 | 2,000 | 2,000 |
| 08/07/25 | Suncorp-Metway Limited | TD | 4.12% | 03/02/26 | 2,000 | 2,000 |
| 08/07/25 | Suncorp-Metway Limited | TD | 4.12% | 10/02/26 | 1,000 | 1,000 |
| 08/07/25 | Bank of Queensland | TD | 4.20% | 13/01/26 | 2,000 | 2,000 |
| 15/07/25 | AMP Bank | TD | 4.30% | 16/12/25 | 2,000 | 2,000 |
| 15/07/25 | Auswide Bank | TD | 4.30% | 15/07/25 | 2,000 | 2,000 |
| 24/07/25 | Westpac Banking Corporation - Green | TD | 4.19% | 23/07/26 | 2,000 | 2,000 |
| 24/07/25 | Westpac Banking Corporation - Green | TD | 4.17% | 21/04/26 | 2,000 | 2,000 |
| 29/07/25 | Rabobank Australia Ltd. | TD | 4.28% | 21/07/25 | 2,000 | 2,000 |
| 29/07/25 | Rabobank Australia Ltd. | TD | 4.20% | 28/07/25 | 2,000 | 2,000 |
| 29/07/25 | Rabobank Australia Ltd. | TD | 4.20% | 31/03/26 | 2,000 | 2,000 |
| 05/08/25 | Bank Vic | TD | 4.25% | 03/02/26 | - | 1,000 |
| 13/08/25 | AMP Bank | TD | 4.25% | 10/02/26 | - | 1,000 |
| 13/08/25 | BankVic | TD | 4.25% | 10/02/26 | - | 2,000 |
| | Total | | | | 104,900 | 101,900 |
| | TD=Term Deposit; FRN=Floating Rate Note | | | | | |

RECOMMENDATION

That Council notes the record of banking and investments for August 2025.

Attachment(s)

Nil

9.3 Local Government NSW Conference - Voting Delegates

Section Governance

Objective To determine Council's voting delegates to the 2025 Local Government NSW Annual Conference

Background

The Local Government NSW (LGNSW) Annual Conference is being held from 23 to 25 November 2025 in Penrith.

At this stage, four Councillors including Crs Cadwallader, Chate, Crollick and Dicker are registered to attend.

Council is entitled to three voting delegates for policy motions addressed at the conference.

Names of voting delegates are required to be submitted prior to 7 November 2025.

The purpose of this report is to confirm the voting delegates.

Key Issues

- Determination of voting delegates

Discussion

LGNSW is the main industry representative organisation for councils. Most of this conference focuses on motions submitted by councils, with the confirmed delegates voting on the motions.

If supported, motions become priority matters for LGNSW to pursue, typically with the State Government.

Council's attendees at the 2024 conference were Crs Cadwallader, Karsten and Kinny, being the three voting attendees, and Cr Chate being the non-voting attendee.

Council's attendees at the 2023 conference were Crs Cadwallader, Chate and McCarthy, being the three voting attendees, and Crs Bruem, Ramsey, and Johnston being non-voting attendees.

Delivery Program Strategy / Operational Plan Activity

This report is consistent with Delivery Program strategy EL1.2 Involve our community in our planning and decision-making processes.

Community Engagement Strategy

No public consultation is required.

Financial / Risk Considerations

Funds are available within Council's professional development budget to fund Councillors attending this conference, with the expense deducted from the annual professional development budget of \$6,000 per Councillor.

Options

To determine the three voting delegates, the first step is to determine how many Councillors wish to have the voting right.

If there are more than three nominees, and no consensus, it will be necessary to conduct an election(s) for each voting delegate based on open voting, as per clause 11.10 of the Code of Meeting Practice, i.e.

Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

RECOMMENDATION

That Council confirms the voting delegates (maximum of three) for the LGNSW Annual Conference in November 2025 are (as determined at this meeting).

Attachment(s)

Nil

9.4 State Library Funding - Priority Projects

9.4 State Library Funding - Priority Projects

Section Communications

Objective To confirm the allocation of the State Library NSW Priority Subsidy Adjustment funding for 2025/26

Background

The State Library of NSW has advised that the State Government has allocated \$42m for public library services across NSW in 2025/26. Councils are invited to apply for their allocation under the Public Library Funding Strategy. Council's allocation for 2025/26 is:

| | |
|--|------------------|
| Per Capita Subsidy (\$2.85 per capita) | \$136,615 |
| Subsidy Adjustment | \$59,432 |
| Total Allocation | \$196,047 |

The Subsidy Adjustment reflect socio economic factors to ensure equitable funding across councils of different populations and demographics.

Councils must state their voted expenditure on library services for 2025/26, as part of the application for the entire funding allocation.

The State Library recommend that at least 30% of the Subsidy Adjustment (30% of \$59,432 is \$17,830) is allocated to Local Priority Grant projects. Local Priority grants are separate specific grants that councils can secure.

The per capita subsidy remains with Council as part of our overall funding of libraries, with this income being a recurrent income item in the Long-Term Financial Plan (LTFP).

The Subsidy Adjustment is not typically included in the LTFP, as the figure varies from year to year and is normally included in the budget once the approved project and income is confirmed.

At the Richmond Tweed Regional Library (RTRL) Committee meeting, held on 13 August 2025, a motion was passed recommending that all councils allocate their full subsidy adjustment (\$59,432 for Ballina Shire) to the RTRL to strengthen regional collections. The agenda and minutes for that meeting are included as Attachments 1 and 2 to this report.

The State Library requires each council to pass its own resolution before any transfer can occur and this needs to happen by 10 October 2025.

This report sets out options for Council to determine how to allocate the Subsidy Adjustment.

Key Issues

- Council priorities

9.4 State Library Funding - Priority Projects

Discussion

Council pays a contribution to Lismore City Council annually to deliver library services for our three libraries. Recent contributions are outlined in the following table.

Ballina Shire Council Contributions to RTRL

| Year | Contribution (\$) | Change (\$) | Change (%) |
|---------|-------------------|-------------|------------|
| 2022/23 | 1,606,000 | | |
| 2023/24 | 1,732,000 | 126,000 | 7.8- |
| 2024/25 | 1,962,000 | 230,000 | 13.3 |
| 2025/26 | 1,973,000 | 11,000 | 0.6 |

In accordance with the Deed of Agreement for the RTRL, Council provides the land and buildings required for library services.

Council also funds the operation of these buildings to ensure they are fit for purpose. This includes expenditure on maintenance, utilities, cleaning, security, and other building-related operating cost.

This represents approximately an extra \$170,000 per annum in funding.

There is also capital funding allocated by Council on a regular basis to refurbish the library buildings, with \$340,000 allocated in 2025/26, for air-conditioning (\$120,000) and roof and gutter improvements (\$220,000) to the Ballina Library.

The Alstonville Cultural Centre (ACC) expansion and refurbishment is also scheduled to commence in 2026, with an estimated cost of \$16m, a major component of which is the expansion of the existing library.

Council will be required to relocate the Alstonville Library for the duration of the ACC works and Council has resolved to secure temporary building. The lease costs for a temporary building are in the order of \$60,000 p.a., plus operating costs, with no confirmed space to date.

In addition to the funding outlined, Council also regularly receives smaller grants from the State Government for State Library Local Priority Grant projects, typically related to internal refurbishment works at the libraries.

RTRL Committee Request

At the 13 August 2025 meeting, the RTRL Committee recommended that the entire Subsidy Adjustment for 2025/26 (\$243,148 across all member councils) be redirected to the RTRL for collection resourcing.

The stated purpose was to strengthen investment in eResources, multicultural collections, interlibrary loans, and app enhancements, in response to increasing community expectations and demand.

While the RTRL's rationale focuses on improving regional collection resources, the governance framework remains clear, in that the State Library Subsidy Adjustment allocation, must be resolved by each member council.

9.4 State Library Funding - Priority Projects

While the State Library recommends a minimum of \$17,830 (30% of the adjustment) to be allocated to a Local Priority Grant project, Council may resolve to retain the full adjustment of \$59,432 for Council priorities.

For example, applying the full subsidy to the Alstonville Library relocation rental, would reduce Council's reliance on internal reserves and short-term operational savings, while maintaining services to the Alstonville community.

This approach is consistent with State Library requirements and addresses a known service delivery cost.

Public Library Funding

Under the Public Library Funding Strategy 2025/26, the base subsidy is calculated at \$2.85 per capita and is tied directly to population. In addition, councils receive the Subsidy Adjustment, which is a supplementary allocation determined by the State Library of NSW.

This adjustment is not linked to population size but is distributed on a relatively standard basis across councils, with only minor variations. As shown in the following table, Council's subsidy adjustment for 2025/26 is \$59,432.

| Council | Population | Per Capita Subsidy (\$2.85/head) | Subsidy Adjustment (\$) | Total (\$) |
|----------------|-------------------|---|--------------------------------|-------------------|
| Ballina | 47,935 | 136,615 | 59,432 | 196,047 |
| Byron | 37,826 | 107,804 | 59,432 | 167,236 |
| Lismore | 43,783 | 124,782 | 62,755 | 187,536 |
| Tweed | 99,793 | 284,410 | 61,529 | 345,939 |
| Totals | 229,337 | 653,611 | 243,148 | 896,759 |

While the subsidy is proportional to population, the adjustment is relatively uniform across the member councils.

For 2025/26, the preference was to place the Subsidy Adjustment of \$59,432 into an internal reserve, to assist with the costs associated with the Alstonville Library upgrade, including temporary relocation.

Council's internal library reserve has a balance of \$380,000 as at 30 June, 2025, primary due to previous Subsidy Adjustment transfers, along with Priority Project grant approvals. If the \$59,000 for 2025/26 is transferred to that reserve, the forecast balance, as at balance as at 30 June 2026, will be \$439,000.

These funds are set aside to help fit out the expanded Alstonville Library, when the time comes, along with helping to offset any short-term rental costs.

Delivery Program Strategy / Operational Plan Activity

This report is linked to the following activities:

- EL2.1: Ensure a balanced budget, with revenue opportunities combined with cost savings and efficiencies.
- CC3.3: Support improved health and wellbeing outcomes through the provision of sporting, recreational, and community facilities.

Community Engagement Strategy

This report includes feedback from the RTRL Committee.

Financial / Risk Considerations

The ACC expansion, with an estimated cost of \$16m, currently carries a significant amount of financial risk, with a large part of the funding dependent on future land sales. Council has not been able to secure any significant grants to help reduce the financial impact of the refurbishment on Council's own finances.

Council also continues to fund (separately) the operation and maintenance of library facilities across the Ballina Shire, including building maintenance, cleaning, utilities, security and Crown land lease payments.

Options

The options are to support the RTRL Committee request and allocate the 2025/26 Local Priority Grant Subsidy Adjustment of \$59,432 to the RTRL or retain the funding to help offset the forecast costs for the ACC expansion.

The current plans for the ACC will result in an increase in the size of the Alstonville library from 145m² to 756m² (360m² on Level 1 and 396m² on ground level). This excludes common areas such as the foyer and the dedicated outside area for the library. This expanded library space will have new accessible amenities, new staff room, dedicated children's areas, computer / study areas, and access to meeting rooms.

With the ACC expansion being a major financial commitment for Council, the preference is to maximise the funding for the project, especially with the fit-out costs not forming part of the overall \$16m estimate.

Based on this, the recommendation is not to support the request from the RTRL and retain the Subsidy Adjustment as part of Council's contribution to the ACC expansion and temporary library relocation.

RECOMMENDATION

That Council approves the allocation of the 2025/26 State Library NSW Local Priority Subsidy Adjustment of \$59,432 to the Ballina Shire, to offset costs associated with the temporary relocation of the Alstonville Library during the expansion and refurbishment of the Alstonville Cultural Centre, due to the magnitude of the funding required for that project, estimated at \$16m plus, and the lack of grant funding currently secured for the project.

Attachment(s)

1. Richmond Tweed Regional Library - Agenda - Item 5.5 - 13 August 2025
[⇒](#)
2. Richmond Tweed Regional Library - Minutes - Item 5.5 - 13 August 2025
[⇒](#)

9.5 **26 Endeavour Close, Ballina - Future Use Options**

Section Commercial Services

Objective To respond to a Council resolution seeking direction on the future use of 26 Endeavour Close, Ballina.

Background

The future of 26 Endeavour Close, Ballina has been the subject of several reports, the most recent to the Finance and Facilities Committee on 19 May 2022. A copy of that report is included as Attachment 1, as it provides background on the options Council has been examining in respect to the use of 26 Endeavour Close, as well as the decision to approve four-year agreements on the property for Unit Committee TS Lismore and the Rainbow Region Dragon Boat Inc.

The resolution adopted from that report, at the 26 May 2022 Ordinary meeting, is as follows.

1. *That Council approves the establishment of a community lease with Unit Committee TS Lismore over the majority of 26 Endeavour Close, Ballina for a period of four years at the minimum statutory fee (currently \$535). This lease is based on the approved co-use arrangement and is to incorporate a clause that enables Council to provide three months' notice should Council wish to proceed with the sale or change of use of this property.*
2. *That Council approves a licence with the Rainbow Region Dragon Boat Club Inc for the office and sunroom area and co-use of the shed at 26 Endeavour Close, Ballina, for a maximum period of four years. This licence to incorporate a clause that enables Council to provide three months' notice should Council wish to proceed with the sale or change of use of this property.*
3. *That Council seek the interest of the Royal Australian Navy in purchasing the property.*

In summary, the debate in Council in respect to 26 Endeavour Close, Ballina, over several years, has been whether the current level of community use of the site, justifies the value of the investment Council has in this parcel of land, which based on Council's recent industrial land sales at Boeing Avenue, may be valued more than \$1m.

This report has now been prepared in response to the following resolution from the 26 June 2025 Ordinary meeting:

1. *That the General Manager provide a report on 26 Endeavour Close, Ballina to allow Council to confirm the preferred future use of the site, with the current lease terminating on 31 May 2026.*
2. *That Council write to the Royal Australian Navy to enquire about the cost / benefit analysis and their decision on purchasing the site.*

Key Issues

- Community and commercial use of Council operational land
- Best value outcomes to the community

Discussion

26 Endeavour Close, Ballina comprises a waterfront parcel of land with the following attributes:

| | |
|-----------------------|---|
| Site Configuration | Irregular |
| Topography | Level |
| Site Area | 2,796m ² |
| Zoning | E4 General Industrial |
| Building Improvements | Main Building Single storey building comprising offices, training rooms, amenities etc. approx. area; 370m ² Storage Shed Single storey building. approx. area; 150m ² |
| Site Improvements | Pontoon Parade ground Boat ramp |

An aerial view of the property is as follows, with the Rainbow Region Dragon Boat Inc. having a licence over part of the shed to the left of the property, as well as using facilities such as the boat ramp and pontoon.

Shared Usage Areas:



TS Exclusive Areas outside the Main Building- Small Shed and Security Building

9.5 26 Endeavour Close, Ballina - Future Use Options

The property is classified as operational land under the NSW Local Government Act and Council can lease the property commercially, or at a reduced rate, or sell the land.

Council has granted the Unit Committee TS Lismore (TS Lismore) a lease for a term of four years from 1 June 2022 at a minimum statutory rental.

TS Lismore, is a unit of the Australian Navy Cadets, focused on youth development for young people aged from 12 to 17.

Under the lease, the lessee is responsible for Council rates and charges, which were \$9,950 for the 2024/25 year.

There is a clause in the lease that provides Council with the authority to terminate the lease by giving three months' notice, if the property is to be sold or used for some other purpose.

Council has also granted a licence to the Rainbow Region Dragon Boat Club Inc. (Rainbow Region) to occupy certain parts of the property.

The licence is for a term of four years from 1 June 2022 at a fee of \$1 per annum. Rainbow Region is also required to make an outgoings contribution of \$2,000 per annum to TS Lismore.

