

Agenda

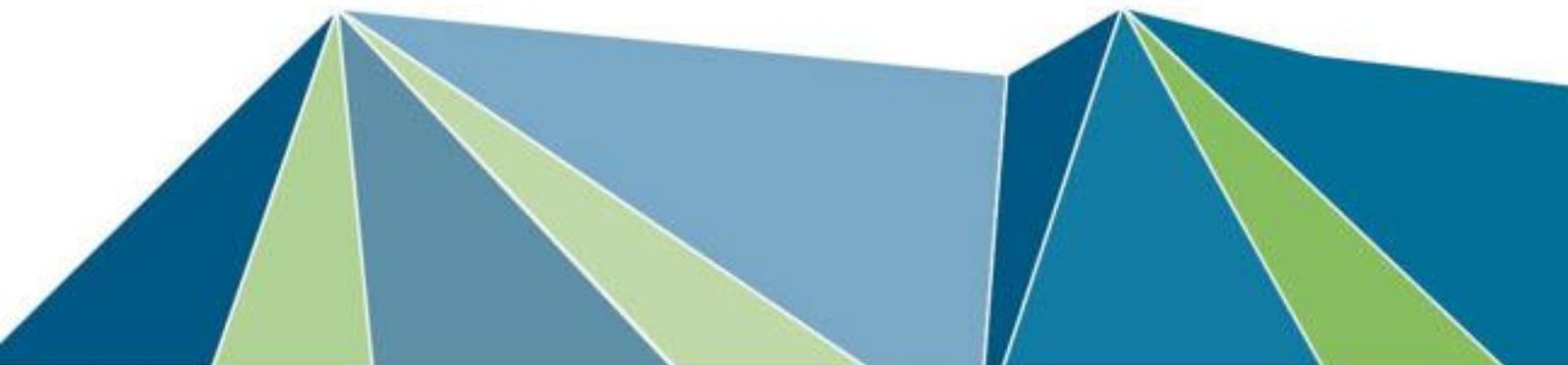
Ordinary Meeting **26 February 2026**

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **26 February 2026 commencing at 9:30 AM.**

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

Matthew Wood
Acting 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 (e.g. 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 (e.g. 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)

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.
- A person must not livestream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

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 6. Mayoral Minutes
-

1. Australian National Anthem

The National Anthem will be played.

2. Acknowledgement of Country

In opening the meeting, the Mayor will provide an Acknowledgement of Country.

We acknowledge the Nyangbul peoples of the Bundjalung nation, the traditional custodians of the land on which we meet today and pay our respects to their Elders, past and present.

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 11 December 2025 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 11 December 2025.

5. Declarations of Interest and Reportable Political Donations

6.1 Mayoral Minute - Coastal Hazards Adaptation Strategy

6. Mayoral Minutes

6.1 Mayoral Minute - Coastal Hazards Adaptation Strategy

Councillor

Sharon Cadwallader

I move:

That Council calls on the Australian Government to establish a National Coastal Hazards Adaptation Strategy with an associated funding program to enable the local government sector to mitigate the increasing risks associated with projected sea level rise and the increasing intensity and frequency of extreme weather events.

Mayoral Comments:

Each year thousands of Australians are exposed to the threat of inundation associated with rising sea levels, and more frequent and severe extreme weather events. The Australian coast is one of the nation's most highly valued social, economic and environmental assets. It is home to our state capital and to more than 85% of our population. A national Coastal Hazards Adaptation Strategy and associated funding program, involving the Federal, State and Territory and local governments, is required to respond effectively to the significant risks associated with projected sea level rise and more frequent and severe extreme weather events.

The National Coastal Hazards Adaptation Strategy and associated funding program will deliver against the 2015 Productivity Commission Inquiry into National Disaster Funding, which recommended funding of up to \$200 million per year on disaster resilience, with matching funding provided by the states and territories. This proposal is supported by the Insurance Council of Australia's 2022 report Building a more resilient Australia, which called for increased investment in resilience and climate adaptation funding.

The National Coastal Hazards Adaptation Strategy and associated funding program will help curb the devastating impacts of natural hazards by investing in resilience infrastructure projects, including flood levees, seawalls, firebreaks, constructed wetlands and reefs. The investments through the National Coastal Hazards Adaptation Strategy and associated funding program will help to address spiralling insurance premiums in disaster-prone areas and will materially assist councils to better manage the impact of sea level rise and more frequent and severe extreme weather events.

RECOMMENDATION

That Council calls on the Australian Government to establish a National Coastal Hazards Adaptation Strategy with an associated funding program to enable the local government sector to mitigate the increasing risks associated with projected sea level rise and the increasing intensity and frequency of extreme weather events.

6.1 Mayoral Minute - Coastal Hazards Adaptation Strategy

Attachment(s)

Nil

6.2 Mayoral Minute - Paving Options

6.2 Mayoral Minute - Paving Options

Councillor

Sharon Cadwallader

I move:

That Council investigates cost effective paving options suitable for dancing in the area immediately in front of The Wharf Bar and Restaurant, Ballina and report the findings to Council.

Mayoral Comments:

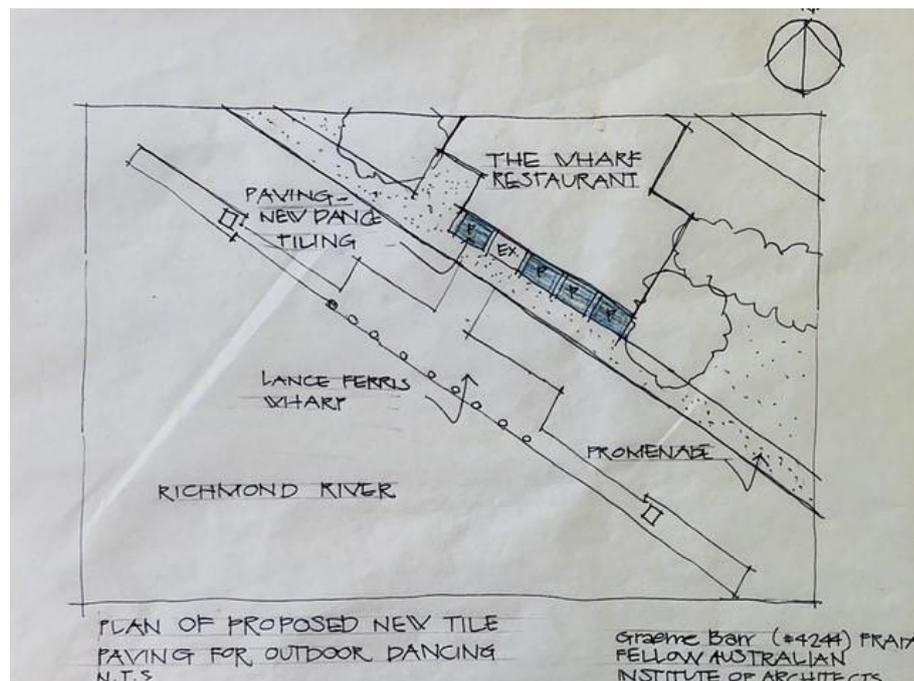
A new salsa dance activity started on Friday nights in November 2025 at The Wharf Bar and Restaurant just off the promenade in Ballina.

As a result of the popularity, the dance community are requesting a change to some of the paving in front of the restaurant between the south wall and the edge of the promenade to a non-slip tile, that is not as rough as the present paver which has damaged the shoes of dancers. It is anticipated this will encourage and proliferate dancing due to a more conducive dance tile.

Dance events are very popular along the coast of NSW with Byron Bay and Port Macquarie holding annual fiestas, and they are in the major cities such as Sydney, Brisbane, Melbourne, Gold Coast and more. Dancers come from all over Australia to these events and from overseas. They are valuable tourist attractions.

There are also swing, zouk, rock n roll, tango and other forms of dancing which attract big followings in our area and surrounds. While salsa is the only dance currently happening one night a week, other dance forms could use the space on other nights of the week as well.

A sketch showing the proposed area for new dance tiling is below.



6.2 Mayoral Minute - Paving Options

Image of area:



RECOMMENDATION

That Council investigate cost effective paving options suitable for dancing in the area immediately in front of the leased area of The Wharf Bar and Restaurant and report the findings to Council.

Attachment(s)

Nil

7.1 **DA 2025/126 - 23 Compton Drive, East Ballina**

7. **Planning and Environmental Health Division Reports**

7.1 **DA 2025/126 - 23 Compton Drive, East Ballina**

Applicant	K Daley
Property	Lot 100 DP 1281381, Lot 3 DP 525783, 23 Compton Drive, East Ballina
Proposal	Demolition of an existing restaurant and construction of a two-storey dwelling house, and associated earthworks, retaining walls, vegetation removal and revegetation works
Effect of Planning Instrument	The lands are zoned R2 Low Density Residential under the provisions of the Ballina LEP 2012 and the 2(a) Living Area and 7(d) Environmental Protection (Scenic/Escarpment) under the provisions of the Ballina LEP 1987

Introduction

The subject site is formally described as Lot 100 DP 1281381 and Lot 3 DP 525783. The site has a total site area of 679.7m² and has frontage to the unformed Coogee Street to the west, which contains the Shaws Bay stairs and public amenities, and Compton Drive to the south-east.

The location of the site is shown in Figure 1 and Attachment 1.

A planning proposal to rezone the land to permit the erection of a dwelling house on Lot 3 was finalised 19 February 2021 via amendment No. 49 to the Ballina Local Environmental Plan (BLEP) 2012. Site specific development controls were included in the Ballina Development Control Plan (BDCP) 2012 to compliment the desired outcome of the planning proposal.

In March 2022 Council sold Lot 100 to the land owner of Lot 3.

Council is in receipt of DA 2025/126 for the demolition of an existing restaurant and construction of a two-storey dwelling house on the subject land.

The proposed development seeks variations to the Special Area Controls for Lot 3 DP 525783, the minimum setbacks, and articulation zone for Lot 100 DP 1281381 and the solar access, vehicular access and parking, earthworks and slope sensitive design controls for the entirety of the site under the BDCP 2012.

The application is being reported to Council for determination due to the complex nature of the site, its history, site specific controls and the extent of requested variations.

7.1 DA 2025/126 - 23 Compton Drive, East Ballina

This report provides a brief assessment of the key planning considerations relevant to the proposed variations to the BDCP 2012. The full 4.15 assessment report is contained in Attachment 2.

In addition, a brief assessment of the relevant matters of the proposal under Section 4.15 of the Environmental Planning and Assessment Act (EP&A Act) 1979 is included.

A full assessment of the DA against the relevant matters for consideration under Section 4.15 of the EP&A Act 1979 is provided at Attachment 2.



Figure 1: Aerial view of the site (subject land comprises two lots, 23 Compton Drive, Street as marked)

Details of the Proposal

The development application seeks consent for the following (as shown on the proposed plans in Attachment 3)

- demolition of the existing building
- construction of new dwelling house including new retaining walls, earthworks, tree removal and ecological works

Dwelling House and Associated Infrastructure

The proposed two-storey dwelling house will be constructed with a 0.0m setback to the Compton Drive road reserve, and will have a height of 5.925m above existing ground level (approximately 12.035m AHD).

The dwelling house consists of a double garage, two storage rooms, laundry, entry, entry patio, and patio/fernery, on the first storey, and kitchen, living/dining, verandas, three bedrooms, ensuite and walk in robe, bathroom, water closet, courtyard and alfresco dining space on the second storey.

The development will have GFA as follows:

Downstairs (inc. stairs): 84.03m²

Upstairs: 145.78m²

Garage: 48.34m²

Downstairs Patios: 21.52m²

Upstairs Verandas & Patio "Bridges": 35.06m²

Total GFA: 229.81m²

The proposed dwelling house will have a double garage to provide covered car parking for two cars behind the building line on the site. A new driveway crossover is proposed for the dwelling house from Compton Drive.

Earthworks and Retaining Walls

The submitted Geotechnical Report requires the construction of a new retaining wall behind the existing failing retaining wall on the site. A second retaining wall is proposed for structural integrity above the new retaining wall for enhanced land slip protection.

Vegetation Management Works

The development proposes the removal of two native trees consisting of Tuckeroos and includes replanting at a rate of 10:1. A Vegetation Management Plan has been submitted with the application and outlines the proposed area of replanting.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition from 15 May 2025 to 12 June 2025 in accordance with Council's Community Participation Plan.

A total of two submissions were received. One submission was in objection to the proposal, and one objection raised concerns regarding the proposed development and its potential impacts on surrounding properties.

A summary of the submissions and responses to the matters raised is provided in the Section 4.15 Assessment Report in Attachment 2.

Copies of the public submissions received are contained in Attachment 4.

Applicable Planning Instruments

The proposed development is subject to both the Ballina Local Environmental Plan 2012 (LEP), being partly zoned R2 Low Density Residential and the Ballina Local Environmental Plan 1987, being partly zoned 7(d) Environmental Protection (Scenic/Escarpment) and 2(a) Living Area, as well as the Ballina

7.1 DA 2025/126 - 23 Compton Drive, East Ballina

Shire Development Control Plan 2012 (DCP) and a number of State Environmental Planning Policies.

A full assessment of the proposal against statutory provisions applying to the proposal is set out in the 4.15 Assessment Report in Attachment 2.

In summary, with respect to the relevant LEPs and DCP, the proposed development is permissible in the R2 Low Density Residential Zone, and the 7(d) Environmental Protection (Scenic/Escarpment) Zone, and aligns with the objectives of the DCP including those specifically relating to the Special Area Considerations.



Figure 2: Zoning Map

Report

Matters for Consideration

The proposed development has been assessed under the heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979. The assessment has identified the following key issues in relation to this development application, which are elaborated upon for the consideration of the elected members of Council.

This report should be read in conjunction with the attached Section 4.15 assessment report.

Section 4.15(1)(a)(i) provisions of any environmental planning instrument

Relevant State Environmental Planning Policies (SEPP's)	
<ul style="list-style-type: none"> • SEPP (Resilience and Hazards) 2021 • SEPP (Transport and Infrastructure) 2021 • SEPP (Sustainable Buildings) 2022 	<p>The development satisfies the relevant matters for consideration of the applicable SEPP's and conditions of consent can be imposed to satisfactorily address matters arising under these policies. A detailed assessment for each applicable SEPP is provided in Attachment 2.</p>
Local Environmental Plans	
<ul style="list-style-type: none"> • Ballina Local Environmental Plan 2012 	<p>The site is partly zoned R2 Low Density Residential under the BLEP 2012 and dwelling houses and associated infrastructure are permitted with consent in this zone. The proposal is consistent with the aims of the LEP and the objectives of the zone. The proposal also has regard to the relevant additional local provisions of the LEP.</p>
<ul style="list-style-type: none"> • Ballina Local Environmental Plan 1987 	<p>The site is partly zoned 2(a) Living Area Zone and 7(d) Environmental Protection (Scenic/Escarpment) Zone, under the BLEP 1987. The proposed development is located outside of the 2(a) Living Area Zone and accordingly, an assessment has not been carried out against this zone. Dwelling houses and associated infrastructure are permitted with consent in the 7(d) Environmental Protection (Scenic/Escarpment) zone. The proposal is consistent with the aims of the LEP and the objectives of the zone. The proposal also has regard to the relevant specific provisions of the LEP.</p>

Section 4.15(1)(a)(ii) the provisions of any proposed instrument

No draft instruments apply to the proposed development.

Section 4.15(1)(a)(iii) provisions of any development control plan

Chapters 2, 2A, and 4 of the DCP apply to the proposed development. A number of DCP variations have been requested, as follows:

- Chapter 4 – Residential and Tourist Development – Part 4 – Special Area Controls – Section 4.8 – 23 Compton Drive, East Ballina
- Chapter 4 – Residential and Tourist Development – 3.1.3.2 Setbacks (For Lot 100 and Lot 3)
- Chapter 4 – Residential and Tourist Development – 3.1.3.4 Solar Access/Designing for Climate

- Chapter 4 – Residential and Tourist Development – 3.4.3.2 Articulation Zone (For Lot 100)
- Chapter 4 – Residential and Tourist Development – 3.4.3.3 Vehicular Access and Parking
- Chapter 4 – Residential and Tourist Development – 3.4.3.8 Earthworks and Slope Sensitive Design Controls

The development has been assessed with the unique attributes of the site having been taken into consideration, including the steep topography, the existing derelict building and encroachment on Council's road reserve, the site orientation and the improved safety outcomes. The proposed variances have been justified, and conditions of consent can be imposed to satisfactorily address matters arising in these circumstances.

Solar Access

A variation to the solar access to the private open space provision is requested.

Due to its orientation, steep topography and existing established vegetation it is difficult to achieve direct sunlight across the site during the winter. The open space for the dwelling house will be located on the southwestern elevation and the northwestern elevation, 50% of which is unlikely to achieve two hours of direct sunlight between 9.00am and 3.00pm on the 21 June (Winter Solstice).

Whilst the development fails to achieve the minimum specified direct sunlight to 50% of the area of private open space, direct sunlight will be available to the areas of private open space including the louvered vergola when the site itself is not in shadow from the escarpment. This is considered to be an acceptable outcome given that the lack of direct sunlight does not result from the design of the development, rather the orientation and location of the lot.

Although the private open space for the development is unable to comply with solar access provisions, it is considered that the development has made reasonable provision for solar access, given the constraints of the site.

Earthworks

A variation to the earthworks provisions in the BDCP 2012 is required. The site has a slope greater than 15%, being approximately 49%. Earthworks along with retaining walls are proposed to stabilise the slope above the existing building, along with excavation to permit the construction of the new slab on ground dwelling house.

The existing retaining wall on the site, whilst currently functional, is constructed of a mixture of materials and will require replacement in order to site the proposed development. In addition, the steep slope of the site and the existing residential uses and established vegetation above, require substantial earthworks in order to prevent damage to surrounding buildings or vegetation loss from landslip.

Appropriate engineering reports and design plans for the earthworks have been submitted for the development.

Conditions can be applied to suitably address earthworks matters.

Building setbacks

A variation to the 4.5m building setback requirement along Compton Drive is proposed for Lot 100, reducing it to a 0.0m setback. Whilst the requested variation is not considered to be of a minor nature, it will result in an improved outcome, as the existing building is encroaching well into Council's road reserve.

Lot 100 is appropriately included in the R2 Low Density Residential zone, is under the same ownership as Lot 3 and is considered to provide a cohesive design for the development.

A variation is also required for the northeastern setback, from 1.5m to 0.9m for a 4.5m wall height on this elevation. Given the restrictions and constraints of the site, and the lack of any close neighbours on this elevation, it is considered that the proposed variation to the setback is acceptable.

A further variation is also sought for the rear setback in regards to Lot 100. The proposed dwelling will achieve a setback of 3.2m from the rear boundary of Lot 100, rather than the specified 4.0m minimum. The proposed variation to the rear setback is considered to be minimal and will not adversely impact surrounding dwellings, whilst still providing sufficient private open space, given the private open space is predominantly located to the south-west of the building.

Despite the proposed reductions to setbacks, the development meets with the objectives in that the amenity of the locality in which the dwelling is situated will be protected as there are no other residential buildings in close proximity which would be adversely impacted by the reduced setbacks. Although the site is located in proximity to Shaws Bay, being a prominent recreational location, the development will be an improvement on the existing situation (where the existing building encroaches well into Council's road reserve).

The site has unique attributes including a steep topography and ecological significance, which place limitations on the effective use of the site and makes it difficult for the development to be sited with the specified setbacks.

Overall, the development will provide sufficient space for landscaping, visual and acoustic privacy, solar access, vehicle parking, for the site and adjacent sites and private open space. The development provides for two covered car parking spaces within a double garage in accordance with the DCP.

Despite the proposed reductions to setbacks, the building is designed for the site and incorporates architectural design elements and a reduced height to minimise the potential for adverse impacts in a prominent location.

The setback variations do not result in unreasonable adverse amenity impacts and no further concerns are raised.



Figure 3: 3D Render of the proposed building viewed from Compton Drive.

Overall, the proposed building is consistent with the built form objectives applying to residential development, which are set out in Chapter 4 of the DCP.

The proposed reduction to the Compton Drive setback for Lot 100 will result in a more cohesive design for the development. Both of the lots are now under the same ownership and a condition is proposed as part of a determination to grant consent that requires consolidation of the lots before the issue of an Occupation Certificate.

Refer to the Section 4.15 Assessment, Attachment 2, for a more detailed commentary relative to the BDCP 2012.

Section 4.15 (1)(a)(iia) any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4

No planning agreements apply to the development.

Section 4.15(1)(a)(iv) – any matters prescribed by the regulations

No issues raised, refer to the Section 4.15 Assessment Report in Attachment 2 for a detailed discussion.

Section 4.15 (1) (b) – the likely impacts of that development

The proposal is not expected to result in adverse impacts to the environment or broader locality, subject to compliance with conditions.

Section 4.15 (1) (c) – the suitability of the site for the development

The site has been assessed as suitable for the proposed development. In particular, the proposal is consistent with the objectives of the R2 Low Density Residential zone and the 7(d) Environmental Protection (Scenic/Escarpment) zone and the precinct specific DCP provisions applying to the development, including the Special Area Considerations.

Section 4.15 (1) (d) any submissions made in accordance with this Act or the Regulations

A total of two submissions were received, with one submission in objection to the proposal and one submission raising concerns regarding the proposal.

Key issues raised in objection to the development included aesthetic and drainage considerations, with further concerns being raised in relation to slope instability during construction and the proximity of the development to the overhead powerline.

Copies of the public submissions received are contained in Attachment 5.

A summary of the submissions and responses to the matters raised are provided in the Section 4.15 Assessment Report in Attachment 2.

In terms of Government Agency advice, Council received comments from Essential Energy and conditions from the NSW Rural Fire.

There are no matters raised in the agency submissions that would preclude the granting of consent, subject to conditions.

4.15 (1) (e) The Public Interest

The proposed development is subject to restrictions and easements Registered over Lot 3 DP525783, being listed on DP1271115 and the corresponding S88B Instrument. The Restrictions and easements are as follows (Refer to Attachment 5):

1. Restriction on the Use of Land (BE) No dwelling may be constructed:

(a) On any part of the Lot Burdened outside the area marked "BE" on the Plan; and

(b) On the part of the Lot Burdened within the area marked "BE" on the Plan unless it comprises no more than a single storey above excavated car parking and storage,

Unless such construction is first approved by the Authority Benefited.

Whilst a portion of the proposed dwelling house is located outside of the Building Envelope (to the west into Lot 100 and to the north), this is considered appropriate for the following reasons:

- Lot 100 has recently been sold by Council to the owner of Lot 3 and the land is predominately zoned R2 – Low Density Residential under the Ballina LEP 2012.
- Lot 100 has an area of only 142m² and cannot reasonably accommodate a separate residential development.
- There is benefit in undertaking retaining wall works across both lots from a site stability perspective.
- All of the bushfire standards of the NSW Rural Fire Service can be met, and sufficient area is provided for compensatory planting on-site.

The proposed development comprises of a single level located above the excavated garage and two storage areas. The excavated area also includes an entry area with staircase, and laundry area. These areas are not considered habitable rooms and are appropriately located on the lower level.

As the Authority Benefited, Council has the authority to approve the development despite the above departures from the restriction.

2. Easement for Asset Protection Zone 4 Wide

The Owner of the Lot Burdened must not do or neglect to do or permit or suffer anything to be done within the area marked "APZ" on the Plan (Asset Protection Zone) which may result in any part of the Asset Protection Zone becoming inconsistent with the conditions required by the Bushfire Standards whilst there is a dwelling located on the Lot Burdened.

Ballina Shire Council is named as the Authority empowered to release, vary or modify the easement, covenant or restriction on use. Whilst the dwelling house will encroach into the area identified as APZ on the Plan, it will not contravene the terms of the Easement. A suitable alternative Asset Protection Zone can be provided on the site, as recommended by the NSW Rural Fire Service, to ensure the development meets the relevant bushfire standards.

3. Restriction on the Use of Land (VMP)

No development application for a dwelling to be constructed on the part of the Lot Burdened within the area marked "BE" on the Plan must be lodged without being accompanied by a vegetation management plan (VMP) concerning the part of the Lot Burdened within the area marked "VMP" on the Plan, such VMP must include compensatory planting to offset impacts on any endangered ecological communities located within the area marked "APZ" resulting from the construction of a dwelling.

The application was accompanied by an amended Vegetation Management Plan, which meets the requirements for the S88B Instrument. Whilst the development encroaches slightly into the nominated VMP area, sufficient area is still available to accommodate the proposed compensatory plantings.

As such, Council has the power in this instance to grant consent to DA 2025/126, notwithstanding the restrictions and easement on the title. Having regard for the matters in section 4.15 of the EP&A Act, the proposed development is considered to be in the interest of the Federal, State and Local Governments and the wider community.

4. Easement to drain water (DP 525783)

The site is also subject to an easement to drain water 0.915 wide along the north-eastern boundary (benefiting Lot 1 DP 525783 upslope of the subject site). The proposed building will be outside this easement.

The proposal will facilitate the redevelopment of a prominent site, located across from Shaws Bay, and is of a nature and form that is reflective of the R2 Low Density Residential zone and the Special Area Controls for the site.

Although the development results in variations to the provisions under the BDCP 2012, including building setbacks, solar access, articulation zone and earthworks, assessment of the variations has been undertaken and considered acceptable in this instance.

The proposal will result in a well-designed dwelling house which has regard for the constraints of the site, and will provide a form of residential accommodation

suitable for the site and zoning. This has positive benefits in terms of residential accommodation offerings in Ballina, improved aesthetics and safety for a prominent location and associated economic activity.

The development is considered to be acceptable when assessed against the applicable planning controls, in particular the BLEP 1987, BLEP 2012 and BDCP 2012.

The development is considered to be in the public interest.

Options

Option 1 – Approve the Application

Council can approve the development application for the demolition of an existing restaurant and construction of a two-storey dwelling house, and associated earthworks, retaining walls, vegetation removal and ecological works, subject to conditions foreshadowed in the Section 4.15 Assessment Report, non standard conditions set out in Attachment 6 and standard planning, engineering, building and environmental conditions applicable to this type of development.

This would be on the basis that the Council is satisfied that the proposal has demonstrated that the objectives of the zone will be achieved despite the proposed variation to the DCP controls relating to building setbacks, Special Area Controls, Solar Access, Articulation Zone, Vehicular Access and Parking, and Earthworks.

Approval of the proposed development with conditions is recommended.

Option 2 – Refuse the Application

Council could refuse the application for specified reasons.

Reasons for refusal could relate to the departure from the Special Area Controls, Building Envelope and Asset Protection Zones, with the proposal being considered excessive and/or the proposal being deemed inconsistent with aspects of the planning framework and inconsistent with the objectives of applicable standards or the zone.

Refusal is not recommended.

Conclusion

The application has been assessed having regard to the relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act 1979, including the provisions of the Ballina Local Environmental Plan 1987 and the Ballina Local Environmental Plan 2012, the Ballina Shire Development Control Plan 2012 and the submissions made in response to the exhibition of the proposal.

The proposal is suitable within the locality, and it has been adequately demonstrated that the objectives of the R2 Low Density Residential zone under the BLEP 2012, despite the variations to the BDCP 2012 and the 7(d) Environmental Protection (Scenic/Escarpment) zone under the BLEP 1987.

RECOMMENDATIONS

That Development Application 2025/126 for demolition of an existing restaurant and construction of a two-storey dwelling house, and associated earthworks, retaining walls, vegetation removal and revegetation works be **APPROVED** subject to application of conditions foreshadowed in the Section 4.15 Assessment Report in Attachment 2, non standard conditions set out in Attachment 6 and standard planning, engineering, building and environmental conditions for this type of development.

Attachment(s)

1. DA 2025/126 - Locality Plan [⇨](#)
2. DA 2025/126 - s4.15 Assessment Form [⇨](#)
3. DA 2025/126 - Architectural Plans [⇨](#)
4. DA 2025/126 - Public Submissions [⇨](#)
5. DA 2025/126 - Plans Showing Building Envelope and S88B Restriction Areas [⇨](#)
6. DA 2025/126 - DRAFT Non Standard Conditions [⇨](#)

7.2 DA 2025/403 - Contributions Waiver Request

7.2 DA 2025/403 - Contributions Waiver Request

Section Development Services

Objective To outline a request to waive developer contributions applicable to DA 2025/403.

Background

Council has received a request to waive developer contributions applicable to approval under DA 2025/403 for a Recreational Facility (Indoor), being squash courts, at 13 Ascot Road, Ballina.

A copy of the request for the waiving of the contributions is contained in Attachment 1.

DA 2025/403 was approved on 16 January 2026. The approval grants consent for a change of use of Tenancy 3 to Recreational Facility (Indoor), construction of two x squash courts and use of installed amenities.

The facility is located on land zoned E4 General Industrial. The land benefits from an approval under DA 2023/371 for an industrial complex containing 5 x light industrial units/tenancies and 3 x industrial retail premises within units 1, 2 and 5.

The squash court is approved via a change of use to a tenancy in the approved industrial complex.

The request for a contributions waiver is summarised below.

Reduction Applicant: Northern Rivers Squash Club Incorporated

Development Summary:

- 13 Ascot Road, Ballina.
- Recreational Facility (Indoor) – Squash Courts.
- Development value - \$69,300.
- Approved 16 January 2026 (Ballina Shire Council).

Contributions Summary

Contribution/Charge	Amount (\$)
Section 7.11 Contributions - Roads	8,890.07
Total	8,890.07

The contributions have not been paid to date.

This report outlines the waiver request and broader considerations relating to the application of developer contributions.

Key Issues

- Fair and equitable application of developer contributions and charges.
- Funding for infrastructure.
- Merits of individual reduction and waiver request cases.

Discussion

Other Similar Circumstances

Council has recently considered other contributions and charges reduction requests in 2024 and 2025.

In June 2024 Council considered a request by Minister Rose Jackson (Minister for Housing) on behalf of the State Government's Aboriginal Housing Office. This request related to a seniors housing project at 78 Moon Street Ballina (DA 2017/643) and a specific Ministerial Direction applied to that circumstance.

Under the Ministerial Direction, a consent authority cannot levy contributions, amenities, or public services, on a development consent for seniors housing, where the applicant is a social housing provider.

In that instance, Council resolved as follows:

That based on the 14 September 2007 Ministerial Direction relating to social housing providers and contributions, Council approves the reduction of the contributions and charges applying to DA 2017/643 by not applying Section 7.11 contributions for open space, community facilities or roads in the amount of \$157,961.78 (subject to annual indexing from the issue of the development consent).

Council was not required by the Ministerial Direction to set aside charges relating to water and wastewater services and did not resolve to waive these fees (i.e. these charges were applied).

The circumstances of DA 2017/643 in relation to the Ministerial Direction do not apply to the request the subject of this report.

In April 2025, Council considered three requests for contributions reductions in relation to DAs 2021/185, 2023/503 and 2023/537. These requests were made by the Northern Rivers Wildlife Hospital, Bullinah Aboriginal Health Service and the NSW Government's Aboriginal Housing Office, and involved around \$300,000 in contributions and charges.

Council granted a waiver to the Northern Rivers Wildlife Hospital in relation to s64 wastewater services in the amount of \$3,857.02. All other requests for contributions reductions were declined, including all of the requests as they related to Section 7.11 contributions.

Merits and Contributions Rationale and Equity

There are merits associated with the provision of recreation facilities, with the squash club outlining positive aspects of the operation of the squash courts in the waiver request.

7.2 DA 2025/403 - Contributions Waiver Request

It is also acknowledged that members of the club have worked hard to explore options and bring a squash facility in Ballina to fruition.

However, contributions plans are designed to ensure community infrastructure is funded having regard for demand generated for infrastructure and services.

In the case of the squash courts, the development has been assessed as generating demand in relation to road infrastructure and hence Section 7.11 contributions are applicable under Council's Roads Plan.

The levying of these funds is essential for Council to be able to keep up the delivery of its infrastructure development programs. The revenue is collected for defined service provision.

Reducing or waiving contributions means that essentially funds must be raised elsewhere to fund the planned infrastructure identified in the contribution and servicing plans.

Alternatively, sufficient funds are not raised, and the infrastructure is not delivered or is delayed.

These types of requests are difficult to weigh against the services and infrastructure delivered by contributions given the merits of each individual proposal.

In this particular case, whilst the merit of a contribution waiver is being argued in relation to a sporting facility, the benefit of any waiver runs with the land, not the squash club. When considering this it is important to recognise that the land is zoned for industrial purposes and ultimately the squash facility is a private enterprise.

Aside from the integrity of the contributions system and planned revenue and infrastructure delivery, another key factor to consider is that there are arguments to set aside contributions due to the merits or financial circumstances of individuals and developers across a range of development.

Council has previously addressed some of these cases in policy (e.g. contributions for secondary dwellings). The boundaries for these types of arguments are difficult to define as they reflect a political decision to encourage certain types of development.

Consistency though is a fundamental key to a functional and orderly developer contributions and charge system.

If Council starts reducing or waiving contributions contrary to its adopted plans based on individual requests and cases, the integrity of the plans and system can be lost, and it can be argued the plans and contributions are not being applied fairly and equitably.

This is on top of lost revenue that directly impacts Council's ability to deliver planned and endorsed works.

Delivery Program Strategy / Operational Plan Activity

Consideration of this matter relates to Council's implementation of its adopted developer contributions plans and development servicing plans.

The operation and application of these plans is a central part of the development assessment system and Council's forward infrastructure planning and delivery.

Community Engagement Strategy

No community engagement has been undertaken in relation to this request.

Financial / Risk Considerations

The key financial issue is foregone income for delivery of planned works as set out in the applicable contributions and developer servicing plans.

Essentially any charges set aside will need to be funded from alternate revenue sources when delivering the planned infrastructure (e.g. grants, charges paid by the private development sector).

Setting aside charges can also have the effect of delaying works as it takes longer to raise the funds needed for large projects, or the result can be works are not delivered.

Options

Council has the following options:

1. Not set aside the levied Section 7.11 contributions.
2. Set aside the Section 7.11 contributions levied.

The recommended approach is to not waive the levied Section 7.11 contributions on the basis that:

- Developer contributions and charges are applied in accordance with Council's adopted contributions plans and development servicing plans.
- Reducing or waiving developer contributions and charges on an ad hoc basis is not consistent with a fair and equitable application of charges to development
- Reducing or waiving of contributions directly negatively impacts Council's ability to deliver planned infrastructure works under its adopted plans through lost revenue.
- Developer contributions and charges are collected based on demand created by new development for the purpose of providing for infrastructure arising from that new demand.
- Where development contributions are not paid by the development that generates the service demand, the broader community ultimately pays more to fund the required infrastructure or required infrastructure is not built or is delayed.

RECOMMENDATIONS

1. That Council acknowledges the individual merits of the squash court facility approved under DA 2025/403.
2. That notwithstanding point 1, Council does not agree to waiving the levied contributions for the development approved under DA 2025/403 for the reasons outlined in this report.

Attachment(s)

1. DA 2025/403 - Contribution Waiver Request - Northern Rivers Squash Club [↗](#)

7.3 Spoonbill Reserve - Draft Master Plan

7.3 Spoonbill Reserve - Draft Master Plan

Section	Strategic Planning
Objective	To inform Council of community engagement insights, present the Draft Spoonbill Reserve Master Plan and seek endorsement of the Draft Master Plan for public exhibition.

Background

Preparation of a management plan for Spoonbill Reserve is an activity (EL1.2b) in Council's Delivery Program and Operational Plan identified for delivery in 2025 / 2026.