The licence provides Council with the authority to terminate the lease by giving three months' notice, in writing, if the property is to be sold or used for some other purpose.

In response to the second point of the June 2025 resolution, Council staff wrote to TS Lismore seeking an update on whether any progress had been made in undertaking a cost / benefit analysis regarding the Department of Defence purchasing the property or vacating it and relocating the TS Lismore operations to Lismore.

On 4 August 2025 a response was received from the Commanding Officer of TS Lismore, Peter Marsh, (as per Attachment 2) indicating:

- the Royal Australian Navy (RAN) has not committed to undertaking a cost/benefit analysis on purchasing the Property.
- no immediate plans to relocate TS Lismore to Lismore prior to the expiry of the current lease.
- should the Department of Defence decide not to purchase the property, TS Lismore would require a significant amount of time to relocate its operations.

The Commanding Officer also noted that he is seeking an undertaking from Council to signal its intentions as early as possible to allow TS Lismore to vacate the property, if the lease is terminated.

The Commanding Officer was also going to follow up this matter with the "defence facilities manager, Amanda Lond-Gemmell, for her attention".

9.5 26 Endeavour Close, Ballina - Future Use Options

Council was dealing with Ms Lond-Gemmell, in 2022, where there had been some indication that the Department of Defence might redevelop a Lismore property, and in email dated 15 September 2022, stated as follows:

"My apologies for the delay in my response. I have spoken to various areas of the Department and there is currently no appetite to purchase the property.

A cost benefit analysis will be undertaken throughout the 4-year lease term to determine the position of the Department on the potential site acquisition.

When a firm determination is made as to whether Defence would be interested in purchasing the site, or if a decision has been made to relocate the unit to Lismore Depot, ANC Directorate will inform the Ballina Shire Council.

*Amanda Lond-Gemmell
National Facilities Manager - Australian Navy Cadets
Australian Navy Cadets & Reserves Branch"*

A further email from Council was sent to Ms Lond-Gemmell seeking an update on the Department of Defence plans, with Ms Lond-Gemmell advising as follows on 13 August 2025:

"I am currently consulting with a number of areas in the Department on this matter and will provide a response as soon as possible".

A further response has not yet been received. This matter has been ongoing for several years, and based on the evidence to date, it appears unlikely that the Department of Defence will ultimately decide to acquire 26 Endeavour Close.

Therefore, if Council is seeking an alternative outcome to the current lease arrangements, a decision needs to be made on Council's preferred outcome, so that can be communicated to the current lessee and licensee.

If the lease to TS Lismore is not renewed it is unlikely other community groups will pay much more in rent than currently being paid, particularly as business rates are levied on the property.

If Council was to lease the property for commercial use, it is important to that the existing building improvements were constructed by TS Lismore to meet their specific needs.

From a commercial viewpoint, the building improvements are an underdevelopment of the property and would have limited appeal or economic value to the market.

It's unlikely the economic value of the property would be realised if offered to the market for commercial use on a long-term lease as most businesses or investors, including their financiers, would prefer freehold property, if they are to invest significant funds in redeveloping the property.

Long term leases for commercial purposes are generally for terms greater than 20 or 30 years to enable a lessee to recoup the funds they have invested and repay loans.

Delivery Program Strategy / Operational Plan Activity

This report can be linked to Operational Plan activities:

EL2.1d – Pursue financial sustainability

CC.3.3 – Increase use of our community facilities

Community Engagement Strategy

Council has been in discussions with TS Lismore and the Department of Defence over several years. An expression of interest was conducted in 2020/21 for community use of part of the site, with three responses received, and the Rainbow Region selected by Council as the preferred licensee.

Financial / Risk Considerations

TS Lismore is paying the minimum statutory rental of \$535 p.a. + GST and is also responsible for payment of Council outgoings including rates which were \$9,950 for the 2024/25 year.

Options

Potential options for Council include the following.

1. Renew the existing lease and licence

Council could resolve to renew the lease to TS Lismore and the licence to the Rainbow Region Dragon Boat Club Inc. on the same terms and conditions including the concessional rental.

The TS Lismore has occupied the site for over 30 years and have given no indication that they intend to vacate the site.

Ideally the Rainbow Region would move to the proposed watercraft storage facility at Cawarra Park, identified in the adopted Cawarra Park Master Plan, once that is constructed.

Council could also potentially lease the land to TS Lismore, on a commercial basis, however previous discussions with TS Lismore, have confirmed they are not able to pay a commercial lease, and historically Council did donate part or all the rates and charges. Albeit that the lessee is now responsible for those costs.

2. Lease the property to an alternate community group

Council could resolve not to renew the lease to TS Lismore and the licence to the Rainbow Region Dragon Boat Club Inc. in May 2026 and instead call for expressions of interest from other community groups.

As the improvements to property were funded by TS Lismore, it is somewhat inequitable for another community group to then be using facilities funded by TS Lismore. This is why the Rainbow Region is only a licensee for part of the site.

3. *Sell the property with vacant possession*

Council could resolve to terminate the lease, at expiry or earlier, and issue notice to TS Lismore and Rainbow Region to vacate the property.

Council could then offer the property for sale with vacant possession.

Based on the recent auction results for Council's land at Boeing Avenue it's possible the property may achieve a price in the range of \$1.7m + GST (\$608/m²) to \$2m + GST (\$715/m²).

The recent auction results for Council's land at Boeing Avenue achieved square metre rates ranging from \$485/m² to \$1,174/m² with an average of \$804/m².

The higher rates were pushed along due to competitive bidding by two buyers and once these buyers purchased what they required, the square metre sale rates dropped significantly.

Also, the Boeing Avenue lots are zoned "E4 General Industrial", under Clause 6 of BLEP 2012, with additional retail type uses permitted. The benefit of these additional uses is reflected in the prices paid for several of the lots.

26 Endeavour Close does not have the benefit of the additional permitted uses.

If Council were to consider selling the property, with vacant possession, it could do so by public auction or a sale by expression of interest ("EOI"). A sale by "EOI" may yield a higher price as the prospective purchaser may make offers subject to satisfactory development consent.

Any sale should also recognise the value of the improvements made by TS Lismore, with a potential distribution of part of the sale proceeds to TS Lismore, possibly based on the written down value of those improvements.

4. *Offer the property for lease for commercial purposes (long term lease)*

Council could offer the property to the market with the benefit of a long-term lease of up to 99 years.

For this option to be viable and receive a reasonable return on asset value, Council would need to achieve a net return of at least 4% p.a. equating to a rental of about \$70,000 p.a. + GST to \$80,000 p.a. + GST.

Long term commercial land leases are uncommon in the local market as businesses, investors and financiers have a strong preference for freehold tenure.

In reviewing the options available, one final consideration is that Council has recently been advised that an application for grant funding for works identified in the Cawarra Park Master Plan, has been successful.

9.5 26 Endeavour Close, Ballina - Future Use Options

The funding has been approved under the State Government's Boating Infrastructure for Communities grant program. The funding, of \$1.1m is to:

Construct secure storage racks and facilities for water sports enthusiasts using outriggers, dragon boats, and kayaks. Project improves safety and convenience while increasing water sports participation for local community and tourists.

Council also received funding of \$52,000 for the Brunswick Street Boat Ramp, to:

Upgrade existing boat ramp with new small craft facility to improve accessibility for residents, tourists, and recreational boaters. Project enhances boating experiences while boosting tourism and community engagement through enhanced marine infrastructure.

The program term is to 30 June 2028, and it understood that Council has until that date to complete the projects.

The grant conditions require matching funding for both projects.

The Brunswick Street Boat Ramp matching funding can be allocated from the Engineering Works Roads and Ancillary Works programs, in future years, whereas the Cawarra Park Storage facility, requiring at least \$1.1m from Council, is far more problematic.

The watercraft storage facility is a major component of the Cawarra Park Master Plan, as adopted by Council in 2022.

A link to the Cawarra Park Master Plan on Council's [website here](#).

The "Sports Amenity Buildings", Part 1 and Part 2, which relate to the watercraft storage facilities, are included in the Master Plan, with a 2022 estimate of \$901,000 and \$778,000 respectively.

There is also \$242,000 estimated in the Master Plan for improvements to the Sports Amenity Open Space Precinct.

There is then a 20% contingency on top of the estimates, which in total represents an estimate of \$2.3m in 2022 figures, to complete the entire watercraft precinct.

A key element to this proposal is that the Rainbow Dragons would be one of the main users of the storage facility, negating the need for their license at 26 Endeavour Close.

The connection with Cawarra Park, then raises the option of applying any funds sourced from the sale of 26 Endeavour Close, to help Council match the Boating Infrastructure for Communities grant.

Council can commence the planning process for the Cawarra Park improvements, while at the same time providing notice to TS Lismore and the Rainbow Dragons that 26 Endeavour Close is to be sold.

The timing of the sale could be timed to align with the Cawarra Park construction works, if necessary, to ensure that TS Lismore and the Rainbow Dragons have sufficient notice to plan for their relocation.

The Cawarra Park Master Plan is an adopted Master Plan, without any major funding identified in the next few years, and the application of the grant funds and the sale proceeds will allow major components of the plan to be completed by June 2028.

In conclusion, Council has debated the future of 26 Endeavour Close on several occasions, primarily due to concerns that the community benefit derived is not offsetting the opportunity cost of the level of investment in the value of the site.

The Department of Defence has also indicated some interest in the site, however that interest has not resulted in any formal proposals being put to Council.

On balance there are two preferred options available:

Option 1

Retain the status quo – accept the current community usage of the site, primarily with TS Lismore.

The Rainbow Dragons will eventually relocate to Cawarra Park, once Council completes the storage facilities, and their existing licence can be replaced by a new tenant through an expression of interest process.

Option 2

Provide notification to TS Lismore and the Rainbow Dragons of termination of the lease and licence, with the property to be sold, and the proceeds, all or part, to allocated to the construction of the new watercraft storage facility at Cawarra Park.

The sale proceeds could also include a distribution to the TS Lismore, representing the written down value of the improvements on the site, that were funded or donated by people associated with TS Lismore.

It is a difficult decision to terminate a lease after many decades and the recommendations that follows provide both options to Council, as ultimately this is a decision about a preferred community use of Council infrastructure, being operational land (26 Endeavour Close) and community land (Cawarra Park).

Both options are presented to Council to confirm the preferred approach.

The recommendations also include approval to accept the two Boating Infrastructure for Communities grants.

Council acceptance of these grants was required by 14 September 2025, and the grants have been accepted to ensure they are secured.

As the Cawarra Park grant creates a significant liability for Council, of at least \$1.1m to match the grant funding, it is important that Council also confirms that acceptance.

If Council does not wish to accept the liability, the recommendation can be amended, and Transport for NSW can be advised to reallocate the funding to other applicants.

RECOMMENDATIONS

Option 1

1. That Council notes the contents of this report and confirms that based on the long standing usage of the site, the preference is to continue to offer a four year lease to Unit Committee TS Lismore Inc at a rent equal to the statutory minimum rent charged by Crown Lands, based on the same terms and conditions as the existing lease, including the ability for Council to terminate the lease on giving three months' notice.
2. That Council continue to liaise with the Department of Defence in respect to the future acquisition of this site, at a market rate, to allow the Department to eventually have ownership and control of the site.
3. That Council proceed to offer a four-year licence to Rainbow Region Dragon Boat Club Inc at a licence fee of \$1 per annum, and otherwise on the same terms and conditions as the existing licence, including the ability for Council to terminate the licence on giving three months' notice.
4. That Council authorises the General Manager to affix the seal to the above lease and licence documents.
5. That Council confirms acceptance of the Transport for NSW Boating Infrastructure for Communities grants, of \$52,000 for the Brunswick Street Boat Ramp, and \$1.1m for the watercraft storage racks and facilities, as per the Cawarra Park Master Plan, noting that the grants require matching funding, with works to be completed by 30 June 2028.

OR

Option 2

1. That Council advise Unit Committee TS Lismore Inc and the Rainbow Region Dragon Club that their lease and licence will not be renewed, as Council's preference is to sell 26 Endeavour Close, Ballina to help match the \$1.1m grant Council has secured through the State Government's Boating Infrastructure for Communities grant program, for the construction of the watercraft facilities identified in the Cawarra Park Master Plan.
2. The General Manager is authorised to negotiate with the Unit Committee TS Lismore Inc and the Rainbow Region Dragon Club to confirm the preferred timing of their relocation from 26 Endeavour Close. These negotiations are to consider the potential timing of the need for the sale proceeds, while also being cognisant of the Rainbow Region Dragon Club needing storage facilities until the watercraft facility is constructed at Cawarra Park.
3. The General Manager is authorised to negotiate with the Unit Committee TS Lismore Inc in respect to a distribution of part proceeds from the sale of 26 Endeavour Close, based on the written down value of the fixtures on the

9.5 26 Endeavour Close, Ballina - Future Use Options

site that are not able to be relocated and that were funded by Unit Committee TS Lismore Inc members and volunteers.

4. That the outcomes of points two and three be reported back to Council for approval prior to implementation.
5. That Council confirms acceptance of the Transport for NSW Boating Infrastructure for Communities grants, of \$52,000 for the Brunswick Street Boat Ramp, and \$1.1m for the watercraft storage racks and facilities, as per the Cawarra Park Master Plan, noting that the grants require matching funding, with works to be completed by 30 June 2028.

Attachment(s)

1. 26 Endeavour Close - Council Report [⇒](#)
2. TS Lismore Endeavour Close Ballina - Response Regarding Use of Site
[⇒](#)

9.6 Ballina Byron Gateway Airport - Dividend Options

9.6 Ballina Byron Gateway Airport - Dividend Options

Section Commercial Services

Objective To review options for a dividend from the Ballina Byron Gateway Airport

Background

A recommendation from the 8 April 2025 Finance and Facilities Committee meeting, as resolved at the 24 April 2025 Ordinary meeting, was as follows:

That Council receive a report on options to source an increased dividend from the operations of the Ballina – Byron Gateway Airport

This report responds to the resolution.

Key Issues

- Financial sustainability of the Ballina Byron Gateway Airport
- Management options

Discussion

For the financial year ending 30 June 2025, the Ballina Byron Gateway Airport (BBGA) turned over \$10.3m and netted a surplus of \$2.85m excluding depreciation. The depreciation figure for 2024/25 was \$1.678m.

Actual results for recent years and forecast results for the next three years are as follows.

Table 1 - BBGA – Actual and Estimated Operating Results (\$'000)

| Item | Actual 2021/22 | Actual 2022/23 | Actual 2023/24 | Actual 2024/25 | Estimate 2025/26 | Estimate 2026/27 | Estimate 2027/28 |
|-------------------------|-------------------|-------------------|-------------------|-------------------|---------------------|---------------------|---------------------|
| Operating Revs | 7,546 | 9,525 | 9,387 | 10,319 | 11,022 | 11,755 | 12,456 |
| Operating Exps | 5,890 | 7,434 | 8,549 | 9,173 | 8,677 | 8,873 | 9,078 |
| Operating Result | 1,656 | 2,091 | 837 | 1,146 | 2,345 | 2,882 | 3,378 |
| Add Back Deprec | 1,087 | 1,178 | 1,689 | 1,678 | 1,600 | 1,651 | 1,704 |
| Cash Result | 2,743 | 3,269 | 2,526 | 2,825 | 3,945 | 4,533 | 5,082 |
| | | | | | | | |
| Passengers | 528 | 632 | 621 | 612 | N/A | N/A | N/A |
| | | | | | | | |
| Capital Expended | 7,160 | 8,572 | 11,547 | 293 | 5,400 | 6,050 | 4,550 |
| Reserve Balance | 1,340 | 10,084 | 2,430 | 4,394 | 2,343 | 261 | 199 |
| | | | | | | | |
| EBITDA | 2,919 | 3,504 | 3,330 | 3,595 | 4,691 | 5,250 | 5,771 |

As per these figures, the operating result, inclusive of depreciation and before depreciation (cash result), has varied up and down, and it is anticipated this figure will improve from 2025/26 onwards, as new jet airline agreements commence.

The Airport Reserve balance also moves up and down, with any surplus funds reinvested back into the BBGA, through capital expenditure.

The EBITDA (earnings before interest, tax, depreciation and amortisation) is one indicator of the financial value of a business, with businesses often valued based on a multiplier of the EBITDA (e.g. 15 times EBITDA). This figure has been trending up, which is a positive financial indicator.

Council has only once taken a direct cash dividend from the BBGA, \$100,000 in 2018/19, as any surplus funds are always needed for further capital investment.

If Council wants to receive a dividend there are two main areas to focus on:

1. Improve the operating result to allow a dividend through increased operating revenues, reduced operating expenses, or a combination of both, or
2. Change the business model.

Operating Result

Operating Revenues

The major operating revenues for the BBGA, and the percentage of the total operating revenue forecast for 2025/26, are:

- Jet Airline Fees – 40% of revenues - new agreement reached with Qantas Group, and negotiations ongoing with Virgin to secure a similar outcome. The Long-Term Financial Plan (LTFP) is currently forecasting a 40% increase in airline revenues for 2025/26, as compared to 2024/25, which is a significant increase.
- Security Charges – 22% - This is a recoupment of the actual cost paid by Council to the company providing the security service at the BBGA, with the airlines then charged that cost.
- Car Rental Franchises – 14% - Council called expressions of interest (EOIs) for this service in 2024, with new leases issued based on the market response, for a period of five years. The EOI resulted in an increase in revenues of approximately 40%, as compared to the previous figures, with \$1.54m in income forecast for 2025/26.
- Car Parking – 18% - The car parking income forecast for 2025/26 is \$2.1m, with actual income for 2024/25 being \$1.88m.

Car parking is a major income source for any airport, and one of the main priorities in the forward works program is to expand the existing car park to provide more parking spaces.

Car parking income has grown from around \$700,000 per annum for the period from around 2018/19 to 2021/22, to the current forecast of \$2.1m, with \$2.5m forecast for 2026/27, subject to the expanded car park works being completed during 2025/26.

Council could look at increasing the car parking fees, however they are set at levels that are competitive with the Gold Coast Airport, and the preference is to provide more car parks, rather than increasing the parking rates.

All the income items mentioned are dependent on the airlines and the number of services they provide.

If services drop, then so does the income generated from car parking, rental cars, retail rentals etc.

Following on from the post COVID boom experienced by the BBGA, the total services has decreased due to other Australian airports returning to normal and the public returning to overseas travel.

Competition amongst Australian airports for air services is high, which is exacerbated by the limited number of airlines that operate in Australia, being Qantas/Jetstar and Virgin.

Recently Bonza Airlines collapsed, and REX went into administration, reflecting the fickle nature of domestic aviation market in Australia.

To encourage more services, the BBGA must demonstrate it has adequate infrastructure to cope with additional services, particularly at peak times.

The BBGA is primarily a visitor port, and the timing and frequency of services place a strain on infrastructure, at peak times, such as weekends and holiday periods. This is typical of the issues faced by similar ports.

Operating Expenses

The major operating expenses for the BBGA are:

- Management costs – 18% - This includes all Council employees plus associated employment costs. The number of employees has grown in recent years, due to Council now employing staff for services such as cleaning (that were previously contracted). Many of the services delivered at the BBGA, such as baggage handling and security are provided by contractors, engaged by Council, or by the airlines.

Benchmarking with other airports indicates that Council's employee numbers are comparatively low, leaving no room for savings in reducing employee costs.

- Security – 21% - Offset by matching revenues and subject to a tender process.
- Maintenance – 6% - The BBGA requires an ongoing investment in asset maintenance, and it is not feasible to reduce this allowance without having a negative impact on the performance of the infrastructure.

Ideally, additional funds would be invested into maintaining the existing asset base.

- Overheads – 15% - The formula for charging overheads could be reviewed to decrease this internal charge, however that would then reduce the

discretionary funding available to the General Fund and effectively defeat the purpose of pursuing an increased dividend.

The overheads contribution is important, as what this means is that the BBGA already makes a significant contribution to the General Fund, through the corporate overheads charged and recouped to the business.

All of Council's business activities, such as Water, Wastewater, Resource Recover (Domestic Waste Management (DWM) and Landfill and Resource Management (LRM) and Commercial Property, are charged an allocation for the corporate overheads that are needed to operate the business.

Corporate overheads include functions such as governance, councillor expenses, financial services, communications, customer service, information services, people and culture, risk management, payroll, procurement etc.

As business activities continue to grow in scale, potentially at a higher rate than the rest of Council's operations, they are often charged a higher percentage of the corporate overheads, as they represent a higher proportion of Council's operations.

With the BBGA, the corporate overhead contribution in 2021/22 was \$678,000 and for 2025/26, the contribution is \$1,299,000, an increase of 92% over the four year period.

This increase is due to several factors including increases in employee numbers, substantial increases in operating revenues and expenses and a large increase in asset values.

This means for 2025/26, the BBGA is already contributing \$1,299,000 to Council's General Fund operations.

If the BBGA was leased or sold, Council would no longer be recouping this overhead contribution, leaving a significant shortfall in funding for the General Fund.

- Depreciation – 18% - This is based on statutory accounting processes and external valuations.
- Interest on loans – 9% - Reflects loans taken out for infrastructure improvements.

Overall, to secure an improvement in the operating result, that would make a sufficient difference to the result to secure a dividend, additional airlines and / or additional services are needed.

To secure those services, there should be a larger capital investment to improve the infrastructure, with this then becoming a chicken and egg discussion, in that Council is struggling to fund that infrastructure, without the recurrent revenue first being secured.

The Council's adopted LTFP includes the following capital works for the next seven years.

9.6 Ballina Byron Gateway Airport - Dividend Options

Table 2 – BBGA - Capital Expenditure Forecasts (\$'000)

| Item | 2025/26 | 2026/27 | 2027/28 | 2028/29 | 2029/30 | 2030/31 | 2031/32 |
|---------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Car Park - Equipment Upgrade | | | 1,000 | | | | |
| Ground Transport Master Plan | 4,450 | 1,700 | | | | | |
| Bays - Upgrade 1, 3,4 and 5 | | | | | | 6,500 | 7,500 |
| Taxiways - Alpha and Bravo | | | | 1,600 | | | |
| Terminal - Air-Conditioning | 600 | | | | | | |
| Checked Baggage Screening | | 250 | | | | | |
| Common Use Check-in Equip | | | | | 3,000 | | |
| Terminal – Expansion | 260 | 3,000 | 3,400 | | | | |
| Terminal - Screening - 2nd Lane | | 1,100 | | | | | |
| Crown Land and Revetment Wall | | | 150 | | | | |
| Hangar Site - Preparation | 90 | | | | | | |

The Ground Transport Master Plan was presented to the 4 June 2025 Commercial Services Committee meeting, with that plan outlining the expanded car parking spaces and the flow of traffic through the car park and terminal pick-up and drop-off areas.

The LTFP assumes Council does not receive any grant funds and no loan funding has been included in the modelling.

Securing grants can bring works forward, although the BBGA has had limited success in recent years, in receiving State or Federal Government grants, and there is no indication this will change.

Loan funding is always an option, however the impact on the operating result of the increased interest and principal repayments, needs to be balanced against the overall financial performance of the BBGA.

The loan balance for the BBGA, as at 30 June 2025, is as follows.

Table 3 – BBGA – Loan Summary (\$)

| Loan | Original Loan | 30 June 2025 | Annual P. & I. | Interest Rate (%) | Start Date | End Date |
|---------------|-------------------|-------------------|------------------|-------------------|------------|-----------|
| Runway | 500,000 | 58,197 | 59,729 | 3.51 | June 2016 | June 2026 |
| Terminal | 2,400,000 | 1,874,633 | 160,060 | 2.97 | Aug 2019 | Aug 2039 |
| Car Park | 2,000,000 | 1,822,023 | 167,989 | 5.63 | June 2022 | June 2042 |
| Runway | 11,500,000 | 10,824,613 | 952,074 | 5.46 | June 2023 | June 2043 |
| Totals | 16,400,000 | 14,579,466 | 1,339,852 | | | |

The three large loans still have several years before being paid out in full

Many of the capital projects listed in the forward capital works program may require grants and loans to allow the works to proceed.

Projects such as the upgrades to bays 1, 3, 4 and 5 should also be carried out earlier than forecast, however the surplus revenues are not sufficient to fund that work. This then limits Council's ability to attract more airlines and / or increased services.

Business Model

Airports are capital hungry assets requiring significant long-term investment, but also having a high level of risk, given that there are only two major airline groups that provide services at their discretion.

Airlines can reduce or increase services without consulting to any degree with airport operators.

The BBGA is a relatively small operation in comparison to the major airports in capital cities and other tourist destinations such as the Gold Coast, Sunshine Coast and Cairns (BBGA is ranked 17th busiest airport in Australia in the latest available figures).

Very few councils have a direct day to day involvement in the busier Australian airports, as shown in the following table.

Table 4 – Top 17 Busiest Airport Ownership Models (2023/24)

| Location | Passengers (# '000) | Model |
|----------------|------------------------|--|
| Sydney | 40,568 | Sold by Federal Government in 2002 based on a 99-year lease |
| Melbourne | 34,842 | Privatised by Federal Government in 1997 through a long-term lease (50 years plus 49-year option) |
| Brisbane | 22,234 | Privatised by Federal Government in 1997 through a long-term lease (50 years plus 49-year option) |
| Perth | 12,787 | Privatised by Federal Government in 1997 through a long-term lease |
| Adelaide | 8,249 | Privatised by Federal Government in 1998 through a long-term lease |
| Gold Coast | 6,322 | Owned by Queensland Airports Limited through a 99-year lease from the Federal Government in 1998 |
| Cairns | 4,634 | Sold to a private consortium in 2008. Now privately owned by North Queensland Airports Group, which also operates Mackay Airport. |
| Canberra | 2,821 | Private consortium under a lease from the Federal Government |
| Hobart | 2,677 | Private consortium under a 99-year lease from the Federal Government |
| Sunshine Coast | 1,898 | Owned by Sunshine Coast Council and operated by Sunshine coast Airport Pty. Ltd, on a 99 lease |
| Darwin | 1,782 | Owned by the Airport Development Group |
| Townsville | 1,671 | Owned by Queensland Airports Limited |
| Launceston | 1,435 | Jointly owned by Launceston City Council and Australia Pacific Airports Corporation Ltd. |
| Newcastle | 1,201 | Operating company owned by Newcastle and Port Stephens councils and leased to Newcastle Airport Ptd. Ltd, with land being owned by the Commonwealth Government |
| Mackay | 912 | Sold to a private consortium in 2008. Now privately owned by North Queensland Airports Group, which also operates Cairns Airport. |
| Rockhampton | 656 | Council owned and operated |
| Ballina | 621 | Council owned and operated |

The management models highlight that as airports grow, the preferred approach is to head towards a corporatised model, through sale, long term leases or private management companies.

In looking at these models, to ensure Council's long term financial sustainability, the preference is to always general recurrent revenue streams, as one-off cash

injections can easily be expended on individual projects, that then require ongoing maintenance.

To secure ongoing revenue streams, there are two main management options:

1. Long-Term Lease (Council still owns the land and assets)

As per Table 4 nearly all metropolitan, sub-metropolitan and large regional airports around Australia are privately operated by way of long-term leases, often sold off by the Federal Government since 1996 under the Federal Airports Act 1996.

Most leases are for terms of up to 99 years. Investors generally paid an upfront sum to secure a lease or a combination of upfront payments and annual rental payments thereafter. These leases were attractive to large institutions as they typically included development rights to large tracts of land around the airport.

This option was previously investigated by Council for the BBGA in 2016. Council did not proceed, primarily as the BBGA was not investment ready, in that new airline agreements were being negotiated and the rezoning of the 35 hectares of the Southern Cross Industrial precinct was underway with that rezoning not eventuating.

The commercial in confidence report provided to Council for that review is included as Attachment 1 to this report. Due to the time lapsed, the information is no longer considered to be commercial in confidence, with the report providing a good overview of the matters examined as part of any sale or leasing proposal.

The EBITDA is mentioned in the report as a key driver of valuation and more recent BBGA results have shown an increase in that figure.

2. Corporatisation

In this instance an independent corporation is established, and all BBGA assets are transferred to the new entity. Council can be an owner, or part owner of the company.

An independent board is established to operate the BBGA, with the board comprised of people with expertise and experience in the aviation industry.

The corporation would have the ability to borrow funds, hire staff, negotiate with airlines, car operators, tenants etc. without having to consult with the elected Council. Newcastle Airport is a good example of this model.

This model is also typical of the way most North American airports are operated, as profits generated are reinvested in the airport or paid as a dividend to the local county or state.

Delivery Program Strategy / Operational Plan Activity

This report is linked to Operational Plan activity LP3.1:

Ensure the on-going viability of the Ballina Byron Gateway Airport

Community Engagement Strategy

Any proposal to significantly change the operating structure would be subject to community engagement.

Financial / Risk Considerations

The BBGA will continue to struggle to fund the capital expenditure needed to operate the business, and grant funds or loans are needed to allow some of the projects identified to be delivered earlier than forecast.

Any proposal to source an increased dividend also needs to be balanced against the existing corporate overheads contribution of \$1,299,000 in 2025/26.

The cost of many of the services that are charged as overheads to the BBGA, would not reduce significantly, or at all, if Council did lease or sell the BBGA.

It is not possible to eliminate small parts of many corporate services, and typically a major change would be required to Council's operations to reduce, for example, the number of staff providing financial services to Council, the level of information services support provided etc.

To make any sale or lease worthwhile, Council would need to receive a cash contribution of approximately \$60m, based on the following assumptions.

| Item | Amount (\$) |
|---|-------------------|
| Repay Existing Loan Liability (approximate) | 14,000,000 |
| Funds needed to Offset Overheads Contribution @ 5% | 26,000,000 |
| Funds needed to Generate \$1m Extra Contribution @ 5% | 20,000,000 |
| Total Required Value | 60,000,000 |

For discussion purposes, it is assumed that any sale or lease would need to pay off all the existing loan debt on the BBGA, ensure Council has sufficient funds invested to generate the same contribution to corporate overheads of \$1,299,000 and then generate an extra \$1m per annum (as a minimum), as an increased dividend to support Council's operations.

A return of 5% has been applied for modelling purposes.

If the figure of \$60m is compared to the actual EBITDA for 2024/25 of \$3.595m, the multiplier is 17, which is comparable to the multiplier figures provided in the Scoping Study as per Attachment 1.

The latest review of the ten-year forecast Operating Revenues and Expenses, and the Operating Result, for the BBGA is included as pages 1 and 2 of Attachment 2 to this report.

The key columns in that attachment, are as follows:

- Actual results from 2002/03 to 2024/25 highlight overall trends in revenues and expenses for the period (with some previous year's hidden to ensure that the attachment can fit on one page).
- Estimates are provided from 2025/26 to 2034/35, being the ten year long term financial plan.

Attachment 3 provides capital movements, which includes capital expenditure, capital funding sources, Airport Reserve balances, and loan repayments.

Options

Council can continue to operate the BBGA under the current model, with the operating profit at a reasonable level, however it is well short of the funding needed to undertake, in a timelier manner, many of the capital works planned for the next ten years.

This creates a risk that some assets may deteriorate, and it also limits Council's ability to deliver new infrastructure that may attract new airlines and increased services.

The BBGA continues to have high satisfaction levels, with the 2024 Micromex community satisfaction survey results providing an 94% satisfaction score, above the regional council average of 88%.

Under the existing model, Council can continue to make steady improvements to the infrastructure at the BBGA, with dividends unlikely to ever be secured.