Spoonbill Reserve (the site) is 1.969 hectares of open space located between Redford Drive and Seaside Avenue in Skennars Head as outlined in blue in Figure 1.

Figure 1: Spoonbill Reserve location



The site is Ballina Shire Council owned, Community Land, strategically located between the older and expanding new residential areas of Skennars Head and opposite St Francis Xavier Catholic College. The site is managed through Council's Plan of Management for Community Land 2025 and is categorised as 'General Community Use'.

Council has engaged extensively with the key stakeholders and the community to better understand the site and context, gain insights into community values and to gather ideas on how people want to use the site in the future. These

7.3 Spoonbill Reserve - Draft Master Plan

insights have informed preparation of the draft Spoonbill Reserve Master Plan which is presented in Attachment 1 to this report.

This master plan aims to articulate design strategies for the future of Spoonbill Reserve which balance diverse community aspirations, to ensure the site remains a place which supports and is loved by the locals.

This report provides Council with:

- General background information;
- An outline of community engagement processes and key insights;
- An overview of the Draft Spoonbill Reserve Master Plan (Attachment 1) and
- A recommendation to proceed to public exhibition.

Key Issues

- Community engagement process and insights
- Future embellishment and use of Spoonbill Reserve

Discussion

General Background Information

Spoonbill Reserve is set within a predominately low to medium-density residential area. The northern and eastern older residential areas predominantly feature traditional low-rise housing on large lots. St Francis Xavier Catholic College is immediately to the north of the study area. The school recreation facilities are not accessible to the public.

The southern, most recent residential precinct features houses on smaller lots (with limited yard space), apartments, a future local centre and additional substantial open space embellished with children's playground and picnic facilities. Access to Sharpes Beach, the coastal reserve and shared path network is provided via an existing underpass.

The site was dedicated to Council in the late 1990s as a condition of consent to satisfy open space requirements as part of the Headlands Estate subdivision. Whilst the site is special to the local community for the presence of the Royal Spoonbill (bird) and was formerly known in community and historic planning documents as the '*spoonbill nesting site*', it was not dedicated or reserved for any conservation purpose. It was "reserved" for public use.

The site is owned by Council and classified as Community Land. It is managed in accordance with Council's Plan of Management for Community Land (2025) with a category of '*General Community Use*'. The land zoning is RE1 Public Recreation.

The core objectives of land in the '*General Community Use*' category are (section 36I of the *Local Government Act 1993*) are *to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:*

- (a) *in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*

7.3 Spoonbill Reserve - Draft Master Plan

(b) *in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

A link to the Plan of Management for Community Land is here: [Plan-of-management-for-community-land.pdf](#)

Spoonbill Reserve is largely an unembellished open grass area that features a large Moreton Bay Fig tree and Norfolk Pine tree which are valued by the local community for their colonial significance and habitat value. The pine tree is a visual landmark referencing colonial heritage in the locality.

The site is used predominantly by local residents for informal activities such as kicking a ball, dog walking, sitting, bird watching and walking through to get to the school. The site is also used by the high school for casual sporting or learning activities on some occasions.

The Royal Spoonbill is known to have nested in the pine tree in the reserve in the mid to late 1990s prior to substantial development of housing around the area. At the time the site was affectionately known by the community as the *Spoonbill Nesting Area*.

The most recent official records of the Royal Spoonbill in the area are in the pine trees further west at the end of Seaside Avenue with one sighting of Juvenile Royal Spoonbill in 2021 - [Record: BioNet Atlas of NSW Wildlife: Occurrence record](#).

Local residents report more recent sightings of the Royal Spoonbill in the reserve with photos provided by residents of numerous birds in the open space in 2023.

Community Engagement

Council staff consulted widely with key stakeholders and the general community through a variety of processes and forums to obtain insights into community values and aspirations. Methods used to inform and engage with the community are outlined in Attachment 2.

The following forums were available between 20 October 2025 and 17 November 2025 for the community to find out more and provide feedback:

- Online via the Your Say project page
- 2 x drop-in sessions at Epiq Marketplace and Spoonbill Reserve
- Written submission

Online Project Your Say Page and Feedback

The *Your Say* project page was established as a central location to connect to the community and provide general information about the site and project. The page was updated with FAQs and material from the drop-in sessions received during the engagement period to keep the community informed. The FAQs specifically responded to some community comments about the history of the reserve and the reserve purpose.

7.3 Spoonbill Reserve - Draft Master Plan

The web site used the 'Ideas' tool to gather feedback from the community on the following questions:

- *What is important to you about Spoonbill Reserve?*
- *How would you like to see the Reserve embellished in the future?*

58 different contributors made 274 contributions to the "Ideas" page contributing 55 new ideas.

Feedback received via the online ideas tool is available in Attachment 2.

Drop-In Sessions

Council staff undertook face-to-face engagement via 2 drop-in sessions. Drop-in sessions were well attended as follows:

- **Drop-in Session 1 – Epiq Marketplace**
The drop-in session was attended by Council staff from 1pm to 5pm on Saturday 25 October 2025. Approximately 103 people spoke to Council staff or left feedback, with others stopping to look or read information but not leaving comments. Most people who spoke to Council staff were from the Skennars Head and Lennox Head village areas.
- **Drop-in Session 2 – Spoonbill Reserve**
The drop-in session was attended by Council staff from 8am to 12:30pm on Tuesday 28 October 2025 under a marquee in Spoonbill Reserve. The drop-in session was planned to go until 4:30pm but due to adverse weather was packed up at 12:30pm. Approximately 24 people spoke to Council staff or left feedback. Most people who spoke to Council staff were from the immediate surrounding areas of Headlands Estate and Aureus Estate, Skennars Head.

Specific feedback and transcripts from these sessions is available in Attachment 2.

Written Submissions

Seven written submissions were received via email. These submissions are contained in Attachment 2.

Meetings – Lennox Head Heritage Committee and Sharpe family

The Lennox Head Heritage Committee highlighted some colonial heritage associated with the site and the pioneering Sharpe family. Council holds some old sand-stock bricks related to this colonial heritage which were from the Sharpe family's Prospect Sugar Mill chimney, circa 1860s. These bricks have been set aside by Council for some years for reuse at the site.

At their request and because of the adverse weather during drop-in session 2, a meeting was held between staff and a member of the Sharpe family to discuss their family connections to the site and the use of the bricks.

Strong Community Messages

The following strong community messages were heard.

7.3 Spoonbill Reserve - Draft Master Plan

Community Values - The community identified the following key values:

- the site as an informal open space which is primarily a 'natural' green area.
- the *birds* and wildlife which use the site, in particular the Royal Spoonbill.
- the *open* grass area and the opportunities this presents for informal use and play (e.g. throwing/kicking a ball, cricket etc).
- the pine tree and fig tree for shade and wildlife habitat values.
- *nearby* residents value the peacefulness of the current open space.

Community Ideas - Whilst there were people who wish the site to remain "as is", many people also identified opportunities for improvements at a variety of scales. The most popular community ideas can be grouped into 3 themes:

1. *Natural*/environmental values and peaceful informal open space.
 - More trees and natural shade were mentioned repeatedly as a priority for comfort, environmental value and wildlife.
 - Maintaining a large open grass area to enable casual and informal recreation and as space for wildlife is important.
 - Many *comments* on this theme made explicit the aspiration to maintain the peaceful nature of the site without additional structured infrastructure.
2. Active recreation and things for youth/older children to do.
 - Facilities for older children were frequently mentioned, with examples including a bike pump track, basketball court, skatepark, general hardstand, sports field, courts, playground, exercise equipment.
3. General amenity improvements and low-key additions to support family use.
 - Low-key additions to the park to support day-to-day and family use were frequently mentioned with examples including a drinking fountain, pathway connections, seating, picnic facilities, shade, landscaping and interpretative signage.

A dog park or off-leash dog area was also an idea often mentioned, particularly at the drop-in sessions. Many people did not realise that there is an existing dedicated off-leash dog area at Headlands Drive, Skennars Head. Improvements to the Headlands Drive off-leash dog area can be considered as part of a review of the Companion Animal Management Plan (Policy) planned for 2026.

There were also some less frequently mentioned ideas which can be read in the community engagement report in Attachment 2.

Draft Spoonbill Reserve Master Plan

The draft master plan aims to articulate design strategies for the future of Spoonbill Reserve which balance the community's aspirations to maintain the informality, low-key and 'natural' charm of the site along with provision of basic general amenities (such as seating and pathways), to ensure the site remains a place which supports and is loved by the locals.

7.3 Spoonbill Reserve - Draft Master Plan

The draft Master Plan, provided in Attachment 1, presents a simple concept design which:

- enhances natural and environmental values through provision of a native tree arboretum and low groundcover gardens
- retains large areas of open green space for informal community use
- provides things to do for youth in a small activity zone central to the site and opposite the high school (including a basketball hoop, climbing equipment, gymnastics bars, and a hardstand area for informal use)
- provides general amenity improvements and places for people to sit quietly or come together to support day-to-day use (shade trees, seating, drinking fountain, picnic shelters)
- improves accessibility through provision of pathways and pathway connections.

These functions will be designed to reflect the specific character of the place, with public art, recycled colonial bricks and interpretative signage articulating the unique narrative of the site with users.

The plan also suggests that further investigations be undertaken with a view to providing improvements to the carparking capacity and pedestrian safety on Redford Drive between the site and the high school.

An extract from the draft master plan is provided in Figure 2 for reference.

Figure 2: Extract of page 14 of the draft Spoonbill Reserve Master Plan



Planning Considerations

The planning pathway has not yet been determined for works shown in the draft Master Plan. However, as the land is owned by Council, the proposed works are relatively minor and consistent with the land zoning and plan of management, a simple planning pathway is anticipated.

7.3 Spoonbill Reserve - Draft Master Plan

As the Lennox Head and Skennars Head locality is of Aboriginal cultural significance, cultural heritage investigations and precautions will be an imperative part of any planning and construction process.

Further investigations may be required to verify proposed opportunities for carparking and a safe crossing point on Redford Drive.

Delivery Program Strategy / Operational Plan Activity

In 2022, the community via the B Ward Committee Meeting requested that Council engage with the community in relation to plans for Spoonbill Reserve. An extract from the B Ward Meeting minutes (dated 22/7/2022) is as follows:

Spoonbill Reserve 5-15 Redford Drive Skennars Head NSW 2478 Lot: 32

- a. *The Skennars Heads Community requests that Ballina Council engage in genuine community consultation Spoonbill Reserve at Skennars Head, noting:*
 - i. *Ballina Council was required to conduct further consultation in relation to proposed plans for the Reserve in circumstances where the council had not genuinely consulted with the Community.*
 - ii. *Previous Community Consultation resulted in the preservation of this space.*
 - iii. *Council has recently decided to investigate “new options for the Spoonbill Reserve”, which might include a basketball court.*

Preparation of a management plan for Spoonbill Reserve is an operational plan activity identified in the *Delivery Program and Operational Plan* for 2025 – 2029 as part of Direction 2 – Engaged Leadership:

- *EL1.2b Prepare management plan for Spoonbill Reserve (2025/26)*

This activity is linked to the North Coast Regional Plan 2041, Goal 3 – Growth, Change and Opportunity.

The draft Master plan presented in this report has been prepared to address this action.

Community Engagement Strategy

Engagement has been undertaken with stakeholders and the public in accordance with Council's Community Engagement Strategy 2024.

The engagement methodology was based upon the project having a potentially moderate level of impact upon the local government area or community and used an “Involve” approach.

Under the strategy, this approach seeks to work directly with stakeholders and the public throughout the process to ensure that concerns and aspirations are consistently understood and considered in the master planning process. The project engagement methods exceed the minimum action requirements of the strategy.

7.3 Spoonbill Reserve - Draft Master Plan

Financial / Risk Considerations

The DPOP 2025 - 2029 identifies \$280,000 for open spaces asset renewal (via the special rate variation) allocated to Spoonbill Reserve for 2029/30 financial year.

This could support implementation of some early works as part of a staged delivery approach but will not be adequate to complete all works shown on the draft Master Plan. However, an allocation has not been made specifically to Spoonbill Reserve at present and there are many other projects that require funding to be able to proceed.

The Draft Master Plan makes clear that works are unfunded at present.

The draft Master Plan will be a valuable tool to guide staged implementation as well as support applications for funding when grants become available.

Options

Council has the following options to proceed:

Option 1 – Exhibit the Draft Master Plan

Under this approach staff will proceed to publicly exhibit the Draft Master Plan for at least 28 days to obtain further community feedback through a variety of forums.

Following the exhibition, the outcomes of the exhibition process will be reported to Council to seek direction on the finalisation and adoption of the plan.

If Council wishes to make relatively minor changes, such changes could be incorporated into the Council resolution.

This is the recommended option.

Option 2 – Defer consideration of the Draft Master Plan

Council may wish to defer consideration of the Draft Master Plan to obtain further information, make substantial revisions or examine other design options. There have been significant resources invested in community engagement and development of the Draft Master Plan. Therefore, this option is not recommended.

RECOMMENDATIONS

That Council endorses the public exhibition of the Draft Spoonbill Reserve Master plan, as per Attachment 1 to this report, for a minimum period of 28 days.

Attachment(s)

1. Spoonbill Reserve Master Plan - Draft for Public Exhibition small (Under separate cover) [⇒](#)
2. Spoonbill Reserve Community Engagement Summary Attachment to Council Report (Under separate cover) [⇒](#)

7.4 Local Environmental Plan Amendments and Planning Proposals - Status

7.4 Local Environmental Plan Amendments and Planning Proposals - Status

Section	Strategic Planning
Objective	To report on the status of Local Environmental Plan amendments and planning proposals that are currently under consideration.

Background

Council has an ongoing program of processing amendments to the Ballina Local Environmental Plan 2012 and where necessary, Ballina LEP 1987 and associated planning proposals.

This report provides an update on pending LEP amendments.

Key Issues

- Status of rezoning and LEP Amendment proposals.

Discussion

LEP Amendment Requests and Planning Proposals Status

Table 1 provides an overview of the LEP amendment requests, planning proposals and scoping proposals currently being considered and processed by Council and those finalised since the last update report was provided.

The term planning proposal refers to the documentation prepared to describe a Council or proponent-initiated proposal to amend the Ballina Local Environmental Plan/s.

Proposals are typically referred to as planning proposals once Council has agreed to progress the initial LEP amendment proposal and has prepared the required planning proposal documentation for Gateway determination by the NSW Department of Planning, Housing and Infrastructure (DPHI).

At present Council is currently managing a higher volume of planning proposals than has been typical in recent times. These proposals are also quite diverse ranging across large scale urban rezonings, periodic reviews of provisions and site-specific requests.

7.4 Local Environmental Plan Amendments and Planning Proposals - Status

Table 1: Status of LEP amendment requests and planning proposals

Item	Name and Status	Summary and Notes	Completion Due
24/004	Aureus Village Rezoning (Stage 7)	<p>Proposal to rezone part of Aureus Village (neighbourhood centre site) at 21 Aureus Boulevard, Skennars Head (Lot 346 DP1271483) from E1 Local Centre to R3 Medium Density Residential.</p> <p>At its Ordinary meeting on 12 December 2024 Council resolved to endorse the planning proposal for purposes of seeking a Gateway determination, subject to completion of a draft planning agreement.</p> <p>The Gateway determination was received on 15 April 2025, and the draft planning agreement was subsequently completed. Public exhibition followed and closed on 19 September 2025.</p> <p>At the Ordinary meeting on 27 November 2025 Council resolved to finalise the planning proposal and execute the planning agreement.</p> <p>The planning agreement was executed on 18 December 2025. Finalisation of the LEP Amendment through the DPHI is currently underway.</p>	15 March 2026
24/005	Relocation of commercial zone in CURA B precinct, Kinvara (Stage 2)	<p>A planning proposal was submitted on 6 November 2024 to amend the LEP to relocate the existing E1 Local Centre zone to a different location in the Cumbalum B Precinct at Kinvara.</p> <p>The new site is consistent with the Cumbalum B Precinct DCP Structure Plan adopted by Council in August 2024. A draft planning agreement is also proposed to ensure a minimum amount of commercial floor space is delivered alongside housing to provide for early establishment of an economically viable centre that meets the local shopping needs of residents.</p> <p>Additional information about the planning proposal was requested in December 2024 and further clarification of the terms of the draft planning agreement sought in September 2025 and January 2026. When all information has been received a report on the planning proposal and draft planning agreement will be presented to Council.</p>	#

7.4 Local Environmental Plan Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
24/006	Intrapac Sheather Land (Cumbalum Precinct A) (Stage 4)	<p>A planning proposal was submitted on 13 November 2024 to rezone land on the western edge of Banyan Hill Estate (Stage 17), Cumbalum Urban Release Area A, to enable residential subdivision.</p> <p>The proposal was to rezone approximately 9.7ha from RU1 Primary Production and RU2 Rural Landscape to R3 Medium Density Residential and amend the minimum lot size from 40ha to 450m². This was the third planning proposal for this site lodged since December 2022.</p> <p>A Councillor briefing was held on 4 March 2025 to discuss the planning proposal and a report on the proposal was presented to the 24 April 2025 Ordinary meeting of Council.</p> <p>Council resolved to support an amended planning proposal to rezone the land to R3 Medium Density Residential and R2 Low Density Residential and apply Minimum Lot Sizes of 450m² and 800m² and 1200m² and apply the C3 Environmental Management zone to the residue land. It was also resolved to seek a Gateway Determination for the amended proposal, subject to the proponent's agreement.</p> <p>The proponent agreed to the proposal and a request for Gateway Determination was submitted to DPHI. DPHI returned the proposal with a request that the proponent provide a traffic report and landowners' consent to the C3 zone. This information has been provided and a Gateway Determination issued on 19 December 2025.</p> <p>Further information is required to satisfy the conditions of the Gateway Determination. Once this is provided by the proponent, public exhibition and referral to state agencies will occur.</p>	19 September 2026
25/001	General Amendments to the LEP (Stage 7)	<p>This is a Council initiated LEP amendment package that involves a review of various aspects of the LEP.</p> <p>A report on this package of amendments was presented to the August 2025 Ordinary meeting of Council. Council endorsed the planning proposal for the purposes of seeking a Gateway determination.</p> <p>The Gateway Determination was issued on 19 September 2025. Public exhibition and agency referral occurred in October 2025. At the Ordinary meeting on 11 December 2025, Council resolved to finalise the LEP Amendment. Finalisation of the LEP Amendment through the DPHI is currently underway.</p>	19 June 2026

7.4 Local Environmental Plan Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
25/002	305 The Coast Road, Skennars Head (Stage 4)	<p>A planning proposal was submitted on 26 February 2025 to rezone part of 305 The Coast Road, Skennars Head (Lot 7 DP 1225206) from Deferred Matter to C2 Environmental Conservation (C2), C3 Environmental Management and RU1 Primary Production, and to prevent development of a dwelling on the C2 zoned part of the site on the eastern side of The Coast Road. A draft planning agreement was also proposed.</p> <p>A report on the planning proposal was presented to the 28 August 2025 Ordinary meeting of Council. Council endorsed the planning proposal for the purposes of seeking a Gateway determination.</p> <p>The Gateway Determination was received on 23 September 2025. The draft planning agreement has now been prepared in consultation with the proponents and public exhibition has commenced. Following public exhibition, a report will be presented to Council on the outcomes.</p>	23 June 2026
25/003	Scoping Proposal - Employment land - 2 and 14 Dulcet Lane and part 13 Kays Lane, Alstonville (Stage 1)	<p>A scoping proposal was lodged on 27 May 2025 for preliminary consideration of rezoning land at 2 and 14 Dulcet Lane and part of 13 Kays Lane, Alstonville for employment / industrial purposes.</p> <p>The land adjoins the Russellton Industrial Estate on its eastern side and is currently zoned 7(i) Environmental Protection (Urban Buffer) Zone under the Ballina LEP1987.</p> <p>Staff and the proponents met in a pre-lodgment meeting and additional information was requested to support a planning proposal.</p> <p>Council endorsed inclusion of the subject land as a potential employment lands site in the draft Local Strategic Planning Statement (LSPS) at its 25 August 2025 Ordinary meeting. A report will be presented to the Environment and Sustainability Committee in March 2026 on the outcomes of public exhibition and adoption of an updated LSPS.</p> <p>The proponent's response to Council's request for supporting information will be incorporated into a future planning proposal that seeks to rezone the land. The planning proposal is expected to be submitted after Council adopts an updated Local Strategic Planning Statement.</p>	NA
25/004	Amend Minimum Lot Size 86 Foresters Way & 38 Old Tintenbar Road, Tintenbar (Stage 5)	<p>A planning proposal has been lodged to amend the LEP minimum lot size for subdivision standard in relation to 86 Foresters Way and 38 Old Tintenbar Road, Tintenbar. The aim is to ensure that a future boundary adjustment subdivision will not result in the creation of additional dwelling opportunities.</p> <p>A report on the planning proposal was presented to the 25 September 2025 Ordinary meeting of Council. Council endorsed the planning proposal for the purposes of seeking a Gateway determination.</p> <p>A Gateway determination was received on 18 November 2025. The planning proposal has progressed to public exhibition (January-February 2026) and has been referred for agency consultation. A report will be presented to a future Council meeting on the outcomes of public exhibition and adoption of the LEP Amendment.</p>	18 August 2026

7.4 Local Environmental Plan Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
25/005	Rezoning CURA C - 961 and 1062 Tamarind Drive, Tintenbar (Stage 2)	<p>A planning proposal to rezone land at 961 and 1062 Tamarind Drive, Tintenbar (CURA C) was submitted on 20 June 2025.</p> <p>The planning proposal did not provide sufficient information to allow it to be assessed adequately and reported to Council. It was returned to the proponent on 19 August 2025 with a detailed request for additional technical information.</p> <p>Staff continued to liaise with the proponents regarding the information request on the understanding a revised proposal would be submitted following address of matters raised by Council.</p> <p>The proponents submitted a request for a rezoning review with the DPHI in December 2025 on the basis that Council had <i>failed to indicate its support for the proposal within 90 or 115 calendar days following lodgement of the Planning Proposal</i>.</p> <p>The rezoning review process allows a proponent to request that an independent planning panel evaluates if the proposal should progress to gateway determination. The planning panel will review the proposal and make a recommendation to the minister as to whether it should be submitted for gateway determination. It is understood that comments will be sought from Council during the review process.</p> <p>The timing of the review is not known.</p>	NA
25/006	Scoping Proposal - Additional Permitted Uses BLEP1987 - Newrybar Village East (Stage 1)	<p>A Scoping Proposal was submitted on 27 June 2025 to amend the LEP 1987 to permit additional uses in Newrybar Village across multiple properties (described as Newrybar Village East in the proposal). As the proposal was to amend the LEP 1987, Council staff sought advice from the DPHI. DPHI did not support the extent of the proposal to amend LEP 1987. Additionally, the Scoping Proposal was not consistent with Council's strategic planning intent for Newrybar or the North Coast Regional Plan.</p> <p>The draft LSPS, which will be on public exhibition during October 2025, clarifies Council and the community's vision for Newrybar village.</p> <p>Following a pre-lodgement meeting between staff and the proponents, the Scoping Proposal was returned to the proponents on 18 September 2025 with advice that an amended proposal will be required to demonstrate consistency with the strategic planning framework for Newrybar as set out in the draft LSPS.</p>	NA
25/007	Scoping Proposal - Additional Permitted Uses BLEP1987 - Newrybar Village West (Stage 1)	<p>This proposal is similar to the above Scoping Proposal but applies to Newrybar Village West with some variations in additional permitted uses. It was also returned to the proponent on 18 September 2025 for similar reasons to that stated in the Newrybar Village East Scoping Proposal above.</p>	NA

7.4 Local Environmental Plan Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
25/008	LEP Amendment Additional Permitted Uses - 66 Teven Road, Teven (Stage 2)	<p>A planning proposal was submitted on 30 July 2025 to amend the LEP 2012 to permit additional uses on land at 66 Teven Road, Teven.</p> <p>The planning proposal did not provide sufficient information to allow it to be assessed adequately. It was therefore returned to the proponent with a detailed request for additional technical information.</p>	#
25/009	Detached dual occupancies in BLEP 1987 Zone 7(c) (Stage 7)	<p>This is a Council initiated amendment to the Ballina Local Environmental Plan 1987 to permit detached dual occupancies in Zone 7(c) Environmental Protection (Water Catchment).</p> <p>At its Ordinary meeting on 28 August 2025, Council endorsed the preparation of a planning proposal to amend the BLEP 1987 and seek a Gateway Determination.</p> <p>The Gateway Determination was received on 23 September 2025. Public exhibition of the proposal occurred in October 2025. At the Ordinary meeting on 11 December 2025, Council resolved to finalise the LEP Amendment.</p> <p>Finalisation through the DPHI is currently underway.</p>	23 June 2026
25/010	Deferred Matter & Conservation Zone Review – Teven Test Case & Others (Stage 6)	<p>This is a Council initiated LEP amendment. At its 28 August 2025 Council resolved to prepare a planning proposal and seek a Gateway Determination to rezone several deferred matter / conservation zoned properties, some of which are described as the Teven Test Cases.</p> <p>The planning proposal was subsequently prepared and lodged on the NSW Planning Portal on 16 September 2025 with a request for a Gateway determination.</p> <p>A Gateway Determination was received and the planning proposal has been publicly exhibited.</p> <p>This matter is further addressed elsewhere in this business agenda.</p>	13 July 2026
#	Scoping Proposal - employment zoned land – Kerr Street Ballina (Stage 1)	<p>A scoping proposal has been submitted to Council for initial consideration of rezoning of the Amart furniture store site and several adjacent lots from R2 Low Density Residential to E3 Productivity Support zone.</p> <p>The draft Local Strategic Planning Statement (LSPS) includes an action (4.1) to prepare and implement a precinct plan for land in proximity to Ballina Hospital, incorporating St Andrews Village, Ballina Central Shopping Centre, Biala Special School, Super Amart and the Cherry Street Sports Club. The precinct would be bounded by Burnett Street, Cherry Street, Bangalow Road, and Kerr Street.</p> <p>Following public exhibition and endorsement of the LSPS, this scoping proposal will be reported to a Council meeting for consideration.</p>	NA

7.4 Local Environmental Plan Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
#	Scoping Proposal – Rezoning of 33 Canal Road, Ballina (Stage 1)	<p>A scoping proposal has been submitted to Council proposing rezoning of 33 Canal Road, Ballina from R2 Low Density Residential to R3 Medium Density Residential to enable higher density housing on the site.</p> <p>The site is owned by the Ballina RSL Club and remediation works are planned to address site contamination and allow future housing to be considered on the site. Council staff have reviewed the scoping proposal, met with the applicant and advised what information will be required in a planning proposal.</p> <p>It is expected a planning proposal will be lodged via the Planning Portal in the coming months, after which it will be reported to Council.</p>	#
<p>LEP Amendment Request/Planning Proposal Processing Stages</p> <ol style="list-style-type: none"> 1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council. 2. Planning Proposal - Preparation of a planning proposal for the Council's consideration (if the initial concept is supported by the Council). 3. Gateway Determination - DPHI determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination). 4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation. 5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment. 5a. Public Hearing - Public Hearing held, where required. 6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal. 7. Finalisation - DPHI finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning may finalise, alter or terminate the amendment. <p># Denotes proposal number and due date subject to Gateway determination.</p> <p>The completion due date is a date determined by the Department of Planning, Housing and Infrastructure.</p>			

Delivery Program Strategy / Operational Plan Activity

Processing of LEP amendment requests and planning proposals is consistent with Strategy HE3.1 in Council's adopted Delivery Program and Operational Plan as follows:

- Strategy HE3.1 – Develop and implement plans that balance the built environment with the natural environment.

Community Engagement Strategy

Community engagement in accordance with Council's Community Engagement Strategy and Gateway determinations issued by the DPHI has been, or will be, undertaken in relation to individual planning proposals.

Financial / Risk Considerations

The work program associated with LEP amendment requests and planning proposals is undertaken within existing resources. Fees are applied to external requests for amendments to the LEP and processing of subsequent planning proposals in accordance with Council's fees and charges.

7.4 Local Environmental Plan Amendments and Planning Proposals - Status

Options

The status of the LEP amendments and planning proposals outlined is provided for information.

RECOMMENDATION

That Council notes the contents of this status report on Local Environmental Plan (LEP) Amendments and Planning Proposals.

Attachment(s)

Nil

7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

Section	Strategic Planning
Objective	To seek direction on finalisation of BSCPP 25/010 - Deferred Matters and Conservation Zones Review Planning Proposal.

Background

Council at its meeting on 28 August 2025 considered a report on the Deferred Matters Integration Program, the Teven Test Case LEP Transitioning Project, and two properties which were the subject of unconsidered objections in 2023.

Of relevance when considering the above report Council resolved to prepare a planning proposal and submit it for a Gateway determination.

Planning Proposal BSCPP 25/010 was subsequently submitted for a Gateway determination in September 2025 and resulted in a Gateway determination being issued on 13 October 2025.

The planning proposal relates to the Teven Test Case properties and the two properties the subject of objections not previously resolved.

The Gateway determination required that the LEP amendment be completed within a period of 9 months with a minimum public exhibition period of 30 working days. Council was not authorised to act as the Local Plan Making Authority (LPMA) as this function has been retained by the Department of Planning Housing and Infrastructure (DPHI).

The planning proposal was publicly exhibited from 30 October 2025 until 12 December 2025. Two submissions were received from one landowner, and three submissions were received from State agencies.

The Planning Proposal BSCPP 25/010 (PP) as exhibited is included as Attachment 1.

The letter from the DPHI enclosing the Gateway Determination is included as Attachment 2 and the Gateway Determination is included as Attachment 3.

This report considers the submissions received and recommends that the planning proposal, once amended in respect to 54 Beacon Road, Teven and adjoining sections of Beacon Road, be endorsed and forwarded to the DPHI to make and finalise the LEP amendments.

Key Issues

- Transition of deferred matter land into Ballina LEP 2012
- Application of conservation zones to privately owned land
- Consideration of landowner objections

7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

Discussion

Agency and Public Consultation

State agency submissions

Statutory consultation with State Government agencies occurred in accordance with the Gateway Determination. Agencies consulted and responses received are summarised in Table 1 below. Written responses are included in Attachments 4, 5 and 6 to this report.

Table 1: Summary of agency responses

Agency	Summary of response	Staff comment
DCCEEW – Conservation Programs, Heritage and Regulation Group (Attachment 4)	<p>Advise that the planning proposal does not include conservation zones for areas of land that has verified environmental zone criteria in accordance with the Northern Councils E Zone Review Final Recommendations Report (NCEZR).</p> <p>Object to the planning proposal in its current form as it does not accord with the NCEZR.</p> <p>Indicate that the objection would be reconsidered if C zones applied to properties in accordance with the Earthscapes Consulting Report except in respect to 54 Buckombil Mountain Road. In that case retention of the current C2 zone is sought with the exception of areas subject to asset protection zones and driveway.</p> <p>No issues are raised with respect to the proposed rezoning of 287 North Teven Road and 660 Teven Road to RU1.</p>	<p>The DCCEEW response does not give sufficient (any) weight to the negotiated outcomes supported by property owners and Council. Instead DCCEEW have placed significant weight on the ecological evaluation of the land undertaken by the ecologists (Earthscapes) as the factor that should determine whether a C zone is applied to the land and the nature of that zone (C2 or C3).</p> <p>The difficulty for Council is that the negotiation with owners resulted due to a conflict between the guidance provided in the NCEZR document, related to determination of the primary use of land (main use), and the subsequent position of the DPHI in relation to confirming the absence of agriculture or other land use within a proposed C zone area.</p> <p>In many cases staff could not confirm the absence of agriculture within areas nominated by the ecologists for a C zone due primarily to the absence of fencing and the ability of cattle to access and graze within such areas.</p> <p>Given that Council does not have delegation to make the LEP amendment it will be a matter for the DPHI to consider and respond to the DCCEEW position.</p>
NSW Rural Fire Service (Attachment 5)	The NSW RFS has no objection to the planning proposal. Advises that future development on mapped bushfire prone land shall be assessed against the provisions of the EP&A Act 1979.	Noted.
Department of Primary Industries and Regional	Notes that it is not mandatory to apply a C zone if the land has been verified to meet the criteria. Notes that Council	The comments made by DPIRDAB are noted.

7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

<p>Development, Agriculture and Biosecurity (DPIRDAB) (Attachment 6)</p>	<p>has accepted a number of negotiated outcomes as provided for in the NCEZR.</p> <p>DPIRDAB does not object to the Planning Proposal, given that it seeks to apply rural and conservation zones consistent with the NCEZR and given that negotiated outcomes with landowners have been achieved for all properties, except Lot 104 DP862670 (54 Beacon Rd).</p> <p>In respect to Lot 104 it is advised that further negotiations with the landowner of this property are warranted to ensure the application of C zoning does not subsequently impact agricultural activities. This is particularly important given that the land is mapped as State Significant Agricultural Land (SSAL) on the Preliminary SSAL map.</p>	<p>In respect to Lot 104 the application of C zones to this property has been further considered to better ensure consistency with the rationale applied to the other test case properties when applying a C zone. This matter is discussed in more detail elsewhere in this report.</p>
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Landowner and Public Submissions

The planning proposal and associated documents were publicly exhibited via Council's *Your Say* website from 30 October to 12 December 2025. Each affected landowner was advised of the planning proposal's exhibition and provided an opportunity to make comment.

In addition to the above, 41 adjoining and nearby owners were advised by letter and provided an opportunity to make a submission.

In response two submissions by way of objection have been lodged by the owner of 54 Beacon Road, Teven. The submissions are summarised in Table 2 and provided within Attachment 7.

Table 2: Summary of landowner submissions 54 Beacon Road Teven

Summary of issues	Staff response
<p>The owner states that the following comments were misrepresented in the Council report:</p> <p><i>"The previous owner also excluded cattle from some of the revegetated areas, through fencing and gates, whereas the current owner has advised that they have recently reintroduced cattle to previously excluded areas."</i></p> <p>The owner advises that there has been no change to fencing or access to these areas due to a change in ownership.</p>	<p>It is not agreed that the comments misrepresented what has occurred and the information provided to staff by the current owner.</p> <p>The report did not indicate that there had been a change made to the location of fencing and gates. Fencing and gates in the location established by the previous owner remain in place.</p>
<p>The owner advises that the previous owner was exempt from a C zone being applied to their revegetation works which were only partly grant funded with plantings and</p>	<p>NCEZR rules do not permit the application of a C zone over land voluntarily revegetated by a landowner other than with their agreement. This</p>

7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

Summary of issues	Staff response
<p>maintenance undertaken at the then owners' considerable extra expense.</p> <p>It is claimed that there were excessive stalling and delays by Council in applying the previous owners wishes of not consenting spanned a change of ownership of the property allowing an ownership change loophole to be unethically exploited to arrive at a conclusion in favour of applying c-zones.</p>	<p>only applies to the landowner who undertook the revegetation work and not subsequent owners.</p> <p>The owner's claim of stalling or unethical behaviour is not agreed.</p> <p>The previous owner ensured that the current owner was present when the property was inspected on 17 February 2025. Staff kept both the previous and current owners informed of the process until the time of property transfer in April 2025.</p> <p>Council initially considered this matter at its meeting on 24 April 2025 but resolved that the report be deferred pending advice being received from DPHI and DCCEEW on the issue of primary use of land and the absence of agriculture test. Responses were received in May 2025 and a process of negotiation with some Teven Test Case owners then occurred. This delayed reporting to Council until August 2025.</p> <p>Timing has also reflected inclusion of two properties in the planning proposal relating to the excluded confidential objection matter. Ecologists inspected these properties in mid-May and mid-June 2025.</p> <p>A report was prepared for the Council's meeting on 28 August 2025. Following a resolution to prepare and submit a planning proposal for a Gateway determination a submission was lodged with the DPHI on 16 September 2025.</p> <p>The planning proposal has been categorised as <i>complex</i> by the DPHI. The timeframes referenced above are not considered to be excessive or unusual given the nature of this planning proposal and the degree of landowner consultation that has occurred.</p>
<p>The owner states that without proper funding or a management framework this conservation zoning will become "paper zoning" (zoning on map but limited on-ground protection) and current vegetation management practices being undertaken by the landowners will stop.</p>	<p>There are no current Council land rehabilitation or maintenance funding opportunities available to owners of land zoned for conservation purposes.</p> <p>The previous owner accessed grant funding provided by the Northern Rivers Catchment Management Authority in 2011 to rehabilitate part of this property. The funding agreement applied to 2.3ha of subtropical rainforest, the location of which included those areas subject to the proposed C2 zone. The agreement required that for a period of 5 years (to 28/11/2016) the landowner undertake predominately weed control works within these areas.</p> <p>In addition, it is acknowledged that the landowner also spent considerable funds in excess of the</p>

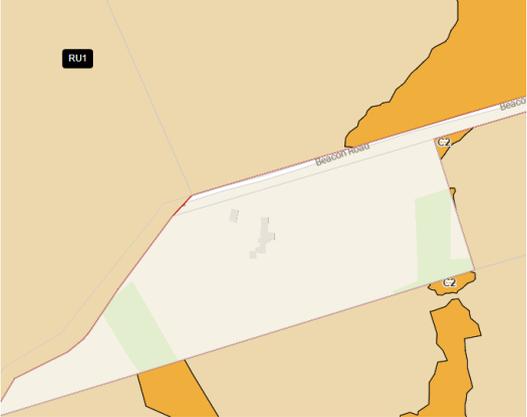
7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

Summary of issues	Staff response
	grant funding (\$13.5K) and mandatory landowner contribution amount (\$18.72K) on additional planting and rehabilitation works.
<p>The owner states that the western 0.7ha (Zone 2) area under consideration would create a C-zone separating the property between RU1 zones essentially severing the access through which livestock are required to move.</p>   <p>Photo 1 – Cleared area between 2 fence lines western end of property and northern edge of zone 2.</p>  <p>Photo 2 - Cattle use cleared area for access to western end of property</p>	<p>The proposed C2 zone does not impact the ability to move stock through this area if this activity previously occurred within the past 2 years. On this part of the property fencing and gates, as well as dense vegetation, and steep rocky terrain are the main barriers to stock movement. Stock move through the northern edge of zone 2 which is cleared land and is not fenced to exclude cattle.</p> <p>The Earthscapes ecologists report states that:</p> <p><i>This zone is in the eastern part of the property in a rocky, steep area. It is fenced to protect the site from grazing cattle.</i></p> <p>Key species include Guioa (<i>Guioa semiglauca</i>), Sandpaper fig (<i>Ficus sp.</i>), Blue quandong (<i>Elaeocarpus grandis</i>) and Macaranga (<i>Macaranga tanarius</i>). The forest was in fairly good condition with minimal weeds.</p> <p>The ecologists nominated a Primary Use of Land (PUL) of Environmental to Zone 2 with a suggested C2 zone.</p> <p>The previous owner, by email dated 9 March 2025, provided comment on the Earthscape’s ecological report. It was indicated that he considered the report to be “fair and reasonable”.</p> <p>Refer Attachment 8 for a copy of the Earthscapes report and Attachment 9 to the email from the previous property owner.</p> <p>Notwithstanding the comments made by the ecologists a review of Zone 2 has found that the rainforest area does not extend to the boundary as defined by a fence (assumes boundary is on the fence line). There is an area of land approx. 10 – 12 metres wide located between the boundary fence and a second fence along the northern edge of the rainforest area. This area is used by cattle to access the western most section of the property and the cattle yard located within this area. Refer to photos 1 and 2. Attachment 10 contains details of the zones proposed in the exhibited PP and the location of some fence lines.</p> <p>In respect to Zone 3 at the far eastern end of the property the Eathscapes report states that:</p> <p><i>Zone 3 is located in the east of the property adjacent to a creek line. It is fenced to protect the site from grazing cattle. Key species include Pink</i></p>

7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

Summary of issues	Staff response
 <p>Photo 3 - Access gate to part of zone 2 beyond cleared area along northern edge of rainforest.</p> 	<p><i>euodia (Melicope elleryana), Brown kurrajong (Commersonia bartramia), Bangalow palm (Archontophoenix cunninghamiana), Broad-leaved paperbark (Melaleuca quinquenervia and/or Calistemon salignus) and Oak (Casuarina sp.).</i></p> <p><i>The vegetation is in very good condition with few or no weeds. The zone would be best suited to a PLU of Environmental.</i></p> <p>Like Zone 2 the ecologists suggested a C2 zone be applied to Zone 3.</p>
<p>The owner sate that under the guiding principles it is stated, “The minimum land area for the application of a C2 or C3 zone should not be less than 0.5ha...”. 2 of the 3 proposed C2 zones on the property do not meet this requirement and should not be considered as they are 0.2ha and 0.5ha.</p>	<p>Council adopted 6 guiding principles to be used to guide the application of C2 or C3 zones to privately owned land at its meeting on 28 August 2025.</p> <p>The guiding principles are contained within Attachment 11.</p> <p>The landowner is correct that the minimum area for a C2 or C3 zone should not be less than 0.5ha. Part of zone 3 has an area below 0.5ha, this being the only area below the 0.5ha threshold.</p> <p>The <i>Guiding Principles</i> also indicate that a reduced minimum area may be applied if the land has ecologically assessed as having rare characteristics. The minimum land area may also be calculated by including adjoining land (common boundary) having similar ecological characteristics.</p> <p>In the case of Zone 3 the vegetation within this area is replanted native vegetation in over-cleared Mitchell landscapes – rainforest (Lower Richmond Hills Dry – Subtropical Rainforest) This vegetation meets the criteria for a C2 zone as per the NCEZR criteria. It has not been assessed as</p>

7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

Summary of issues	Staff response
	<p>containing rare vegetation but has been assessed as comprising key threatened species habitat area.</p> <p>Zones 2 and 3 adjoins C2 zoned land along their southernmost boundaries.</p> <p>Zone 3 contains a small area of proposed C2 zone (0.2ha approx.) which is separated from a larger area of an existing C2 zone area by Beacon Road. Zone 3 is also located within a paddock which is defined by a fence line. Refer Photo 4 below.</p> <p><i>Photo 4 – Internal fence separating Zone 3 from adjoining paddock.</i></p>  <p><i>Map snip showing C2 zoned areas on adjoining land</i></p> 
<p>The landowner suggests the following alternatives to a C2 zone</p> <ol style="list-style-type: none"> 1. <i>RU1 zone for the whole property</i> 2. <i>If C zone applied then provide a commitment to ongoing funding for conservation management (not just rezoning) by providing financial / technical support to the landowner for long-term ecological management.</i> 3. <i>Provide a voluntary conservation agreement (e.g., conservation covenants) with Council (or relevant environmental body) that clearly outlines responsibilities (weed control, fire management, access).</i> 	<p>Further consideration of proposed C2 zones on 54 Beacon Road has concluded the following:</p> <p>Zone 2</p> <p>Zone 2 should be amended such that the fenced rainforest area is zoned C3 with the area used for cattle access (10–12 metres estimated width) zoned RU1. A C3 zone being applied to the rainforest area is justified in accordance with the adopted guiding principles as the rainforest requires ongoing intervention through fencing to exclude cattle, and occasional weed control. Zoning the cattle access way as RU1 removes that part of zone 2 which is used for agricultural purposes from a conservation zone.</p>

7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

Summary of issues	Staff response
<p>4. Consider C3 zoning for the areas proposed as C2 zones</p>	<p>A mixed PLU of conservation and agriculture has been applied to Zone 2 to support the proposed C3 and RU1 zone. A C3 zone is also proposed by the landowner.</p> <p>Zone 3</p> <p>In respect to zone 3 these two areas form a part of a larger paddock which, whilst separately fenced, does include grassed cattle grazing areas proposed to be zoned RU1. The ability for cattle to access rainforest areas contained within the fenced paddock, which contains zone 3, has resulted in an agriculture PUL being recommended to be applied to this paddock. A PUL of agriculture supports the rezoning of this paddock to RU1. The approach taken here is consistent with that applied to the application of rural zones on 118 Beacon Road, 444 North Teven Road, and 225 Cumbalum Road which form a part of this planning proposal.</p> <p>Diagram 1 below shows the way 54 Beacon Road Teven is currently zoned under the provisions of Ballina LEP 1987.</p> <p>Diagram 2 below shows the proposed zones applied to 54 Beacon Road Teven in the exhibited planning proposal.</p> <p>Diagram 3 below shows the amended zones proposed to be applied to 54 Beacon Road, following consideration of the landowner's objection and the submission made by DPIRDAB.</p>

In summary with respect to zone 3 at 54 Beacon Road (eastern part of the land), there are good quality environmental attributes present that on face value warrant application of a conservation zone. This is why the initial area was recommended for a C2 zone and this is reflected in the response information in the table above.

However, the agricultural elements woven into the approach to C zones taken by DPHI means that with grazing access to the forested areas, a C2 zone is likely to be difficult to successfully apply in this instance.

Ultimately the situation with the zoning involves differing Government agency viewpoints, confusing State planning policy and landholder concerns, with Council in a somewhat difficult position of trying to reconcile this without undue impact on resources or loss of integrity in the local planning framework.

The recommendation is a conservative one aligned with the to date learnings from the conservation zoning process, being to apply an RU1 zone to this area. If Council prefers to retain the C2 zone as exhibited this will defer the final decision on the zoning to the DPHI.

The current, exhibited recommended zoning for the land is set out in diagrams 1, 2 and 3.

7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

Existing Zoning of 54 Beacon Road Teven (Lot 104 DP 862670)

54 Beacon Road Teven is currently zoned partly Rural 1(b) Secondary Agricultural (9.1ha) and partly Rural 1(e) Extractive and Mineral Resources (0.8ha) under the provisions of LEP1987.

Diagram 1 - Existing Zones 54 Beacon Road and adjoining road reserve

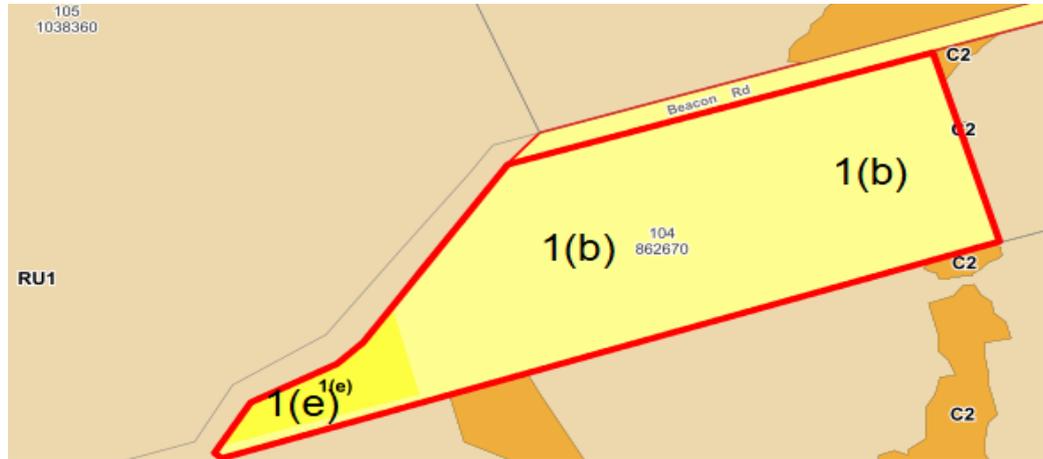
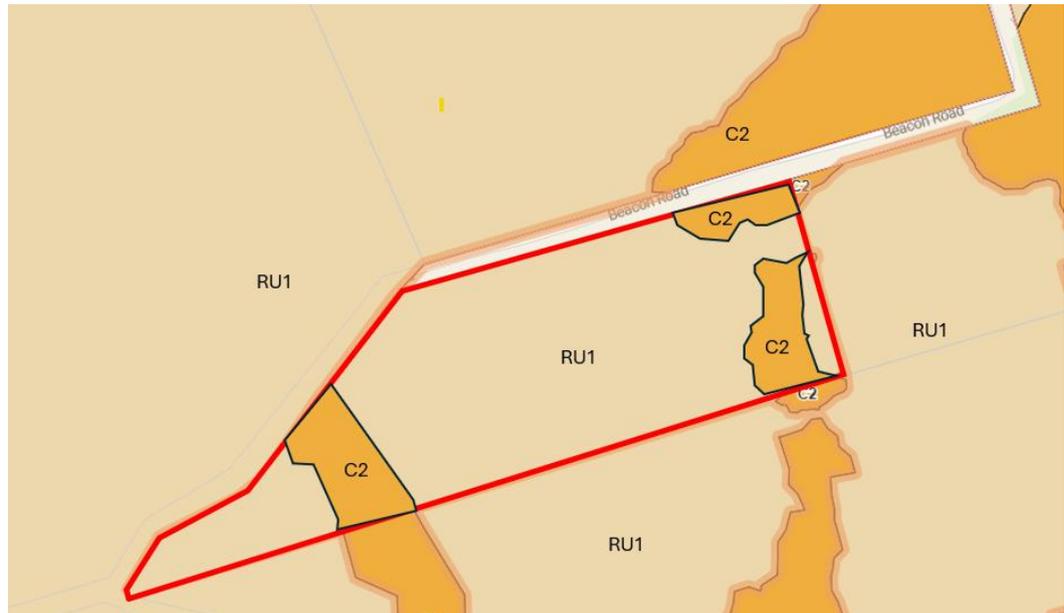
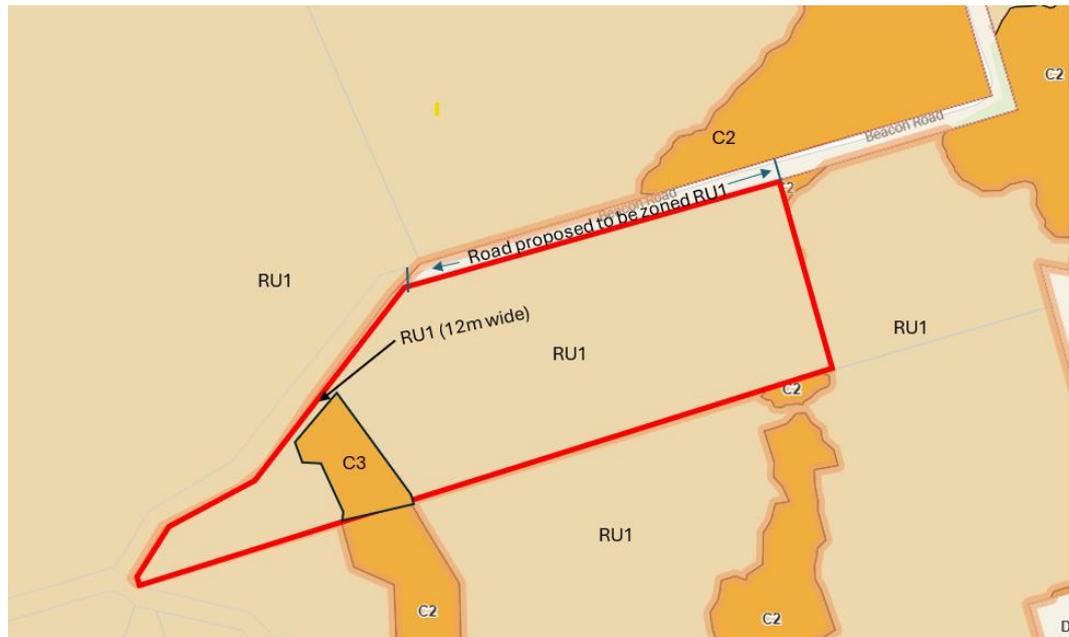


Diagram 2 - Zoning Outcome for 54 Beacon Road, Teven as Exhibited in Planning Proposal



7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

Diagram 3 - Amended Proposed Zoning 54 Beacon Road, Teven



It is also proposed to rezone that part of Beacon Road which adjoins 54 Beacon Road (Refer Diagram 1) from BLEP 1987 Rural 1(b) Secondary Agricultural to BLEP 2012 RU1 Primary Production to achieve zoning consistency.

Delivery Program Strategy / Operational Plan Activity

The integration of deferred matter land from Ballina LEP 1987 to Ballina LEP 2012 is not a matter identified in the 2025 - 2026 Delivery Program and Operational Plan. This is also the case in respect to the correction of rezoning process errors which resulted from Ballina LEP 2012 Amendment No 55.

These items were addressed by the Council at its meeting on 28 August 2025 (Minute No 280825/5) and the contents of this report are consistent with Council's resolutions on these matters.

Community Engagement Strategy

Public exhibition of the Planning Proposal and consultation with landowners and State agencies has been undertaken in line with statutory requirements and as outlined within this report.

Financial / Risk Considerations

The processes leading to finalisation of the LEP amendment by the DPHI can be undertaken within existing resources allocated to the Strategic Planning Section.

7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

Options

Option 1 – Council amend Planning Proposal BSCPP25/010 as it applies to 54 Beacon Road, as shown in Diagram 3 of this report, including adjoining areas of road reserve and request the DPHI to finalise this planning proposal.

This is the recommended option.

Adoption of this option includes the adjoining section of Beacon Road being rezoned from Rural 1(b) Secondary Agriculture to RU1 Primary Production.

Option 2 – Council support implementation of Planning Proposal BSCPP25/010 as exhibited and request the DPHI to finalise this planning proposal.

This is not recommended. A change to the zones proposed to be applied to 54 Beacon Road, Teven, is recommended in response to the submissions received and having regard for the criteria applied to these test case properties.

Option 3 – Council does not support finalisation of Planning Proposal BSCPP25/010 and requests the DPHI to take no further action in respect to the planning proposal.

This option is not recommended given the considerable time and resources devoted to achieving the outcomes proposed by the planning proposal. Adopting this option may also result in the DPHI finalising the planning proposal irrespective of the Council's position.

Option 4 – Defer the planning proposal pending further information being provided.

It is always open to the Council to defer a matter pending further information being provided. If this option is preferred, any additional information sought by Council should be identified.

RECOMMENDATIONS

1. That Council amend Planning Proposal BSCPP 25/010 – Deferred Matter and Conservation Zone Review as it relates to 54 Beacon Road, Teven as indicated in Diagram 3 in this report.
2. That part of Beacon Road which adjoins 54 Beacon Road, Teven be incorporated within the planning proposal and be designated with a RU1 Primary Production zone under Ballina Local Environmental Plan 2012.
3. That Council endorses the Planning Proposal BSCPP 25/010 (as amended in line with points 1 and 2) for finalisation.
4. The Planning Secretary be requested to approve inconsistencies with the directions of the Minister under section 9.1 of the Act as detailed in the Gateway determination letter.
5. That the amended planning proposal be forwarded to the Department of Planning, Housing and Infrastructure with a request that the LEP amendments be made and finalised.

7.5 Planning Proposal - Deferred Matters and Conservation Zones - Finalisation

6. That the landowners subject to a proposed conservation zone be notified of Council's decision.

Attachment(s)

1. BSCPP 25 010 - Deferred Matter and Conservation Zone Review Planning Proposal [⇒](#)
2. Letter from DPHI enclosing Gateway Determination [⇒](#)
3. Gateway Determination [⇒](#)
4. DCCEEW Response to PP - 12 December 2025 [⇒](#)
5. NSW RFS response to PP - 2 February 2026 [⇒](#)
6. DPIRD Response to PP - 19 December 2025 [⇒](#)
7. Owner Submissions - 54 Beacon Road, Teven [⇒](#)
8. Earthscapes Ecological Report Teven Test Case Properties [⇒](#)
9. Email from Peter Blackwood - 9 March 2025 [⇒](#)
10. Explanatory Graphics 54 Beacon Road, Teven [⇒](#)
11. Guiding Principles for the Application of C2 and C3 Zones to Privately Owned Land [⇒](#)

7.6 Policy (Review) - Climate Change

7.6 Policy (Review) - Climate Change

Section Health and Environment

Objective To review Council's Climate Change Policy.

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements.

The purpose of this report is to review the Climate Change Policy.

Council adopted this policy at the 27 July 2021 Ordinary meeting.

The policy was established to set organisational emissions reduction goals for Council, and a framework for progressing climate change mitigation, adaptation and resilience strategies for Council and the community.

The emissions reduction goals set are:

- Net zero emissions by 2030
- 100% renewable electricity for Council operations by 2030.

The primary focus under the policy is Council's operations. However, there is scope to facilitate community engagement to build local capacity in emissions reduction and development of local and regional projects.

The review of the policy has identified amendments comprising of updates to Australian and NSW Government commitments, and updates and additions to related documents, strategies, and legislation.

There are no proposed changes to the policy objectives, guiding principles, policy statements, or 2030 organisational goals.

The proposed changes are outlined in this report, and a copy of the amended policy is included as Attachment 1.

Proposed changes are marked in yellow shading for new text or red strike-out for deleted text.

Changes in the layout or structure of the policy that have not resulted in changes to text are generally not highlighted.

Key Issues

- Ensuring the policy meets Council requirements and current legislation
- Processes and pathway to net zero emissions for Council operations
- Policy basis for decision making in Council operations

Discussion

Local governments and communities across Australia are engaged in acting on climate change. The policy sets out Council's operational commitment and principles in relation to climate change.

The Climate Change Policy is a key policy to guide actions across Council's portfolios and functions as it sets clear goals to be working towards throughout Council's day to day operations and medium to long term portfolio planning.

The policy allows for targets and outcomes to be achieved in various ways so Council can be responsive to new information, technology, constraints and ideas.

With respect to Council's renewable energy target, 100% renewable electricity means generating or purchasing electricity from a renewable source, such as on-site solar systems and large-scale wind and solar farms.

Typically, councils meet some of their electricity needs through onsite solar installations, and the rest is sourced through other methods such as a Power Purchase Agreement (PPA) with a large-scale generator/supplier and/or Greenpower.

Net zero emissions means achieving a balance between emissions produced and emissions taken out of the atmosphere (e.g. by sequestration activities).

Net zero emissions means every tonne of human-made greenhouse gas that is emitted must be matched by a tonne removed from the atmosphere.

The benefits of working towards a net-zero target include reduced operational costs and increased efficiencies, enhanced reputation, demonstrated leadership, and meeting community expectations of environmental responsibility.

Council's progress to date with respect to reducing emissions and achieving net zero include:

Mitigation

In 2024 Council adopted a Corporate Emissions Reduction Plan (CERP). The aim of the CERP is to set out a pathway for Council to reach its 2030 climate change targets through short, medium, and long term actions and continuous improvements.

The CERP pathway to net-zero emissions follows the reduction hierarchy of avoid, reduce, produce, and purchase. The pathway means making emissions reductions and persisting on this path to ultimately reach and maintain net zero emissions.

Risk assessment and adaptation

Council completed a climate change risk assessment and adaptation planning process in 2024 resulting in the establishment of Council's Climate Change Risk Assessment and Adaptation Plan.

7.6 Policy (Review) - Climate Change

The plan presents a tabled summary of risks, impacts, controls, residual risks, and adaptation actions according to climate change scenarios.

An Excel tool was developed to provide further details of effectiveness of controls, and it remains a 'live' tool to be updated if risks and controls change over time.

Internal working group

An internal working group (Climate Change Action Group) has been established to oversee the implementation of Council's Climate Change Policy objectives, guiding principles, and policy statements.

The group also oversees Council's actions relating to Corporate Emissions Reduction Plan (CERP), and Council's Climate Change Risk Assessment and Adaptation Plan.

Projects to date include:

- Installation of 1,191 kW of solar with a generation capacity of 1,747 MWh
- Continuous improvements in energy efficiency – wastewater pumping upgrades, LED lighting, equipment upgrades
- Power Purchase Agreement January 2025 – 100% Greenpower for large sites, 50% Greenpower for small sites
- Roll-out of installing meters to monitor solar production live on one platform for monitoring and reporting
- 2026/27 Ballina sewerage treatment works solar upgrade.

Regional networks

Council is a part of the Northern Rivers Joint Organisation (NRJO) - Net Zero Accelerator Program.

Council has engaged in the following projects through this network:

- EVX community EV charger trial.
- Foton EV tip truck trial.
- KIA EV carpool trial.

Emissions reduction monitoring - electricity and fuel

Figure 1 illustrates corporate emissions from 2012/13 financial year (FY) to 2024/25.

Emissions in 2012/13 were 11,201 CO₂e tonnes, with emissions in 2024/25 being 9,589 CO₂e tonnes.

This equates to a 14% reduction on 2012/13 levels. This is a significant reduction considering Council and its asset base continue to grow.

When including offsets from Greenpower (3,386 CO₂e tonnes), the 2024/25 net emissions are 6,194 CO₂e tonnes, which equates to a 45% reduction on 2012/13 levels.

7.6 Policy (Review) - Climate Change

This reduction results from several initiatives including energy efficiency initiatives such as solar installations and LED lighting.

Without these initiatives it is estimated that Council's 2024/25 emissions could have been around 7% higher than 2012/13 levels.

Figure 1 illustrates Council's financial year emissions profile to 2024/25.

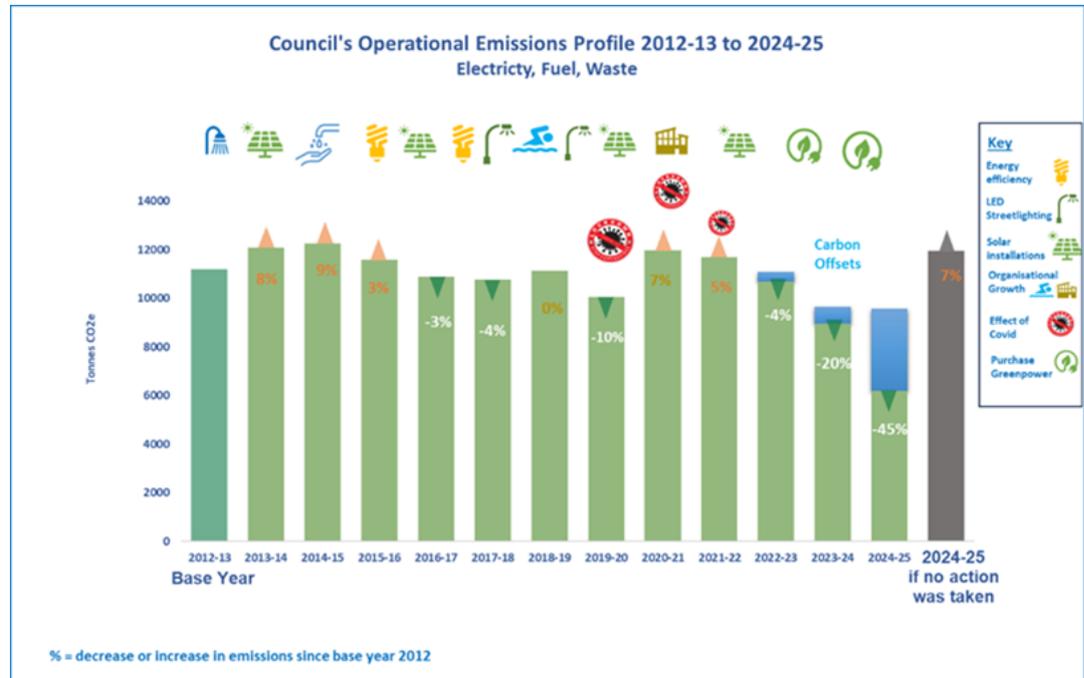


Figure 1: Council's operational emissions profile 2012/13 to 2024/25.

Council has not only reduced its greenhouse gas emissions but has also achieved significant cost savings and avoided the full impact of electricity price increases through reduced electricity consumption.

In addition to environmental and economic benefits, progressing toward net-zero emissions provides important opportunities for Council to demonstrate leadership in climate action and to respond to increasing community expectations.

NSW Treasury Climate-Related Financial Disclosures

It is anticipated that local governments will be required to report on climate-related financial disclosures in the future.

At present, mandatory climate-related financial disclosure requirements issued by NSW Treasury apply to NSW Government agencies, state-owned businesses, and universities.

These public sector entities must report on their climate-related risks and opportunities and include climate-related financial disclosures within their annual reporting processes.

The criteria used to determine which entities are required to report are based on employee numbers, annual revenue, and asset value.

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Should these mandatory reporting requirements be extended to local government, most councils would exceed the thresholds for these criteria, particularly in relation to asset value.

Council's Climate Change Policy, along with its supporting plans and strategies, positions Council well to meet any future reporting obligations should these requirements be applied to the local government sector.

Policy Review

Council's net-zero targets are aspirational rather than a strict pass/fail measure.

These targets establish a clear direction and provide a framework for continuous improvement, guiding Council's planning and decision-making over time.

No change to the fundamentals of the policy including the targets and guiding principles are recommended as an outcome of this review.

However, several adjustments are recommended as summarised below:

- *Background* - updated to include adoption of the Climate Change Policy at the 27 July 2021 Ordinary meeting
- *3.2 Strategic Alignment* - updated with current Delivery Program and Operational Plan 2025 -2029 strategies.
- *3.3.2 The intergovernmental Panel on Climate Change* - updated to reflect the most recent IPCC report and scientific research.
- *3.3.4 Australian and State Government Commitments* – updated to include the Australia's updated Nationally Determined Contributions and Australian commitments, and NSW commitments.
- *3.5 Climate Change Predictions for the North Coast* – updated to reflect the latest Australian Regional Climate Modelling (NARClIM2.0) climate projections for the North Coast.
- *3.6.1 Mitigation – Organisational Emissions Reduction Targets* – updated to reference the adopted the Corporate Emissions Reduction Plan (CERP) in 2024.
- *3.6.2 Climate Change Risk Assessment, Adaptation, and Resilience* – updated to reference Council's Climate Change Risk and Adaptation Plan in 2024.
- *6 Related Documentation* – updated with current legislation, policies and plans.

The next scheduled review of this policy in 2029 will provide Council with an opportunity to evaluate progress relative to the 2030 targets, examine emerging technologies and practices, and update targets or actions as required as a policy basis beyond 2030 to ensure continued alignment with best practice and community needs.

Delivery Program Strategy / Operational Plan Activity

The Climate Change Policy relates to the following 2025-2029 Delivery Program and Operational Plan outcomes and strategies:

- HE1.1 Our planning considers past and predicted changes to the environment

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- HE1.1d Implement Climate Change Action Plan
- HE2.2 Use our resources wisely
- HE2.3 Pursue innovative technologies
- EL1.3 Incorporate social, economic and environmental considerations into decision-making
- EL2.1 Ensure a balance budget, with revenue opportunities combined with cost savings and efficiencies.
- EL3.1 Actively advocate community issues to other levels of government
- EL3.2 Encourage a networked and adaptive approach to meeting regional challenges
- CC1.2 Ensure plans are in place for public health events, natural disasters and environmental changes

Community Engagement Strategy

As the changes are relatively minor it is recommended that Council adopt the policy as presented. However, the document will also be exhibited for public comment.

If any submissions seeking change to the policy are received, they can be reported back to Council however there will not be a need for any further report, if there is no public comment.

Financial / Risk Considerations

This review has been undertaken within Council's existing resources, and no financial impacts or risks are expected to arise from the proposed changes.

Options

Council may accept or amend the proposed changes to the policy.

The changes included are minor and it is recommended that the policy be adopted as presented.

It is also recommended that if no submissions are received from the exhibition process, no further action is required.

RECOMMENDATIONS

1. That Council adopts the amended Climate Change Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, then no further action is required.

Attachment(s)

1. Policy (Review) - Climate Change [⇒](#)

7.7 Policy (Review) - Biodiversity - Compensatory Habitats and Offsets

7.7 Policy (Review) - Biodiversity - Compensatory Habitats and Offsets

Section	Strategic Planning
Objective	To provide a summary of submissions to the public exhibition of Council's revised Biodiversity - Compensatory Habitats and Offsets Policy and recommend the Policy is finalised with minor changes as a result of submissions.

Background

At the November 2025 Ordinary meeting Council resolved to place the Biodiversity – Compensatory Habitats and Offsets Policy on public exhibition, with any submissions received to be resubmitted back to Council.

The draft policy was placed on public exhibition for 46 days with a closing date of 16 January 2026. Three submissions were received, copies of which are attached to this report.

Key matters raised in the submissions include:

- The need for clearer definition of key terms.
- Uncertainty regarding how the Policy applies to koala habitat.
- Potential ambiguity in the Policy's scope.
- Lack of clarity regarding the application of the Policy to Council maintenance activities.
- The view that stronger requirements are needed for proposals to demonstrate that biodiversity impacts have been adequately considered prior to avoidance and minimisation.
- The absence of clear reference to standards or documents used to determine vegetation associations or Plant Community Types (PCTs).
- Suggestion that threatened species habitat should attract higher offset ratios comparable to koala habitat.
- Recognition that delays in offset establishment can compound impacts and affect ecosystem resilience.
- Comments about cumulative impacts, monitoring, data collection and balancing development pressures with ecological protection.

In response to this feedback, amendments are proposed to clarify definitions, assessment requirements and the application of offset ratios, without significantly altering the intent or operation of the Policy.

A copy of the amended policy is included as Attachment 2 to this report.

Key Issues

- Whether the policy meets the requirements of Council and current legislation.
- Address of issues raised in submissions.

7.7 Policy (Review) - Biodiversity - Compensatory Habitats and Offsets

Discussion

The draft policy document was exhibited for a period of 46 days. The exhibition was notified via Council's website and by way of community notices.

The three submissions received all broadly supported the Policy intent and overall approach. The issues raised were largely focused on improving the clarity, consistency and interpretation, rather than seeking fundamental changes to the Policy.

Table 1 summarises the feedback received along with a response and recommendations from staff.

Table 1 Summary of submissions received through public exhibition.