If Council wishes to investigate different management models, a specialist consultant would need to be engaged. The estimated cost of this consultancy is approximately \$40,000, with Council expending \$100,000 in 2016 on a more detailed scoping study.

The recommendation is for noting the contents of this report. If different management models are to be investigated, the revised recommendation would be as follows.

That Council receive a further report on the benefits and costs of pursuing a revised management structure for the Ballina Byron Gateway Airport, with funding of \$40,000 approved to assist in those investigations.

RECOMMENDATION

That Council notes the contents of this report in respect to the overall financial position of the Ballina Byron Gateway Airport, along with the options available to operate the Airport.

Attachment(s)

1. Ballina - Byron Gateway Airport - Scoping Study - The Airport Group - 2016 (Under separate cover) [⇒](#)
2. Ballina - Byron Gateway Airport - Long Term Financial Plan - Operating Revenues and Expenses [⇒](#)
3. Ballina - Byron Gateway Airport - Long Term Financial Plan - Capital Movements [⇒](#)

9.7 Policy (Review) - New Model Code of Meeting Practice

Section Governance

Objective To obtain Council approval to exhibit a draft Code of Meeting Practice based on the new Model Meeting Code.

Background

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.

This clause required Council to adopt a Code of Meeting Practice by 14 September 2025 following the 2024 local government election. Council complied with this clause by adopting an updated Meeting Code, following public exhibition, at the 28 August 2025 Ordinary meeting.

Council has also previously been advised that the Office of Local Government (OLG) is undertaking a review of the Model Code of Meeting Practice.

This review commenced in December 2024, and as the new Model Code had not yet been released, it was necessary to adopt the Council Code of Meeting Practice based on the existing Model Code.

The OLG has now released the new Model Meeting Code on Friday, 29 August 2025, one day after the 28 August 2025 Ordinary meeting.

The OLG has advised that the new Model Meeting Code must be adopted no later than 31 December 2025.

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 OLG has confirmed that councils must comply with Section 361 in respect to the new Model Meeting Code, which means by approving exhibition at this meeting, Council will be able to adopt an updated Meeting Code at the November or December 2025 Ordinary meeting, ensuring compliance with the OLG direction.

Attachment 1 to this report is the OLG circular announcing the new Model Meeting Code.

Attachment 2 is an FAQ in respect to the new Model Meeting Code.

The report that follows seeks direction on how Council wishes to manage the non-mandatory provisions of the Model Meeting Code and to approve exhibition of the draft Council Code of Meeting Practice.

Key Issues

- Compliance with the updated Model Code of Meeting Practice

Discussion

Attachment 3 is the new Model Meeting Code as issued by the OLG.

As per the FAQs, Council must adopt the mandatory provisions, whereas the non-mandatory provisions can be included or excluded.

Supplementary provisions can also be added, provided those provisions are not inconsistent with the mandatory provisions.

In preparing a draft Council Code of Meeting Practice, the preference is to ensure that the new draft is consistent, as possible, with the Code, Council adopted at the 28 August 2025 Ordinary meeting.

The key clauses, where Council has some discretion, or where there is a change, in the new Model Code are as follows.

3.1 – Timing – No change to 9am, on the fourth Thursday of the month, with the December meeting on the second Thursday and no meeting in January.

3.3 – Extraordinary Meetings – The Mayor may now call an extraordinary meeting without the need to obtain the signature of two councillors.

3.10 – Giving Notice of Business – This relates to Councillors submitting notices of motion, with the timeframe being “reasonable” before a meeting. This timeframe is currently nine days before a meeting in the existing Code (the Tuesday of the week before the Council meeting), and no change is recommended.

3.31 – Prohibition of Pre-Meeting Briefings – Pre-meeting briefings are no longer allowed.

The wording of this clause relates entirely to briefings for items included on the meeting agenda.

The Model Code is silent on briefings, or workshops, not relating to the meeting agenda. Based on this, Council can still hold briefings / workshops, so long as they do not relate to a matter on the agenda, following the publication of a meeting agenda. Contact was made with the OLG, and it was verbally confirmed that this interpretation is correct.

With one of the key objectives of the new Model Meeting Code, being transparency, it is recommended that Council include supplementary wording

that states that the date and time of briefings and workshops will be published on Council's website, and the public may attend, although the briefings / workshops would not be livestreamed.

The preference is to allow the public to attend, as this supports transparency and openness, and this is not expected to result in large numbers of people attending briefings / workshops.

The supplementary wording included in the draft Meeting Code, reference clauses 3.33 to 3.36, is as follows:

Non-meeting briefing sessions

- 3.33 *The general manager is authorised to convene briefings for items not listed in the agenda for meetings of the council or committees of the council, to convey information that will assist councillors in their understanding of the briefing subject matter.*
- 3.34 *No decisions are made at these briefings, with the purpose being solely to exchange information and adequately inform councillors on the subject matter.*
- 3.34 *Notification of the date and time for each briefing is to be included in a weekly update to councillors, with councillor attendance not compulsory.*
- 3.35 *The date and time of each briefing is to be notified to the public on Council's website.*
- 3.36 *Members of the public may attend briefings, however, to reduce the administrative burden the briefings will not be livestreamed or recorded.*

Proposed clauses 3.35 and 3.36 could be deleted if Council wishes to retain the current process.

4 – Public Forums – Council does not hold public forums, with Council's current preference being Deputations to the meeting.

The Public forum wording is mandatory however it is only relevant if Council holds a public forum. There are no mandatory clauses that make the inclusion of Deputations in the meeting agenda, inconsistent with the Model Code, and it is recommended that Council include Deputations, as per the existing Code, which is two for and against, with no time extensions to the five minutes, permitted.

Public Question Time is also recommended for inclusion, as per the current Code.

5.19 – Audio-Visual Link – Attendance by a councillor can only occur due to medical reasons, ill-health or unforeseen caring responsibilities.

5.34 and 5.35 – Power of Expulsion – The options are to allow expulsion of Councillors by resolution or by the Mayor (Chair).

9.7 Policy (Review) - New Model Code of Meeting Practice

As per the current Code, the preference is by resolution, to ensure that the Mayor, who presides over the meeting, has the support of Councillors. Refer to clauses 15.15 to 15.17 for further details.

7 – Modes of Address – Councillors and staff should stand when the Mayor enters the chambers and when addressing the meeting. The only difficulty with this might be the microphones, as standing could potentially reduce the clarity of the broadcast of the meeting.

It has been highlighted that the wording is “should” stand, rather than must stand, so this clause could be open to interpretation.

Mayor must be addressed as Madam Mayor (or Mr Mayor) or Mayor.

Councillors must be addressed as Councillor and staff must be addressed by their position title or Mr or Ms (surname).

8.1 – Order of Business - The current order of business can be added as supplementary information.

11.11 – Voting records - It is optional to record voting for and against on all resolutions. Council currently records all voting, and this remains the preferred approach.

13 – Dealing with items by Exception – Council does not currently use this method of dealing with only matters, by exception, and no change is recommended to the current practice.

15.15 to 15.17 Expulsion from Meetings. As per clauses 5.34 and 5.35 the preference is by resolution, which means that clause 15.15 is deleted.

17.10 – Rescission Motions for Development Applications - This non-mandatory clause is included in Council’s existing Code, with four days being the time provided for Councillors to lodge a motion to rescind a development application decision.

With the Council meeting on a Thursday, this means any rescission motion must be received by the following Monday, as otherwise the consent can be issued on the Tuesday, with Council then having no power to rescind the consent.

The preference is to keep this clause in the Council Code, based on the four days.

17.12 to 17.20 – Recissions and Recommitting Items - These non-mandatory provisions allow Council to deal with recission motions at the same meeting, as well recommitting resolutions to correct an error.

Council has the rescission motion clauses in the current code, whereas the recommitted wording is not included. Even though it is not essential, it is recommended that Council include these non-mandatory clauses, for the rare situations where they may be needed.

18 – Time Limits – With day meetings, this has not been a problem for Council, and it is recommended that this clause be excluded.

9.7 Policy (Review) - New Model Code of Meeting Practice

20.25 – Recording of voting – This reflects current practice, and it is recommended that the clause be included.

In summary, there are limited changes to Council's existing practices, with the major ones being the stricter requirements for audio-visual attendance and the banning of Councillor briefings, for items on the meeting agenda.

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.

Financial / Risk Considerations

Council must comply with the Model Code of Meeting Practice.

Options

Attachment 4 is the draft Council Code of Meeting Practice, based on the new Model Code, inclusive of the changes outlined in this report.

The focus has been to ensure consistency with Council's current Code of Meeting Practice.

The options are to exhibit Attachment 4, or to amend the draft, prior to exhibition.

RECOMMENDATION

That Council approves the exhibition of the draft Code of Meeting Practice, as per Attachment 4 to this report.

Attachment(s)

1. Office of Local Government - Model Code of Meeting Practice - Circular [⇒](#)
2. Office of Local Government - Model Code of Meeting Practice - FAQs [⇒](#)
3. Office of Local Government - 2025 Model Code of Meeting Practice [⇒](#)
4. Policy (Review) - Code of Meeting Practice (Draft for Exhibition) [⇒](#)

9.8 Policy (Review) - Property Investment and Development

Section Commercial Services

Objective To respond to a Council resolution to review the Property Investment and Development policy.

Background

As a result of a recommendation from a report to the 14 August 2025 Commercial Services Committee meeting, that outlined the real estate commission to be paid on the sale of a parcel of land at the Russellton Industrial Estate, Council resolved as follows at the 28 August 2025 Ordinary meeting:

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.*
2. *That Council revise the Property Investment and Development policy to clarify how Council engages with real estate agents on property sales.*

This report responds to point two of the resolution. A copy of the current policy is included as Attachment 1 to this report.

Key Issues

- Transparency in appointing real estate agents

Discussion

The purpose of the current policy is to provide guidance in respect to Council's commercial property investment decisions, as well as outlining a risk matrix to assist in determining whether a commercial project should proceed.

The policy is silent on the appointment of real estate agents, or the selling process.

To address the resolution, it is recommended that the following wording is added as an extra point under Sustainability Implications.

3.4 Governance

- *Council's preference is to sell any commercial real estate holdings by auction to maximise public transparency*
- *Council will endeavour to offer all Ballina Shire real estate agencies the opportunity to sell or buy property on behalf of Council, to maximise equity in the marketplace.*
- *Council will only sell commercial real estate holdings by private treaty, through a Council resolution, or, in the case of land initially auctioned and*

9.8 Policy (Review) - Property Investment and Development

not sold, through selling prices, including a possible negotiation range, approved by Council resolution.

- *The commission paid to real estate agents will be set by Council resolution, or if no resolution is relevant to the sale, the maximum rate is to be 2.5%.*
- *Council's preference is to pay 1.5% commission on industrial land, due to the limited supply of Council owned industrial land.*

Council's Community Strategic Plan is based on the four themes of Healthy Environment (environment), Engaged Leadership (governance), Connected Community (social) and Liveable and Prosperous Community (economic).

The policy currently has social, economic and environmental implications listed, and the addition of governance provides the fourth pillar, which is consistent with the CSP.

The dot points added, outline the current process following in dealing with real estate agents.

It is difficult to provide any more transparency than ensuring that all real estate agents are provided the opportunity to sell Council land, along with confirming the standard processes, and the typical commission range.

Delivery Program Strategy / Operational Plan Activity

This report is linked to Community Strategic Plan Outcome:

EL1 – Decision making is inclusive, transparent and underpinned by sustainability

Community Engagement Strategy

Council typically exhibits changes to policies as part of the regular four-year review of all policies. It is recommended that this change also be exhibited.

Financial / Risk Considerations

No financial or risk considerations are identified in this report.

Options

Council may accept or amend the proposed changes to the policy based on the 28 August 2025 resolution.

As per the standard process for policy reviews, it is recommended that the policy be adopted as presented.

It is also recommended that the policy be exhibited and if no submissions are received, no further action is required.

RECOMMENDATIONS

1. That Council adopts the Property Investment and Development as attached to this report, inclusive of the following wording under the heading of Sustainability Implications

3.4 Governance

- *Council's preference is to sell any commercial real estate holdings by auction to maximise public transparency*
 - *Council will endeavour to offer all Ballina Shire real estate agencies the opportunity to sell or buy property on behalf of Council, to maximise equity in the marketplace.*
 - *Council will only sell commercial real estate holdings by private treaty, through a Council resolution, or, in the case of land initially auctioned and not sold, through selling prices, including a possible negotiation range, approved by Council resolution.*
 - *The commission paid to real estate agents will be set by Council resolution, or if no resolution is relevant to the sale, the maximum rate is to be 2.5%.*
 - *Council's preference is to pay 1.5% commission on industrial land, due to the limited supply of Council owned industrial land*
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) - Property Investment and Development [↗](#)

10. Civil Services Division Reports

10.1 Tender - Ballina Bridges Duplication - Construction

Section Project Management Office

Objective To report the outcomes of the negotiation process for the Ballina Bridges Duplication Project

Background

This report seeks Council approval to accept the negotiated tender outcomes for the Design Development and Construction of the Canal Bridge with Tamarind Drive Roadworks and the Fishery Creek Bridge with River Street Roadworks ('the Project').

At the 4 August 2025 Extraordinary meeting, Council resolved, in part, as follows:

- That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(b), Council has determined to negotiate with Quickway Constructions as they have provided the lowest priced tender following assessment against the mandatory and weighted evaluation criteria established for the tender and they have provided the only alternative tender, with the alternative tender providing options to potentially reduce the cost of the project.
- That the General Manager prepare a further report to enable the Council to consider the outcomes of the negotiation process to be undertaken in accordance with points one to four above.

The price information from the tender submission from Quickway ('the Tenderer') can be summarised as;

- Conforming price \$74,278,873.57 with Optional Additional Work in North Creek Road of \$4,166,768.64.
- Alternative tender price \$65,742,729.57 with Optional Additional Work in North Creek Road of \$4,105,159.90.

Following negotiations, including a review of the design, construction options and scope of work, the information in this report proposes a contract price for the work, albeit there are several options for the Council to consider which will determine the final price of the work.

All pricing in this report is exclusive of GST.

Key Issues

- Comply with the Local Government (General) Regulation 2021
- Obtain Value for Money
- Scope of Works

10.1 Tender - Ballina Bridges Duplication - Construction

- Funding Options and Project Budget
- Management of Risk
- Grant Conditions

Discussion

Adjustments to the design and the scope of works have been negotiated for several reasons. The proposed changes have been made to reduce the overall cost of the project, improve risk management, improve the usefulness of the proposed assets and ease the constructability of the project. This process has involved a comprehensive review of the alternative tender, as well as further ideas from the Tenderer and Council staff.

The proposed changes are the result of combining the expertise from Council and the Tenderer in a process that has further reviewed the project documentation and design options.

This discussion is presented in the following parts.

| | |
|------------|---|
| Part One | River Street / Fishery Creek Bridge Adjustments |
| Part Two | Tamarind Drive / Canal Bridge Adjustments |
| Part Three | Adjustments during Negotiation |
| Part Four | Optional Additional Work |
| Part Five | North Creek Road as Optional Additional Work |
| Part Six | Other Items |
| Part Seven | Contract Price Summary |
| Part Eight | Works on Private Land |
| Part Nine | Land Acquisition (Aboriginal Land Rights Act) |

Part One River Street / Fishery Creek Bridge Adjustments

The changes for River Street and Fishery Creek Bridge from the Conforming Tender to the Alternative Offer can be summarised as follows.

1. Controlled Modulus Columns

It is proposed to remove the preloading works and replace these with Controlled Modulus Columns (CMCs). CMCs are formed by driving tubes through soft sediments in a checkerboard arrangement and then pumping grout into each tube. The embankment placed on the top of the CMCs and its load is substantially supported through the CMCs onto the firmer underlying strata, which the CMCs are founded upon.