Summary of feedback	Staff response
<p>Some key terms should be defined, such as tree, native, and habitat.</p>	<p>Change to Policy recommended.</p> <p>The key terms, <i>habitat</i>, <i>tree</i>, and <i>native</i> should be defined for the avoidance of doubt. Upon consideration, some additional definitions are also warranted for <i>Koala Use Tree</i>, <i>Preferred Koala Habitat</i>, <i>Core Koala Habitat</i>, <i>PCT</i>, and <i>Vegetation Formation</i></p> <p><u>Recommendation:</u></p> <p>It is recommended that definitions for key terms are added within Section 4 Definitions.</p>
<p>Concern raised that the application of the policy to Koala habitat is unclear. In particular, there is some uncertainty as to whether the requirements apply only within the statutory Koala Planning Area. It was noted that small or isolated vegetation - such as garden, roadside, or fence-line trees containing a koala feed tree - could trigger high offset ratios.</p>	<p>Change to Policy recommended.</p> <p>Table 1 Compensatory Habitat Offset Ratios in the publicly exhibited Policy included Koala habitat (in accordance with the Koala Management Strategy) with an offset ratio of 15:1 and koala use tree with an offset ratio of 10:1. Application of the second offset was to any Koala use tree (a species listed under Schedule 3 of the North Coast KMA) within 300 metres of mapped Koala habitat.</p> <p>Amendments to Table 1 are recommended to clarify that:</p> <ul style="list-style-type: none"> • A 15:1 offset ratio only applies to <i>Core Koala Habitat</i>, where that habitat is: <ul style="list-style-type: none"> ○ mapped within the <i>Ballina Shire Koala Management Strategy</i> or, ○ otherwise identified on site through field surveys undertaken in accordance with <i>SEPP (Biodiversity and Conservation) 2021</i> • A Koala Use Tree is defined in <i>SEPP (Biodiversity and Conservation) 2021</i> under <i>Schedule 3: Koala use tree species - North Coast Koala Management Area</i>. A 10:1 offset ratio applies to the removal of any Koala Use Tree located within 300 metres of: <ul style="list-style-type: none"> ○ Preferred Koala Habitat mapped under Ballina Shire Koala Management Strategy; or

7.7 Policy (Review) - Biodiversity - Compensatory Habitats and Offsets

Summary of feedback	Staff response
	<ul style="list-style-type: none"> ○ any Core Koala Habitat identified by field survey in accordance with <i>SEPP (Biodiversity and Conservation) 2021</i>. <p>Garden, roadside or fence-line vegetation may meet the definition of Core Koala Habitat or contain Koala Use Trees. Given the significant threats to koalas within the Ballina LGA, applying offsets in these circumstances is essential to ensure no net loss of koala habitat or Koala Use Trees.</p> <p>Even in areas where koalas are currently absent, isolated habitat or individual feed trees contribute to long-term population resilience and are important for supporting koala recovery.</p> <p>Applying a 10:1 offset ratio for Koala Use Trees within 300m of Preferred Koala habitat is an acknowledgement that koala populations and movements are dynamic, and koala activity is variable (i.e. the presence or absence of a koala at a point in time is one part of determining the value of Koala habitat).</p> <p><u>Recommendation:</u></p> <p>It is recommended that Table 1 be amended to clarify that a 15:1 offset ratio applies for <i>Core Koala Habitat</i> only. Core Koala Habitat is mapped under <i>the Ballina Shire Koala Management Strategy</i> or subsequently identified via field survey in accordance with <i>SEPP (Biodiversity and Conservation) 2021</i>.</p> <p>It is also recommended that the application notes for <i>Koala Use Trees</i>, within Table 1, be amended to include further information on how these are identified. Specifically, offset requirements for Koala Use Trees apply within 300 metres of:</p> <ul style="list-style-type: none"> a) Any Preferred Koala Habitat mapped under the Ballina KMS; or b) Any Core Koala Habitat identified on-site via field survey in accordance with <i>SEPP (Biodiversity and Conservation)</i>.
<p>The Policy does not specifically address the removal of mature figs. A ratio of 10:1 may not be reflective of the conservation and habitat value of a massive mature fig.</p>	<p>Very large fig trees (<i>Ficus sp.</i>) are highly important ecologically. However, proponents are required to apply the offset mitigation hierarchy as part of any development proposal and as such, it is expected that large figs (along with other highly significant biodiversity features) are reasonably avoided by development proposals. Following adequate avoidance and mitigation, a 10:1 ratio is appropriate to offset any residual impacts considered acceptable by Council.</p> <p>No change to the Policy is recommended.</p>
<p>The Policy does not clearly explain how it applies to works such as drain-clearing or easement maintenance, where Council may remove vegetation every</p>	<p>The Policy applies wherever works requiring approval under Part 4 or Part 5 of the EP&A Act impact biodiversity values.</p> <p>Stormwater drains can contain important habitat features, including those that support threatened species, particularly where wetland or riparian vegetation has been allowed to regenerate between maintenance cycles.</p>

7.7 Policy (Review) - Biodiversity - Compensatory Habitats and Offsets

Summary of feedback	Staff response
<p>5-10 years or less frequently. There is environmental benefit in letting native vegetation re-establish in these situations but perhaps it would not be fair to Council to have to compensate for the loss every time it is cleared.</p>	<p>In most instances where Council undertakes stormwater infrastructure maintenance, and other maintenance activities, these are considered exempt works in accordance with <i>SEPP (Transport and Infrastructure)</i> and <i>SEPP (Exempt and Complying Development)</i>.</p> <p>Where maintenance works are not considered exempt under the SEPPs, they must be assessed under Part 4 or Part 5 of the EP&A Act and therefore the Policy applies.</p> <p>Whether works constitute exempt development also depends on whether vegetation removal triggers a permit or approval requirement under Council's DCP.</p> <p>No change to the Policy is recommended.</p>
<p>In addition to biodiversity values associated with native vegetation, the Policy needs to recognise other habitat features. The phrasing "<i>impacts biodiversity values associated with native vegetation</i>" could imply exclusion of certain habitat features from compensation under the policy.</p>	<p>Change to Policy recommended.</p> <p>It is the intent of the policy to recognise all biodiversity values and habitat features. This includes biotic and abiotic habitat features such as hydrological and geological features.</p> <p><u>Recommendation:</u></p> <p>It is recommended that Section 2.1 be amended to remove the words "<i>associated with native vegetation</i>" to clarify that the policy is not limited only to native vegetation.</p> <p>It is also recommended that Section 2.2.3 be amended to clarify that "<i>all biodiversity values</i>", rather than "<i>values to be impacted</i>" impacted by the proposal... "<i>must be shown</i>", rather than "<i>should be shown</i>" on a detailed map.</p>
<p>Proposals should need to demonstrate how impacts have been <i>considered</i> before avoided – it is often the lack of, or inadequate, consideration to biodiversity that leads to habitat loss to being dismiss.</p>	<p>Adequate consideration of biodiversity impacts is essential to proper avoidance. However, the requirement to demonstrate consideration of impacts is more appropriately addressed through the planning assessment process rather than this policy.</p> <p>Council's planning instruments and State planning provisions provide an established framework for this.</p> <p>No change to the Policy is recommended.</p>
<p>The Policy should clearly specify what documents or standards are used to determine a vegetation association or PCT.</p>	<p>Change to Policy recommended.</p> <p>The importance of consistency in the identification of vegetation associations, Plant Community Types (PCTs), and Threatened Ecological Communities (TECs) is acknowledged.</p> <p>The exhibited Policy states that: "<i>TECs and EECs are identified in accordance with the state or federal listing determination. State Vegetation Type Mapping can provide guidance.</i>" However, it has been identified that this wording may cause confusion, as State Vegetation Type Mapping maps PCTs only and not TECs/ EECs.</p> <p><u>Recommendation:</u></p> <p>It is recommended that Section 2.2.3 of the Policy is amended as follows:</p> <p>As exhibited: "<i>All native trees/vegetation must be identified to species level and, if applicable, all native vegetation</i></p>

7.7 Policy (Review) - Biodiversity - Compensatory Habitats and Offsets

Summary of feedback	Staff response
	<p><i>should be assigned a Vegetation Class or Plant Community Type.”</i></p> <p>Proposed amendment: <i>“All trees must be identified to species level. Where trees occur as part of a native vegetation community, the community should be identified to Vegetation Formation (e.g. rainforest, grassland, woodland, forest, heathland, wetland- see Keith [2004]), or, where possible, to Plant Community Type (PCT) (described in the BioNet Vegetation Classification application and shown on the Trees Near Me App).</i></p> <p>In addition, it is proposed a reference for Keith (2004) be added to Section 6 Related Documentation: Keith, D. A. (2004). <i>Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT</i>. NSW Department of Environment and Conservation, Sydney.</p> <p>It is also recommended that the application notes for TECs/EECs in Table 1 are amended from;</p> <p><i>As exhibited: “TECs and EECs are identified in accordance with the state or federal listing determination. State Vegetation Type Mapping can provide guidance.”</i></p> <p>Proposed amendment: <i>“As identified on-site by field survey or by ecological assessment, or as advised by Council”</i></p>
<p>All threatened fauna habitat should be offset at the same rate as Koala habitat (15:1).</p>	<p>Change to Policy recommended.</p> <p>Threatened species habitat can occur in a variety of forms. To ensure that habitats that are not subject to one of the other classes of offset are subject to the policy, it is recommended that an additional category is added to the offset table.</p> <p>An offset ratio of 10:1 is proposed on the basis that this aligns with the requirement for threatened and endangered ecological communities and other high conservation value habitats.</p> <p>A 15:1 ratio remains for core Koala habitat as this reflects Council’s Koala Management Strategy.</p> <p><u>Recommendation:</u></p> <p>It is recommended that an additional row be added to Table 1, <i>“Threatened species habitat”</i>, with an offset ratio of 10:1 and application notes: <i>“As identified on-site by field survey or by ecological assessment, or as advised by Council”</i>. It is proposed that a reduced rate for public works would apply to this offset category, consistent with the offset ratio for other High Conservation Significance vegetation.</p>
<p>Concern that the Policy does not adequately address understanding and quantification of cumulative impacts.</p>	<p>Development proposals are required to provide an assessment of all residual biodiversity impacts. This includes cumulative impacts. It is not necessary to also require it in the Offsets Policy.</p> <p>No Change to the Policy is recommended.</p>
<p>Offsets take many years to become effective. This delay can have</p>	<p>Change to Policy recommended.</p> <p>Offsets can take years to become effective and the delay in establishing offsets can have serious impacts. For this</p>

7.7 Policy (Review) - Biodiversity - Compensatory Habitats and Offsets

Summary of feedback	Staff response
serious impacts on the urban ecosystem and its resilience. This is compounded by extreme weather events.	<p>reason, Council at times requires that offsets be established prior to an approved impact occurring, particularly for projects with larger offset requirements.</p> <p><u>Recommendation:</u></p> <p>It is recommended that Section 2.2.5 be amended, to include an additional point clarifying that: “<i>Council may require that biodiversity offsets be established prior to an approved impact occurring.</i>”</p>
Emphasised the importance of improving data collection, monitoring biodiversity health, and developing proactive strategies to protect critical habitats.	<p>The importance of improving data collection, monitoring biodiversity health and developing proactive strategies to protect critical habitats is acknowledged.</p> <p>These matters are supported and addressed through Council’s Biodiversity Strategy and associated monitoring and implementation programs, which operate at a strategic level.</p> <p>This Policy is intended to function as a development - focused assessment and mitigation tool, rather than a strategic biodiversity monitoring framework.</p> <p>The actions suggested fall outside the scope of this Policy.</p> <p>No change to the Policy is recommended.</p>
This policy should clearly define how to balance development pressures with the immediate need for ecological preservation.	<p>Balancing development pressures with the need for immediate ecological preservation is acknowledged and applied by Council in the assessment of development applications and Part 5 proposals.</p> <p>This Policy operates as a complementary mechanism to planning instruments and policy, rather than as the primary tool for resolving the balance between development pressures and biodiversity conservation</p> <p>No change to the Policy is recommended.</p>

Delivery Program Strategy / Operational Plan Activity

The policy supports Council’s Biodiversity Strategy and contributes to DPOP Strategy HE3.2 *Minimise negative impacts on the natural environment.*

Community Engagement Strategy

The draft policy was placed on public exhibition for 46 days from 2 December 2025 to 16 January 2026. in accordance with Council’s Community Engagement Strategy.

Three submissions were received, and these have been addressed in this report.

Financial / Risk Considerations

This review has been undertaken within operating resources allocated to the Strategic Planning Section.

7.7 Policy (Review) - Biodiversity - Compensatory Habitats and Offsets

Options

Option 1 – Council can adopt the Policy as exhibited.

This is not the recommended option as the proposed amendments respond to the issues raised during the public exhibition period and result in improvements to the Policy.

The suggestions made in submissions are consistent with the intent of the Policy and the proposed changes are recommended to clarify some aspects of the Policy and its application.

Option 2 – Council can amend and adopt the Policy as attached to this report.

This option is recommended as the amendments respond to the submissions received, strengthen the intent of the Policy, and clarify its interpretation and application.

A copy of the recommended policy (including the amendments set out in this report) is contained in Attachment 2.

RECOMMENDATIONS

That Council adopts the amended Biodiversity – Compensatory Habitats and Offsets Policy as contained in Attachment 2 to this report.

Attachment(s)

1. Submissions to Biodiversity - Compensatory Habitats and Offsets Policy Review [⇒](#)
2. Policy B08 Biodiversity - Compensatory Habitat and Offsets - Draft for Adoption Post Exhibition [⇒](#)

7.8 NSW State Government Strategic Planning Reforms

7.8 NSW State Government Strategic Planning Reforms

Section	Strategic Planning
Objective	To provide an overview of proposed NSW State Government strategic planning policy and seek direction on Council's response.

Background

The NSW Government released two strategic planning documents for consultation in December 2025, with submissions invited by 27 February 2026.

The documents are 'A New Approach to Strategic Planning' discussion paper' and a draft 'Statewide Policy for Industrial Lands'.

This report provides a high level overview of the content of these documents and what the proposed changes mean for Council.

The report also incorporates a proposed submission relating to proposed changes to regional planning in NSW (as outlined in the new approach to strategic planning discussion paper).

The draft submission is contained in Attachment 1.

Both the discussion paper and the draft policy can be viewed via this link:

[A New Approach to Strategic Planning: Discussion Paper | Planning Portal - Department of Planning and Environment](#)

Key Issues

- Council input into regional planning
- Implications of Statewide reforms

Discussion

A New Approach to Strategic Planning Discussion Paper

The discussion paper was released on 10 December 2025. It introduces a proposed new statewide plan – the State Land Use Plan – that will set statewide land use priorities. Local and regional plans will need to demonstrate how these will be implemented.

The State Land Use Plan will include seven priorities and the flowchart below at Figure 1 is provided to show how these are intended to be incorporated into all levels of planning across the state.

7.8 NSW State Government Strategic Planning Reforms

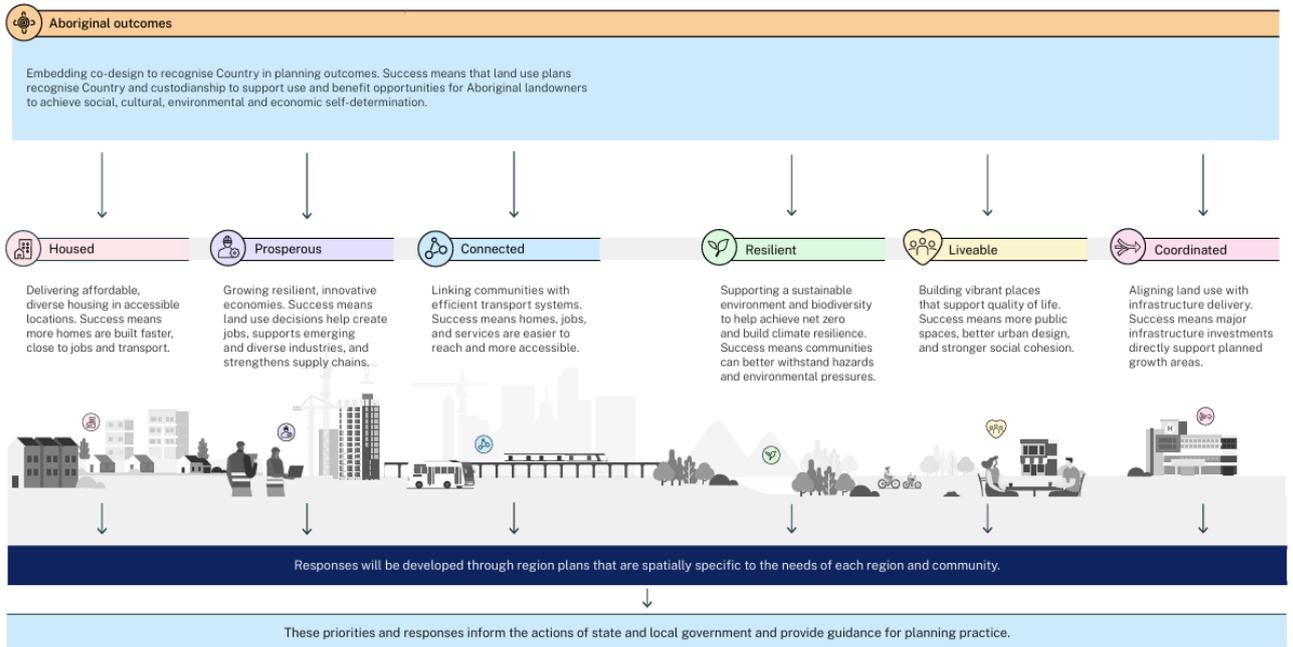
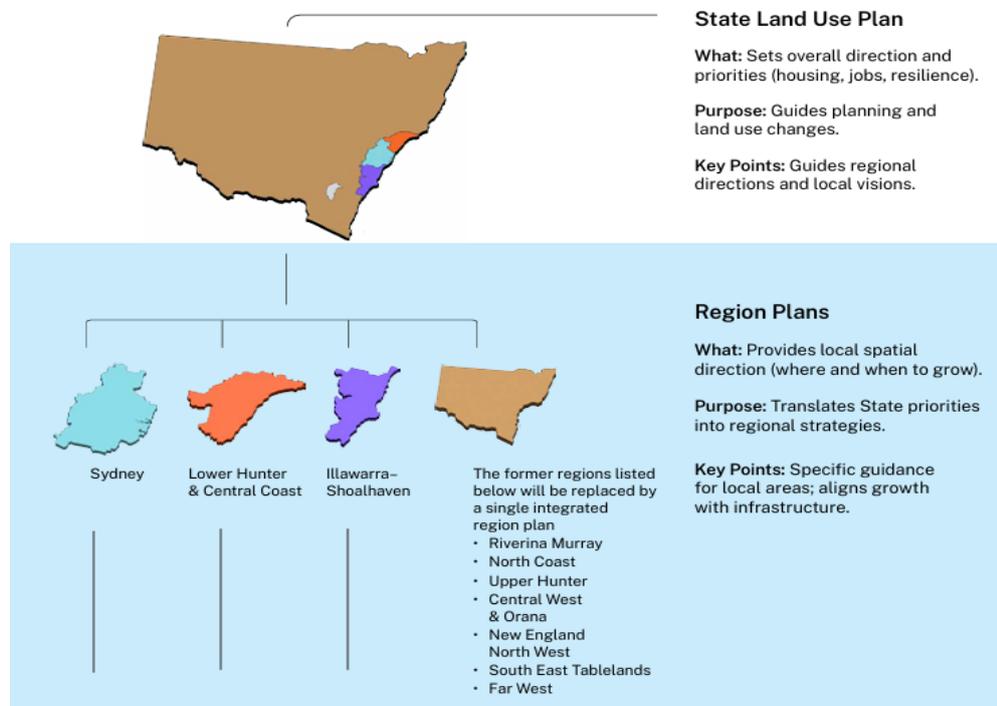


Figure 1 – State Planning Priorities and alignment across regional and local planning

The ‘new approach’ proposes to simplify regional planning by only having four regions, being; Sydney (33 LGAs), Lower Hunter & Central Coast (6 LGAs), Illawarra – Shoalhaven (5 LGAs) and everywhere else (84 LGAs).

This means that the current seven regional planning areas would be replaced by a vast ‘region’ with “a single integrated region plan” as shown on the graphic below.



The stated rationale for this change is to simplify and unify strategic planning across NSW and to improve integration and alignment with state priorities.

7.8 NSW State Government Strategic Planning Reforms

The draft Sydney plan is on public exhibition with the other material, with other plans to be developed from mid-2026 to late 2027.

Implications for Ballina Shire

The current North Coast regional planning area covers Ballina, Bellingen, Byron, Clarence Valley, Coffs Harbour, Kempsey, Kyogle, Lismore, Nambucca, Port Macquarie-Hastings, Richmond Valley and Tweed LGAs.

The North Coast Regional Plan 2041 includes two distinct sub-regions, being the Northern Rivers (Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed) and Mid North Coast.

The North Coast Regional Plan (NCRP) sets out a broad range of local priorities that are defined as goals and objectives with specific strategies and actions to be undertaken between councils and NSW agencies, primarily the Department of Planning, Housing & Infrastructure (DPHI). There is also a Local Government Narrative section for each of the 12 LGAs within the plan, including mapped growth areas based upon each Council's applicable growth strategy / Local Strategic Planning Statement.

It is unclear how a single regional plan covering more than 95% of the State's landmass will respond in any meaningful way to the needs of local communities.

The discussion paper does not demonstrate how this will achieve the intent to *simplify and unify strategic planning* across the state or show how this is beneficial to regional communities.

The draft submission in Attachment 1 suggests that rather than homogenise regional planning policy, the retention of the current planning regions should be retained.

It also highlights there is a case for smaller regions based on geographical and social communities of interest, and more detailed planning for provision of shared regional infrastructure.

The draft submission also proposes that regional plans could be improved by focusing on land use planning matters and specific outcomes.

Draft Statewide Policy for Industrial Lands

Also released for comment is the Draft Statewide Policy for Industrial Lands. The draft policy provides a new framework for the categorisation of all industrial zoned land as either State, Regionally or Locally significant. It sets out the process for categorisation (to be undertaken by DPHI) and consultation before inclusion in the applicable regional plan.

There is also information about the process of re-categorisation (generally where circumstances change) and when Council could consider 'alternative land uses' (i.e. Additional Permitted Uses) within a regionally or locally significant industrial land precinct.

The process and the matters for consideration when proposing new greenfield industrial land remains unchanged.

7.8 NSW State Government Strategic Planning Reforms

The rationale for the approach is that industrial land across the state is under increasing pressure from competing land uses. The policy intends to provide a clear framework to protect and optimise industrial land from encroachment, based upon the scale and function of each industrial area.

Implications for Ballina Shire

Industrial land categorisation will be applied to land in the following zones in the Ballina LGA:

- E3 Productivity Support and
- E4 General Industrial.

Council will have an opportunity to provide comments on the categorisation of each site once DPHI has undertaken the process. It is likely all applicable zoned areas within Ballina Shire will be classed as 'locally or perhaps regionally significant' noting that the airport is zoned SP2 which is not one of the applicable zones being considered.

A submission on the draft industrial lands policy is not recommended at present.

Delivery Program Strategy / Operational Plan Activity

Responding to Statewide planning matters is not something that is specifically identified within the DPOP, however it is important at times to ensure Council's viewpoints on local, regional and State planning are expressed for consideration.

Community Engagement Strategy

No community consultation has been undertaken or is required in relation to this matter.

Financial / Risk Considerations

There is no financial implication for Council making a submission.

Options

Option 1 – Council resolves to make a submission to the Department of Planning, Housing and Infrastructure on the '*New Approach to Strategic Planning*' discussion paper.

This is the recommended option based on the draft contained in Attachment 1.

Council could amend the submission and if this is preferred then changes should be embodied in the resolution.

Option 2 – Council notes the content of this report but does not make a submission.

This is not recommended where Council is in agreement with the principles set out in the submission.

RECOMMENDATIONS

That Council endorses the submission to the Department of Planning, Housing and Infrastructure on the '*New Approach to Strategic Planning*' discussion paper, as contained in Attachment 1.

Attachment(s)

1. Draft Submission - DPHI - New Approach to Strategic Planning [⇒](#)

7.9 Development Applications - Works in Progress - 31 December 2025 Review

7.9 Development Applications - Works in Progress - 31 December 2025 Review

This report provides an overview of current development application activity. The data provided is to the end of December for the 2025/26 financial year.

A list of development applications, not yet determined, that have been under assessment for a period of greater than 90 days is contained in Attachment 1.

The 90 day threshold has been chosen as it provides a good indication of the volume of DAs that are in progress and overall workload.

Further information relating to the applications listed is available via Council's DAs online portal (accessible via www.ballina.nsw.gov.au).

DA Volume Statistics

The following data for calendar years 2024 and 2025 provides an indication of the number of DAs (including modifications) under assessment with reference to various timeframes.

Assessment Timeframe	2024											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Less than 90 days	58	63	66	45	75	81	55	61	85	62	80	76
90 to 180 days	58	52	42	54	43	40	45	41	32	39	30	26
180 to 365 days	74	58	57	60	53	51	48	40	36	38	33	27
More than 365 days	49	45	41	42	37	36	33	31	27	30	26	21
TOTAL	239	218	206	201	208	208	181	173	180	169	169	150

Assessment Timeframe	2025											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Less than 90 days	34	47	65	49	49	80	40	57	77	37	35	57
90 to 180 days	52	43	33	27	18	16	41	37	34	45	51	43
180 to 365 days	30	24	20	20	18	9	8	5	4	25	25	26
More than 365 days	22	16	15	11	10	4	10	10	10	10	9	7
TOTAL	138	130	133	107	95	109	99	109	125	117	120	133

The previous tables do not show applications that have been lodged and determined within the quarterly reporting period (i.e. the tables only show applications not yet determined).

The next table provides an indication of the total annual volume of DAs.

7.9 Development Applications - Works in Progress - 31 December 2025 Review

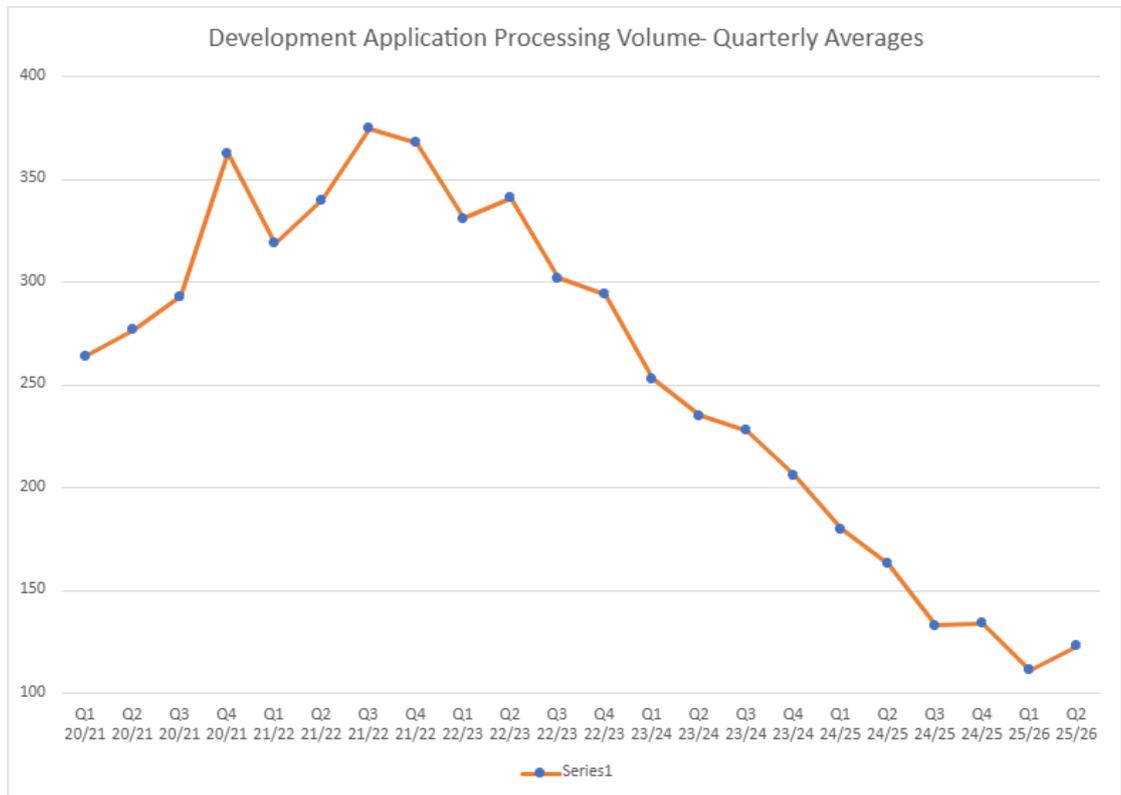
The figures are for DAs and section 4.55 modification applications and do not include complying development certificates or other related applications for approvals.

The trend for the first half of 2025/26 is that the number of new DAs being submitted is rising compared to the volume experienced in the last few years.

Year	No. of DAs Submitted	% Change
17/18	861	N/A
18/19	890	+ 3.4%
19/20	976	+ 9.7%
20/21	1093	+ 12%
21/22	1020	- 7.2%
22/23	759	- 25%
23/24	602	- 20%
24/25	575	- 4.5%
2025/26 YTD	389	Projected change based on trend - +35%

The next chart provides an overview of the volume of development applications lodged, but not determined each quarter, for the period July 2020 to the end of December 2025.

The quarterly figure represents the three-monthly average of DAs lodged but not determined for that quarter.



7.9 Development Applications - Works in Progress - 31 December 2025 Review

A key focus area for 2025/26 continues to be the determination of applications that have been under assessment for more than 12 months (along with applications approaching this period), housing applications and fast track applications including alterations and additions to dwelling houses and swimming pools.

In July 2024, there were 35 development applications that had been under assessment for greater than 12 months. This volume has been significantly reduced, with five applications with an assessment period over 12 months at the end of December (noting there are also two modification applications that have been under assessment for more than 12 months).

Monthly Data (Financial Year)

The table below shows monthly activity of both Development Applications and Modification of Consents within the current financial year. This gives a guide to the flow of applications in and out of the assessment system.

	2025/26					
	Jul	Aug	Sep	Oct	Nov	Dec
DAs & Mods Submitted	63	70	84	57	52	63
DAs & Mods Returned	23	23	34	21	20	27
DAs & Mods Lodged	37	50	40	37	36	44
DAs & Mods Approved	47	34	44	26	38	31

The below data set shows indicators aligned with the Ministerial Direction for assessment times for 2025/26.

These indicators represent refinement of the overall 105 average assessment timeframe target set by the Minister to aid internal tracking and management. The indicators also align with the recommendations of the Two Things and Keylan development assessment review recommendations (see below for further information on the Keylan review).

The data is represented with “traffic lights”, green reflecting the target being met, amber reflecting the result did not meet the target but is close and red indicating the target was not met for the month.

In viewing these figures it is important to consider the overall trend as development assessment can be lumpy month to month in terms of assessment outcomes and timeframes owing to a wide variety of factors.

Applications and Targets (Ministers target *)	2025/26					
	Jul	Aug	Sep	Oct	Nov	Dec
DAs & Mods under assessment <180 applications	96	107	124	118	119	134
DAs & Mods > 12 Months Old < 10 applications	6	8	9	9	7	7
* Submit to Lodge (average days) < 7 days (inc. mods)	5.3	4.9	5	4.9	5.9	4.8
* DA Assessment (lodged to determined) <105 days (portal figures) (exc. mods)	47	61	60	65	67	68

7.9 Development Applications - Works in Progress - 31 December 2025 Review

DA Assessment (lodged to determined) <105 days (council figures) (inc. mods)	73.5	61	54	75.4	73.7	71.3
Residential Development (average assessment) < 90 days (exc. mods)	58	66	95	100.5	71.5	92.1
Ancillary Development (average assessment) < 30 days (exc. mods)	38	70	49.5	30.7	51.3	38.8
Median Determination Time < 55 days (excl. mods)	44	87	44	37	44	38
Proportion Determined under Delegation > 95% (inc. mods)	100%	97.4%	100%	100%	100%	100%

Overall these figures represent an improvement on the prior 12 month period and this is reflected in State Government published portal data. This is illustrated in the next table.

	2024/25	2025/26 (YTD)
DAs Submitted (inc. mods)	575	389
% Change	-	TBC
Average Submit to Lodge (portal) (exc. mods)	66	5
% Change	-	- 92%
Average Assessment (portal) (exc. mods)	158	61
% Change	-	- 61%

Determination Method

Applications are determined in several ways including under delegated authority, by the elected Council and by the regional planning panel.

Applications are also concluded by being withdrawn by the applicant.

The target for the percentage of applications determined under delegated authority in the 2025/26 Delivery Program and Operational Plan is 95%.

In 2025/26 financial year, 99% of applications determined have been resolved by staff under delegation.

One application was determined by the Northern Regional Planning Panel during the reporting period.

Determination Outcome

In relation to the determination of DAs, most development applications are determined by way of approval. Approval rates for applications over the last five years are shown in the table below.

Year	2021/22	2022/23	2023/24	2024/25	2025/26 ytd
Approval Rate	99%	98%	97%	91%	92%

There has been a decline in the percentage of approvals as processes are adjusted to meet the Minister's Statement of Expectations.

7.9 Development Applications - Works in Progress - 31 December 2025 Review

The expectations mean Council cannot hold on to applications and negotiate with proponents to resolve issues in the same way as Council once did.

Variations to Development Standards

In accordance with Department of Planning reporting requirements, the following information is provided on development applications lodged prior to 1 November 2023 where a variation to a development standard of 10% or less (via the BLEP 1987 or BLEP 2012) has been approved by staff under delegated authority in the period October to December 2025.

DA Details	Proposal and Address	EPI and Land Zoning	Development Standard and Approved Variation	Justification for Variation
Nil	Nil	Nil	Nil	Nil

Northern Regional Planning Panel DAs under Assessment

The following table provides a summary of DAs classified as regionally significant development that are currently under assessment and will require reporting to the Northern Regional Planning Panel for determination.

DA No.	Applicant	Address	Proposal	Status
DA 2025/142	Technical and Further Education Commission	61 Sneath Road WOLLONGBAR	Additions to Educational Establishment (TAFE) comprising the construction of a 'multi trades hub' building and associated demolition, earthworks, vegetation removal, infrastructure works and landscaping	Draft assessment and Panel report being finalised. Draft conditions to be agreed by Applicant as it is Crown development. Panel meeting likely to be scheduled in late March.
DA 2025/160	Ardill Payne & Partners	10 Stewart Street LENNOX HEAD	Alterations and Additions to the Recreation facility (outdoor)/Registered Club and reconfiguration of associated car parking and access arrangements, with works being undertaken in 2 stages.	Applicant's additional information received 3 February 2026 in response to Council's RFI issued November 2025
DA 2025/418	Barker Ryan Stewart	47 Dufficys Lane KINVARA	Stage 1 Boundary Adjustments & Lot Consolidation of 6 lots to create 4 lots Stage 2 Torrens Title subdivision (CURA B Stage 1) and associated infrastructure, comprising: 233 residential Torrens lots and 4 x superlots for future development of a village precinct capable of supporting a mix of	DA on public exhibition from 12 November to 12 December 2025. A letter of request for additional information issued on 1 December 2025. Applicant has requested an extension of time to 13 March to respond to Council's RFI.

7.9 Development Applications - Works in Progress - 31 December 2025 Review

			<p>commercial and residential development. 4 x public park lots 4 x residue lots 1 x lot for the water reservoir 2 x lots for dedication of drainage reserves. 1 x lot for pump station 1 x Aboriginal cultural heritage lot</p>	
DA 2025/377	J Pickford	Whytes Lane PIMLICO	<p>Extractive Industry comprising the extraction of a total of 66,000m³ of aggregate over a 30-year period for reuse on the property, and associated vegetation management works and rehabilitation works.</p>	<p>DA publicly exhibited 19 November to 19 December 2025. Council issued a request further information on 5 January 2026.</p>
DA 2025/395	Fiveight Hinterland Pty Ltd	933 Fernleigh Road BROOKLET	<p>Alterations and Additions to Tourist and Visitor Accommodation comprising:</p> <ul style="list-style-type: none"> • Construction of 'arrivals building' (HUB) to including arrival entrance, Porte Cochere, reception, restaurant, guest lounge and shop; • Refurbishment of 'Kukura House' with new back of house facilities (laundry, housekeeping and staff room), education/information space, office and kitchen. • Renovation of existing tourist units • Construction of four additional tourist units. • New spa complex and treatment rooms including upgrades to pool area to include additional plunge pools and recovery program area and improved accessibility; • Provision of a new carparking area to accommodate 71 car spaces. 	<p>DA publicly exhibited 29 October to 28 November 2025. Council is awaiting the Applicant's response to requests for additional information.</p>

7.9 Development Applications - Works in Progress - 31 December 2025 Review

			<ul style="list-style-type: none"> • Improved accessibility via a new lift, bridge over creek and general DDA access improvements. • Associated demolition works, vegetation management works and replacement plantings, and infrastructure. 	
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Development Assessment Review Process

Council engaged an independent consultant, “Two Things”, to assess options that could be implemented to improve development assessment times. The review has been completed and a briefing on the outcomes was provided to Councillors in May 2025.

Following on from the “Two Things” review, an action plan was prepared listing the report’s recommendations. The action plan was presented to Council’s July 2025 Ordinary meeting.

In addition to the Two Things Review, the DPHI commissioned Keylan Consulting, for a third-party review of Council’s DA assessment timeframes. The final report is included in Attachment 3.

The DPHI/Keylan report contains a number of action items, with most of these overlapping with the Two Things report. The intention is to integrate the DPHI/Keylan report actions into the action tracking being undertaken in relation to the Two Things report (rather than amend the Two Things report or actions that have been reported). Updates on progress will be provided to Council via the DAs in progress quarterly reporting.

Various actions have been completed in response to both the Two Things report and the DPHI/Keylan report.

The recent focus has been on actions that help address the Minister for Planning’s Statement of Expectations Order. Actions over the reporting period include:

- Review of the Development Services Section’s KPIs.
- Review of Council’s internal technical officer referral KPIs.
- Review of the Development Services Section’s service levels for non-assessment functions.
- Applying timeframe limitations on responses to requests for further information.
- Commencement of a review of complying development provisions by the Strategic Planning Section.
- Quarterly review process for action plan implementation in place.
- Development of internal data tracking dashboard commenced and nearing completion.
- Commencement of review and update of Development Services Section’s applications procedure.

7.9 Development Applications - Works in Progress - 31 December 2025 Review

- Continue review and refinement of external assessment program through consultancies.
- Common reasons for return of applications at adequacy phase compiled and correspondence issued to consultants highlighting issues (Attachment 2).
- Review of allocation of DA classes across planning and building staff commenced.
- Portal data and Council data audits implemented.
- Council and portal software system integration ongoing.
- Initial review of possibilities for AI use in planning functions undertaken. Options under consideration.
- Staff training and professional development programs identified for 2026.

The following link provides information on both the Statement of Expectations Order 2024 and the Monitoring Council Performance data.

[Statement of Expectations Order | Planning \(nsw.gov.au\)](#)

RECOMMENDATIONS

1. That Council notes the contents of the report on the status of outstanding development applications for December 2025.
2. That Council notes there was no variation to development standards of 10% or less approved in relation to development applications lodged prior to 1 November 2023 in the period 1 October 2025 to 31 December 2025.
3. That Council acknowledges the completion of the DPPI/Keylan review report and endorses an integrated approach to the implementation of the DPPI/Keylan review recommendations with the actions identified in the Two Things report.

Attachment(s)

1. Undetermined DAs (Under Assessment 90 Days) [⇒](#)
2. Letter to Applicants - Common Reasons for Return of DAs - Adequacy Phase [⇒](#)
3. DPPI - Development Application Process Review Ballina Council - Keylan Consulting - Final Report [⇒](#)

8.1 Use of Council Seal

8. Corporate and Community Division Reports

8.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following documents.

US2026/1	<p>Council to grant a new lease to AJ Gallagher & Co (Aus) Limited for 135 River Street Ballina for a term of three years at the current market rent with an option for a further term of two years.</p> <p>Explanation: The lease to the incumbent lessee of 135 River Street Ballina, Korff Wealth, expired in September 2025. Korff Wealth has advised they are merging their business with AJ Gallagher & Co (Aus) Limited. Accordingly, AJ Gallagher & Co (Aus) Limited have requested a new lease.</p>															
US2026/2	<p>1. That Council, in accordance with the relevant provisions of the Local Government Act 1993, enters into the following leases of <i>community land</i>:</p> <table border="1"><thead><tr><th>Property</th><th>Tenant</th><th>Tenure / Comment</th></tr></thead><tbody><tr><td>Part of Wigmore Hall and external storage shed located at 26 Swift Street Ballina being part of Lot 70 DP 1005100</td><td>Ballina Shire Concert Band Incorporated ABN 71 849 954 177</td><td>Four year lease at an annual rent equal to the statutory minimum rent charged by Crown Lands (currently \$622 per annum plus GST)</td></tr><tr><td>Ballina Players Theatre and part of external storage shed at Wigmore Hall located at parts of 26 and 24 Swift Street Ballina, being part of Lot 7 DP668267 and Part of Lot 70 DP1005100</td><td>The Ballina Players Incorporated ABN 66 991 377 395</td><td>Four year lease at an annual rent equal to the statutory minimum rent charged by Crown Lands (currently \$622 per annum plus GST)</td></tr><tr><td>Part of Chickiba Park sports field and part of the existing sports amenities building located at 86 Chickiba Drive East Ballina being part of Lot 207 DP851318</td><td>Ballina Allstars Athletics Incorporated INC9889767</td><td>Two year lease at an annual rent equal to the statutory minimum rent charged by Crown Lands (currently \$622 per annum plus GST). Previous lease was one year, and this is extended to two years as relatively new tenant.</td></tr><tr><td>Part of Wigmore Hall located at 26-28 Swift Street Ballina being part of Lot 70 DP1005100,</td><td>Ballina Senior Citizens Incorporated</td><td>Four year lease at an annual rent equal to the statutory minimum rent charged by Crown Lands</td></tr></tbody></table>	Property	Tenant	Tenure / Comment	Part of Wigmore Hall and external storage shed located at 26 Swift Street Ballina being part of Lot 70 DP 1005100	Ballina Shire Concert Band Incorporated ABN 71 849 954 177	Four year lease at an annual rent equal to the statutory minimum rent charged by Crown Lands (currently \$622 per annum plus GST)	Ballina Players Theatre and part of external storage shed at Wigmore Hall located at parts of 26 and 24 Swift Street Ballina, being part of Lot 7 DP668267 and Part of Lot 70 DP1005100	The Ballina Players Incorporated ABN 66 991 377 395	Four year lease at an annual rent equal to the statutory minimum rent charged by Crown Lands (currently \$622 per annum plus GST)	Part of Chickiba Park sports field and part of the existing sports amenities building located at 86 Chickiba Drive East Ballina being part of Lot 207 DP851318	Ballina Allstars Athletics Incorporated INC9889767	Two year lease at an annual rent equal to the statutory minimum rent charged by Crown Lands (currently \$622 per annum plus GST). Previous lease was one year, and this is extended to two years as relatively new tenant.	Part of Wigmore Hall located at 26-28 Swift Street Ballina being part of Lot 70 DP1005100,	Ballina Senior Citizens Incorporated	Four year lease at an annual rent equal to the statutory minimum rent charged by Crown Lands
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8.1 Use of Council Seal

	part of Lot 9 DP1714 and part of Lot 10 DP1714	ABN 79 317 089 178	(currently \$622 per annum plus GST)									
US2026/3	<p>2. Council authorises the General Manager to affix the seal to the lease/licence documents in point one and any other documents required to allow tenure to be granted in accordance with point one.</p> <p>3. That prior to points one and two being actioned, statutory public notification relating to the proposed lease/licence of community land be undertaken, with a report to be presented to Council in the event that an objection of a substantive nature is received to the grant of the proposed lease/licence.</p>											
US2026/4	<p>1. That Council, in accordance with the relevant provisions of the Local Government Act 1993, enters into the following licences of operational land:</p> <table border="1" data-bbox="560 1559 1476 1973"> <thead> <tr> <th data-bbox="560 1559 871 1592">Property</th> <th data-bbox="871 1559 1174 1592">Tenant</th> <th data-bbox="1174 1559 1476 1592">Tenure</th> </tr> </thead> <tbody> <tr> <td data-bbox="560 1592 871 1816">Part of the storage shed at 'Ballina Council Works Depot' located at 81-95 Southern Cross Drive Ballina being part of Lot 67 DP1022473</td> <td data-bbox="871 1592 1174 1816">Rotary Club of Balina-On-Richmond Incorporated ABN 14 839 627 091</td> <td data-bbox="1174 1592 1476 1816">Four year licence at an annual rent equal to the statutory minimum rent charged by Crown Lands (currently \$622 per annum plus GST)</td> </tr> <tr> <td data-bbox="560 1816 871 1973">Part of the storage shed at 'Ballina Council Works Depot' located at 81-95 Southern Cross Drive Ballina being part of Lot 67 in DP1022473</td> <td data-bbox="871 1816 1174 1973">Lions Club on Ballina Incorporated ABN 41 208 120 928</td> <td data-bbox="1174 1816 1476 1973">Four year licence at an annual rent equal to the statutory minimum rent charged by Crown Lands (currently \$622 per annum plus GST)</td> </tr> </tbody> </table> <p>2. Council authorises the General Manager to affix the seal to the lease/licence documents in point one and any other documents required to allow tenure to be granted in accordance with point one.</p>			Property	Tenant	Tenure	Part of the storage shed at 'Ballina Council Works Depot' located at 81-95 Southern Cross Drive Ballina being part of Lot 67 DP1022473	Rotary Club of Balina-On-Richmond Incorporated ABN 14 839 627 091	Four year licence at an annual rent equal to the statutory minimum rent charged by Crown Lands (currently \$622 per annum plus GST)	Part of the storage shed at 'Ballina Council Works Depot' located at 81-95 Southern Cross Drive Ballina being part of Lot 67 in DP1022473	Lions Club on Ballina Incorporated ABN 41 208 120 928	Four year licence at an annual rent equal to the statutory minimum rent charged by Crown Lands (currently \$622 per annum plus GST)
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The tip shop sheds and associated outdoor area that form part of the Ballina Resource Recovery Centre located at 167 Southern Cross Drive, Ballina being part of Lot 244 DP1175317	Community Resources Limited trading as Resource Recovery Australia	5 year initial term with the option to extend for an additional 5 years term subject to Council approval.										

8.1 Use of Council Seal

	<p>Explanation:</p> <ul style="list-style-type: none">• The existing licence agreement for the Tip Shop at the Ballina RRC is approaching expiry.• In October 2025, Staff commenced a public Expression of Interest (EOI) process to identify an operator for a new 5 + 5-year licence term commencing 1 July 2026.• The licence does not involve rent or financial payments between the parties. It grants the licensee the rights to salvage goods from the RRC for resale through the Tip Shop.• Five submissions were received through the EOI process. Three were assessed as suitable for further consideration; one of those subsequently withdrew.• Two organisations were shortlisted to progress to Stage 2 negotiations:<ul style="list-style-type: none">○ Momentum Collective (incumbent), and○ Community Resources Limited trading as Resource Recovery Australia Division (RRA).• RRA achieved the highest consensus evaluation score in Stage 1 of the EOI assessment, reflecting strong capability, relevant experience in community-based reuse operations, and alignment with Council's resource recovery objectives.• After the EOI was released, Momentum Collective subsequently advised they had entered voluntary administration and had appointed administrators to seek an alternative organisation to take over their operations.• On 6 February 2026, Momentum Collective advised the administrators were unable to secure a takeover and thus will be required to cease operating the Tip Shop and conclude their licence on 28 February 2026.• Following this advice from Momentum Collective, staff immediately contacted RRA as the preferred organisation to enter EOI Stage 2 direct negotiations and to assess their capacity to expedite commencement to ensure continuity of the tip shop service after Momentum Collective cease operations on 28 February 2026.• Staff met with RRA on 12 February 2026 who subsequently confirmed their willingness and likely capacity to commence operations on 1 March 2026, subject to execution of a licence agreement. <p>2. Council authorises the General Manager to affix the seal to the lease/licence documents in point one and any other documents required to allow tenure to be granted in accordance with point one.</p>
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Attachment(s)

Nil

8.2 Investment Summary - December 2025 and January 2026

8.2 Investment Summary - December 2025 and January 2026

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 Council meeting immediately following the end of the respective month. As there was no Ordinary meeting held in January 2026, this report has been prepared to confirm the cash and investments held as at 31 December 2025 and 31 January 2026.

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 December 2025 and January 2026, 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.

Due to the early December meeting date, the November investments were reported as at 20 November 2025.

The total balance of investments, as at 31 January was \$113.9m compared to a balance as at 31 December 2025 of \$115.9m and a balance of \$111.9m as at 20 November 2025.

Council's investments, as at 31 January 2026, were invested at a weighted average interest rate of 4.426%, which was 0.771% higher than the weighted average 90 Day Bank Bill Index (BBSW) to 31 January 2026 of 3.655%.

The balance of Council's Commonwealth Bank business account, as at 31 January 2026 was \$15,221,211, compared to a balance of \$16,284,595 as at 31 December 2025 and \$14,330,267 as at 20 November 2025.

8.2 Investment Summary - December 2025 and January 2026

Total combined cash and investments, as at 31 January 2026 was \$129,121,211 compared to a balance of \$132,184,595 as at 31 December 2025 and a balance of \$126,230,267 as at 20 November 2025.

TCorp's monthly Economic Commentary report for January 2025 can be viewed using the following link: [Monthly economic report – January 2026](#)

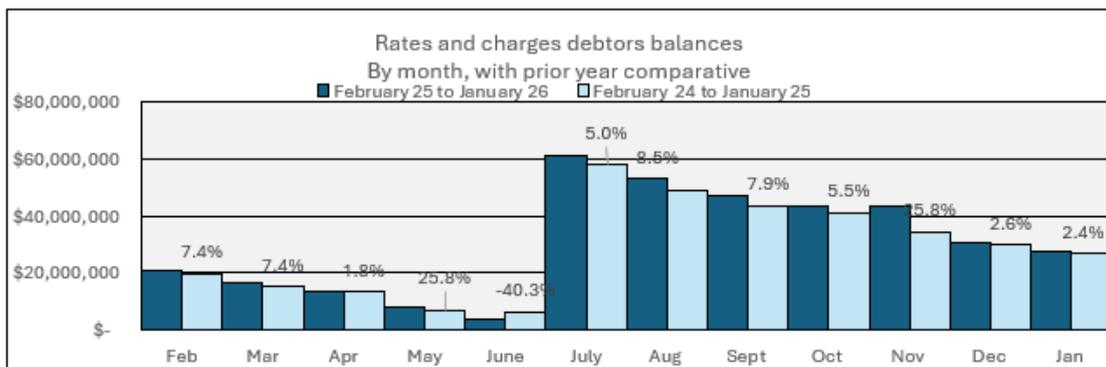
Restricted Reserves

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 January 2026, was 2.4% higher than 31 January 2025.



8.2 Investment Summary - December 2025 and January 2026

This percentage difference is reasonable. It might be expected that the balances outstanding at a point in time would be in the vicinity of 4% higher than the previous year, given that rates and charges increase each year, together with growth in the rate base.

A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green Investment	Rating S&P	31 December \$'000	31 January \$'000	Quota %	% of Total
AMP Bank	Yes	BBB+	2,000	2,000	20%	1.76%
Bank Australia Ltd (was Australian Unity Bank)	Yes	BBB+	16,000	16,000	20%	14.04%
Bank of Queensland	Yes	A-	10,000	10,000	20%	8.78%
BankVic	n/a	BBB+	7,000	7,000	20%	6.15%
Bendigo & Adelaide Bank	Yes	BBB+	1,000	1,000	20%	0.88%
Commonwealth Bank	No	AA-	1,000	1,000	20%	0.88%
Great Southern Bank	Bo	BBB+	4,000	4,000	20%	3.51%
Judo Bank	No	BBB	6,000	6,000	20%	5.27%
Macquarie Bank	No	A+	1,600	1,600	20%	1.40%
MyState Bank Ltd *	Yes	BBB+	16,000	14,000	20%	12.29%
National Australia Bank	No	AA-	8,000	8,000	20%	7.02%
Newcastle Greater Mutual Group Ltd	Yes	BBB+	1,000	1,000	20%	0.88%
Rabobank Australia Ltd	No	A	18,000	18,000	20%	15.80%
Suncorp Limited	No	A+	8,300	8,300	20%	7.29%
Unity Bank Ltd	No	BBB+	2,000	2,000	20%	1.76%
Westpac Bank Corp	No	AA-	14,000	14,000	20%	12.29%
Total			115,900	113,900		100.0%

*Auswide Bank and MyState Bank Ltd have recently merged – combined balances held for reporting by institution

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value 31 December \$'000	Value 31 January \$'000	%	%
	%	Value \$'000				
A- or Higher	100%	113,900	60,900	60,900	52.5%	53.5%
BBB	60%	68,340	55,000	53,000	47.5%	46.5%
Total			115,900	113,900	100.0%	100.0%

Liquidity Risk Parameters as per the Investment Policy	Maximum Allowed		Value \$'000 31 December	Value \$'000 31 January	%	%
	%	Value \$'000				
Term equal to 1 year or less	100%	113,900	95,000	93,000	82.0%	81.6%
Term > 1 year and < 3 years	40%	45,560	6,600	6,600	5.7%	5.8%
Term > 3 years	20%	22,780	14,300	14,300	12.3%	12.6%
Total			115,900	113,900	100.0%	100.0%

Fossil Fuel Free and Green Investments

Environmental Classification	20 November		31 December		31 January	
	(\$'000)	(%)	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned Investments	38,900	34.8	38,900	33.6	38,900	34.2
Non-Fossil Fuel and Green Aligned Investments	*66,000	59.0	70,000	60.4	68,000	59.7
Not Classified	*7,000	6.2	7,000	6.0	7,000	6.1
Total	111,900	100.0	115,900	100.0	113,900	100.0

*Adjustment to Not Classified and Non-Fossil Fuel Investments for November for consistent reporting. Judo Bank now classified as Non-Fossil Fuel aligned by Market Forces.

8.2 Investment Summary - December 2025 and January 2026

In the period 21 November to 31 December 2025, sixteen investments matured totalling \$25.9m.

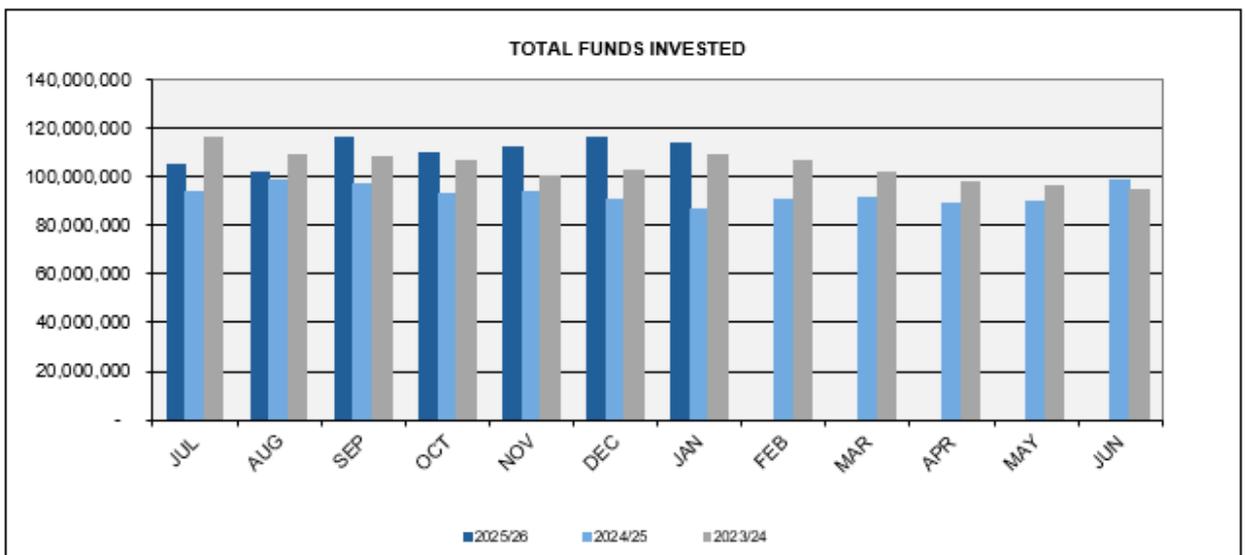
Eight of the investments, totalling \$15.0m, were held with non-fossil fuel aligned institutions.

18 new investments, totalling \$29.9m, were placed.

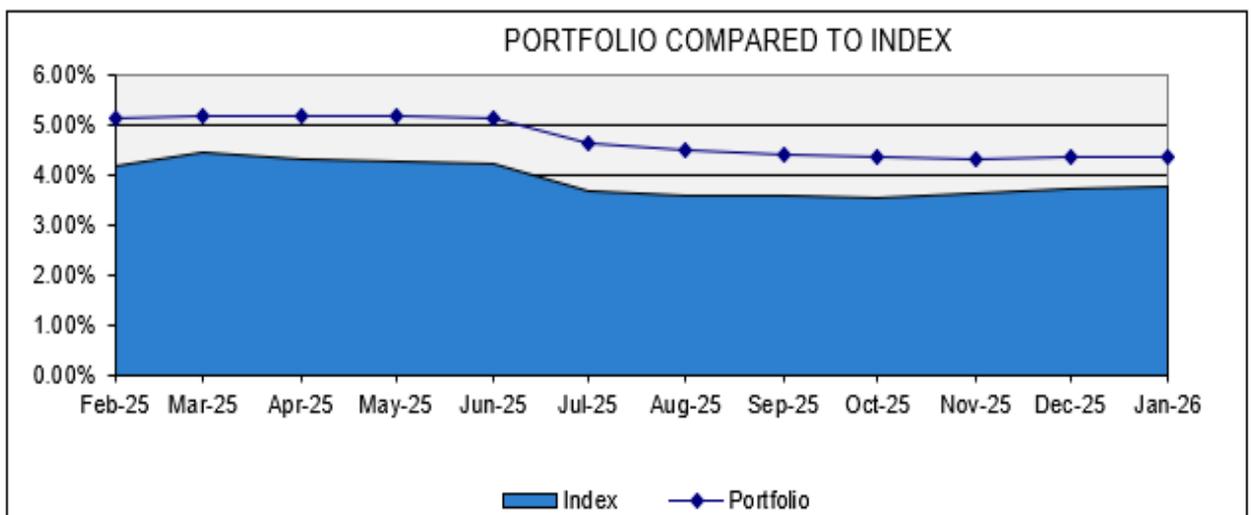
11 investments, totalling \$19.0m, were with non-fossil fuel aligned institutions. In January 2026, six investments matured totalling \$12.0m. All these investments were held with non-fossil fuel aligned institutions.

Five new investments, totalling \$10.0m, were placed. All these investments were with non-fossil fuel aligned institutions.

B. Monthly Comparison of Total Funds Invested

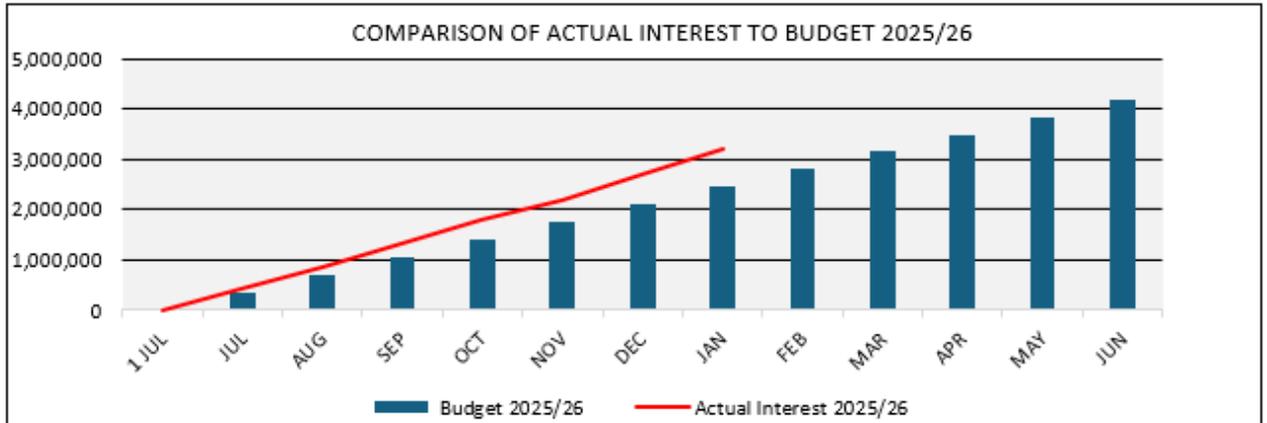


C. Comparison of Portfolio Investment Rate to 90 Day BBSW



8.2 Investment Summary - December 2025 and January 2026

D. Progressive Total of Interest Earned to Budget



The graph shows that actual interest income earnings to date is trending above budgeted income. An increase to interest income budgets has been identified in the report titled 'Financial year 2025/26 - 31 December Financial Review', included later in this agenda.

E. Investments held as of 31 December 2025 and 31 January 2026

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 December \$'000	31 January \$'000
24/02/21	Suncorp-Metway Limited	FRN	4.10%	24/02/26	1,300	1,300
04/03/21	Newcastle Greater Mutual Group Ltd	FRN	4.30%	04/03/26	1,000	1,000
18/06/21	Bendigo & Adelaide Bank	FRN	4.37%	18/06/26	1,000	1,000
29/06/23	AMP Bank	FRN	5.38%	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	3.64%	20/02/29	2,000	2,000
19/03/24	Suncorp-Metway Limited	FRN	4.71%	19/03/29	1,000	1,000
22/08/24	Commonwealth Bank of Australia	FRN	4.52%	22/08/29	1,000	1,000
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
30/05/25	National Australia Bank	TD	4.20%	03/03/26	2,000	2,000
03/06/25	Australian Unity Bank Ltd	TD	4.35%	05/01/26	2,000	-
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
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	-
26/06/25	Judo bank Pty Ltd	TD	4.45%	13/01/26	2,000	-
26/06/25	Judo bank Pty Ltd	TD	4.45%	06/01/26	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	-
15/07/25	Auswide Bank	TD	4.30%	13/01/26	2,000	-
24/07/25	Westpac Banking Corp - Green	TD	4.19%	23/07/26	2,000	2,000
24/07/25	Westpac Banking Corp - Green	TD	4.17%	21/04/26	2,000	2,000
29/07/25	Rabobank Australia Ltd.	TD	4.28%	21/07/26	2,000	2,000
29/07/25	Rabobank Australia Ltd.	TD	4.20%	28/07/26	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	1,000

8.2 Investment Summary - December 2025 and January 2026

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 December \$'000	31 January \$'000
13/08/25	AMP Bank	TD	4.25%	10/02/26	1,000	1,000
13/08/25	BankVic	TD	4.25%	10/02/26	2,000	2,000
02/09/25	National Australia Bank	TD	4.15%	01/06/26	2,000	2,000
03/09/25	Rabobank Australia Ltd.	TD	4.14%	03/03/26	2,000	2,000
03/09/25	Unity Bank	TD	5.00%	03/06/26	2,000	2,000
09/09/25	Suncorp-Metway Limited	TD	4.11%	09/06/26	2,000	2,000
16/09/25	National Australia Bank	TD	4.15%	12/05/26	2,000	2,000
23/09/25	National Australia Bank	TD	4.20%	21/05/26	2,000	2,000
25/09/25	Rabobank Australia Ltd.	TD	4.64%	24/09/30	4,000	4,000
25/09/25	Bank of Queensland	TD	4.20%	24/03/26	2,000	2,000
25/09/25	Westpac Banking Corp - Green	TD	4.12%	22/09/28	4,000	4,000
25/09/25	Westpac Banking Corp - Green	TD	4.19%	25/05/26	2,000	2,000
25/09/25	Westpac Banking Corp - Green	TD	4.18%	26/06/26	2,000	2,000
30/09/25	Bank of Queensland	TD	4.28%	30/09/30	3,000	3,000
07/10/25	Suncorp-Metway Limited	TD	4.30%	05/05/26	1,000	1,000
07/10/25	BankVic	TD	4.25%	04/08/26	2,000	2,000
13/10/25	Bank of Queensland	TD	4.35%	13/04/26	1,000	1,000
14/10/25	Unity Bank	TD	4.25%	14/07/26	2,000	2,000
11/11/25	Australian Unity Bank Ltd	TD	4.37%	09/06/26	1,000	1,000
11/11/25	Australian Unity Bank Ltd	TD	4.37%	12/05/26	1,000	1,000
11/11/25	Australian Unity Bank Ltd	TD	4.35%	11/11/26	2,000	2,000
19/11/25	BankVic	TD	4.40%	17/11/26	2,000	2,000
09/12/25	Rabobank Australia Ltd.	TD	4.52%	09/12/26	2,000	2,000
09/12/25	MyState Bank Ltd	TD	4.60%	17/06/26	2,000	2,000
09/12/25	MyState Bank Ltd	TD	4.60%	11/06/26	2,000	2,000
09/12/25	MyState Bank Ltd	TD	4.60%	16/07/26	2,000	2,000
16/12/25	Rabobank Australia Ltd.	TD	4.52%	16/12/25	2,000	2,000
16/12/25	Judo bank Pty Ltd	TD	4.60%	16/12/25	2,000	2,000
17/12/25	Great Southern Bank	TD	4.60%	17/12/25	2,000	2,000
17/12/25	Great Southern Bank	TD	4.61%	17/12/25	2,000	2,000
17/12/25	MyState Bank Ltd	TD	4.60%	17/12/25	2,000	2,000
17/12/25	MyState Bank Ltd	TD	4.65%	17/12/25	2,000	2,000
05/01/26	Bank Australia Ltd	TD	4.50%	05/01/27	-	2,000
06/01/26	Judo bank Pty Ltd	TD	4.70%	05/01/27	-	2,000
13/01/26	Judo bank Pty Ltd	TD	4.70%	12/01/27	-	2,000
13/01/26	Bank of Queensland	TD	4.50%	13/07/26	-	2,000
20/01/26	Bank of Queensland	TD	4.50%	20/10/26	-	2,000
	Total				115,900	113,900
	TD=Term Deposit; FRN=Floating Rate Note					

RECOMMENDATION

That Council notes the record of banking and investments for December 2025 and January 2026.

Attachment(s)

Nil

8.3 Australia Day 2026 - Review

8.3 Australia Day 2026 - Review

Section Communications

Objective To conduct the annual review of the Australia Day ceremony to determine if Council wishes to amend the program or awards.

Background

Council coordinates an Australia Day event each year that includes a citizenship ceremony, awards program, and music performances. This is a free public event that is promoted through Council's channels. The event format concludes with a morning tea for new citizens and award nominees.

Council's Australia Day event complies with the Australian Citizenship Ceremonies Code (the Code), issued by the Department of Home Affairs, by hosting a citizenship ceremony as part of Australia Day celebrations in accordance with the Australian Citizenship Act 2007.

The purpose of this report is to provide Council the opportunity to review the event format, the delivery of the event, and the award categories.

Key Issues

- Award category review
- Event location and program

Discussion

Australia Day Award Categories

The current award categories are as follows:

- Young Citizen of the Year (30 years or under)
- Senior Citizen of the Year (60 years or over)
- Volunteer Award
- Sports Award
- Community Event of the Year
- Arts and Cultural Award
- Environmental Award

The Citizen of the Year Award is selected from all categories. The number of nominees for each category historically is as follows:

Category	2023	2024	2025	2026	Total
Young	4	3	5	8	20
Senior	4	10	4	9	27
Volunteer	17	8	7	14	46
Sports	10	9	6	12	37
Community Event	6	6	8	8	28
Arts and Cultural	4	3	2	5	14
Environmental	4	3	6	8	21
Total	49	42	46	64	201

8.3 Australia Day 2026 - Review

Event Location

The 2026 event was held in the Lennox Head Cultural Centre (LHCC) with approximately 450 in attendance, primarily comprised of award nominees, their partners, families, and group members, along with new citizens and their families and friends.

The event was promoted via local print media, radio, direct mail and social media.

Event Program

The 2026 Australia Day event celebrated local achievement and welcomed new Australian citizens in an inclusive ceremony.

The program opened with a Welcome to Country by Aunty Julia Paden (pre-recorded) and a flag-raising led by cadets from the No. 326 (City of Lismore) Squadron, Australian Air Force Cadets, supported by Ballina Players performing the Australian National Anthem.

This was followed by the citizenship ceremony and a musical performance by Ballina Players.

Sandra Jackson was MC for the event, with the Mayor presenting the awards, acknowledging the contributions made by individuals and groups across the shire.

A record 65 nominees were acknowledged across the Australia Day Award categories, with Geoff Hutchinson named 2026 Citizen of the Year for his service with Marine Rescue Ballina.

Twenty-one new Australian citizens were welcomed from a range of countries including England, Germany, the Philippines, Spain, Uruguay, India, Scotland, Italy, the United Kingdom, Nepal, New Zealand, Sweden and the United States of America.

The post-event survey asked attendees to rank their top three moments from a selection of key elements of the event. The results were compiled and ranked based on the most frequently chosen moments:

- Musical performance of *I Am Australian* by Ballina Players (22%)
- 2026 Ballina Shire Australia Day Awards (22%)
- Citizenship Ceremony (15%)
- Welcome Address – Mayor Sharon Cadwallader (13%)
- Australian National Anthem performance by the Ballina Players (10%)
- Morning tea for Award nominees, new citizens and special guests (9%)
- Flag raising by the Air Force Cadets (5%)

Of all the event elements, at least 90% of survey respondents reported feeling satisfied or highly satisfied with:

- The overall event – the 2026 Ballina Shire Australia Day Ceremony
- The venue – Lennox Head Cultural Centre

8.3 Australia Day 2026 - Review

- MC Sandra Jackson
- Musical performance of *I Am Australian* by Ballina Players

These results provide insight into the elements that resonated most with attendees, with 85% of respondents indicating they want to attend this event again in the future.

When asked what we should continue doing at events like this, themes include:

- Broad support for the existing event, with the program length and sequencing considered appropriate and well-managed.
- Positive feedback on recognising local achievements, particularly acknowledging volunteers and community contributors.
- The event was inclusive, contributing to a positive overall attendee experience.

Suggestions on how to improve the event focused on:

- Further streamline speeches and on-stage movements to improve program flow and contain length of the event.
- Open auditorium doors earlier to minimise crowding and improve comfort for attendees before the ceremony.
- Improve visibility of award nominees, helping the audience better follow and celebrate each category.
- Review award criteria and judging processes to ensure the Awards Program remains clear, consistent and well understood.

Australia Day Committee

Council provides delegated authority to determine the award recipients to the Australia Day Committee, which consists of all Councillors.

The Australia Day Committee was re-established, as part of the review of all Council committees, following the September 2024 Local Government elections, at the October 2024 Ordinary meeting.

After this, Councillor Dicker elected to be removed from the Australia Day Committee at the February 2025 Ordinary meeting.

Single Use Plastics

At the June 2025 Ordinary meeting, Council confirmed in principle support for a short term, phased approach to reducing single-use packaging and materials across Council operations.

For this event, Council staff hired reusable crockery and cutlery instead of using single-use items, resulting in a significant reduction in waste. The costs and operational challenges will inform a broader implementation plan to reduce single-use packaging and materials across Council operations.

Australia Day – CBD flags

A suggestion has been made to install Australia Day themed banners within the Ballina CBD (River Street) during the Australia Day period. The existing street

8.3 Australia Day 2026 - Review

banner infrastructure is designed for vertically oriented banners. The Australian National Flag cannot be displayed in this format in accordance with the national flag protocol.

Any installation would require the design and production of purpose-designed vertical banners incorporating Australia Day messaging and appropriate branding.

Initial implementation cost is estimated at \$4,300, inclusive of design, production and first-year installation.