CMCs are more costly to install than preload earthworks, however they allow for a shorter program, with lower overheads, as there is no need to wait for settlement.

This means piling at the abutments can commence at the start of the contract rather than waiting for the preload earthworks to be installed and then settle for four to five months. This approach assists in the project risk management.

Furthermore, the retaining walls adjacent to the creek are a type of reinforced soil requiring horizontal layering of steel strips with compacted backfill.

Using CMCs eliminates the need to remove almost all the embankment, after initial settlement is complete, to then construct the retaining walls. This substantially reduces the haulage into and out of the site, and the need to dispose of the excess material.

The use of CMCs also allows for smaller abutments. Large precast aerated concrete blocks can be placed in lieu of traditional spill-through or large vertical abutments.

Under this design, the complexity in the foundation arrangements is reduced for the safety barriers near the bridge where the largest total settlement over 40 years would have been expected.

Further geotechnical testing is required before it can be confirmed that the CMC alternative can be implemented.

The price in the Alternative Offer contains a lump sum amount for the additional investigation, which is anticipated to demonstrate the indurated sand layer about six metres below the surface, can support the overburden in a similar manner as occurs with the piles of the existing bridge.

2. Reduced Earthworks

The Tenderer estimates a smaller volume of earthworks quantities will be required for the contract, compared to the amounts Council has listed in the Schedule of Rates. The smaller quantities reduce the estimated cost.

3. Increasing the Centre Span

Increasing the centre span from 28 metres to 36 metres shifts the piers closer to the creek bank. This proposal reduces the cost of temporary works in Fishery Creek.

The greater span will require upsizing the Super T girder from a T3 to T4.

This change will add an extra 300mm to the height of the superstructure.

As the vessel clearance envelope must not be impeded, the extra height must be accommodated by raising the Finished Surface Level of the bridge. This in turn changes the vertical alignment of the adjacent roadway.

The change in the longitudinal slopes for the shared path have been assessed and remain compliant with Disability Discrimination Act requirements.

The greater span will be beneficial for vessel navigation and eliminating afflux during flood events.

4. Pile Type

Changing the piling arrangements from bored insitu piles, to driven precast piles, allows for increased offsite production and faster installation.

The time benefit is partially offset by the additional task of constructing piles caps for each pier.

10.1 Tender - Ballina Bridges Duplication - Construction

However, the concept follows the standard principle of it being more efficient to fabricate materials offsite than onsite.

The precast piles can be formed and cured in a precaster's yard and brought to site ready for installation.

This contrasts with bored piles that must be constructed through driving permanent formwork, clearing out the tube, filling it with reinforcement and concrete, and then waiting for it to cure. The precast process allows for more project activities to be done simultaneously, both onsite and offsite.

5. Changing Wearing Surface of Bridge Deck

The Tenderer has proposed to delete asphalt as the bridge wearing surface and instead utilise the concrete deck as the running surface. This will lead to a rougher finished surface, since asphalt is always able to be placed more smoothly than concrete. Concrete is a pavement surface at many locations on Ballina Island and will provide an acceptable level of amenity.

From a whole of life perspective, concrete is the preferred solution, as it requires less maintenance and there are concerns that the regular milling of asphalt, when it is due for replacement can cause damage to the surface of the concrete deck.

From a road user's point of view, an asphalt surface is preferred, however the level of amenity provided by concrete is also acceptable. On balance, the concrete solution is recommended, however Council may prefer the asphalt solution.

Part Two Tamarind Drive / Canal Bridge Adjustments

The changes for Tamarind Drive and Canal Bridge from the Conforming Tender to the Alternative Offer can be summarised as follows.

1. River Oaks Estate – Open Drain

The following information is reproduced from the report included in the agenda for the Extraordinary meeting.

Quickway Construction's submission has priced the construction of the box culvert adjacent to Tamarind Drive as follows:

| Item | Amount (\$) | Priced |
|--------------------------------------|--------------------|--------------------------|
| <i>Underground Powerlines</i> | <i>400,000</i> | <i>Provisional</i> |
| <i>Culvert Excavation</i> | <i>300,000</i> | <i>Lump Sum</i> |
| <i>Sheet Piling</i> | <i>3,500,000</i> | <i>Excluded</i> |
| <i>Dewatering</i> | <i>396,000</i> | <i>Schedule of Rates</i> |
| <i>Acid Sulphate Treatment</i> | <i>240,000</i> | <i>Schedule of Rates</i> |
| <i>Foundation Preparation</i> | <i>187,200</i> | <i>Lump Sum</i> |
| <i>Remove and replace unsuitable</i> | <i>176,000</i> | <i>Schedule of Rates</i> |
| <i>Piling for Culvert Slab</i> | <i>729,750</i> | <i>Lump Sum</i> |
| <i>Culvert Construction</i> | <i>4,500,000</i> | <i>Lump Sum</i> |
| TOTAL | 10,428,950 | |

10.1 Tender - Ballina Bridges Duplication - Construction

The box culvert is in the Council's Design, as it is essential to retain the stormwater carrying capacity parallel to Tamarind Drive, when fitting in a widened road, a shared path from River Oaks and Ferngrove Estates, and maintenance access to Essential Energy twin 11 kV power lines.

The box culvert has been identified as an opportunity to improve the visual amenity of this drain, however this component of the works is a significant addition to the total cost.

Quickway Constructions has provided five other major alternative ideas in their Alternative Tender.

The deletion of the box culvert would involve the 'reconstruction and beautification of the open channel providing an enhanced visual outcome for the entrance to Ballina Island.'

The tender evaluation panel sees various limitations in these options as presented, however there is merit in investigating these alternatives further.

Following the Extraordinary meeting, Council's technical officers have reviewed this proposal in more detail.

The proposed expenditure of \$10,428,950 includes \$3,500,000 for sheet piling. The Tenderer advised the design would not be constructable without this sheet piling. This sum had been excluded from the tender price reported above.

Under an open canal option, some of the schedule of rates items listed, are still required.

The lump sum items not required under the open drain option are valued at \$5,716,950 and the reduction in the schedule of rates is \$800,000.

The cost of the works to improve the open drain is now estimated at \$3,000,030.

The proposed re-alignment of the open drain will require undergrounding twin 11kV overhead power lines, which will be an improvement to the streetscape aesthetics. The design has been checked for the viability of weaving the open drain amongst the other assets, both new and proposed.

The landscaping of the open drain can be described as informal and naturalistic but marred by the suburban context of overhead power lines.

Undergrounding the wires, introducing a shared path for active transport use and further improvements to soft landscaping will enhance this corridor to and from Ballina Island.

The recommendation is to accept the open drain option as there is insufficient funds available for the box culverts.

2. Shared Path Route

An opportunity to improve the route of the shared path beside the existing carriageway and provide some costs savings has been identified.

10.1 Tender - Ballina Bridges Duplication - Construction

This alternative path option is proposed to extend to the edge of the Ballina Fair car park at Tamarind Drive, proceed behind some houses in Catherine Crescent, follow a new ramp parallel to North Creek Canal to the eastern abutment on the existing bridge.

A new 2.5m wide footbridge would allow access to the western side, where the shared path ramps down, parallel to the canal, to meet the existing shared path.

The route for the original shared path design, starting at Ballina Fair, follows the edge of the existing roadway to the existing bridge. The existing 2.0m wide footbridge would have been relocated to the southern side of the existing bridge, to allow continuation of the path beside the existing roadway until it met a new shared path at the open drain.

The conforming and alternate routes are shown in Figures 1 and 2.

Figure 1 - Shared Path Conforming Alignment

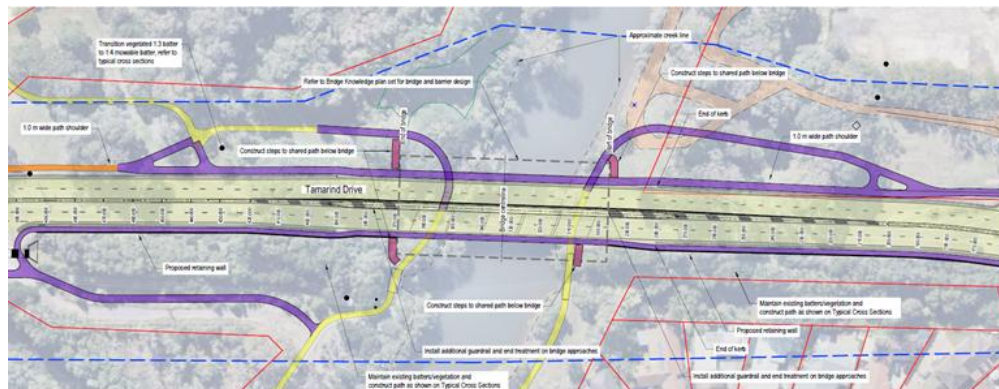


Figure 2 - Shared Path Alternative Alignment



The second image above shows the connection through Ballina Fair.

Under both the original and amended options, shared paths are provided on both sides of the duplicated bridges. The proposed change should provide an improved user experience.

From a construction perspective, the proposed change to the alignment will allow for switching pedestrians earlier than in the program from the walkway on the northern side of the existing bridge to the southern side.

10.1 Tender - Ballina Bridges Duplication - Construction

This will reduce the duration of the traffic management works at the end of the project.

The alternative shared path alignment allows several items to be amended in the scope of works as follows.

- a) Two long and difficult-to-construct retaining walls on either side of North Creek Canal are not needed
- b) 3,000m² of vegetation and screening trees are retained
- c) No shoulder widening is required on the eastern side of the canal
- d) Relocation of the existing guard fence for westbound traffic approaching and departing the existing bridge are not required
- e) Overhead power on the westbound approach to the existing bridge can be retained as-is.

The new proposal includes an elevated shared path.

A new aluminium footbridge will connect to the existing bridge at a lower height than the road level but not interfere with the vessel clearance zone.

The design has been assessed for compliance with the Disability Discrimination requirements in respect of the vertical alignment for the path.

Figures 3A to 3C show images for the location of the elevated shared path.

Also shown are some images of the proposed aluminium footbridge.

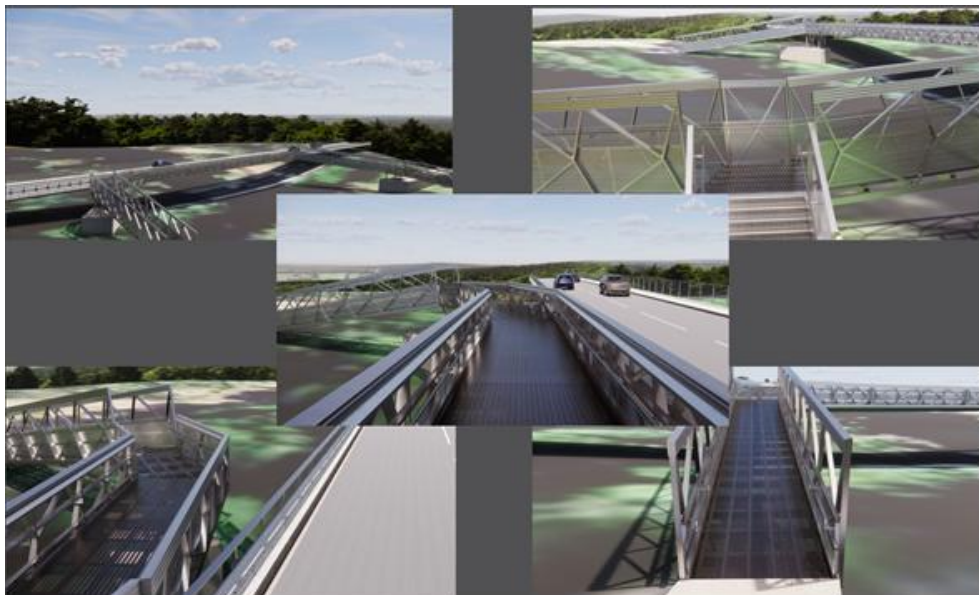
Figure 3A - Proposed Aluminium Footbridge Image



Figure 3B - Proposed Aluminium Footbridge Image



Figure 3C - Proposed Aluminium Footbridge Image



3. Pile Types

As per the discussion for the Fishery Creek Bridge, using precast piles instead of bored piles provides advantages for the project.

4. Changing Wearing Surface of Bridge Deck

As per the discussion for the Fishery Creek Bridge, there are whole of life cost advantages by using concrete instead of asphalt.

A summary of Parts One and Two showing the possible cost savings from the Alternative Offer is provided in Table One.

Table One - Summary of Cost Savings from Alternative Offer (\$ Ex GST)

| Item | Savings | Tender |
|--|--------------------|-------------------|
| Conforming Tender Submission | | 74,278,874 |
| River Street and Fishery Creek Bridge | | |
| Controlled Modulus Columns (CMCs) | (1,300,000) | |
| Reduced earthworks | (1,050,000) | |
| Increasing the central span | (150,000) | |
| Pile type | (150,000) | |
| Changing wearing surface of bridge deck | (90,000) | |
| Tamarind Drive and Canal Bridge | | |
| River Oaks Estate – Open Drain | (2,700,000) | |
| Reduction of likely earthworks quantities in schedule of rates | (1,300,000) | |
| Shared Path Route | (850,000) | |
| Pile types | (850,000) | |
| Changing wearing surface of bridge deck | (90,000) | |
| Total Approximate Savings | (8,530,000) | |
| Less Rounding Adjustments | | (6,730) |
| Alternative Offer | | 65,742,144 |

The price for the Alternative Offer does not include the four laning of North Creek Road. This part of the project is not included in the Northern Rivers Resilience and Recovery Program grant funds and is separately assessed later in this report.

Part Three Negotiated Adjustments

Since the Extraordinary meeting negotiations have been held with the Tenderer.

A series of clarifications were issued to address key aspects of Council's Design and the Tenderer's Alternative Offer.

These clarifications were essential in aligning expectations and refining the scope of works.

The major components discussed included the following.

- retaining walls in River Street
- communications and stakeholder manager
- open drain design in Tamarind Drive and undergrounding overhead power
- CMCs
- driven concrete piles
- removal of propose westbound shoulder widening near Canal Bridge, eliminating the need for retaining walls
- bridge wearing surface
- footbridge location at Canal Bridge
- optional lighting provisions.

The outcomes of these discussions are not reported here, other than the extended use of CMCs. The negotiations listed provide savings of \$50,654.

Geotechnical Investigations to extend CMCs to Canal Bridge

In Part One, the use of CMCs for the Fishery Creek Bridge was discussed as part of the Alternative Offer.

This design option has also been assessed for the Canal Bridge.

Previously, following a tender process, Council authorised awarding Quickway (now the preferred Tenderer for the subject contract) a contract for preloading earthworks at the Canal Bridge site.

Land acquisition delays at Tamarind Drive meant, the earlier contract could not be awarded and have placed the preload earthwork activities on the critical path of the whole project.

Accordingly, this negotiation process has provided an opportunity to consider whether CMCs can be installed next to the proposed abutments at Canal Bridge.

CMCs at Canal Bridge would allow the bridge piling to commence without waiting for the initial settlement period of the preload.

However, the Tenderer is uncertain if CMCs are a viable solution, to transfer the load of the new embankment to the underlying strata. Therefore, additional geotechnical investigations are underway to verify the use of CMCs at Canal Bridge.

Also, it was agreed that Council would undertake geotechnical investigations for the aluminium bridges' foundations, along the alternate pedestrian shared path routes.

Completing this task, as soon as possible, allows for quicker finishing of the detailed design without impacting Council financially.

If preload earthworks are placed near the existing bridge, then its piles will settle.

This will lead to concrete cracking that can be managed but not resolved.

The use of CMCs would de-risk this issue by eliminating nearly all settlement at the existing bridge.

The use of CMCs would also allow for lighter spill-through abutments by decreasing horizontal stresses on the abutment piles.