Ongoing installation and pack down costs would be approximately \$600 per year for a three-year period, after which the banners would require redesign and replacement.

This expenditure is not currently included in the approved Australia Day budget.

Delivery Program Strategy / Operational Plan Activity

The event relates to the Delivery Program Strategy:

CC2.1 – Encourage volunteering, events and activities that promote social connections and wellbeing.

Community Engagement Strategy

The 2026 event was the 45th year of the Ballina Shire Australia Day Awards. An extensive promotional campaign was undertaken to invite award nominations and attendance.

Financial / Risk Considerations

The cost of the 2026 Australia Day event just under \$40,000. Council received \$10,000 in funding from the National Australia Day Council (NADC). This additional funding contributed to hire, catering and audio visual and sound.

Expenses are primarily attributable to audio-visual services, venue hire, staffing, contractor costs, including public holiday penalty rates.

Venue hire was required for three days. Set-up took place on Friday using existing staff resourcing, the venue remained booked on Saturday and Sunday (unable to be hired by another user), and the event was held on Monday.

Options

The options available to Council relate to changing the Australia Day award categories, location, timing and date of the event.

Categories

At the February 2025 Ordinary meeting, Council resolved to remove the additional 'Local Hero' award category and revert to the original seven Australia Day Award categories. For the 2026 awards program, 14 nominations were received in the Volunteer Award category. In response to the strength of these nominations, the Australia Day Committee recognised joint winners, awarding both an individual and a group.

8.3 Australia Day 2026 - Review

Some feedback suggested the introduction of separate individual and group categories for the Volunteer Award. However, nomination numbers and types vary from year to year.

As the Australia Day Committee already has the discretion to recognise both individuals and groups where appropriate, no changes are recommended to the current award categories.

Location

The Lennox Head Cultural Centre provides a comfortable venue for the Australia Day Ceremony, particularly during hot January weather.

Attendance has increased to approximately 500 people over the past two years, returning to pre-COVID levels. At present, there is no alternative venue within the shire that can accommodate an event of this scale and format.

Once the Alstonville Cultural Centre redevelopment is complete, it may be suitable for future events. For 2027, the Lennox Head Cultural Centre remains the preferred venue.

Date and Time

In 2027, Australia Day will fall on Tuesday 26 January. Mid-week is easier to manage, as venue and equipment hire will not be required over the weekend.

The morning event format has worked well in previous years, allowing award recipients and new citizens to attend other community events or spend time with family and friends later in the day.

There are no changes recommended to the date and time.

RECOMMENDATIONS

1. That Council confirms the categories for the 2027 Ballina Shire Australia Day Awards remain unchanged, with citizen of the year selected from one of the categories as follows:
 - Young Citizen of the Year (30 years or under)
 - Senior Citizen of the Year (60 years or over)
 - Volunteer Award
 - Sports Award
 - Community Event of the Year
 - Arts and Cultural Award
 - Environmental Award
2. That Council confirms Tuesday 26 January as the date for the 2027 Ballina Shire Australia Day Awards and Citizenship ceremony, at the Lennox Head Cultural Centre.

Attachment(s)

Nil

8.4 Councillor Expenses - Six Monthly Review

8.4 Councillor Expenses - Six Monthly Review

Delivery Program

Governance

Objective

To report on Councillor Expenses for the six month period to 30 December 2025.

Background

Clause 15.2 of the Office of Local Government's Model Councillor Expenses and Facilities Policy, as adopted by Council, requires a report to Council every six months outlining the provision of expenses and facilities to each Councillor.

Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations. Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

This information is also published on Council's website.

Key Issues

- Compliance with model policy
- Effectiveness of policy in supporting Councillors

Discussion

This report details the expenditure incurred for the period 1 July 2025 to 30 December 2025. The expenditure is based on claims submitted and paid. It excludes the annual Councillor and Mayor allowances.

Councillor Expenses and Facilities (\$ excl GST) 1 July 2025 to 30 December 2025

Councillor	General Travel Expenses	Professional Development / Conferences	ICT	Home Office	Incidental	Mayor Vehicle (1)	Carer	Planning Panel (NRPP)	Totals
Cadwallader	2,558	3,270	182	0	535	6,600	0	1,200	14,345
Dicker	334	2,799	169	0	0	0	0	0	3,302
Chate	937	3,209	289	0	0	0	0	0	4,435
Meehan	114	729	293	42	0	0	0	0	1,178
Loone	1,007	2,009	0	0	5	0	0	1,200	4,221
Karsten	250	2,833	0	0	0	0	0	0	3,083
Kinny	484	1,288	0	0	0	0	0	0	1,772
Crollick	487	3,853	155	0	0	0	0	0	4,495
Bailey	250	1,364	0	0	0	0	0	0	1,614
Ramsey	148	2,570	0	0	0	0	0	0	2,718
Total									41,163

- (1) Annual internal plant hire charge for the provision of the Mayoral vehicle, with this contribution partially offset during the year by Mayoral contributions of 25% of the standard vehicle lease fee paid by Council staff – Mayoral contributions total - \$1,567.61.

8.4 Councillor Expenses - Six Monthly Review

The Council policy provides the following limits (excluding GST):

- \$4,000 annual limit for Councillors and \$7,000 annual limit for the Mayor on general travel expenses.
- \$6,000 annual limit on professional development and conferences (excluding induction training).
- \$100 per month for reimbursement of Information and Communication Technology (ICT) expenses (data, software and internet), which is in addition to the cost of providing the Council equipment.
- \$4,000 annual limit on carer expenses.
- \$500 annual limit on home office expenses.
- There is no cap on corporate training provided for all Councillors, with this training organised by Council staff.

Delivery Program Strategy / Operational Plan Activity

EL1.2 – Involve our community in our planning and decision-making processes.

Community Engagement Strategy

The Councillor Expenses and Facilities Policy was reviewed in 2025 and adopted formally by Council in July 2025.

Financial / Risk Considerations

Council expenditure, as per this report, for the past four years, is as follows:

Year	2024/25	2023/24	2022/23	2021/22
Total	62,946	95,098	90,215	25,845

Options

This report is for noting.

Councillor corporate training has also been scheduled for financial management, integrated planning and reporting, community and stakeholder engagement and the NSW planning system over the coming months.

RECOMMENDATION

That Council notes the contents of this update on the Councillor expenses, as per the Councillor Expenses and Facilities Policy, for the period 1 July 2025 to 30 December 2025.

Attachment(s)

Nil

8.5 Legal Matters - Update

8.5 Legal Matters - Update

Section Governance

Objective To provide a quarterly status report on Council legal matters.

Background

This quarterly report provides the quarterly update on legal matters related to Council's planning and compliance activities.

Key Issues

- Outcomes
- Cost of litigation

Discussion

A summary of current and recent legal cases follows.

Council Legal	Applicant	Description	Estimate (\$)	Actual (\$)
Lindsay Taylor Lawyers	GTH Resorts	Land and Environment Court - Class 1 Proceedings – Deemed refusal of Development Application 2022/721.	500,000	808,000
Comment <p>DA 2022/721 was originally for the development of 148 independent living units for a seniors housing community with associated manager's residence, community facilities, infrastructure and services at 550-578 River Street, Ballina.</p> <p>The DA was reported to the Northern Regional Planning Panel for determination on 30 November 2023. The Panel determined to refuse the DA.</p> <p>At the first directions hearing on 21 August 2023 a section 34 conciliation conference was scheduled for 8 March 2024. This conciliation conference was held and was subsequently terminated.</p> <p>On 10 April 2024 the Court granted the applicant leave to amend the DA to rely on amended plans and materials and to amend the proposal to 146 independent living units. This matter was heard on 16-23 September 2024.</p> <p>The Court granted leave to the applicant on several occasions, including just prior to and during the hearing, to amend the proposed development and to provide numerous technical documents and updated plans and reports to accompany the amended proposals and to address outstanding technical deficiencies. The proposed development that went before the Court at the hearing was substantially different from the original proposal refused by the NRPP.</p> <p>Council successfully put a motion to the Court to reopen the case to have additional material relating to another decision of the Land and Environment Court presented.</p> <p>In June 2025, the Applicant paid Council an agreed amount of \$125,000 for costs thrown away in this appeal.</p>				

8.5 Legal Matters - Update

Council Legal	Applicant	Description	Estimate (\$)	Actual (\$)
<p>The Court's decision on this appeal was handed down on 13 February 2026. The judgement is in favour of GTH Resorts with the Court finding that the development application should be granted consent subject to appropriate conditions.</p> <p>The Court has ordered that the parties confer to finalise conditions in line with the judgement. The proceedings are listed by the Court for 12 March 2026 for final orders to be made.</p>				
Council Legal	Applicant	Description	Estimate (\$)	Actual (\$)
Parker and Kissane	Chase Bangalow Developments Pty Ltd	Land and Environment Court - Class 1 Proceedings – Refusal of Modification Application to DA 2006/12 and Refusal of Building Information Certificate 401.2021.57.	250,000	82,000
<p>Comment</p> <p>In 2021 and in response to outstanding development compliance matters, Council issued a Development Control Order (DCO) to Chase Bangalow Developments Pty Ltd. Class 1 proceedings were subsequently filed in the L&E Court appealing the DCO.</p> <p>These proceedings relate to an appeal against Council's refusal of a modification application (DA 2006/12.5) to modify development consent 2006/12 and refusal of an associated Building Information Certificate at 19 Old Pacific Highway, Newrybar. Whilst the extent of the modification application is unclear, it purported to seek approval to utilise the existing buildings on site for nominated purposes.</p> <p>A section 34 conference was held on 12 August 2025. An extension of this Conference was granted to enable the Applicant further opportunity to submit information to attempt to resolve the matter. On 21 October 2025, the Court ordered the termination of the section 34 conference as there was no resolution of the issues. The matter has now been listed for hearing on 21 and 22 April 2026.</p>				
Council Legal	Applicant	Description	Estimate (\$)	Actual (\$)
Parker and Kissane	David Morgan and David Hughes	Land and Environment Court - Class 1 Proceedings – Refusal of Development Application DA 2024/106	300,000	22,000
<p>Comment</p> <p>These proceedings relate to an appeal against Council's refusal of a development application (DA 2024/106) which seeks consent for the construction of a tourist park (caravan park) comprising 145 sites (116 long term and 29 short term) at 10 Lismore Road, Alstonville.</p> <p>Council filed its Statement of Facts and Contentions on 1 August 2025. The applicant filed its Statement of Facts and Contentions in reply on 29 October 2025. The matter was listed for a Section 34 conference on 19 November 2025.</p> <p>On 3 November, the Court considered a Notice of Motion from the applicant to have the Court separately determine a question of law around the permissibility of the proposed development. The Court agreed to set aside a separate hearing on the question of permissibility. This hearing occurred on 25 November 2025. A decision on this hearing has been reserved. The Section 34 conference scheduled for 19 November 2025 was cancelled.</p>				

8.5 Legal Matters - Update

Council Legal	Applicant	Description	Estimate (\$)	Actual (\$)
Parker and Kissane	Craig and Ann Tosomeen	Land and Environment Court - Class 1 Proceedings – Deemed Refusal of s.4.55 Application to Modify Development Application 2024/98	5,000	5,000
<p>Comment These proceedings relate to an appeal against Council's deemed refusal of a section 4.55 application to modify development application reference 2024/98. Prior to the first directions hearing, the application was determined by way of consent. The applicant subsequently withdrew their appeal and filed a Notice of Discontinuance. The matter is now concluded.</p>				

Delivery Program Strategy / Operational Plan Activity

Legal cases are linked to Delivery Program strategies such as:

- HE3.2 - Match infrastructure with development to mitigate any impacts on the environment
- HE3.3 - Minimise negative impacts on the natural environment

Community Consultation Policy

This report is in open Council to ensure the community is informed on legal matters. If Council wishes to discuss any details, it may be necessary to resolve into confidential session to ensure any legal advice is not discussed in open Council.

Financial / Risk Considerations

The following table provides a summary of planning and compliance related legal costs for recent years, including expenditure for 2025/26 to the end of January 2026.

Table 1 – Legal Expenditure 2023/24 to 31 January 2025/26 (\$)

Description	2023/24	2024/25	2025/26
The Beach House	3,100	0	0
DA 2020/192 – GTH Resorts (Gem Life)	4,900	0	0
DA 2021/137 – 10 Old Pacific H'way (Newrybar Pty)	2,600	0	0
DA 2022/33 – Bangalow Road (Advertising Sign)	125,800	300	0
DA 2022/284 – The Crest (DAs 2018/51, 2021/420)	91,000	400	0
DA 2022/333 – 43 Ballina Street, Lennox Head	20,500	46,600	0
DA 2022/469 – 404 Old Byron Bay Road (New DA)	0	2,400	5,500
DA 2022/721 – GTH Resorts (Gem Life)	230,000	570,000	500
DA 2023/504 – Alstonville Showground	8,400	0	0
DA 2024/98 – 13 Coral Avenue, Alstonville	0	0	5,500
DA 2024/106 – 10 Lismore Road	0	3,200	18,700
DA 2024/248 – Cultural Centre Onsite Septic	0	0	3,000
Compliance – 19 Old Pacific Highway, Newrybar	0	15,800	40,100
Compliance – Council Teven Reserve Works	0	31,800	6,600
Compliance – Wunsch Noise	0	3,500	12,100
Other Compliance and Planning Agreements	32,200	24,000	15,900
Total Expenditure	518,500	698,000	107,900

8.5 Legal Matters - Update

Description	2023/24	2024/25	2025/26
Legal Expenditure Budgets	510,000	710,000	360,000
Expenditure Budget Result – Surplus / (Shortfall)	(8,500)	12,000	252,100
Legal Income from Costs Recovered	17,400	125,500	0
Legal Income Budget	80,000	20,000	10,000
Income Budget Result – Surplus / (Shortfall)	(62,600)	105,500	(10,000)
Net Legal Budget Result – Surplus / (Shortfall)	(71,100)	117,500	242,100

In respect to forecast expenditure for the balance of 2025/26, the Chase Bangalow Developments Pty. Ltd. has a set hearing date, of April 2026, which means there is likely to be expenditure in the tens of thousands, if not more, because of that hearing, this financial year.

Legal expenditure can vary significantly each year, as shown in the next table, which provides an eight-year summary of actual results.

Table 2 – Legal Expenditure – Period 2017/18 to 2024/25 (\$'000)

Year	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Expense	967	503	1,042	736	471	297	519	698
Income	108	61	157	539	364	8	17	125
Net Cost	859	442	885	197	107	289	502	573

The average net expenditure for the last five years is \$334,000, with the 2025/26 budget for the planning and health and environment sections providing a net total budget of \$350,000 (\$10,000 income and \$360,000 expenditure).

Options

This report is for public information and is for noting.

RECOMMENDATION

That Council notes the contents of this Legal Matters – Update report.

Attachment(s)

Nil

8.6 Policy (Review) - Community Property Leasing and Licensing

8.6 Policy (Review) - Community Property Leasing and Licensing

Section Governance

Objective To review the Community Property Leasing and Licensing Policy, focusing on the rent structure.

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Community Property Leasing and Licensing policy.

Council first adopted this policy on 28 July 2016. The policy was substantially reviewed in September 2020. Minor amendments were made in May 2024.

The policy sets out a process and criteria to assess the granting of leases and licences of certain Council owned or managed properties to Not for Profit Community Groups, which use the properties for sporting, recreation or other community purposes.

The policy includes criteria for determining which organisations will be considered Not for Profit Community Groups.

The policy only applies to the specific properties listed in the policy.

Key Issues

- Whether the policy meets the requirements of Council.
- Equity in applying rent for Council owned community properties.
- Transparency and consistency in policy.

Discussion

The policy was reviewed in May 2024, and at the 11 December 2025 Ordinary Council meeting, it was suggested to bring forward a review in respect to the way rents are set and applied to ensure more equity in the policy.

In September 2020, Council resolved that the minimum rent charged to Not for Profit Community Groups for the properties listed in the policy would be equal to the statutory minimum rent charged by NSW Crown Lands, which is currently \$622 plus GST per annum.

This was to create a consistent *minimum* rent for the community properties listed in the policy.

Attachment 3 of the current policy "Guide for Rent Assessment" allows Council to charge a higher rent.

Some examples are provided in the policy for when Council may consider charging a higher rent.

8.6 Policy (Review) - Community Property Leasing and Licensing

The listed examples include:

- *where the tenant has received approval from Council to sublet or licence part of the property and under the arrangement the tenant will receive from the subtenant/licensee income that is more than what the tenant will need to meet its financial commitments under the lease or licence with Council (including for example the costs of meeting the tenant's repair and maintenance obligations, insurance costs, payment of rates, charges and services etc);*
- *where the Council has done particular upgrade works or other improvement works at the tenant's request, and part of the costs of that work is to be recovered by way of a higher rent;*
- *where the tenant (or any sub-tenant or sub-licensee) holds a liquor licence that enables the sale of alcohol at the property on more than 52 occasions per year;*
- *whilst the tenant continues to predominantly use the property for sporting, recreation or other community purposes, there is a minor commercial activity undertaken at the property, such as a small kiosk. This is not intended to capture regular canteens, sausage sizzles etc commonly operated at sporting grounds as part of regular sports club fundraising activities.*

The examples in the policy are not exhaustive. Council has discretion to charge a higher rent for the properties listed in the policy when they are leased to a Not-for-Profit Community Group.

In addition, if a particular tenant does not meet the criteria for being a Not-for-Profit Community Group, a lease to that tenant would fall outside the policy, and Council could resolve to lease the property on commercial terms.

This review focuses on the rent structure in the current policy.

Rent structures of other councils

Table 1 summarises how several other councils as well as NSW Crown Lands structure rent for public properties based on their published policies.

Most councils provide subsidised rent to community organisations, in recognition of the benefits they provide for the local community.

It is a common theme from this review that the rent or subsidy applied is dependent on the organisation type of the tenant, with the greater discount given to not-for-profit community organisations with limited ability to generate revenue.

Table 1 – Rent Structure Examples

Entity	Rent Structure in Published Policy
NSW Crown Lands	<ul style="list-style-type: none">• Market rent reduced by a concession for eligible tenants.• Many tenants leasing our Council community properties would be categorised as either:<ul style="list-style-type: none">○ Community Volunteer Service Group – which are required to pay statutory minimum rent; or

8.6 Policy (Review) - Community Property Leasing and Licensing

Entity	Rent Structure in Published Policy
	<ul style="list-style-type: none"> ○ Single Interest and Sporting Groups – which are required to pay 50% of market rent. ● NSW Crown Lands may apply additional rebates; however, the minimum rent will be the statutory minimum amount.
Byron Shire Council	<ul style="list-style-type: none"> ● Rent for all properties leased to a not for profit or charity organisation is based on a market rent as assessed by a registered valuer or 6% of the unimproved capital land value. ● Council then may apply a subsidy, making the rent amount payable equal to statutory minimum rent.
Lismore City Council	<ul style="list-style-type: none"> ● Council is required to obtain market rent on all its properties. Subsidies are considered for community-based groups in certain circumstances, being: <ul style="list-style-type: none"> ○ Must be a not-for-profit community-based group, open membership i.e. open to the public. ○ An incorporated association. ○ Provide necessary and beneficial service to the general community. ● Subsidised rent is considered on a case-by-case basis.
Lake Macquarie City Council	<ul style="list-style-type: none"> ● There is no rental structure specified in their policy. ● It is Council staff discretion to determine an appropriate rent, and their policy refers to lease equity contribution model as an example.
Port Macquarie Hastings Council	<ul style="list-style-type: none"> ● There is no rental structure specified in their policy. ● It is within Council staff discretion to determine an appropriate rent, and their policy refers to a lease equity contribution model as an example.
Newcastle City Council	<ul style="list-style-type: none"> ● Council determines rent based on community group type. Most community groups start with a statutory minimum rent, then rent is reviewed based on any proposed Financial Gain. Financial Gain is income generated from the provision of goods or services commercially available.
Midcoast Council	<ul style="list-style-type: none"> ● Council determines a market rent for each property. ● Tenants pay a percentage of market rent: <ul style="list-style-type: none"> ○ Local community groups pay 10%. Local community groups must have no paid staff and no recurrent government funding. ○ Local community sporting groups pay 20%. Local community sporting groups must have 5 or less paid staff.

8.6 Policy (Review) - Community Property Leasing and Licensing

Entity	Rent Structure in Published Policy
	<ul style="list-style-type: none"><li data-bbox="678 237 1380 365">○ Small to medium not for profit provider of community services pays 30%. Small to medium not for profit providers of community services must have an annual income up to \$1million.<li data-bbox="678 398 1380 526">○ Large not for profit provider of community services pays 50% of market rent. Large not for profit providers of community services are those with an annual income of more than \$1million.

Consideration of the existing properties under the policy

The matter raised at the 11 December 2025 Ordinary meeting related to a Not-for-Profit Community Group with a particularly high annual revenue of approximately \$48m.

That organisation is the only Not-for-Profit Community Group leasing a community property covered by the policy with a revenue that high. It is an outlier.

The next category of Not-for-Profit Community Groups leasing the community properties covered by the policy with the highest annual revenue are the community preschools.

The annual revenue of preschools varies significantly, depending on the size and number of places offered. For example, we have one preschool recording revenue in the order of \$2.8m, and it ranges down to approximately \$909,000.

Although this seems to be high annual revenue, their expenses are also high, resulting in generally low profit figures.

As they are incorporated associations, any profit is reinvested into their ongoing operations, which includes maintaining the property to the high standards required of preschools.

Apart from the community preschools, most of the remaining tenants covered by the policy have varying revenue capacities.

It is estimated that all other community groups leasing the properties in the policy have revenue figures well under \$1m per annum, with some well under \$50,000 per annum, and others operating at a loss in some years.

Some of the community group tenants covered by the policy struggle financially with increasing costs of insurance, electricity, water, consumables, statutory compliance (such as reporting to the NSW Office of Fair Trading or the Australian Charities and Not for Profits Commission) and day to day property maintenance.

Most leases to community groups under the policy pass on regular property maintenance obligations to the tenants.

The leases to preschools pass on more substantial property maintenance obligations, as they have many statutory compliance matters to attend to, to keep their accreditation and ensure a safe environment for children.

8.6 Policy (Review) - Community Property Leasing and Licensing

So more of their revenue is being applied to keeping the property in good repair and condition.

Recommended rent structure

If Council introduces a rental structure under which all Not for Profit Community Groups covered by the policy are to pay a proportion of the market rent for the property, there are cost implications for Council.

This approach would require market rent valuations from external valuers.

The cost of a market rent valuation would depend on the size of the property and the nature of the use of the property; however, each valuation may cost in the order of \$3,000 to \$8,000.

As the leases under the policy are generally granted every three to four years, obtaining regular market rent valuations would be an expensive financial commitment.

The final rent for a property would need to exceed the cost of obtaining the valuation to make that rental structure financially viable.

Many of the Not-for-Profit Community Groups have very low annual revenues, particularly our museums, concert band, community gardens, small sporting clubs etc.

Based on the examples from other councils and our range of Not-for-Profit Community Groups occupying the properties covered by the policy, the recommended solution is to apply a revenue threshold.

If a particular Not for Profit Community Group applies for a lease and its average revenue for the last three years exceeds that threshold, then a market rent valuation would be obtained and a percentage of that market rent charged.

The proposed rent structure presented in the reviewed policy in Attachment 1 is to split Not for Profit Community Groups into:

1. Small Not for Profit Community Group (Small NFP): Average revenue for the last three years is less than \$1m, not including community preschools.
2. Large Not for Profit Community Group (Large NFP): Average revenue for the last three years is \$1m or more, not including community preschools.
3. Community preschools.

The reviewed policy proposes the rent structure as shown in Table 2.

Table 2 – Proposed Rent Structure

Tenant	Rent per annum
Small NFP	An amount equal to NSW Crown Lands statutory minimum rent
Community preschool	An amount equal to NSW Crown Lands statutory minimum rent
Large NFP leasing storage shed only	
Large NFP leasing storage shed only	An amount equal to NSW Crown Lands statutory minimum rent.
Large NFP leasing building other than storage shed	
Large NFP with average revenue for last three years \$1m - <\$1.3m	Pay 10% of market rent for the first year of the lease term, then annual CPI adjustments
Large NFP with average revenue for last three years \$1.3 - <\$2m	Pay 50% of market rent for the first year of the lease term, then annual CPI adjustments
Large NFP with average revenue for last three years over \$2m	Pay 100% of market rent for the first year of the lease term, then annual CPI adjustment

The intention behind charging a Large NFP statutory minimum rent when they lease only a storage shed is to avoid the need to pay for a market rent valuation, when it is likely the cost of the market valuation may outweigh the rent received.

The changes in the reviewed policy in Attachment 1 show additions in yellow highlight and deletions in red strikethrough.

The changes reflect the revised rent structure shown in Table 2.

Other changes to policy

There are a couple of additional housekeeping changes in the policy:

- Lease term for Crown Land: Generally, the properties leased under the policy will have a lease term of four years. However, Crown Lands have advised that they will require any leases over three years to be registered on the title of the land. Lease registration involves additional costs, such as lease survey plan preparation, legal fees for registration etc. To minimise those potential additional costs, an adjustment has been made to reflect that leases of Crown Land will generally be three years.
- Related Documentation: This section has been updated to refer to current related documents.

Otherwise, the policy is still considered to be contemporary and reflects current legislation.

Delivery Program Strategy / Operational Plan Activity

The policy broadly aligns with the following item:

- Delivery Program: EL2.1 to ensure a balance budget, with revenue opportunities combined with cost savings and efficiencies.

Community Engagement Strategy

The document will be exhibited for public comments. If any submissions are received, they can be reported back to Council however there will not be a need for any further report if there is no public comment.

Financial / Risk Considerations

Most of the tenants leasing properties covered by the policy are run by volunteers from our community.

There are some exceptions to this, such as the community preschools and the Social Futures youth centre (including Headspace, 30-32 Swift Street, Ballina), which have paid employees.

Council is receiving below market rents for the community properties listed in the policy.

Council has traditionally resolved to charge below market rents in recognition of the benefits the Not-for-Profit Community Groups provide to the broader community.

Charging a market rent, or a portion of market rent, would necessitate market rent valuations from external valuers.

The cost of a market rent valuation would depend on the size of the property and the nature of the use; however, each valuation may cost in the order of \$3,000 to \$8,000.

As the leases under the policy are generally granted every three to four years, obtaining regular market rent valuations would be an expensive financial commitment.

The final determined rent for a property would need to substantially exceed the cost of obtaining the valuation to make that rental structure financially viable.

The rental structure proposed in the revised policy in Attachment 1 would only require a market rent valuation for properties leased to Large NFPs.

The rents received under the policy are insufficient to carry out any major capital repairs or capital improvements to the community properties listed in the policy.

The tenants of these properties generally rely on grant funding opportunities if considering any improvement works to these properties.

8.6 Policy (Review) - Community Property Leasing and Licensing

Options

Council may accept or amend the proposed changes to the policy.

The changes clarify how rent structures are to be applied, noting that whichever option is selected, the new rent will only take effect the next time a lease is granted to a relevant Not for Profit Community Group.

It is recommended that the policy be adopted as presented and it is also recommended that if no submissions are received from the exhibition process, no further action is required.

RECOMMENDATIONS

1. That Council adopts the amended Community Property Leasing and Licensing Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, then no further action is required.

Attachment(s)

1. Policy (Review) - Community Property Leasing and Licensing [⇒](#)

8.7 Tender - Roof Replacements - Ballina and Alstonville

8.7 Tender - Roof Replacements - Ballina and Alstonville

Section Facilities Management

Objective To report the outcomes of the tender evaluation for the Tender - Roof Replacements - Ballina and Alstonville

Background

The works to be undertaken under this contract are Roof Replacements - Ballina and Alstonville for the complete removal and replacement of the existing roofs at the following Council properties:

- Ballina Visitor Information Centre, Ballina Library and Richmond Room
- Ballina CWA Hall
- Freeborn Park Amenities Building, Alstonville
- Freeborn Park Shelter, Alstonville.

Tenders opened 1 October 2025 and at the close of tenders on 31 October 2025, nine tender submissions were received.

This report outlines the results of the public tender process.

Key Issues

- Comply with the Local Government (General) Regulation 2021
- Obtain value for money

Discussion

Fifty-five companies downloaded the documentation with tenders received from:

- Barden Constructions Aust Pty Ltd
- CBHG Building Pty Ltd
- Connect Builders Pty Ltd
- Half Tide Plumbing and Roofing
- MRA Roofing and Construction Pty Ltd
- Murphy's Remedial Builders Pty Limited
- Nexis Pty Ltd
- Reeman Constructions Pty Ltd
- Roof & Concrete Remedial Pty Ltd

The tender submissions were assessed to ensure conformance with the conditions of tender and the mandatory criteria, being:

- Insurance
- Work Health and Safety

8.7 Tender - Roof Replacements - Ballina and Alstonville

All tender submissions met the mandatory assessment and were assessed using the following weighted assessment criteria:

- Pricing structure 60%
- Experience and capability 15%
- Methodology/Works Program 10%
- Local and community 15%

Barden Constructions Aust Pty Ltd has been assessed as the preferred tenderer based on the evaluation.

Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Delivery Program Strategy / Operational Plan Activity

Works contribute to Delivery Program direction -r Connected Community CC1.3. maintaining and enhancing community infrastructure.

Community Engagement Strategy

Council has undertaken a public tender process in accordance with the Local Government (General) Regulation 2021.

Financial / Risk Considerations

Facilities management capital expenditure budget 2025/26 for these roofing projects totals \$390,000.

Freeborn Park amenities improvements capital expenditure budget is \$148,000 in 2025/26 of which a portion will be used for roofing.

The total cost of the preferred tender is \$400,884.25, excluding GST.

Completing the combined projects together provides economies of scale and operational efficiencies.

The tender is within budget.

Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulation 2021, which requires that:

(1) After considering the tenders submitted for a proposed contract, the council must either:

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) decline to accept any of the tenders.*

8.7 Tender - Roof Replacements - Ballina and Alstonville

Based on the tender evaluation, it is recommended that Council accept the tender from Barden Constructions Aust Pty Ltd.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to Barden Constructions Aust Pty Ltd for the Tender - Roof Replacements - Ballina and Alstonville for the total amount of \$400,884.25 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential Memorandum - Tender - Roof Replacements - Ballina and Alstonville (Confidential)

8.8 Financial Year 2025/26 - 31 December 2025 Review

8.8 Financial Year 2025/26 - 31 December 2025 Review

Section	Financial Services
Objective	To provide a quarterly review of the 2025/26 financial year based on the known results to 31 December 2025.

Background

In accordance with Clause 203 of the Local Government (General) Regulations, the Responsible Accounting Officer of a council must, not later than two months after the end of each quarter, prepare and submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year.

This is the second quarterly review for the 2025/26 financial year.

Key Issues

- Variations to the budget and financial performance

Discussion

New Quarterly Budget Review Statement Guidelines were issued by the Department of Planning, Housing and Infrastructure in August 2025, and were mandatory from quarter one of 2025/26.

This report is the second quarter review including the new template documents, which are included as Attachment 1 to this report.

The templates in Attachment 1 follow a format that is consistent with the Financial Statement disclosures, which means that income and expenditure line items are by income type, rather than by council function/section.

The columns for Recommended Changes for Council Resolution within the mandatory templates include already approved changes within the quarter, as the templates do not allow for the changes already approved during quarter one to be separated out from the Recommended Changes within this report.

This includes any approved budget changes from the October to December 2025 Ordinary meetings and those included within the report titled "Capital Expenditure Program – 31 December 2025 Review", which is a separate report to this meeting.

The review of budgets provided within the body of this report, is in a format consistent with previous quarterly budget reviews, with analysis by function/section, as that information provides a more detailed analysis to improve the understanding of the current performance of Council and the proposed budget adjustments.

The information provided within the body of this report reconciles back, where applicable, to the mandatory standardised templates in Attachment 1.

8.8 Financial Year 2025/26 - 31 December 2025 Review

An outline of the information provided in the body of this report is as follows:

Section One – General Fund Long Term Financial Plan (LTFP)

This section provides an overview of the General Fund including a high-level summary of the ten-year LTFP, plus the current year.

Section Two – Operating Income and Expenditure Budgets 2025/26

Outlines the 2025/26 operating income and operating expenditure budgets by Fund (General, Water and Wastewater).

The Other Approved Changes and Changes for Approval, by Fund, agree to the Recommended Changes, as per the Income and Expenses Budget Review Statements in Attachment 1.

Section Three – Capital Budgets 2025/26

Outlines the 2025/26 capital expenditure budgets.

The Other Approved Changes and Changes for Approval, combined for all three funds together, agree to the Recommended Changes, as per the Capital Budget Review Statement in Attachment 1.

Section Four – Cash and Investment Statement

Provide details of the projected movements in the cash reserve balances.

The Forecasted Restricted Reserves reconciles to the Projected Year End, as per the Cash and Investments Budget Review Statement in Attachment 1.

Section Five – Certification

This is a Statement by the Responsible Accounting Officer as to whether the current year's estimated financial performance is or is not satisfactory.

Section One – General Fund Long Term Financial Plan

The following table provides a summary of the General Fund LTFP with the inclusion of the changes listed in this report.

General Fund – LTFP Forecasts – December 2025 Review (\$'000)

Year	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36
Operating Income	96,606	102,257	107,322	112,101	117,156	120,156	124,317	128,477	132,989	137,248	141,901
Operating Expenses	80,322	79,839	84,221	87,078	89,709	90,887	93,855	96,769	99,016	101,942	104,480
Result before Non-Cash items	16,284	22,418	23,101	25,023	27,447	29,269	30,462	31,708	33,973	35,306	37,421
Add Gain on Disposal	3,290	2,360	2,080	1,660	1,690	1,720	1,750	1,780	1,810	1,840	1,870
Less Deprec and Loss on Disposal	25,920	26,675	26,736	27,591	28,470	29,377	30,312	31,278	32,274	33,300	34,358
Surplus/(Deficit)	(6,346)	(1,897)	(1,555)	(908)	667	1,612	1,900	2,210	3,509	3,846	4,933
Work Cap Result	(982)	(408)	(456)	(447)	30	479	864	1,240	1,714	1,193	780
WC Balance	1,738	1,330	874	427	457	936	1,800	3,040	4,754	5,947	6,727

8.8 Financial Year 2025/26 - 31 December 2025 Review

This forecast shows the General Fund reaching an operating surplus in 2029/30, following four years of deficits from 2025/26 to 2028/29. The forecasts are inclusive of the income from the proposed special rate variation.

The following section provides commentary in relation to the forecast changes impacting on the General Fund.

The financial performance of the Water and Wastewater Funds is outlined later in this report.

Section Two – Operating Income and Expenditure Budgets - 2025/26

The **Forecast Operating Result**, for the General Fund, as at **31 December 2025**, is a loss of \$6.346m.

This compares to a forecast loss of \$5.858m, following the quarter one review as reported to the November 2025 Ordinary meeting.

The estimated movement in **Unrestricted Working Capital** shows a deterioration also, with a forecast deficit as at December of \$982,000. This compares to a forecast deficit of \$905,000, following the quarter one review as reported to the 27 November 2025 Ordinary meeting.

The next two tables detail operating income and operating expenses, including recommended variations, as per the “Changes for Approval” column.