Large precast aerated concrete blocks could be placed in lieu of traditional full height abutments.

The use of CMCs, alternative abutment arrangement and using a skewed bridge would allow the end spans of the proposed Canal Bridge to be shortened from 28 metres to 20 metres – a further financial benefit to Council.

In Council's design there is no retaining wall proposed along the embankments of Tamarind Drive, as there is at River Street.

10.1 Tender - Ballina Bridges Duplication - Construction

Therefore, the placement of CMCs across all the new embankment, does not bring the same benefits as would occur at River Street.

Due to their relatively high cost, CMCs would be installed at Tamarind Drive, only within 20 metres of the proposed Canal Bridge abutments.

Pricing of the CMCs is currently based on a nominal length and spacing.

If the further geotechnical investigations currently underway show CMCs are not viable, then plans will revert to using preload earthworks, which will be a significant negative impact on the critical path on the project.

The difference in cost between the early works option and the CMC option is \$1,159,350, with CMCs being more expensive.

Table Two updates the cost schedule provided in Table One. The CMC option is included in Table Two as it is the preferred approach if technically feasible to implement. This is because it reduces the program time and there is less risk associated with settlement.

Table Two - Revised Offer (\$ Ex GST)

| Item | Value |
|---|-------------------|
| Alternative Offer | 65,742,144 |
| Negotiated Adjustments | (50,654) |
| Sub Total | 65,691,490 |
| Add Early Works - CMCs and Earthworks at Canal Bridge | 3,346,583 |
| Revised Offer | 69,038,073 |

Subject to further geotechnical investigations it may be possible to reduce the proposed number and cost of CMCs by half, by using a cheaper 20-metre long retaining wall next to the abutment.

Part Four Optional Additional Works

During negotiations the following matters have been priced by the Tenderer. These options are additional to the scope of works required for the project.

Council may choose to include or exclude these items from the contract.

1) Repair of existing underpass on eastern side of Fishery Creek Bridge

The bank of the creek at the eastern abutment has no rock revetment and has eroded to such an extent that the existing concrete footpath and adjacent handrail under the existing bridge has begun to collapse into the creek.

As the Tenderer will be constructing similar works under the new bridge it is opportunistic to have this maintenance item at the existing bridge undertaken at the same time.

The cost of this item is \$108,058.

2) Revetment enhancements

Inspections of the existing banks at Fishery Creek Bridge and Canal Bridge were undertaken with the following findings.

- Fishery Creek Bridge – western side: rip rap (rock scour protection) between the boat ramp and the bridge is in a decent condition, however the loss of rocks is evident. This section of bank would benefit from a top-up of rip rap
- Canal Bridge – eastern side: the revetment wall has visibly slumped with loss of rocks
- Canal Bridge – western side: the revetment wall between the backwater channel and bridge footings is in a decent condition. There is not much of rip rap for the rest of the proposed area.

The cost of this item is \$346,142.

3) Communication ducts across Tamarind Drive east of Ferngrove Drive

The Tenderer did not price this segment of work during the Tender although it was in Council's Design.

As there are new drainage pipes to be installed across Tamarind Drive, placement of the conduits within the same widened trench is a cheap option for future signals at the intersection.

The cost of this item is \$7,786.

4) Extras for the Footbridge - Canal Bridge

The Alternate Offer has an aluminium ramp forming a new footbridge across the southern side of the existing bridge in lieu of Council's Design to relocate the existing footbridge currently on the northern side of the existing Canal Bridge.

The ramp finishes away from the desire line of pedestrians wanting to travel to and from Ballina Fair.

A set of stairs attached to the ramp would be beneficial.

Relocating the existing footbridge would have meant retaining the current clear width of 2.0 metres.

Instead, the new aluminium footbridges could be prefabricated slightly wider at 2.5 metres, which is more in keeping with long term active transport plans.

To balance the extra cost of the wider shared path bridges beside the existing bridge the proposed viewing platform on new bridge can be removed from Council's Design.

The cost of this item is \$168,389.

5) Drainage outlets mounted with tidal flaps

Tidal flaps are required at six proposed stormwater outlets which have gully pits below king tide levels. The standard drawing for tidal flaps had been omitted from the Tender drawings.

The cost of this item is \$187,289.

6) Eastbound slip lane on Tamarind Drive west of Ferngrove Drive

The original scope with Reconstruction Authority included constructing four lanes on Tamarind Drive west of the Ferngrove Road for 320 metres.

To reduce the proposed expenditure, Council's Design was amended so this section of road only requires an extension of the eastbound slip lane from 75 metres to 150 metres. Due to an uncertainty, the Tenderer did not price this item.

The cost of this item is \$680,117.

7) Additional drainage under Ferngrove Drive

Flood analysis of the area around Tamarind Drive near North Creek Road indicates the management of afflux requires an additional pipe across Ferngrove Drive.

Results indicate installation of 1,050 diameter pipe in addition to the existing 1,800 wide x 900 high box culvert will reduce upstream flooding.

The Tenderer has priced the alignment of the new pipe under the concrete pavement section and beside the existing culvert.

This portion of the scope is expensive as the trenching for the 1,050mm diameter pipe must be done around poles supporting 66kV and 110kV overhead power. The Tenderer has priced in risk accordingly. The alignment can be modified if it is cheaper and possible to weave it through the existing underground services.

There is an opportunity for Council's project team to explore an alternative delivery method to build this asset with reduced expenditure.

The cost of this item is \$798,308.

8) Airport Haul Road

A large portion of Ballina Shire is impacted by Acid Sulfate Soils (ASS), which significantly increases the cost of projects due to the need to cart to Queensland to dispose of treated material.

To address this ongoing cost, Council has investigated an option for ASS material to be used to rehabilitate the 12-hectare, water-filled sand quarry void near the airport. An access road will be constructed to the sand quarry, as a separate haul road from the airside boundaries of the airport.

10.1 Tender - Ballina Bridges Duplication - Construction

This proposal is novel, however discussions with the NSW EPA were positive, resulting in an amendment to the Airport Sandpit Environment Protection Licence to permit the use of Potential ASS (PASS), treated Actual ASS (AASS), and virgin excavated natural material for site rehabilitation works.

The Reconstruction Authority has also been consulted, and they are supportive of project funds being used to develop this site and operation because it provides benefits for the project and creates a legacy for the environmental management of future Council projects.

The approvals are subject to certain provisional arrangements available to the Reconstruction Authority as part of the flood recovery. The Reconstruction Authority has assisted Council in gaining permission from the NSW EPA.

Such approvals may not be available in the future and accordingly it is preferred to proceed now.

There are long term benefits to Council, separate from the Ballina Bridges project, in being able to fill the flooded sand pit.

- Provides a long-term (approx. 100-year) solution for managing ~10,000 tonnes of AASS/PASS generated annually
- Enables local disposal, reducing truck movements and eliminating the need to transport material to Queensland
- Supports future airport runway expansion by increasing the buffer zone by 55 metres.
- Reduces bird habitat near the airport, improving aviation safety.

The cost of this item is \$750,409. As for item 7, it is possible savings can be achieved if Council's internal work teams deliver this work.

Table Three is an update to Table Two, including the items listed, which are all recommended.

Table Three - Revised Tender Price with Options (\$ Ex GST)

| Item | Value |
|--|-------------------|
| Revised Tender | 69,038,073 |
| Repair of existing underpass on eastern side of Fishery Creek Bridge | 108,058 |
| Revetment enhancements | 346,142 |
| Communication ducts across Tamarind Drive east of Ferngrove Drive | 7,786 |
| Extras for the footbridge - Canal Bridge | 168,389 |
| Drainage outlets mounted with tidal flaps | 187,289 |
| Eastbound slip lane on Tamarind Drive west of Ferngrove Drive | 680,117 |
| Additional drainage under Ferngrove Drive | 798,308 |
| Airport haul road | 750,409 |
| Revised Tender | 72,084,571 |

Part Five North Creek Road

North Creek Road was listed in the tender as Optional Additional Work. The conforming bid is priced at \$4,105,159.90. The section of work covers:

- lane duplication in both directions
- extensive upgrade of the stormwater infrastructure along the street
- raising the Finished Surface Level above RL1.8m (nominal minimum flood height for the street)
- introducing a median
- shifting the eastern kerb to widen the road allowing on-road cycle lanes, and
- an indented bus stop.

There would be a ban on turning right in and out of Aldi at 2 North Creek Road. The project team is liaising with Aldi Food Pty Ltd about Aldi constructing a driveway onto Tamarind Drive. This plan would have the benefit of reducing patronage demand on the roundabout at the intersection of North Creek Road and Southern Cross Drive.

The full widening of North Creek Road would provide traffic, with travel in line, with a 1% Annual Exceedance Probability.

The road widening has been scheduled by the Tenderer to be mostly constructed at night. There is an opportunity for Council's project team to explore an alternative delivery method to build this asset at a lower cost.

Most of the traffic in North Creek Road currently travels in one lane in each direction.

There is enough existing road width to initially shift the two lanes onto the western side of the carriageway and construct the eastern side which needs its kerb re-aligned.

There would need to be a high degree of daily consultation with residents and businesses, which could be better managed by staging the construction works of the 240-metre segment 1/3 at a time.

This type of construction is usually better suited better for Council's internal work teams.

This work can be completed later, as it is entirely independent of the Tamarind Drive work.

Investigations have examined an interim upgrade, if it is preferred not to fund the full scope now.

The interim works involve changing the line marking and still provide four lanes of travel.

10.1 Tender - Ballina Bridges Duplication - Construction

This would be a significantly cheaper option but would not provide any improvement to flood immunity for the street.

This scope would also entail adding wings to several driveways to allow safe egress of vehicles to and from private properties.

There would be a ban on turning right in and out of Aldi at 2 North Creek Road. Aldi may choose to apply for a driveway into Tamarind Drive.

Council can select the scope, if any, for the North Creek Road upgrade. The prices for the two options are shown in Table Four.

Table Four - Cost Table with North Creek Road Options (\$ Ex GST)

| Item | Full Scope | Line Marking Only |
|---|-------------------|-------------------|
| Revised Tender (with all recommended options) | 72,084,571 | 72,084,571 |
| North Creek Road | 4,166,769 | 159,103 |
| Revised Tender incl North Creek Road | 76,251,340 | 72,243,674 |

Part Six Other Items

This section discusses risks and opportunities remaining in the project.

Adjustments to the Extent of Artworks

It is proposed there be one major artwork at each bridge. This has been considered by the Public Art Advisory Panel (PAAP). The artwork concept may be modified in response to feedback from the PAAP and other site considerations.

During negotiations it was decided to retain the concrete walkway on each existing bridge, rather than remove them. This will assist in the safety of personnel during maintenance.

Public safety will be addressed during the detail design phase.

There are also opportunities for five minor artworks on each bridge covering walkways, railing panels and precast and stamped or inlaid concrete.

Concept forms were presented to the PAAP and greater levels of detail are required before a final decision is made.

The Technical Specification provides specific details, which allowed the Tenderer to individually price their interactions with each artwork. Some of these will not be required, or will be modified, as details are developed.

The Tenderer has clarified its quote for artistic element in the precast retaining wall.

The proposed cost of this item has significantly increased to \$3,500/m² which is not considered suitable for the project's budget.

Power Relocations

To construct the open drain in Tamarind Drive, as nominated by the Tenderer, requires the undergrounding of twin 11kV overhead power lines.

As discussed, when the feasibility of the open drain was checked, it included a suitable alignment for the undergrounding of power.

Council's project team has initiated the design of the power relocation so that, in the event Council resolves to proceed with Tenderer's offer, the undergrounding is likely to be completed in 2025.

This timeline is in line with the Tenderer's program. However, there is a risk that the process with Essential Energy is delayed.

The Tenderer has submitted a Provisional Price to underground the power along the open drain of \$633,520.

To construct the embankments on River Street, some overhead power needs to be relocated.

Council's project team has initiated the design of this relocation so that, in the event Council resolves to proceed with Tenderer's offer, the task is likely to be completed in 2025.

This timeline is in sync with the Tenderer's program. However, there is a risk that the process with Essential Energy is delayed.

Relocation of the overhead power in North Creek Road, forms a third distinct design package for Council's electrical consultant and Essential Energy.

Due to the allocation of resources, there has been no progress on this package to date.

If the Optional Additional Work of North Creek Road proceeds, then it is probable the task will be completed within nine months of initiating the work. It is possible this timeframe will meet the Tenderer's program.

This information is reported to note the possible risks associated with this work, which relies on a third party.

Quantity of Unsuitable Material

To achieve the best risk allocation, Council has accepted the responsibility of paying for removing and replacing unsuitable material during earthworks, through a schedule of rates.

The main areas that are expected to impact this line item are preload earthworks, retaining wall in River Street, west of Fishery Creek Road, and stormwater drainage, that is below the groundwater table.

The accuracy of the volume of unsuitable material, placed into the start of the contract is low, therefore the project contingency has been adjusted to reflect this.

10.1 Tender - Ballina Bridges Duplication - Construction

Contract Works and Public Liability insurance

Typically, a Tenderer arranges and pays for contract works (CWI) and public liability insurance (PLI) in a construction contract.

However, for larger and more complex projects, there is an alternative option for government agencies to be responsible for this task.

Over the last few decades, the advantages of the two options have shifted dependent on the availability of insurance to the private sector compared to government.

Currently, both are able to source competitive or value for money options.

There are advantages and risks with either option.

- Council's insurance is purchased through a mutual and accordingly there can be some benefits in respect of how our interests are managed
- Insurance provided by a Contractor avoids any interface disputes between the works, Council and the insurer
- Council has obtained an indicative quote for the two insurances of \$695,000.
- The Tenderer has provided a price for CWI that includes PLI: \$548,195.

On balance, the price of the Tenderer supplied insurance means it is the preferred option.

Traffic Management

The construction of the bridges and the staging of the adjacent roadworks will impact traffic flow for the duration of the project. It is the norm for this type of work.

In a manner like passing an accident, when drivers pass a construction site that is immediately adjacent to a carriageway, they tend to slow down and become distracted. This is often due to curiosity, or to observe any ongoing construction activity.

Anti-gawk screens will be installed on the new bridge, after the girders are installed, however this is only possible at about the 50% completion mark.

Working at night, in an urban setting, has the disadvantage of disturbing the quietness of the night for residents adjacent to the site.

This is especially the case when onsite plant use bursts of noise, such as a reversing squawker, or the sudden closing of a tailgate.

The Tenderer has a straightforward staging plan to implement the main traffic switches from one side of the carriageway to the other.

The main difficulty for traffic will occur when two lanes need to be compressed into one lane and a sidetrack is not an effective mitigation.

10.1 Tender - Ballina Bridges Duplication - Construction

Examples of this problem on Tamarind Drive, are at the Kerr Street traffic signals and Ferngrove Drive roundabout.

There will need to be a balance between constricting a busy arterial road, particularly during peak hour and disturbing residents at night for many consecutive weeks.

The communications plan will be important to manage community engagement regarding this aspect of the work as it progresses.

Communications Resources

The Technical Specification included a requirement that the Tenderer must provide communications and engagement resources to manage stakeholders.

The Tenderer priced for a dedicated senior community management specialist and included telephone hotline, marketing collateral, community co-ordination and event management.

The price for this service was considered high even when covering both bridges and roadworks.

The financial assessment indicates it is preferred to achieve savings through Council directly employing communications and engagement resources to undertake this work.

Program

The Tenderer submitted the tender, with an alternative submission, with a proposed start of 15 August 2025 and Completion of 15 February 2027.

This program assumes the preload earthworks contract was let around the beginning of August 2025.

This is not the case due to the land acquisition delay.

There is a delay of up to four months in this activity.

The program attached with the introduction of CMCs at Tamarind Drive has a start date of 29 September 2025 and Completion of 2 June 2027.

As discussed, there is a possibility the CMCs at Fishery Creek may not be feasible.