General Fund – Operating Income (\$'000)

Operating Income	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Planning and Environmental Health Division							
Strategic Planning	909	934	0	934	30	964	72
Development Services	2,363	2,363	0	2,363	100	2,463	1,324
Health and Environment	1,374	1,378	0	1,378	0	1,378	620
Community Gallery	110	110	0	110	0	110	65
Open Spaces	1,376	1,436	0	1,436	0	1,436	916
Sub Total	6,132	6,221	0	6,221	130	6,351	2,997
Civil Services Division							
Infrastructure Planning	248	318	0	318	0	318	232
Roads and Bridges	3,834	4,122	0	4,122	0	4,122	1,323
Emergency Services	125	125	0	125	0	125	1
Landfill and Resource Mgmt	14,006	14,031	0	14,031	(1,210)	12,821	6,052
Domestic Waste Mgmt	8,937	9,029	0	9,029	32	9,061	9,016
Sub Total	27,150	27,625	0	27,625	(1,178)	26,447	16,624
Corporate and Community Division							
Governance	0	0	0	0	0	0	0
Comms / Customer Service	9	9	0	9	0	9	10
Financial Services	39,797	39,847	0	39,847	0	39,847	33,733
Information Services	221	221	0	221	0	221	102
People and Culture	1,040	1,040	0	1,040	80	1,120	353
Property Management	3,449	3,247	0	3,247	89	3,336	1,956
Ballina Byron Airport	11,022	11,022	0	11,022	(510)	10,512	4,751
Community Facilities	944	944	0	944	(20)	924	460
Facilities Management	39	121	0	121	0	121	108
Library Services	138	197	0	197	0	197	196
Swimming Pools	1,296	1,296	0	1,296	0	1,296	579
Destination and Economy	247	247	0	247	0	247	88

8.8 Financial Year 2025/26 - 31 December 2025 Review

Operating Income	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Plant Operations	5,978	5,978	0	5,978	0	5,978	3,038
Sub Total	64,180	64,169	0	64,169	(361)	63,808	45,374
Total Operating Income	97,462	98,015	0	98,015	(1,409)	96,606	64,995

General Fund – Operating Expenses (\$'000)

Operating Income	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Planning and Environmental Health Division							
Strategic Planning	897	1,219	0	1,219	5	1,224	488
Development Services	3,024	2,853	0	2,853	0	2,853	1,428
Health and Environment	3,870	4,240	0	4,300	0	4,300	1,904
Community Gallery	478	478	0	478	40	518	229
Open Spaces	7,908	8,158	0	8,158	200	8,358	4,502
Sub Total	16,177	16,948	0	17,008	245	17,253	8,551
Civil Services Division							
Infrastructure Planning	2,278	2,278	0	2,278	3	2,281	1,107
Roads and Bridges	7,684	8,251	0	8,251	(20)	8,231	4,598
Emergency Services	705	741	0	741	0	741	366
Landfill and Resource Mgmt	14,534	14,749	0	14,749	(1,480)	13,269	5,702
Domestic Waste Mgmt	9,587	9,617	0	9,617	0	9,617	4,192
Sub Total	34,788	35,636	0	35,636	(1,497)	34,139	15,965
Corporate and Community Division							
Governance	1,426	1,426	0	1,426	0	1,426	1,224
Comms / Customer Service	732	772	0	772	0	772	435
Financial Services	787	750	0	750	0	750	382
Information Services	3,610	3,652	0	3,652	0	3,652	2,618
People and Culture	1,729	1,747	0	1,747	50	1,797	1,078
Property Management	2,208	2,208	0	2,208	(40)	2,168	1,147
Ballina Byron Airport	7,077	7,077	65	7,142	290	7,432	3,692
Community Facilities	1,320	1,320	0	1,320	0	1,320	606
Facilities Management	722	793	0	793	31	824	627
Library Services	2,119	2,178	(59)	2,119	0	2,119	1,040
Swimming Pools	2,160	2,160	0	2,160	0	2,160	953
Destination and Economy	759	759	0	759	0	759	272
Plant Operations	3,751	3,751	0	3,751	0	3,751	2,164
Sub Total	28,400	28,593	6	28,599	331	28,930	16,238
Total Operating Expenses	79,365	81,237	6	81,243	(921)	80,322	40,754
Gain on Real Estate, Plant and Rental Properties	3,290	3,290	0	3,290	0	3,290	997
Depreciation and Non-Cash	25,920	25,920	0	25,920	0	25,920	6,480
Net Operating Result	(4,533)	(5,852)	(6)	(5,858)	(488)	(6,346)	13,278

The larger adjustments to the General Fund Operating Result include:

- Landfill and Resource Recovery income budgets decreased by \$1,210,000 and expenditure budgets decreased by \$1,480,000, a net improvement of \$270,000 which results in an increase to reserve balances.
- Airport income budgets decreased by \$510,000 and expenditure budgets increased by \$290,000, a net deterioration of \$800,000 which results in a decrease to reserve balances.
- Open Spaces expenditure budgets increased by \$200,000.

General Fund Working Capital Movements (\$'000)

Item	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Increase / (Decrease)	(799)	(905)	0	(905)	(77)	(982)	N/A

Working capital is a measure of short-term liquidity and as a rule Council aims to target a break-even result for the General Fund.

This review provides a deterioration to the forecast movement in working capital.

Comments on the budget variations are as follows.

General Fund - Operating Income

Planning and Environmental Health Division

Strategic Planning

The income budget for Strategic Planning Proposals is increased \$25,000 to \$55,000, based on income received.

These funds are transferred to the Strategic Planning reserve.

An income budget of \$5,000 is raised for funds received from Friends of Koala, funding to support the revegetation of koala habitat.

A corresponding increase has been made to the expenditure budget for koala habitat restoration.

Development Services

Total income has been revised upwards by \$100,000, to a revised forecast of \$2,463,000 based on trend, with Development and Town Planning Fees and Building Information Certificates in particular trending well.

Civil Services Division

Landfill and Resource Management

Income budgets have been decreased by \$1,210,000 in total.

The income budget for Self-Haul Gate Fees is decreased by \$1,450,000, to a revised forecast of \$6,570,000.

The reduction in income for the Resource Recovery Centre (RRC) is primarily due to a significant reduction in commercial waste tonnages received from a local commercial collection contractor.

Historically, this contractor has utilised the Ballina RRC for disposal of waste collected across its Lismore, Byron and Ballina commercial operations.

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Since 2020, Council's competitive gate fees made it financially viable for the contractor to transport waste to Ballina, despite the additional travel distance compared with using Lismore and Byron Shire Council facilities.

From July 2025, Council was required to increase its bulk commercial waste gate fees to reflect higher costs associated with Council's renewed waste transport and disposal contract with Veolia.

To maintain the financial sustainability of the RRC, these cost increases were passed on to commercial customers and contractors.

Following this adjustment, the contractor reviewed its operational model and determined that it was no longer economically viable to continue directing all commercial waste loads to the Ballina RRC.

As a result, the contractor has commenced diverting a portion of these loads to Lismore and Byron RRCs.

This change has reduced gate fee income for Council, however, it has also correspondingly reduced the volume-related operational costs associated with transporting and disposing of this waste under Council's contract with Veolia, as well as on-site handling costs at the RRC.

Despite this partial cost offset, the net impact is an estimated deterioration to the RRC's operating position of approximately \$350,000 per annum.

The financial risk associated with the potential loss of commercial waste streams, and the resulting impact on the RRC's long-term operating result, has been consistently reported to Council through the annual Resource Recovery LTFP updates presented each year to the Finance and Facilities Committee meetings.

The longer-term implications of this reduction in commercial tonnages will be incorporated into the development of the 2026/27 LTFP and reported to the Committee meeting in March or April 2026.

The income budget for Gate Fees from Council Works is increased by \$72,000, to a revised budget of \$960,000.

The income budget for Gates Fees from Council Parks/Street Bins is increased by \$36,000, to a revised budget of \$156,000.

These increases are due to increased volume of waste.

The budgets for annual charges are increased by \$20,000, to a revised balance of \$783,000, to meet actual amounts levied.

A new income budget of \$7,000 is raised for the provision of group administrative services to be provided by Council for North East Waste (NEW), the regional waste group representing representing the seven NRJO Councils.

NEW operates under a Memorandum of Agreement (MoA) and the group is funded through financial contributions from member councils and the NSW Environment Protection Authority.

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As it is not a formal legal entity, its administrative functions are managed by one of the member councils acting as the "Host Council".

Member councils recently completed a review and implementation of an updated MoA, which includes the ongoing requirement for participating councils to rotate the Host Council role.

In accordance with this rotation, Council has now assumed responsibility as the NEW Host Council.

The transfer of administrative services from Tweed Shire to Ballina Shire took effect in January 2026 under the updated MoA.

An annual amount of \$15,000 is provided to the Host Council to compensate for time and costs associated with delivering these administrative duties.

The resourcing requirements associated with hosting NEW are not expected to be excessive and can be managed within Council's existing staffing and operational capacity.

A new income budget of \$100,000 is raised for 2025/26, for grant funding secured for a Regional Organics Processing Feasibility Study.

Council, in partnership with Byron, Lismore, Kyogle and Richmond Valley Councils, has secured a total of \$155,000 in funding under the NSW EPA Joint Procurement Program to undertake a feasibility study for a sub-regional organics processing facility.

The expenditure of this funding is anticipated to be \$100,000 in 2025/26 and the remainder \$50,000 in 2026/27, and so income and expenditure budgets are raised accordingly.

Expenditure budgets, detailed in the next section of this report, are decreased by \$1,480,000 in total, with a net impact on the LRM reserves being an increase to the reserve of \$270,000.

Domestic Waste Management (DWM)

Income budgets have been increased \$32,000. The budgets for annual charges are increased \$25,000, to a revised balance of \$8,886,000, to meet actual amounts levied.

A budget of \$7,000 is raised, for the income received from the sale of subsidised compost bins to rural residents as part of the collection service changes.

Expenditure budgets remain unchanged, so the net impact on the DWM reserves is an increase of \$32,000.

Corporate and Community Division

Financial Services

There are no budget changes within this section.

8.8 Financial Year 2025/26 - 31 December 2025 Review

Forecast Interest income has been reviewed following an upward trend of actual interest income to date compared to budgeted interest and a further Reserve Bank interest rate change recently announced.

Allocation between the funds and various reserves is then calculated using the estimated average reserve balances.

The Financial Services section includes interest on investments income and an offset (negative) interest paid by Council, if applicable, on the release of bond money held by Council.

The income budget for interest on investments within this section remains unchanged, with a budget of \$1,450,000.

A recalculation of estimates results in a proposed total increase to the Consolidated Council of \$72,000.

This amount is allocated to the Property Development Reserve and the Community Infrastructure Reserve.

The remaining interest income adjustments are an increase of \$420,000 to Wastewater Fund and a decrease of \$28,000 to the Water Fund.

People and Culture

The budget for StateCover workers compensation refunds and related items is increased by \$80,000 to a revised budget of \$200,000, to match income received.

Of the income to date, income of \$112,000 received in December 2025, relates to a Safety and Wellbeing Incentive paid to Council.

This payment follows the submission of Council's wage declaration, WHS audit and Priority Action Plan.

Property Management

The rental income budget for 89 Tamar St is increased by \$17,000, to a revised budget of \$466,000, to meet the actual income earned, with the existing tenant vacating the property on 1 December 2025.

This budget had been decreased by \$300,000 to \$449,000 within the September 2025 quarterly budget review, as an estimate of the final amounts to be received. All rental income for this property is transferred to the Community Infrastructure Reserve.

Following a recalculation of Council's forecast interest income to be received for cash and investment holdings for the year, interest income budgets have been reviewed based on expected reserve balances.

The budgets for interest income for the Community Infrastructure Reserve and the Property Development Reserve have been increased, by \$40,000 and \$32,000, respectively.

Ballina Byron Gateway Airport (BBGA)

Airport income budgets have been decreased by a net \$510,000.

Forecast income for Airline passenger charges are reduced by \$400,000 to a revised forecast of \$4,000,000 for 2025/26.

Whilst the new airline agreements that commenced in October 2025 and January 2026 are expected to generate an increase in revenue; this uplift is offset by reductions in existing and forward airline schedules resulting in less passengers.

Based on information supplied by the airlines, the number of available seats and passenger numbers are expected to decrease by about 6% resulting in a decline in expected revenues.

Virgin's existing and forward schedules indicate a continued trend of downgauging aircraft, i.e. from a 176-seat aircraft to a 134-seat aircraft flying into Ballina.

As a result, Virgin is forecasting a reduction in passenger numbers of approximately 27% for the current financial year.

Forecast airport parking income is reduced \$150,000 to a revised forecast of \$1,950,000, reflective of the decrease in passenger numbers moving through the airport.

The budget for ABass Landing Fees have been decreased by \$50,000, to \$60,000, reflecting lower GA flight numbers.

The budget for security charges reimbursed by the airlines has increased by \$60,000, to \$2,010,000. This increase is based on the forecast per pax charge.

The budget for parking fines is also increased, by \$30,000, to \$45,000, due to increased vigilance.

Expenditure budgets, detailed in the next section of this report, are increased by \$290,000 in total, with a net impact on the Airport Reserves being a decrease to the reserve of \$800,000.

Community Facilities

The income budget for the Ballina Indoors Sports Centre has been reduced by \$20,000 to a revised income of \$265,000, based on trend.

General Fund - Operating Expenses

Planning and Environmental Health Division

Strategic Planning

The budget for koala habitat restoration is increased by \$5,000 matching contributions received from Friends of Koala.

Northern Rivers Community Gallery

A new budget of \$40,000 is added for the Gallery website replacement, with the existing website now 11 years old and requiring an update in functionality.

This budget is funded from the Strategic Planning reserves.

Open Spaces

The budget for Open Spaces Operating Expenses has been increased by a further \$200,000.

This increase is based on the trending of expenditure and highlights the continued strain on the operations within this section, following a \$250,000 increase in the operating budget, as part of the September 2025 Financial Review.

Civil Services Division

Roads and Bridges

This section encompasses roads, bridges, stormwater and ancillary transport services.

The annual insurance budget for the Burns Point Ferry has been reduced by \$20,000.

The adopted budget had included insurance for the ferry hull.

Council was unable to find an insurer to cover this infrastructure, at a reasonable cost, during the 2024/25 year and subsequently this budget is no longer utilised. Hull repairs will be undertaken as needed.

Landfill and Resource Management

As noted, expenditure budgets are decreased by \$1,480,000 in total.

The budget for the transport and disposal of residual waste has been decreased by \$1,475,000, to a revised budget of \$7,725,000.

The reduced expenditure is predominantly due to the reduced volume of waste being received by a local commercial collection contractor's operations, as discussed earlier in this report.

The continued success of the improved operations associated with resource recovery of construction and demolition waste materials has resulted in almost 1,000 tonnes of waste per annum being diverted from landfill for reuse and or recycling.

This has resulted in landfill waste transport and disposal operational expenditure reduction of approximately \$320,000 this financial year.

A new expenditure budget of \$100,000 is raised in relation to the new Regional Organics Processing Feasibility grant income.

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The budget for Public Place Bin Collection is increased \$60,000, to \$440,000. This expenditure is associated with the increasing volume of waste collected from the public place bin network.

The budget for the Resource Recovery Centre Management Centre Masterplan is increased by \$25,000, to \$50,000 to fund an update to the masterplan required to incorporate changes to future infrastructure upgrades.

A budget of \$30,000 has been allocated to Vegetation Management, as this expenditure was previously being costed to landfill maintenance budgets, and is now split out to separately identify the expenditure associated with resource recovery centre vegetation management.

The budget for Weighbridge operations is reduced by \$100,000, to a revised budget of \$250,000.

The adopted budget had accounted for expenditure for additional staff which will be required when the second weighbridge installation project is completed. This project is scheduled for completion end 2026, and the additional staffing not required in this financial year.

Further reductions in expenditure have been made across several components of the resource recovery operation, resulting in a total reduced expenditure amount of \$60,000.

Corporate and Community Division

Property Management

The budget for interest payable on property variable loans is reduced by \$40,000 to a revised budget of \$329,000.

Interest rates had declined since the taking of these variable facilities and a recalculation of the amounts anticipated for 2025/26 allows for a reduction in this budget. The estimates for the remainder of the 2025/26 year does allow for the Reserve Bank of Australia 25-point increase to interest rates announced on 3 February 2025.

This adjustment increases the Property Development Reserve balance.

Ballina Byron Gateway Airport (BBGA)

Expenditure budgets are increased by \$290,000 in total. The major increases are for salaries budgets up by \$100,000, and maintenance budgets up by \$65,000.

The recent reintroduction of the Qantas overnight service has required adjustments to the staffing roster. Whilst beneficial from a service perspective, this service extends airport operational hours by about three hours per day, increasing staffing requirements.

Increased staffing costs associated with extended operational hours, together with unplanned maintenance activities, including additional apron bay patching, airspace monitoring, airport electrical and lighting repairs, and the development

8.8 Financial Year 2025/26 - 31 December 2025 Review

of a new airport website have contributed to higher than anticipated operating expenses within the budget.

Facilities Management

Expenditure budgets for this section have been increased by a net \$31,000.

The budget for Protective Clothing has been increased by \$30,000, to \$140,000. Increased expenditure is associated with increases in staff numbers (i.e. significant increase in trainees and apprentices) and required expenditure for new respirators to meet new legislative requirements relating to silica.

A budget of \$19,000 is required to increase the number of defibrillators across Council locations. This budget is funded from the Risk Management Reserve.

The budgets for Depot Operations have been increased \$47,000 to \$259,000. These increases were \$25,000 for cleaning, \$14,000 for utility costs and \$8,000 for security. These costs relate to the new administration building, which is now fully operational.

The budgets for the (Cherry Street) Administration Building Maintenance have been increased by \$20,000. Of this increase, \$5,000 relates to required glazing works within the building and that expenditure is funded from the Insurance Reserve.

Visitor Information Centre maintenance budgets are increased \$15,000 to \$40,000 based on trend. There is a continuation of high levels of vandalism particularly for the toilet facilities.

The Community Gallery maintenance budgets are increased \$5,000 to \$40,000. This is in general a high maintenance building, which experienced roofing leaks from Ex Tropical Cyclone Alfred, for which some costs were not covered by insurance.

Savings of \$105,000 have been identified within the Public Halls maintenance budgets and Depot Building maintenance budgets, to partially offset some of the required budget increases noted.

The Public Halls maintenance budget has been revised down by \$70,000, to \$42,000, and the Depot Building maintenance budget has been revised down by \$35,000 to \$70,000.

Water Operations

The following table details the forecast operating result for the Water Fund.

Water – Statement of Operating Income and Expenses (\$ '000)

Item	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Operating Income	17,762	17,762	0	17,762	52	17,814	8,537
Operating Expenses (excl. dep)	14,694	14,801	0	14,801	90	14,891	7,651
Operating Result Before Dep	3,068	2,961	0	2,961	(38)	2,923	886
Depreciation and Non-cash	2,250	2,250	0	2,250	0	2,250	900
Net Operating Result	818	711	0	711	(38)	673	(14)

8.8 Financial Year 2025/26 - 31 December 2025 Review

The **Forecast Operating Result** (inclusive of depreciation) **as at 31 December 2025** is a surplus of \$673,000 with a deterioration of \$38,000 from changes made as part of this review.

Operating income budgets are increased by a net \$52,000.

Following a recalculation of Council's forecast interest income to be received for cash and investment holdings for the year, interest income budgets have been reviewed based on expected reserve balances.

The budgets for interest income for the Water Fund are decreased \$28,000.

The income budgets for access charges are increased by \$80,000, based on charges levied to date.

Operating expenditure budgets are increased by a net \$90,000.

Increases to operating expenditure budgets were made for:

- New budget of \$90,000 for the implementation of Aqualus, water meter data management system.
- Increase of \$190,000 to budget for Alstonville/Wollongbar Mains Maintenance, with a major program of fire hydrant repairs undertaken.

Decreases to operating expenditure budgets were made for the following budgets, due to less activity than expected:

- Decrease of \$30,000 to budget for Ballina Mains Maintenance
- Decrease of \$20,000 to Ballina Mains Operations
- Decreases of \$20,000 each to Ballina Reactive Maintenance and Ballina Heights Reactive Maintenance
- Decrease of \$20,000 to Wollongbar Reservoir Maintenance
- Savings across other operational budgets of \$80,000 in total, all individual adjustments less than \$20,000.

Wastewater Operations

The following table details the forecast operating result for the Wastewater Fund.

Wastewater – Statement of Operating Income and Expenses (\$ '000)

Item	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Operating Income	24,900	26,900	0	26,900	1,020	27,920	23,649
Operating Expenses (excl. dep)	14,793	14,831	0	14,831	0	14,831	7,175
Operating Result Before Dep	10,107	12,069	0	12,069	1,020	13,089	16,474
Depreciation and Non-cash	5,300	5,300	0	5,300	0	5,300	2,350
Net Operating Result	4,807	6,769	0	6,769	1,020	7,789	14,124

The **Forecast Operating Result** (inclusive of depreciation) **as at 31 December 2025** is a surplus of \$7,789,000 with an improvement of \$1,020,000 from changes made as part of this review.

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Operating income budgets are increased \$1,020,000.

Following a recalculation of Council's forecast interest income to be received for cash and investment holdings for the year, interest income budgets have been reviewed based on expected reserve balances.

The budgets for interest income for the Wastewater Fund are increased \$420,000.

Residential annual charges are increased \$300,000, to \$19,386,000, based on actual levied amounts.

Non-residential annual charges are increased \$200,000 to \$2,518,000, and non-residential access charges are increased \$100,000 to \$1,589,000. These adjustments are based on trending to date.

There is no net change to operating expenditure budgets, however the larger adjustments include:

- Net decrease of \$13,000 for Mains Operations budgets, with East Ballina and North Ballina Operations increased \$55,000 and \$24,000, respectively, whilst Lennox Head operations decreased \$30,000.
- Net increase of \$20,000 for Recycled Water Reservoirs, with Gap Road operations increased \$20,000.
- Net increase of \$20,000 for Wastewater Treatment Plants, with Lennox Head Reactive Maintenance increased \$33,000.
- Net decrease of \$40,000 for Pumpstations. Wardell Reactive Maintenance increased \$55,000, Wardell Maintenance increased \$33,000, South Lennox reactive maintenance decreased \$40,000, North Lennox maintenance decreased \$32,000, and Ballina Island maintenance decreased \$25,000.
- Net increase of \$17,000 for Recycled Water Mains.

Section Three – Capital Budgets 2025/26

This section of the report looks at capital expenditure.

General Fund – Capital Budget – Source and Application of Funds (\$ '000)

Capital Funding / Expenditure	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
General revenue	10,519	10,519	0	10,519	0	10,519	
Reserves	19,110	18,148	(1,229)	16,919	189	17,108	
Loans	1,250	1,250	(870)	380	0	380	
Section 7.11 contributions	19,940	9,544	(520)	9,024	0	9,024	
Grants and contributions	49,927	46,079	(12,680)	33,399	0	33,399	
Total Funding	100,746	85,540	(15,299)	70,241	189	70,430	16,894
Planning and Environmental Health Division							
Health and Environment	86	86	8	94	0	94	35
Open Spaces	6,249	7,957	0	7,957	0	7,957	3,409
Civil Services Division							
Infrastructure Planning	43	0	0	0	189	189	0
Roads and Bridges	72,626	58,881	(14,738)	44,143	0	44,143	8,804
Emergency Services	2,700	4,569	0	4,569	0	4,569	1,564
Waste Management	1,250	1,540	(858)	682	0	682	183

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Capital Funding / Expenditure	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Corporate and Community Division							
Property Development and Management	320	2,478	500	500	0	500	0
Ballina Byron Gateway Airport	5,400	1,538	360	2,838	0	2,838	447
Facilities Management	10,025	6,314	(325)	1,213	0	1,213	400
Swimming Pools	47	87	(199)	6,115	0	6,115	1,462
Destination and Economy	0	90	(47)	40	0	40	0
Plant Operations	2,000	2,000	0	90	0	90	76
Total Expenditure	100,746	85,540	(15,299)	70,241	189	70,430	16,894

General Fund

A review of the capital works program is presented in the report titled “Capital Expenditure Program – 31 December 2025 Review”, which is a separate report to this meeting.

The “Other Approved Changes” in the previous table are based on the proposed budget adjustments within that report.

The following budget adjustment is made as part of this report:

Infrastructure Planning

A capital budget of \$189,000 is raised for the compulsory acquisition of the Regatta Avenue roads reserve from the Crown.

Council had formally requested rescission of this acquisition.

The Crown has now provided written advice to Council that the rescission of the acquisition has been refused.

This required expenditure is funded from the Roads Contingency Reserve.

Water Fund

Water – Capital Budget – Source and Application of Funds (\$'000)

Capital Funding / Expenditure	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Funding							
Reserves	3,436	3,628	(799)	2,829	0	2,829	
Section 64 contributions	50	50	(40)	10	0	10	
Total Funding	3,486	3,678	(839)	2,839	0	2,839	1,015
Capital Expenditure	3,486	3,678	(839)	2,839	0	2,839	1,015

A review of the capital works program is presented in the report titled “Capital Expenditure Program – 31 December 2025 Review”, which is a separate report to this meeting.

The “Other Approved Changes” in the previous table are based on the proposed budget adjustments within that report.

8.8 Financial Year 2025/26 - 31 December 2025 Review

No further adjustments are proposed in this report.

Wastewater Fund

Wastewater – Capital Budget – Source and Application of Funds (\$'000)

Capital Funding / Expenditure	Original Budget	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget	Actual to Dec
Funding							
Reserves	8,533	10,830	(2,287)	8,543	0	8,543	
Section 64 contributions	2,250	2,524	(651)	1,873	0	1,873	
Total Funding	10,783	13,353	(2,937)	10,416	0	10,416	3,146
Capital Expenditure	10,783	13,353	(2,937)	10,416	0	10,416	3,146

A review of the capital works program is presented in the report titled “Capital Expenditure Program – 31 December 2025 Review”, which is a separate report to this meeting.

The “Other Approved Changes” in the previous table are based on the proposed budget adjustments within that report.

No further adjustments are proposed in this report.

Section Four – Cash and Investment Statement

The next table shows the forecast for externally and internally restricted reserves.

Forecast Restricted Reserves as at 30 June 2026 (\$'000)

Reserve Title	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget
Externally Restricted					
Section 7.11	21,831	520	22,351	(1,500)	20,851
Domestic Waste Management	1,016	0	1,016	32	1,048
Section 64 Water	12,302	40	12,342	(277)	12,065
Water	7,166	799	7,965	(111)	7,854
Section 64 Wastewater	8,704	651	9,354	(330)	9,024
Wastewater	9,690	2,287	11,976	850	12,826
Total Externally Restricted	60,708	4,296	65,004	(1,336)	63,668
Internally Restricted					
Council Elections	95	0	95	0	95
Financial Assistance Grant	3,177	0	3,177	0	3,177
Legal / Audit / Revaluations	159	0	159	0	159
Employee Leave Entitlements	2,994	0	2,994	0	2,994
Risk Management Projects / Insurance	146	0	146	(24)	122
Community Infrastructure Reserve	6,625	0	6,625	57	6,682
Property Development Reserve	8,468	0	8,468	72	8,540
Wigmore Arcade	1,216	0	1,216	0	1,216
Crown Properties Rental	104	0	104	0	104
Flat Rock Tent Park	413	(360)	53	0	53
Quarries	133	0	133	0	133

8.8 Financial Year 2025/26 - 31 December 2025 Review

Reserve Title	Sept Budget	Other Approved Changes	Revised Budget	Changes for Approval	Dec Budget
Airport	6,205	260	6,465	(800)	5,665
Facilities Management	89	118	207	0	207
Library Special Projects	380	0	380	0	380
Plant Replacement	322	0	322	0	322
Administration Building and Depot	0	187	187	0	187
Other Corporate and Community	141	0	141	0	141
Strategic Planning Studies and Proposals	248	0	248	(15)	233
Section 7.11 Plan Reviews	180	0	180	0	180
Public Art	127	0	0	0	0
Environment and Health	248	0	127	0	127
Vegetation Works	347	(8)	240	0	240
Public Amenities	160	0	347	0	347
Open Spaces	460	0	160	0	160
Sports Fields	650	0	460	0	460
Cemeteries	237	0	650	0	650
Stormwater Capital	262	0	262	0	262
Stormwater and Environ Mgmt Plans	176	0	176	0	176
Canal Dredging	120	0	120	0	120
Bypass Funds	3,053	100	3,153	0	3,153
Road Works and Contingencies	2,716	935	3,651	(189)	3,462
Street Cleaning	101	0	101	0	101
Footpaths and Other Ancillary Works	15	0	15	0	15
Boat Ramps and Infrastructure	96	0	96	0	96
Landfill and Resource Management	131	(392)	(261)	270	9
Total Internally Restricted	39,994	840	40,834	(629)	40,205
Total Restricted	100,702	5,136	105,838	(1,965)	103,873

Comment on Cash and Investment Position

The changes in this report decrease the reserves by a net \$1.965m resulting in a forecast balance for restricted reserves of \$103.873m.

The changes to reserves made as part of this review have been noted earlier in this report within 'Section One-Operating Income and Expenditure' or 'Section Two – Capital Budgets', with the addition of changes to forecast Section 7.11 capital income contributions and s64 capital income contributions which are noted below.

The changes made as part of this report are summarised as follows.

Section 7.11 Reserves

The forecast capital income budget for section 7.11 contributions is reduced by \$1,500,000, from \$5,000,000 to \$3,500,000 based on trending of income received for the first two quarters of the year

Domestic Waste Management

There is an increase of \$32,000 to this reserve, being improvements to the operating result noted within this report.

Water Reserves

Water Reserves are decreased by a net of \$388,000.

There is a decrease of \$38,000 for adjustments to the operating result noted earlier within this report.

The forecast capital income budget for section 64 contributions is also reduced by \$350,000, from \$700,000 to \$350,000, based on trending of income received for the first two quarters of the year.

Wastewater Reserves

Wastewater Reserves are increased by a net \$520,000.

There is an increase of \$1,020,000 for adjustments to the operating result noted earlier within this report.

Partially offsetting this, the forecast capital income budget for section 64 contributions is reduced by \$500,000, from \$1,500,000 to \$1,000,000, based on trending of income received for the first two quarters of the year.

Risk Management Projects / Insurance

There is a decrease of \$24,000 in these reserves. A decrease of \$19,000 is for defibrillator expenditure and \$5,000 for required office glazing works, within the Facilities Management section.

Community Infrastructure Reserve

There is a net increase of \$57,000, being adjustments to the operating result noted within this report.

Property Development Reserve

There is a net increase of \$72,000, being adjustments to the operating result noted within this report.

Airport

There is a decrease of \$800,000 being the net adjustment to operating budgets noted within this report.

Strategic Planning Studies and Proposals

This reserve has a net decrease of \$15,000.

There is a transfer to this reserve of \$25,000 resulting from an increase to the planning proposals income budget within the Strategic Planning section.

There is a transfer from this reserve of \$40,000 for the increase to operating expenses with the Community Gallery section.

Roadworks and Contingencies

There is a decrease of \$189,000 for the compulsory acquisition of the Regatta Avenue roads reserve.

Landfill and Resource Management

There is an increase of \$270,000 being the net adjustment to operating budgets noted within this report.

Section Five – Certification

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2021.

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 31 December 2025 indicates that Council's projected financial position at 30 June 2026 is satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The satisfactory position is based on the short term (twelve month) outlook.



Signed Linda Coulter, Responsible Accounting Officer

Delivery Program Strategy / Operational Plan Activity

The content of this report relates directly to the financial sustainability of Council. This is identified within Council's adopted Delivery Program, under Direction 4: Engaged Leadership.

EL2.1d – Pursue financial sustainability.

Community Engagement Strategy

This report has been prepared to inform the community of budget variations. Staff have been consulted in the preparation of this report.

Financial / Risk Considerations

This report details financial results to date in comparison to budget.

Options

Council may approve the budget amendments proposed or make further changes.

RECOMMENDATIONS

1. That Council notes the contents of this report for the December 2025 Quarterly Financial Review and approves the budget changes identified within the report.

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2. That Council approves the contents of the templates under the Quarterly Budget Review Statement Guidelines (QBRS Guidelines) issued by the Department of Planning, Housing and Infrastructure, as per Attachment 1 to this report and approves the budget changes identified within.

Attachment(s)

1. Quarterly Budget Review Statement Guidelines - Department of Housing, Planning and Infrastructure [⇒](#)

8.9 Delivery Program and Operational Plan - 31 December 2025 Review

8.9 Delivery Program and Operational Plan - 31 December 2025 Review

Section Governance

Objective To provide the quarterly update on the implementation of the 2025/26 to 2028/29 Delivery Program and 2025/26 Operational Plan

Section 406 (1) of the Local Government Act states as follows:

406 Integrated planning and reporting guidelines

*The regulations may make provision for or with respect to integrated planning and reporting guidelines (referred to in this Chapter as **the guidelines**) to be complied with by councils.*

The Office of Local Government issues “guidelines” in respect to how councils must comply with the integrated planning and reporting framework.

The guidelines have evolved over the years, with the last publication, dated September 2021, available as per the following link:

[IPR - Guidelines \(nsw.gov.au\)](https://www.nsw.gov.au/ipr-guidelines)

Clause 4.9 (page 20) of the guidelines states as follows:

Monitoring the Delivery Program

4.9 The general manager must ensure that progress reports are provided to the council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.

Even though six-monthly reports are required, the preferred approach is to provide quarterly reports to ensure the information is timely.

This report represents the second quarterly review of the implementation of the 2025/26 to 2028/29 Delivery Program and 2025/26 Operational Plan, with the information based on the six-month period from 1 July to 31 December 2025. The review is included as Attachment 1 to this report.

The attachment provides an overview of all the actions and indicators included in the Delivery Program and Operational Plan (DPOP), with comments provided by the Director.

The DPOP is available on Council’s website and is also accessible on the Councillor hub. The actions and indicators in the DPOP reflect the adopted priorities for Council. A new DPOP is prepared, publicly exhibited, and adopted each year, between March and June, for the following financial year.

Key Issues

- Outcomes and trends

Discussion

The DPOP is the corporate document that outlines Council's goals and priorities, with a four-year forecast for the Delivery Program and a one-year action list for the Operational Plan.

Attachment 1 provides an update on all the adopted actions and indicators in the DPOP. The attachment has two main sections:

- Program Actions – Outlines the status of all the adopted actions in the Operational Plan.

The actions represent tasks and projects identified as priorities by Council.

- Service Delivery Indicators – Measures actual results as compared to the adopted indicators in the Operational Plan.

The indicators represent a level of activity, or performance, across a wide range of service areas, some of which are under Council's control and others that reflect economic or industry trends.

All items are marked with a green (on track for this financial year) amber (behind schedule or trending below target / benchmark) or red (off track or well below target / benchmark) traffic light.

There are 105 Program Actions listed in the Attachment 1 and the following two tables provide an overview of the status of the actions on a number and percentage basis.

Program Actions Summary - By Division and Number (#)

Division / Status	C&C	Civil	PEH	Total
Green	18	27	54	99
Amber	0	1	5	6
Red	0	0	0	0
Total	18	28	59	105

Program Actions Summary - By Division and Percentage (%)

Division / Status	C&C	Civil	PEH	Total
Green	100	96	92	94
Amber	0	4	8	6
Red	0	0	0	0
Total	100	100	100	100

Items of note in the attachment include:

- Progress availability of land at the Russellton Industrial Estate (page 7) – The first auction for many years is scheduled for March 2026.
- Implement Independent Report on the Development Assessment Process Review (page 8) – Several recommendations have been implemented, with the Development Applications – Work in Progress report earlier in this agenda, providing details.