The program submitted with this option has a start date of 26 September 2025 and a Completion of 6 August 2027.

Part Seven Contract Price Summary

Table Five provides a summary of the contract pricing considering all the previous information.

Where the report identifies choices for Council, these can be included and the price adjusted accordingly.

Table Five - Contract Price with Recommended Options (\$ Ex GST)

| Item | Value |
|--|-------------------|
| Conforming Tender Price | 74,278,874 |
| Savings in Alternative Offer (refer to Table One) | (8,536,730) |
| Sub Total | 65,742,144 |
| Negotiated Adjustments (refer to Table Two) | (50,654) |
| CMC's and Earthworks at Canal Bridge (refer to Table Two) | 3,346,583 |
| Sub Total | 69,038,073 |
| Optional Additional Works (Refer to Table Three except for the exclusions discussed below) | 817,663 |
| Revised Offer for Contract | 69,855,736 |

The items from Tables Three and Four not included in the above summary are as follows.

- Eastbound Slip Lane on Tamarind Drive West of Ferngrove – this work is estimated at \$680,117 by the Contractor and is required. It is expected that Council's internal resources can deliver this work for approximately \$200,000. This is the price included in the budget summary.
- Ferngrove Drive Drainage – this work is desirable; however it does not have to proceed now. The cost of this work in the tender is \$798,308, however Council's estimate is \$300,000 and this work can be delivered by our internal resources.
- Airport Haul Road – this work is estimated to be \$750,409 and is recommended. However, as for North Creek Road, it is preferred to further consider the procurement options for this work, as it is likely Council's internal resources can deliver this work at a reduced price.
- North Creek Road – There are two options for this work. An interim option is priced at \$159,103 or the full scope is priced at \$4,166,769 (plus property acquisition costs) in the tender.

Council can consider other procurement options for this work or defer this work until it has assessed the progress of the Contract and the forecast revenues into the Developer Contributions Plan.

The alternative procurement options can include using Council's internal resources to complete the work.

Part Eight Works on Private Land

In accordance with conditions of the project's Review of Environmental Factors (REF), Council is required to implement noise mitigation measures, where there is increased noise resulting from re-aligning traffic. The REF recommends At-Property Acoustic Treatment, as an effective mitigation, and this complies with the NSW Road Noise Policy.

On-site inspections and consultation with affected residents have identified the following noise mitigation work is required on private property.

- 26 Norlyn Avenue
Glazing of windows facing River Street
- 28 Norlyn Avenue
Installation of air conditioning in each unit's living space
Installation of solar power systems to offset energy usage
- 342 River Street
Installation of air conditioning in each unit's living space
Installation of solar power systems to offset energy usage
- 344 River Street
Installation of air conditioning in each bedroom and living space
Installation of solar power systems to offset energy usage.

No noise mitigation treatments are required at the Tamarind Drive / Canal Bridge site.

On Tamarind Drive a 25 metre section of the shared path adjacent to Ballina Fair Shopping Centre will be realigned. The new footpath is required to traverse the shopping centre's private property. Due to the existing back-water channel and the realigned southern footpath there are no alternative routes.

The section of path being realigned on private property is highlighted in red in Figure Four. The property owner has been consulted and has provided permission for the works to be undertaken.

Figure 4 - Realigned footpath near Ballina Fair Shopping Centre



10.1 Tender - Ballina Bridges Duplication - Construction

The estimated costs for the private works are noted in Table Five.

Table Six - Estimated for Works on Private Property (\$ Ex GST)

| Location | Amount |
|-----------------------------------|----------------|
| 26 Norlyn Ave, Ballina | 30,000 |
| 28 Norlyn Ave, Ballina | 25,000 |
| 342 River St, Ballina | 35,000 |
| 344 River St, Ballina | 20,000 |
| Ballina Fair footpath realignment | 20,000 |
| Total | 130,000 |

As these works will occur on private land, in accordance with Section 67(2)(b) of the Local Government Act 1993, a Council resolution is required to approve the work.

Sections 67(1) and 67(2) are reproduced as follows.

67 Private works

(1) A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.

Note--: Examples of the kind of work that a council might carry out under this section include--

- paving and roadmaking*
- kerbing and guttering*
- fencing and ditching*
- tree planting and tree maintenance*
- demolition and excavation*
- land clearing and tree felling*
- water, sewerage and drainage connections*
- gas and electricity connections.*

(2) A council must not carry out work under this section unless—

(a) it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or

(b) if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.

The recommendations to this report achieve compliance with Council's statutory obligations.

Part Nine Land Acquisition (Aboriginal Land Rights)

At the 22 May 2025 Ordinary meeting, Council considered a confidential report dealing with a land acquisition process that was impacted by an Aboriginal Land Claim.

Council's resolution in response to that report is progressing, with a draft framework deed almost confirmed with Crown Lands, for submission to the Minister for approval. The draft framework deed is consistent with the information in the confidential report.

To facilitate the award of this tender that is the subject of this report, if Council resolves to proceed, it is preferred to provide authority now for the General Manager to execute the framework deed, without further referral to Council, due to the delays associated with reporting.

The recommendations propose granting the authority for the Mayor and General Manager to sign and seal the framework deed once it has been approved by the Minister.

A further report will be prepared, if the final terms of the framework deed do not align with the direction in Council's previous resolution.

Financial / Risk Considerations

The key risks are design issues (errors or omissions that give rise to legitimate variations), latent conditions, delays beyond the control of Council or the Tenderer, delays by third parties (such as utility providers) and quantity estimates for the schedule or rate items.

Based on the information in this report (assuming the recommended options are selected), the budget position is as follows.

Table Seven – Total Project Budget (\$ Ex GST)

| Description | Amount |
|---|-------------------|
| Revised Offer for Contract as per Table Five | 69,855,736 |
| Eastbound Slip Lane on Tamarind Drive West of Ferngrove | 200,000 |
| Ferngrove Drive Drainage | 300,000 |
| Airport Haul Road | 750,409 |
| Design and other consultancies | 300,000 |
| Artwork | 400,000 |
| Geotechnical Investigations | 200,000 |
| Property acquisition and legal costs | 50,000 |
| Utility Relocation | 1,000,000 |
| Compensatory Planting | 244,000 |
| Mgmt, Administration, Comms, On Site Surveillance | 1,315,941 |
| North Creek Road (less property acquisition) | 4,166,769 |
| Contingency (6% of Revised Offer for Contract) | 4,191,379 |
| Revised Estimate | 82,974,234 |
| Add 2023/24 Expenditure | 1,700,000 |

10.1 Tender - Ballina Bridges Duplication - Construction

| | |
|---------------------------------|-------------------|
| Add 2024/25 Expenditure | 2,845,000 |
| Add 2025/26 Expenditure to Date | 300,000 |
| Total Project Budget | 87,819,234 |
| Rounded | 87,820,000 |

Of the total budget of \$87,820,000, with \$4,545,000 expended in previous years, this leaves \$83,275,000 to be expended in 2025/26 and 2026/27, based on a project completion date of approximately April 2027.

The \$4,545,000 expended in previous years has been funded as follows.

Table Eight – Previous Expenditure (\$ Ex GST)

| Year | Expended | Grant | Section 7.11 |
|--------------------|------------------|------------------|---------------|
| 2023/24 | | | |
| Fishery Ck Bridge3 | 930,000 | 930,000 | 0 |
| Canal Bridge | 745,000 | 745,000 | 0 |
| Evacuation Route | 25,000 | 25,000 | 0 |
| Sub Total | 1,700,000 | 1,700,000 | 0 |
| | | | |
| 2024/25 | | | |
| Fishery Ck Bridge | 971,000 | 971,000 | 0 |
| Canal Bridge | 1,528,000 | 1,528,000 | 0 |
| Evacuation Route | 284,000 | 284,000 | 0 |
| North Creek Road | 62,000 | 0 | 62,000 |
| Sub Total | 2,845,000 | 2,783,000 | 62,000 |
| Total | 4,545,000 | 4,483,000 | 62,000 |

The following funding is now available for the project

Table Nine – Funding Available (\$ Ex GST)

| Sources of Funding | Amount |
|---|-------------------|
| NRRRP - Original Grant – Balance Unexpended | 34,917,000 |
| NRRRP - Additional Grant | 8,000,000 |
| Developer Contributions held as at 30 June 2025 | 16,000,000 |
| Loan Funds included in the Long-Term Financial Plan | 5,000,000 |
| Total | 63,917,000 |

For the Road Developer Contributions figure held as at 30 June 2025, the 2025/26 budget includes an allowance of \$550,000 to be expended on Hutley Drive and the North creek Road Bridge.

The amount of Road Developer Contributions collected has averaged \$3.4m for the last four years, which means, assuming there is no significant variation to the recent collection rate, there should be approximately \$18m in contributions available, for at least the 2025/26 financial year (i.e. \$16m held, less \$550,000 for other projects, plus a conservative net \$2m), along with any interest generated on funds held.

If \$2m is added to the developer contribution figures of \$16m in Table Nine, the total funding available is now estimated at \$65,917,000 or \$66m rounded.

10.1 Tender - Ballina Bridges Duplication - Construction

This still leaves a shortfall of \$17m as compared to the total budget.

The NSW Reconstruction Authority has advised it is unlikely to provide more funds beyond the additional \$8m, included from the contingency of the Northern Rivers Recovery and Resilience Program, where the \$40m Commonwealth financial grant was provided.

The net grant figure for Council is \$39.4m as \$600,000 was deducted for the Reconstruction Authority to manage the program.

From a budget perspective, an important consideration is the contingency. The 6% applied has been developed as follows.

Approximately 4% (\$2,600,000) of the Contract Price is the variable Schedule of Rate items that may change during the contract.

The accuracy of the volume of unsuitable material placed into the start of the contract is considered low.

However, the sum of money involved is relatively small and an allowance of \$100,000 as possible additional cost is reasonable.

The majority of the outstanding design elements are the responsibility of the Contractor.

In these circumstances, a 6% contingency is recommended for this stage of the project.

Delivery Program Strategy / Operational Plan Activity

This project is consistent with Delivery Program Strategy LP1.2:

Facilitate connectivity and provide affordable infrastructure to meet growing demands

Community Engagement Strategy

The Canal Bridge and Tamarind Drive package was placed on public exhibition in November 2022 and Council adopted the concept plan in December 2022.

The Fishery Creek Bridge and River Street design package was exhibited in 2020, and Council adopted the Concept plan later that year.

The Review of Environmental Factors for both locations, encompassing all the most recent modifications, was displayed to the public in June 2025.

No issues were raised that required further assessment or re-design.

Council has undertaken a public tender process in accordance with the Local Government (General) 2021.

A Communication and Engagement Management Plan has been prepared for the project, and this will guide how we manage the extensive interactions with stakeholders and the community.

Options

As there are many different choices available to Council for the different elements of this project, the report has been structured to progressively develop the recommended options.

The key decisions are as follows:

- Scope of the Project
- Contingency of 6%
- Principal or Contractor Provided Insurance
- North Creek Road upgrade
- Shared path alignment for Tamarind Drive
- Asphalt or Concrete Wearing Surfaces
- Use of CMCs for Tamarind Drive instead of preloading.

It is an option for the Council to debate any of these or the other items discussed in the report

The difficulty now facing Council is the funding deficit of approximately \$17m.

Council does not hold any internal reserves of a scale that can help to offset this deficit.

The only real option is loan funding.

Currently there is \$5m in loan funds included in the Long-Term Financial Plan (LTFP) for this project.

That loan is based on a forecast interest rate of 6%, for a term of 20 years, resulting in annual repayments of \$436,000.

An increase in this loan to \$22m, would result in annual repayments of \$1.92m, which is \$1.482m per annum more than the current forecast.

Council is currently reviewing the Roads Developer Contributions Plan, and that review will allow Council to fund the future loan repayments from contributions collected, subject to the overall State Government contributions cap.

The concern with borrowing the full \$22m is that it will result in a large amount of the Roads Contributions collected each year being applied to the loan repayments, and it does create some risk that there may be an occasional short fall each year, resulting in the loan repayment having to be funded from revenue.

To reduce the overall scope of the project, the main item that can be deferred is North Creek Road, as this has no impact on the grant conditions and is independent to the other works.

This project can also be reassessed anytime during the next 12 to 18 months.

Based on the estimate outlined in this report, that would result in a total budget saving of approximately \$4.2m, plus an allocation of contingencies.

10.1 Tender - Ballina Bridges Duplication - Construction

This is the recommended approach resulting in the following scope and funding budget for 2025/26 and 2026/27.

Table Ten – Project Budget for 2025/26 and 2026/27

| Item | Amount |
|---|-------------------|
| Tota Project Budget as per Table Seven | 87,820,000 |
| Less Expenditure in Previous Years | (4,545,000) |
| Less Deferral of North Creek Road Plus Allowances | (4,275,000) |
| Revised Project Budget for 2025/26 and 2026/27 | 79,000,000 |

Table Eleven – Recommended Funding for 2025/26 and 2026/27

| Sources of Funding | Amount |
|--|-------------------|
| NRRRP - Original Grant – Balance Unexpended | 34,917,000 |
| NRRRP - Additional Grant | 8,000,000 |
| Developer Contributions held as at 30 June 2025 | 16,000,000 |
| Developer Contributions to be collected, including an allowance for rounding | 2,083,000 |
| Loan Funds included in the Long-Term Financial Plan | 5,000,000 |
| Additional Loan Funds | 13,000,000 |
| Total | 79,000,000 |

The break down between 2025/26 and 2026/27 can be included in the next quarterly status report on the capital works program.

The total borrowing of \$18m is significant, however the developer contributions do provide a funding source for the loan repayments, albeit that means that there will be a lower level of contributions available for other projects in the Roads Contribution works plan.

If Council's prefers to manage project risk, cashflow, and impacts on the community from the construction differently to the recommendations, there are a range of options to change the scope of the project such as proceeding with only one bridge (with or without other works).

If this is the preferred direction of Council, the recommended process would be to defer awarding a contract until the Council has had the opportunity to consider a further report which examines the different options.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender (as amended as detailed in the above report) and awards the contract to Quickway Constructions for the Tender – Ballina Bridges Duplication – Construction for \$69,856,000 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

10.1 Tender - Ballina Bridges Duplication - Construction

3. The Council endorse, for budget purposes, a contingency sum for the project of 6% of the revised contract price.
4. That Council confirms the scope and funding for the project for 2025/26 and 2026/27, is as per Tables Ten and Eleven in this report.
5. The award of the Contract is deferred until the Reconstruction Authority confirms the Government commitment of the additional \$8m for the project.
6. Council endorses the changes to the scope of the project, the design and the construction methodology as detailed in the report, including the deferral of the North Creek Road works.
7. That the Mayor and General Manager be authorised to sign and seal the framework deed to manage the land acquisition associated with the Aboriginal Land Claim previously reported to Council, subject to the framework deed complying with the current resolution of Council.
8. That Council does not proceed with the resolution from the 24 April 2025 meeting to award to Quickway Constructions a contract for embankment construction and preloading at Tamarind Drive. Council records the reason for this decision is the proposal to use an alternate form of construction as per the information in the above report. This alternate form of construction is subject to the results from further geotechnical investigations. However, if required, it remains an option for the works proposed in the previous tender to be included in the contract in point one above instead of the alternate proposal, without a budget impact.

Attachment(s)

Nil

10.2 Ballina Wastewater Treatment Plant - Back Up Generator

10.2 Ballina Wastewater Treatment Plant - Back Up Generator

| | |
|----------------|----------------------|
| Section | Water and Wastewater |
|----------------|----------------------|

| | |
|------------------|--|
| Objective | To gain Council approval for funding of the replacement of a generator at the Ballina Wastewater Treatment Plant damaged in the 2022 flood so that the works can be undertaken as soon as possible whilst funding is pursued from the NSW Reconstruction Authority |
|------------------|--|

Background

The back-up generators at the Ballina Wastewater Treatment Plant (WWTP) were badly damaged during the 2022 flood event and have been inoperable since then.

The State Government, through their flood recovery program, administered by the NSW Reconstruction Authority and delivered by NSW Public Works Advisory had included the provision of a replacement generator in the package of works for Council.

That project is one of several that are now on hold pending confirmation of the availability of sufficient funding.

Enquiries to the Reconstruction Authority and a letter from the Mayor to the relevant Minister have not yielded any satisfactory response as to whether the project will proceed at all, let alone a timeline of when it might be delivered.

It is therefore recommended that Council include a project in the capital works program to replace the generator and continue to pursue recovery of the costs from the State Government.

Key Issues

- Currently no back up power source available to the Ballina WWTP
- State Government included replacement of the generators in the flood recovery program, but the project is now on hold indefinitely (along with others) due to funding concerns across the entire program
- Reconstruction Authority cannot provide any timeline
- Increased risk of overflow events resulting in breach of Council's EPA Licence

Discussion

Back-up power supply is an integral part of any WWTP. The 2022 flood event damaged the generators at the Ballina WWTP beyond repair and they have been inoperable since.

As such, the plant is unable to operate and treat wastewater during periods of interruption to electricity supply.

10.2 Ballina Wastewater Treatment Plant - Back Up Generator

Most recently there was an interruption in the week of 18 August 2025, which coincided with an extended period of wet weather.

When electricity supply is unavailable, all inflow to the treatment plant is diverted to the storm pond.

The storm pond was already at capacity due to the significant inflows from the wet weather and therefore an overflow/pollution event was triggered.

This creates a breach of Council's Environmental Protection Licence and triggers requirements for testing and reporting to the EPA. Had the back-up generator been available, no overflow would have occurred.

The decision of the Reconstruction Authority to postpone indefinitely this project (and others across the region) places Council in a difficult position.

Council has made representations to the Reconstruction Authority to reconsider their position with no success.

A copy of the letter from the Reconstruction Authority is included as Attachment 1 to this report.

The Mayor also wrote to the NSW Premier in June 2025 about the matter. Attachment 1 includes a copy of the Mayor's letter. No response has been received to this correspondence.

As per the Mayor's letter, the reasons provided by the Reconstruction Authority to withdraw promised funds are unsatisfactory.

The Reconstruction Authority claim the projects in the program were prioritised and ranked due to budget constraints. However, Council was not consulted regarding the process to rank the projects.

The delivery of this program has been delayed for more than two years.

Council staff regularly raise concerns to NSW Public Works in respect to these delays.

The cost escalation from the delays is a major reason for the pressure on the program budget.

In hindsight, the preferred delivery method for this project would have been for the program to enable Council to undertake the procurement.

There was also an early option to claim the value of the existing generators under insurance, however the preference was to wait for the Reconstruction Authority to fund the new generator once their commitment was known.

The Mayor's letter also notes that if Council is now required to fund the project, the cost escalation from the delay is a further cost to Council.

Furthermore, there is an argument that the cost of the project could be managed within the contingency planning for the program, which has an overall budget of \$180 million.

10.2 Ballina Wastewater Treatment Plant - Back Up Generator

The Reconstruction Authority allocated a budget of \$998,553 for the replacement of the two damaged generators at the Ballina WWTP and to supply an additional generator at the Alstonville WWTP

Alstonville does not have a permanent generator on site, relying on a portable generator, if required.

The proposal at Ballina WWTP involves providing a single larger sized generator to replace the two smaller generators and making provision for an additional portable generator to be brought in and connected if required.

A preliminary cost estimate for this work at the Ballina WWTP is approximately \$500,000 to \$600,000.

As well as the purchase and installation of a new generator, there is a roofed enclosure to be provided and substantial electrical work to facilitate connection of a portable generator if required in the future.

There is currently no ability to connect a portable generator at the Ballina WWTP.

As such Council has the following options to consider in managing this situation.

Option 1 – Do nothing and wait for the Reconstruction Authority to decide if the project will be delivered through their program. No date has been provided as to when a decision is likely to be made, and that decision could be that there is no funding available for the project.

Option 2 – Council funds the works and replaces the generators at the earliest possible time thus reducing the risks of further pollution events.

Council would continue to seek undertakings from the Reconstruction Authority that the cost of the works would be reimbursed to Council once funding is confirmed, albeit there would no guarantees this would occur.

Delivery Program Strategy / Operational Plan Activity

The provision of water and wastewater services to our community in line with our regulatory licenses is part of:

Direction 1 – Healthy Environment

and there are specific activities listed in

Strategy HE3.2 Minimise negative impacts on the natural environment.

Community Engagement Strategy

There is no requirement for community engagement on this issue.

It is an operational issue that needs to be addressed between Council and the NSW Reconstruction Authority to ensure the earliest possible replacement of the generator at the Ballina WWTP

Financial / Risk Considerations

There is a risk that the Reconstruction Authority may cancel the project altogether and not make funding available. There are sufficient Wastewater cash reserves to fund the acquisition

Options

Option 2 is the preferred approach. This allows the generators to be replaced and to reduce the risk of sewage overflows from the Ballina WWTP. Council would potentially be reimbursed for the cost of the works when funding is made available. Assurances in this regard will be sought from the Reconstruction Authority before work commences, although they may not be given.

Options 1 is not considered suitable as there is no timeline as to when a decision will be made, let alone when the project might commence. The decision could also be that there is no funding available.

RECOMMENDATIONS

1. That Council note the contents of this report, including the information that there is a risk of licence breaches occurring at the Ballina Wastewater Treatment Plant, due to electricity supply interruptions.
2. That Council include a project in the current in the current capital works program to replace the generators at the Ballina Wastewater Treatment Plant, including provision for a portable generator to be connected to the treatment plant as a back-up for the main generator. The estimated cost for this project is \$500,000 to \$600,000.
3. The funding for the project is to be sourced from Council's Wastewater cash reserve, with an allocation be included in the September 2025 Quarterly Budget Review.
4. That Council continue to seek assurances from the State Government and Reconstruction Authority that reimbursement of the cost of the project will be made to Council at the earliest opportunity once funding is made available.
5. That Council continue to make representations to the State Government and the NSW Reconstruction Authority to expedite the decision to make funding available for the project.
6. That the representations note that Council has relied on the State Government's announced commitment to fund the project, and it is unreasonable for Council to incur the impacts of the cost escalation associated with the long delay to the project delivery when the State Government was responsible for this delivery.

Attachment(s)

1. Letter to Premier of NSW - 2022 Flood Recovery Projects - Ballina and Alstonville Wastewater Treatment Plants [⇒](#)

11. Notices of Motion

Nil Items

12. Advisory Committee Minutes

Nil Items

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 August 2025 Ordinary meeting are as follows:

| <u>Date</u> | <u>Meeting</u> |
|-----------------|--|
| 29 August | Business NSW Regional Leaders Summit |
| 30 August | A Ward - Community Connections Expo |
| 30 August | Wardell River Festival and Wardell Community Green Space opening |
| 30 August | Rainbow Region Dragon Boat 2025 Regatta - trophy presentations |
| 30 August | Rainbow Region Dragon Boat 2025 Regatta - dinner |
| 31 August | Ballina Legacy Wreath Laying Ceremony and Luncheon |
| 31 August | Rainbow Region Dragon Boat 2025 Regatta - presentation |
| 1 September | Fundraiser for Our Kids - Carpenters show |
| 1 September | Councillors and Executive Team meeting |
| 2 September | Community Safety Precinct Committee meeting |
| 3-5 September | 2025 Australian Mayors Summit Against Antisemitism |
| 6 September | Lennox Saints AFL presentation |
| 8 September | Australian Coastal Councils Association (ACCA) meeting |
| 8 September | Visit to BCHS - Peter Howes, Principal |
| 8 September | Country Mayors Association (CMA) Executive meeting |
| 8 September | Councillors and Executive Team meeting |
| 8 September | DCCEEW Planning, Offsets and Threatened Species and Ecosystems (POTSE) division meeting on the Southern Cross industrial project |
| 9 September | Meeting with resident |
| 9 September | A Ward Committee meeting |
| 10 September | Cr Briefing - Draft Biodiversity Development Control Plan |
| 10 September | Cr Briefing - Tuckombil Quarry |
| 11 September | C Ward Committee meeting |
| 12 September | Ngunya Jarjum 30 th Anniversary Gala Dinner |
| 15 September | Northern Regional Planning Panel Briefing |
| 15 September | Councillors and Executive Team meeting |
| 15 September | C Ward Committee meeting |
| 16 September | Centenary of Bubsie's 1925 missionary journey |
| 17 September | Rous County Council Workshop |
| 18-19 September | NSW Police 'Behind the Blue' Program |
| 20 September | Ballina Emergency Management Expo |
| 22 September | Cr Briefing - Richmond Tweed Regional Library Independent Review |
| 22 September | Councillors and Executive Team meeting |
| 22 September | Ordinary meeting business paper review |
| 23 September | Ballina Shire Audit Risk and Improvement Committee meeting |
| 23 September | Liquor & Gaming NSW Community Engagement meeting |
| 23 September | Emmanuel Anglican College Class of 2025 Valedictory Ceremony |
| 22 September | Northern Rivers Resilience Initiative meeting with CSIRO and NEMA |
| 24 September | Northern Rivers Community Dinner with Chancellor McPhee AM, SCU |
| 25 September | Ordinary meeting |

RECOMMENDATION

That Council notes the contents of the report on Mayoral meetings.

13.1 Mayoral Meetings

Attachment(s)

Nil

13.2 Deputy Mayoral Meetings

13.2 Deputy Mayoral Meetings

Councillor

Damian Loone

Activities I have attended, or propose to attend, as at the time of writing this report, since the August 2025 Ordinary meeting are as follows:

| <u>Date</u> | <u>Meeting</u> |
|--------------|--|
| 30 August | A Ward - Community Connections Expo |
| 2 September | Community Safety Precinct Committee meeting |
| 5 September | Beer & Beef Club guest speaker |
| 9 September | A Ward Committee meeting |
| 15 September | Northern Regional Planning Panel Briefing |
| 18 September | Holy Trinity guest judge Richmond Zone public speaking competition |
| 18 September | Rotary Vocational Service Awards (RSL) |
| 20 September | Ballina Emergency Management Expo |
| 25 September | Ordinary meeting |

RECOMMENDATION

That Council notes the contents of the report on Deputy Mayoral meetings.

Attachment(s)

Nil

13.3 Australian Coastal Councils Conference

13.3 Australian Coastal Councils Conference

Councillor

Sharon Cadwallader

2025 Australian Coastal Councils Conference - 30 July 2025 to 2 August 2025

Report from Mayor Cadwallader, Deputy Mayor Loone and Councillors Bailey and Kinny

Councillor Comments

The 2025 Australian Coastal Councils Conference was convened by the Australian Coastal Councils Association Inc. at the Mantra Mooloolaba Beach, Mooloolaba, on the Sunshine Coast, Queensland on 31 July and 1 August 2025.

It was attended by representatives of coastal councils from around the country, in addition to members of the coastal research community and representatives of relevant government agencies. The conference was hosted by Sunshine Coast Council.

Highlights of the 2025 conference included the following:

- Rebuilding for Resilience after Extreme Weather Events – The lessons learned from Cyclone Alfred and the need to focus on long-term resilience in the reconstruction process. Mr. Jimmy Scott, General Manager of Integration & Coordination, Queensland Reconstruction Authority.
- Cyclone Alfred Exposes Weaknesses in Australia's Vital Infrastructure - The need to adopt an approach that emulates the forms, processes and systems found in nature to build resilience to future extreme weather events. Presented by Professor Cheryl Desha, Science and Innovation Director, Natural Hazards Research Australia.
- Sustainable Coastal Tourism – Presented by Professor James Higham, Distinguished Professor, Department of Tourism and Marketing, Griffith University. Tourism is evolving more dynamically than ever, raising the challenges of rapidly changing patterns of visitor demand and visitor behaviour. For coastal councils this means finding ways to manage increasing numbers of tourists in iconic but fragile coastal locations and dealing with the potential negative impacts of overtourism.
- The Power of Local in a Shared Responsibility for Healthy and Resilient Coastlines – Presentation by Dr Dave Moore, Manager Environment and Sustainability Policy, Sunshine Coast Council.
- Sustainable Ocean Plan – Presentation by Matt Flood, Director, Sustainable Ocean Plan Taskforce, Commonwealth Department of Climate Change, Energy, the Environment and Water.

13.3 Australian Coastal Councils Conference

- Short-term Rentals in Urban and Coastal Communities: Impacts and Policy Responses – Presentation by Nicole Gurran, Professor of Urban and Regional Planning, at The University of Sydney. Professor Gurran released the findings of a new study which updates and extends the landmark research report, Planning responses to online short-term holiday rental platforms, which was released in 2018.
- Coastal Policy Forum – Delegates considered priority coastal issues and proposed future directions at a coastal policy forum held on Friday 1 August. The delegates, representing coastal councils and other coastal stakeholders from around Australia, subsequently endorsed the need for key initiatives set out in the 2025 Mooloolaba Communiqué, which is included in the following pages.

MOOLOOLABA COMMUNIQUÉ

On 1 August 2025 the Australian Coastal Councils Association Inc. consulted with delegates attending the 2025 Australian Coastal Councils Conference at Mooloolaba, Queensland, to identify issues of current concern to councils in Australia's coastal areas. The priority issues and proposed future directions were presented at the Conference.

The delegates, representing coastal councils and other coastal stakeholders from around Australia, unanimously endorsed the need for the following key initiatives:

- A National Coastal Adaptation Strategy
- A National Coastal Adaptation Fund
- A Ministerial portfolio that includes specific responsibility for Coasts

Communiqué

We call on the Australian, State and Territory Governments to work with the local government sector to adopt and implement a coordinated national response to coastal climate risks and other coastal hazards.

The Coastal Hazards Working Group representing all jurisdictions (formed in 2019 by the Meeting of Environment Ministers to provide advice on managing coastal hazards in Australia), released a report titled Towards A National Collaborative Approach to Managing Coastal Hazards in Australia.

This report set out a number of key recommendations which were submitted to the National Energy and Climate Change Ministerial Council.

Two of these recommendations, strongly endorsed for action by ACCA, are:

- Develop a National funding program to support local and regional coastal hazard risk management, including the areas of essential data, risk assessment, planning, adaptation actions, monitoring, education and communication.
- Develop a national Coastal Hazards Adaptation Strategy. The strategy will establish a national approach to coastal hazards management, setting an agenda for integrated and coordinated national action to address and manage coastal hazards over the next 15 years.

13.3 Australian Coastal Councils Conference

We call on the Australian Energy and Climate Change Ministerial Council to adopt these two key recommendations. The scale and impact of coastal hazards along Australia's vast coastline requires a national approach, national leadership and national funding. We therefore call on the Australian Government to appoint a Minister with specific portfolio responsibility for our Coasts.

Coastal Councils across the nation need an authorising environment to get on with mitigation and adaptation. They need equitable governance frameworks and ways to integrate caring for sea country knowledge and cultural connections of First Nations people. We need coordinated consultation and collaboration with the States and Territories to build resilient, adaptive coastlines and communities.

Conclusion

Climate science has provided us with excellent projections of the impacts of storm surges, erosion, sea level rise and disasters on our national coastline. Inaction is not an option.

The ACCA and the Coastal Hazards Working Group agree the key to adopting a national response is a National Coastal Adaptation Strategy and Fund.

So, we know what needs to happen to tackle this rapidly developing crisis and therefore call on the Australian, State and Territory Governments to make it happen.

RECOMMENDATION

That Council notes the contents of this report on the 2025 Australian Coastal Councils conference.

Attachment(s)

Nil

14. Confidential Session

14. Confidential Session

Nil Items