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- Monitor Seven Mile Beach Usage (page 14) – With the 2025 calendar year now completed, 4WD movements for the last three calendar years are 2025 – 12,234, 2024 – 14,935 and 2023 – 11,917. The non-compliance rate is less than 6%.
- Prepare Place and Public Realm Strategy (page 15) – Adopted by Council at the November 2025 Ordinary meeting.
- Develop an Aboriginal Partnership Agreement (page 15) – Adopted by Council at the October 2025 Ordinary meeting and signed by JALI LALC on 1 December 2025
- River Street and Tamarind Drive Dual Laning (page 24) – Tender for construction awarded during October 2025.
- Progress design and approvals for North Creek Road Bridge reinstatement (page 24) – Concept design adopted at the 11 December 2025 Ordinary meeting.

In respect to Service Delivery, there are a total of 95 indicators identified in the Operational Plan. The following two tables provide an overview of how the indicators are tracking against the benchmark, again on a number and percentage basis.

The following two tables provide an overview of how the indicators are tracking against the benchmark, again on a number and percentage basis.

Service Indicators Summary - By Division and Number (#)

Division / Status	C&C	Civil	PEH	Total
Green	32	19	19	70
Amber	11	4	8	23
Red	1	0	1	2
Total	44	23	28	95

Service Delivery Indicators Summary - By Percentage (%)

Division / Status	C&C	Civil	PEH	Total
Green	73	83	68	74
Amber	25	17	29	24
Red	2	0	3	2
Total	100	100	100	100

The primary purpose of each indicator is to provide a guide, as to how a service may be tracking compared to previous years, or against a preferred benchmark, with some indicators beyond the control of Council.

Items of note include:

- Number of Passengers for Ballina Byron Airport (page 27) - Passenger load factors remain steady at 87% capacity, however passenger numbers have decreased as the availability of seats has decreased due to smaller aircraft carrying capacity.

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- Minimise Vacancy Rate for Council Owned Commercial Properties (page 27) – Significant vacancy as Department of Communities and Justice (DCJ) has vacated 89-91 Tamar Street, Ballina. This building comprises an area of 2,012m² representing 34.70% of the total 5,798m² of commercial and retail space in Council's property investment portfolio.
- Community Facilities (pages 28-30) – Usage of the community facilities is overall positive. Ballina swimming pool numbers are up approximately 11% from the previous financial year, with Alstonville down around 3%.
- Development Assessment (page 34) – The average days to determine a DA is now under the benchmark, after many years of dealing with a post COVID backlog. Comprehensive details on this are provided in the Development Applications – Work in Progress report, earlier in this agenda.
- Increase kerbside recycling diversion rates (%) (page 38) – The benchmark of 60% has now been reached reflecting an increase due to the change in the rural collection service.

Other Items of Interest

Hutley Drive Basketball Court – Lennox Head

Construction of a basketball court on land at Hutley Drive Lennox Head is scheduled for the 2025/26 year. The project has a budget of \$116,000 with the funding sourced through a grant from the State Government's Local Small Commitments Allocation (LSCA) Program.

Design options for a half and full court are being progressed. Key considerations are escalating construction costs, provision for supporting amenities (e.g. shelter and water) and the presence of sewer infrastructure within the site.

With respect to the sewer infrastructure, a half and full court design will result in court infrastructure being placed over sewer infrastructure. This means there is a risk that should work be required on the sewer lines, the court may need to be removed.

Council's policy is to avoid the construction of assets over sewer infrastructure. However, balancing the limited site options available for the court in Lennox Head, engineering considerations and that Council has control over both assets, the intention is to proceed with the construction of the court on the Hutley Drive site, subject to inclusion of specific engineering design requirements that respond to the presence of the sewer lines.

Recent cost estimates from private construction companies suggest that the current budget will not be sufficient to construct a full-size court. Staff are exploring alternatives including utilisation of a Council work crew to construct the concrete slab.

On analysis of project scope and construction options, if the available budget allows for the construction of a full-size basketball court this will proceed. However, if the budget does not enable this, a half court will be pursued.

Lennox Point (Pat Morton) Car Park

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Council has allocated \$900,000 in the 2025/26 Operational Plan to complete the Lennox Point (Pat Morton) car park upgrade.

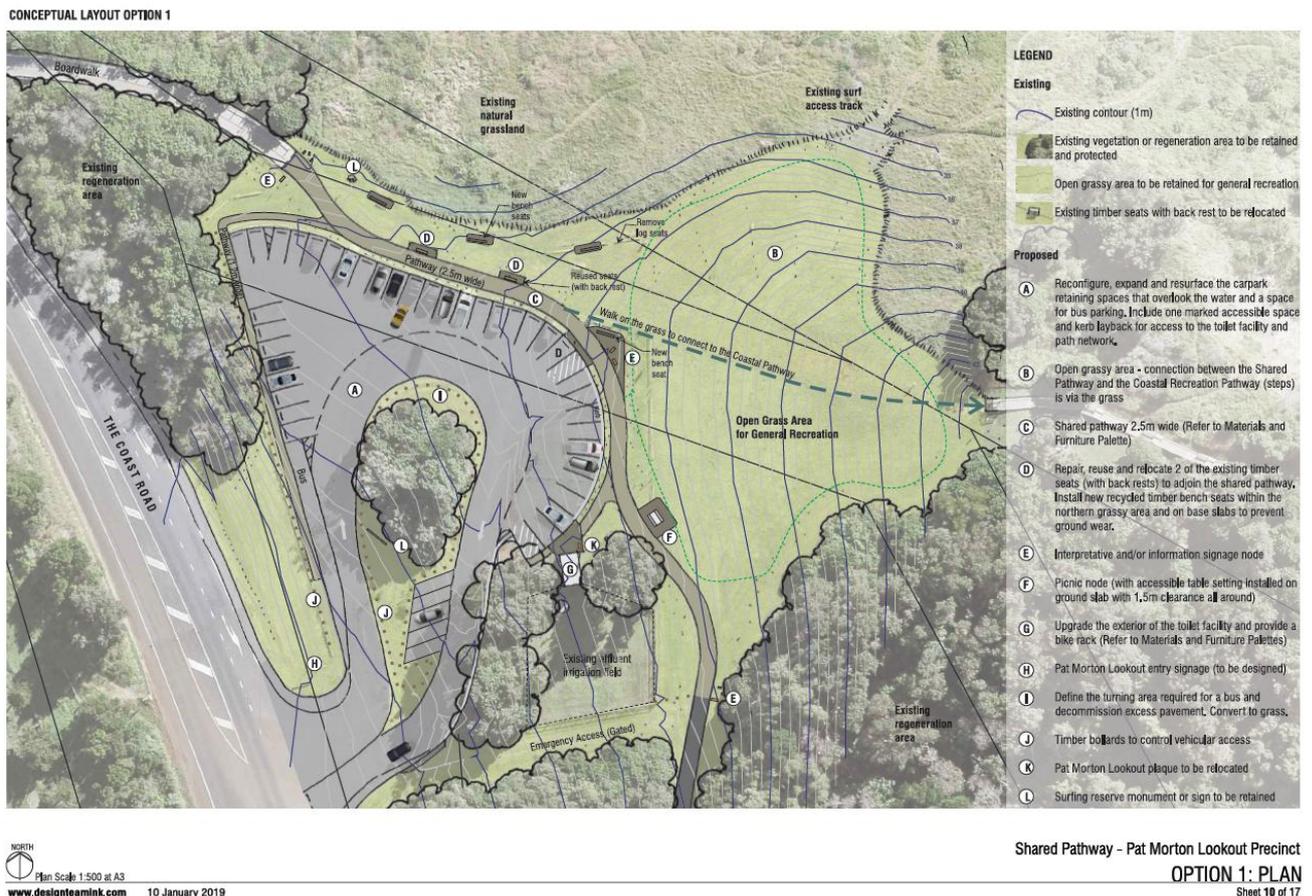
As background to this, Council resolved at the 28 October 2021 Ordinary meeting to adopt a concept plan for the upgrade of this car park, including installation of a pathway connection to join the existing formed parts of the Coastal Recreation Path to the south and north of the car park.

The resolution included four points, with the status of each item as follows.

1. That Council adopts Option 1, as presented in the 23 September 2021 Ordinary meeting report, as per Attachment 1 to this report, as the preferred concept to support the detail design and delivery of the upgrade of the Pat Morton Car Park Precinct.

The preferred concept plan is reproduced as follows.

Adopted Concept Plan – Lennox Point (Pat Morton) Car Park



For ease of reading, Attachment 2 to this report is the complete attachment as referenced in the 28 October 2021 resolution and included in the report to the 23 September 2021 Ordinary meeting.

With funding allocated in the current budget, more detailed design work has now been undertaken based on the concept plan with the intention being to

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complete the upgrade of the car park and pathway construction during the last quarter of 2025/26, subject to weather.

2. *That Council endorses the concept of Rock Salt Pitted Coloured Concrete as the preferred surface for the path to be provided in the preferred option in point 1 above, with Council to be further consulted in regard to the specific details of this option, including final colour, as the project progresses.*

The design work undertaken to date includes provision for rock salted pitted concrete.

Further information on the detail of the path, including colour, will be provided to Council prior to upgrade works commencing.

3. *That Council further consult on the naming of Pat Morton with the local Indigenous community.*

This part of the resolution has been integrated into Council's Aboriginal partnership agreement program.

Establishment of cultural naming protocols has been incorporated as an action within the adopted Jali LALC Partnership Agreement.

The naming, or dual naming, of Lennox Point will be considered in relation to these cultural naming protocols.

4. *That Council identify funding for the shared path works in the 2021/22 budget.*

It has taken a few years to source the funding for this project, and the capital works program for 2025/26 now has an allocation of \$900,000 for the car park upgrade works.

To allow construction to proceed, the detailed and refined car park design work has now been undertaken for the car park and pathway upgrade works.

The refined design has resulted in:

- a smaller built footprint
- provides for the reclamation of grassed open space to the east of the car park
- provides a bus zone on The Coast Road (removing the need for the car park to accommodate large vehicle movements)
- provides for 45 car parks (including two accessible car parks) – the concept plan identified 43 spaces over a larger footprint
- requires removal of vegetation in the car park centre island but includes retention of the existing fig tree.

The refined design is as follows.

Lennox Point (Pat Morton) Car Park – Refined Design



With respect to car parking spaces with frontage to the ocean, there are presently sealed 14 spaces and approximately six informal spaces accessible to the public.

Under this detailed design there are 12 spaces, with two being accessible spaces.

Whilst this represents a reduction in these spaces, it is important to recognise that when achieving compliant parking and vehicle circulation geometry over an area akin to the current informal car park footprint, the car park yield along the ocean front is approximately 14 spaces.

Whilst it is acknowledged that the ocean front spaces are desirable, the overall improvement to the car park design, reduced footprint and increased green

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space (including reduced excavation works east of the existing bitumen) strikes a reasonable balance between parking needs and expectations and the scenic amenity and environmental values of this sensitive location.

Completion of required design work and progression to commencement of construction based on the refined design is scheduled into the works program over the coming months.

At present, construction of the car park is planned for completion by 30 June 2026.

Prior to commencement of construction, further details regarding the footpath composition including colour will be provided to Council.

Koala Protection Measures

At the 26 June 2025 Ordinary meeting Council resolved to seek advice from the (then) Local Traffic Committee (LTC), now termed Local Transport Forum (LTF), regarding koala protection measures on roads.

The LTC advised their members are not experts in this area and the request was forwarded to Transport for NSW (TfNSW). Council did not receive a response from TfNSW and proceeded to investigate the matter further.

There are multiple factors that contribute to vehicle strike and many options to reduce impacts.

The former State Government Department of Planning, Industry and Environment (DPIE) had released a series of 'Koala Vehicle Strike Fact Sheets':

The range of solutions to mitigate vehicle strike, range from low-cost signage to high-cost exclusion fencing of roads. For most rural roads, the practical and cost implications rely on road signage and markings to influence driver behaviour in areas of koala habitat. The DPIE documents state that strategies to change driver behaviour (e.g. slow down, be more vigilant, adhere to speed limits etc.) have anecdotally been unsuccessful. Real protection is provided when koalas are excluded from the roadway.

To assess the appropriate course of action to reduce koala vehicle mortalities, Council has a document '[Koala Toolbox for Roadwork Activities \(2019\)](#)' (the Toolbox). The Toolbox outlines the decision framework and available mitigation options and provides typical costs and multiple options to determine the appropriate course of action.

Council's resolution partly refers to Bagotville Road and Old Bagotville Road. There are existing road signs and markings already on parts of these roads. An example is as follows.



The purchase and installation of similar treatments (signs and road markings) would cost approximately \$5,000 to \$10,000 per location.

Currently, there is no funding within Council's operational and capital for any koala mitigation works.

Bulk Return and Earn Facility

Council resolved at the 12 December 2024 and 24 April 2025 Ordinary meetings regarding the provision of bulk return and earn facility (the facility) at the Ballina Resource Recovery Centre (BRRC).

Council have been in discussions with representatives from TOMRA-Cleanaway (TOMRA) regarding establishment of the facility. Issues have been identified regarding a suitable area within the BRRC proposed facility.

Issues included:

- Competing demand for infrastructure
- Potential congestion issues, and
- Adverse impacts on traffic flow.

As a result, it was deemed necessary to wait until upgrade works to the entrance of the BRRC were completed before the bulk drop-off facility could be installed and operated.

These works involve the installation of a second weighbridge and associated traffic management upgrades to address customer traffic congestion and flow constraints currently experienced at the BRRC.

The upgrade works project continues to progress as a priority, with the detailed design complete and the development application lodged. The upgrade works are currently scheduled for completion in late 2026.

Communication has been maintained with TOMRA throughout the design process to ensure the upgrade works incorporate access and operation of the facility.

TOMRA has recently advised that due to an urgency to find a site to support the Ballina community, they have acquired new premises on De Havilland Crescent in the Ballina industrial estate to establish a bulk drop off facility.

The facility is planned to be operational around Easter 2026.

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TOMRA's urgency has been driven by the ongoing challenges they have experienced in securing suitable locations for additional smaller Reverse Vending Machine (RVM) drop-off sites throughout the Shire.

It is understood the new facility will operate in addition to the existing smaller RVM drop-off facility already in operation in De Havilland Crescent.

This represents a positive outcome for the Ballina community, particularly for volunteer and not-for-profit organisations that currently travel to Lismore to deposit bulk loads of beverage containers. The change will also release the area and associated infrastructure previously allocated for the facility at the BRRC, enabling its use for alternative operational purposes.

TOMRA has expressed their appreciation to Council for its ongoing assistance in identifying a suitable solution via the offer of a site at the BRRC.

River Street and Tamarind Drive Bridges Duplication

The tender to Design Development and Construct Canal Bridge with Tamarind Drive Roadworks and Fishery Creek Bridge with River Street Roadworks was awarded to Quickway Constructions on 3 October 2025 for the contract price of \$69,856,323 (Ex GST).

Additional Funding

The NSW Reconstruction Authority has applied on behalf of Council to National Emergency Management Agency (NEMA) for an additional \$8,000,000. The application has progressed to the Federal Minister for Emergency Management for approval. Confirmation is expected next quarter.

Contract Variations

Two contract variations, as detailed in the following table, have been issued to date.

Item	Value (Ex GST)	Comment
Contract Award	\$69,856,323	
Variation 1	\$157,260	Asset owner requested Final Wearing Course on Bridges to reduce maintenance and improve rideability.
Variation 2	\$110,084	Tenders Works Insurance above Provisional Sum
Current Contract Sum	\$70,123,669	

Variation 1 relates to the asphalt overlay as previously reported, with that variation to be funded from Council's Ballina Bypass Reserve.

Aboriginal Land Claim

Jali Local Aboriginal Land Council and NSW Aboriginal Land Council have provided non-objection to Council to commence construction work in the lot in Tamarind Drive associated with the land claim that has been previously reported to Council.

8.9 Delivery Program and Operational Plan - 31 December 2025 Review

All parties are proceeding the execution of a framework deed to manage the land acquisition and subsequent operations.

Design Matters

As part of the contract Quickway had indicated they would undertake additional geotechnical testing to allow the high embankments to be designed in detail. These tests were completed in December 2025 and analysed in January 2026.

The Contractor has indicated the embankments in Tamarind Drive will settle more than is accepted by the engineering code, if the principal's design is implemented. To adhere to the code would require an expensive solution.

The combined project team of Quickway and Council is considering options to provide the lowest lifecycle cost for the proposed assets. The solution is likely to be similar to the principal's design but with slightly higher maintenance costs.

Currently the geotechnical results for River Street support the Principal's Design (no change).

Car Parking

The temporary car park in Boat Harbour near the Fishery Creek boat ramp is currently under construction. When the existing car park in River Street is temporarily utilised as a construction site in March, the temporary car park will be opened to the public.

Program and Budget

The projects current cost forecast is within budget and scheduled for completion in late 2027.

Delivery Program Strategy / Operational Plan Activity

This report provides a status report on all the adopted activities in the 2025/26 Operational Plan and 2025/26 to 2028/29 Delivery Program.

Community Engagement Strategy

This report provides the community with information on how Council is performing in respect to the Delivery Program and Operational Plan.

Financial / Risk Considerations

The Delivery Program and Operational Plan identify the allocation of Council's resources and finances.

Options

This report is largely for noting the implementation of the Delivery Program and Operational Plan, with the information highlighting the wide and varied activities undertaken by Council.

Recommendations are also included for the Hutley Drive Basketball Court, as the report reflects a change in Council policy, and the Lennox Point Car Park,

8.9 Delivery Program and Operational Plan - 31 December 2025 Review

as the detailed design work for that project has resulted in some changes as compared to the previously adopted concept plan.

RECOMMENDATIONS

1. That Council notes the contents of this quarterly review of the 2025/26 to 2028/29 Delivery Program and 2025/26 Operational Plan.
2. That Council notes that the Hutley Drive Basketball Court (full or half sized) will be constructed over existing sewer lines, creating a risk that the court may need to be removed, in part, if there is a future need to replace or repair that sewer infrastructure.
3. That Council notes the changes to the concept master plan for the Lennox Point Car Park, based on the detailed design plan, as outlined in this report, and confirms approval to proceed with the planned works, subject to further reporting on the footpath composition and colour.

Attachment(s)

1. 2025/26 - Delivery Program and Operational Plan - 31 December 2025 Review [⇒](#)
2. Pat Morton Precinct - Car Park and Shared Path Concept Design - Reported to 23 September 2021 Ordinary meeting (Under separate cover) [⇒](#)

8.10 Capital Expenditure - 31 December 2025 Review

8.10 Capital Expenditure - 31 December 2025 Review

Section Governance

Objective To provide an update on the implementation of the 2025/26 capital expenditure program.

Background

Council has a significant capital expenditure program included in the annual Operational Plan.

Due to the magnitude of the program, status reports on the capital projects are provided on a quarterly basis.

The status report provides details on key milestones, along with a comparison between budget and actual expenditure.

This is the second report for 2025/26, and outlines work undertaken for the six-month period from 1 July 2025 to 31 December 2025.

The report provides an opportunity to review the works program and receive an update on the works underway or planned.

Key Issues

- Status of works

Discussion

To assist in understanding the delivery of the capital expenditure program, the attachments to this report provide information on the following items:

- Total Project Value – As projects can be delivered over more than one year, this column provides the total project value. This may include expenditure from previous years or estimated expenditure for future years
- Original 2025/26 Estimate - Represents the original 2025/26 estimate, as per the adopted Operational Plan
- Carry Forwards - Includes budgets carried forward from the previous financial year, approved at the August 2025 Ordinary meeting
- Approved Variations – Includes variations approved by Council, through a Quarterly Budget Review, or a separate report on a project
- 2025/26 Estimate - Sum of the original estimate plus carry forwards and variations
- Expended This Year - Expenditure to 31 December 2025 on a cash basis. This figure excludes commitments and accruals
- % Expended - Percentage of budget expended to 31 December 2025 based on the cash expended figures
- Milestone Dates - Major dates such as completion of design and / or planning approval, as well as construction commencement and completion dates
- Status – Provides space for any additional comments.

The attachments are split into the areas undertaking the works: i.e., Planning and Environmental Health Division (Open Spaces, Public and Environmental Health, Strategic Planning), Corporate and Community Division (Commercial Services, Facilities Management, Tourism, Information Services) and the Civil Services Division (Emergency Services, Resource Recovery, Water, Wastewater and Engineering Works).

Points of interest in the attachments are as follows.

Open Spaces (Attachment 1)

Ballina Pump Track – Project completed and operational.

Sharpes Beach Master Plan – Project complete and opened during February 2026.

Kingsford Smith Reserve – Car Park – Savings from the Ballina Pump Track are transferred to this project.

This project will provide additional car parks associated with the high use of the Pump Track.

With the major projects for the Pump Track and Sharpes Beach Master Plan now complete, the focus for the balance of 2025/26, for Open Spaces, is the delivery of the playground improvements.

In respect to the sports field projects, Williams Reserve is now operational.

There is also \$30,000 recommended for transfer from the internal reserve established from the rental income for the Wollongbar Sports Fields, for temporary accommodation, to assist with funding an overspend on the top-dressing budget, relating to extra works completed on the Wollongbar fields.

Commercial Services (Attachment 2)

Airport – Focus remains on the finalisation of the Ground Transport Master Plan and implementation of that plan during 2026/27 onwards.

Property – Residential Land – Report on the construction of housing on the Wollongbar Residential land submitted to the February 2026 Finance and Facilities Committee meeting.

Property – Industrial Land – Auction scheduled for the sale of the Russellton Industrial Estate lots. Developer contributions are still to be paid to Council, at an estimated cost of approximately \$1.4m.

Flat Rock Tent Park – Recommended increase in budget of \$360,000 to bring forward and increase the budget for amenity and residence improvements. The overall state of these facilities is poor and urgent works are needed. This expenditure is fully funded from the Flat Rock Tent Park Internal Reserve.

Facilities Management (Attachment 2)

Council has approved the tender for refurbishment and expansion of the Alstonville Cultural Centre, with work commencing soon.

8.10 Capital Expenditure - 31 December 2025 Review

There are other changes relating to the transfer of funds from the Kentwell Centre to fund a revised budget for the Marine Rescue Tower windows, and savings in works completed at the Lennox Health Cultural Centre and Ballina Library / Visitor Information Centre precinct.

There is a new \$59,000 expenditure budget, for the Wollongbar Hall, funded by an internal reserve, for works to allow the Alstonville Library to be relocated to this building, while the Alstonville Cultural Centre refurbishment takes place.

In respect to Public Amenities, urgent works are needed at the North Missingham Park facilities, with the works funded by transfers from the Cawarra Park Public Amenities project (\$73,000) and the cancellation of the energy efficiency project at the Alstonville Swimming Pool (\$47,000).

The Cawarra Park Amenities will form part of the new Boatshed Facilities that is 50% grant funded and scheduled for 2026/27 and 2027/28, while there was no capacity to expand the existing solar panels at Alstonville Swimming Pool.

Information Services (Attachment 2)

A new project is included for CCTV installation, with \$500,000 scheduled for 2025/26 and 2026/27, with the \$1m grant funded.

Emergency Services, NEWLOG and Resource Recovery (Attachment 3)

The SES building construction is now well underway.

The Resource Recovery projects have commenced, with \$858,000 deferred to 2026/27 for the Front of House works, based on forecast cash flows.

Water and Wastewater Operations (Attachments 4 and 5)

There is a significant number of changes to Water and Wastewater Operations, based on works deferred or budgets reviewed. All changes are funded from reserves held within the Water and Wastewater Funds.

The Water Reservoirs Painting project is set to proceed, with \$40,000 added to meet the required budget. This relates to a resolution from the 22 August 2024 Ordinary meeting, arising from a notice of motion, in respect to the East Ballina and Lennox Head water reservoirs.

The staff comments in that notice of motion identified that each reservoir may cost up to \$50,000 to complete, dependent on the level of surface cleaning needed.

The \$40,000 budget adjustment provides funding of \$50,000 to complete the Lennox Head project, as this is the highest profile site and is the preferred priority.

Engineering Works (Attachment 6)

This section has the most notable changes with approximately \$15m in estimated expenditure deferred based on forecast cash flows.

Projects of note include:

Bridge Duplication and Four Laning Projects – Based on forecast cash flows, part of the funding is deferred to 2026/27, with no changes to the estimated completion dates.

The Sandpit Airport Road Access project is included as a new project with an estimated cost of \$1m.

This relates to Council obtaining State Government approval, after lengthy negotiations, to use the existing Airport Sandpit, as constructed by Council decades ago, as a site to transfer spoil materials from road reconstruction projects, that would normally need to be sent to a Queensland landfill site, as the remediation material for the Airport Sandpit.

This will deliver significant long-term cost savings for Council's capital works program and allow an effective solution for treating Acid Sulphate Soils.

The Sandpit has capacity to accept one million cubic metres of soil, with Council annually disposing of approximately 5,000 cubic metres.

The new access road will allow all weather access for Airport, Emergency Services and Council operational staff.

This will save Council millions of dollars in transport and disposal costs, over many decades.

The current disposal rate, of 5,000 cubic metres per annum, equates to 200 years of use.

Ross Lane Betterment – Similar to the bridge duplications, based on forecast cash flows, part of the funding is deferred to 2027/28. Council approved the design for this project during the last quarter.

Essential Public Asset Repair (EPAR) Projects – Based on forecast cash flows, some of these projects, which are grant funded, have the funding deferred to 2026/27.

Footpaths – Lennox Head – Byron Street to Cooper Close – There is an estimated saving for this project of potentially \$1.5m.

This project is fully grant funded, which means there is no additional revenue freed up to allocate to extra projects.

Parts of this project were included in the Byron Street / Byron Bay Roundabout, which was also grant funded, and the original grant application by Council included a significant contingency, as well as extensive guardrail that has now been excluded.

Based on the latest forecast, there is anticipated to be a saving in the vicinity of the \$1.5m mentioned.

When complete, Council will apply to match the grant funds with the actual expenditure.

8.10 Capital Expenditure - 31 December 2025 Review

Water Transport – Ferry Gates – Substantial capital works were required on the Ferry, as part of the annual slip, with the works funded from savings from other projects (\$200,000) and a \$42,000 transfer from the Roads Contingency Reserve.

The improvements provide improved safety for passengers and ensure that the vessel aligns with the latest requirements from the Australian Maritime Safety Authority (AMSA).

Stormwater – Various movements from within the program to reflect actual project costs. The scope of a stormwater project is often dependent on what is unearthed as the works progress.

Delivery Program Strategy / Operational Plan Activity

The Operational Plan includes the entire capital works program and references infrastructure delivery through Operational Plan Activity:

EL3.3h - Monitor capital works to ensure they are completed on time and within budget

Community Engagement Strategy

This report is presented for public information. Many of the projects reflect feedback from community engagements.

Financial / Risk Considerations

All the projects carry a degree of risk, financial and management, with risk management forming a major component of any construction project.

The following table provides the individual budget adjustments outlined in the attachments to this report.

Table 2 – 31 December 2025 – Capital Expenditure – Budget Variations

Item	Current Budget	Variation	Revised Budget	Comment
Open Spaces				
Crown Reserve Improvements	54,000	(54,000)	0	Trans to Williams Reserve
Ballina Pump Track	1,371,000	(150,000)	1,221,000	Trans to Car Park
Ross Park, Lennox Head	60,000	(25,000)	35,000	Trans to Refuge
Kingsford Smith Res – Car Park	200,000	150,000	350,000	Trans from Pump Track
Kingsford Smith Res - Refuge	35,000	25,000	60,000	Trans from Ross Park
Sports Fields – Top Dressing	85,000	30,000	115,000	Trans from Wollongbar Rental Reserve
Williams Reserve - Irrigation	9,000	54,000	63,000	Trans from Crown Reserves
Saunders Oval Cricket Pitch	30,000	(30,000)	0	Defer to 2026/27
Sub Total – Open Spaces	1,844,000	0	1,844,000	
Health and Environment				
Teven Reserve	0	8,000	8,000	Trans from Health and Environment Reserve
Sub Total – Health and Env	0	8,000	8,000	
Commercial Services				
Airport - Terminal	260,000	(260,000)	0	Defer to 2026/27

8.10 Capital Expenditure - 31 December 2025 Review

Item	Current Budget	Variation	Revised Budget	Comment
Airport – Hangar	90,000	(65,000)	25,000	Transfer to Maintenance
Flat Rock – Improvements	20,000	360,000	380,000	Trans from Reserve
Sub Total – Commercial Servs	370,000	35,000	405,000	
Facilities Management				
Kentwell Centre – Renewals	45,000	(45,000)	0	Trans to Marine Rescue
LHCC- Roof	69,000	(68,000)	1,000	Saving – Trans to Reserve
Ballina Library – Paint	94,000	(58,000)	36,000	Trans \$8,000 to Foyer and Balance to Reserve
Ballina Library – Foyer	168,000	8,000	176,000	Trans from Library Painting
Marine Rescue – Windows	70,000	45,000	115,000	Trans from Kentwell Centre
Wollongbar Hall - Library	0	59,000	59,000	Trans from Reserve / Library Operating Expenses
Depot – Store and Small Plant	187,000	(187,000)	0	Defer to 2026/27
Public Amenities – Cawarra	79,000	(73,000)	6,000	Trans to North Missingham
Public Amenities – North Missingham Park	0	120,000	120,000	Trans from Cawarra and Alstonville Pool
Alstonville Pool - Energy	47,000	(47,000)	0	Trans to North Missingham
Sub Total – Facilities Mgmt	759,000	(246,000)	513,000	
Information Services				
CCTV	0	500,000	500,000	Grant funded - \$1m in total
Sub Total – Information Servs	0	500,000	500,000	
Resource Recovery				
Front of House	1,458,000	(858,000)	600,000	Defer to 2026/27
Sub Total – Res Recovery	1,458,000	(858,000)	600,000	
Water Operations				
Main Renewals – Norton Street	500,000	(100,000)	400,000	Defer to 2026/27
Main Renewals – Stonehenge	400,000	(100,000)	300,000	Saving – Transfer to Reserve
Main Renewals – Sunrise Cresc	470,000	(205,000)	265,000	Saving - Transfer to Reserve
Gravity Main – Basalt Court	50,000	(40,000)	10,000	Defer to 2026/27
Main Renewals – Kings Court	530,000	(314,000)	216,000	Saving – Transfer to Reserve
Main Renewals – Coast Road	110,000	(20,000)	90,000	Saving – Transfer to Reserve
Main Renewals – Williams Street	10,000	(7,000)	3,000	Saving – Transfer to Reserve
Reservoir – Pine Avenue	96,000	(93,000)	3,000	Defer to 2026/27
Reservoir - Painting	10,000	40,000	50,000	Transfer from Reserve
Sub Total – Water Operations	2,176,000	(839,000)	1,337,000	
Wastewater Operations				
Main Renewals – Seamist Place	324,000	(200,000)	124,000	Defer to 2026/27
Rising Main – Skinners Street	50,000	(27,000)	23,000	Defer to 2026/27
Main Extension – Palm Lake	300,000	(100,000)	200,000	Saving – Transfer to Reserve
Rising Main – Serpentine	570,000	(250,000)	320,000	Saving – Transfer to Reserve
Recycled Water Main – Links Av	400,000	2,000	402,000	Transfer from Reserve
Recycled Water Main – Canal Bridge to Ferngrove	650,000	(100,000)	550,000	Saving – Transfer to Reserve
Gravity Main – Liffey Avenue	40,000	(20,000)	20,000	Saving – Transfer to Reserve
Gravity Main – Lindsay Avenue	20,000	(10,000)	10,000	Saving – Transfer to Reserve
Rising Main – Alstonville High	100,000	150,000	250,000	Transfer from Reserve
Pump Station – Various	1,078,000	422,000	1,500,000	Transfer from Reserve
Pump Station – SP 2101	100,000	(50,000)	50,000	Defer to 2026/27
Pump Station – Odour Control	50,000	(50,000)	0	Defer to 2026/27
Treatment – Alstonville Minor	10,000	20,000	30,000	Trans from Reserve
Treatment – Ballina Post Rect	535,000	(200,000)	335,000	Defer to 2026/27

8.10 Capital Expenditure - 31 December 2025 Review

Item	Current Budget	Variation	Revised Budget	Comment
Treatment – Ballina Solar	630,000	(500,000)	130,000	Defer to 2026/27
Treatment – Ballina Hypo Dosing	100,000	(100,000)	0	Defer to 2026/27
Treatment – Ballina Roof	250,000	(250,000)	0	Defer to 2026/27
Treatment – Ballina Water Pump	50,000	(50,000)	0	Saving – Transfer to Reserve
Treatment – Lennox Solar	10,000	(10,000)	0	Defer to 2026/27
Treatment – Lennox Chlorination	59,000	(59,000)	0	Saving – Transfer to Reserve
Treatment – Lennox Sludge	150,000	(70,000)	80,000	Defer to 2026/27
Treatment – Lennox Belt Press	690,000	(255,000)	435,000	Saving – Transfer to Reserve
Treatment – Lennox Aeration	200,000	(200,000)	0	Saving – Transfer to Reserve
Treatment – Lennox Low Lift	200,000	(50,000)	150,000	Saving – Transfer to Reserve
Treatment – Lennox Weir Board	50,000	(50,000)	0	Saving – Transfer to Reserve
Treatment – Lennox Alum Plus	50,000	(50,000)	0	Saving – Transfer to Reserve
Treatment – Pall Upgrade	50,000	(50,000)	0	Saving – Transfer to Reserve
Treatment – Alstonville Biosolids	120,000	(120,000)	0	Defer to 2026/27
Treatment – Alstonville Dosing	250,000	(200,000)	50,000	Defer to 2026/27
Treatment – Alstonville Facilities	200,000	(50,000)	150,000	Defer to 2026/27
Treatment – Wardell Low Lift	100,000	(80,000)	20,000	Defer to 2026/27
Treatment – Wardell Grit Lift	50,000	(50,000)	0	Saving - Transfer to Reserve
Treatment – Wardell UV Replace	330,000	(330,000)	0	Defer to 2026/27
Sub Total – Wastewater Ops	7,766,000	(2,937,000)	4,829,000	
Engineering Works				
Urban Roads				
River St – Fishery Creek Bridge	11,000,000	(750,000)	10,250,000	Trans to Sandpit Airport Access
Tamarind Drive – Canal Bridge	16,000,000	(5,000,000)	11,000,000	Defer to 2026/27
North Creek Road	200,000	(180,000)	20,000	Defer to 2026/27
Hutley Drive – Middle Section	350,000	(340,000)	10,000	Saving - Trans to Sec 7.11 Reserve
Reseals – Urban	670,000	(60,000)	610,000	Trans to Rural Roads Heavy Patching
Fox Street, Ballina	79,000	(50,000)	29,000	Trans to Sandpit Airport Access
Landslip – The Coast Road	2,066,000	(1,500,000)	566,000	Defer to 2026/27
North Creek Road, Ballina	130,000	(130,000)	0	Saving – Seeking approval to reallocate EPAR funds
Bagot Street, Ballina	297,000	(280,000)	17,000	Defer to 2026/27
Temple Street, Ballina	678,000	(205,000)	473,000	Trans \$80K to Sandpit Access, \$25K Corks Lane Dust Seal, \$100K to Ferry Gates
Mary Street, Ballina	215,000	(60,000)	155,000	Trans to Sandpit Airport Access
Kalinga Street, Ballina	776,000	(160,000)	616,000	Transfer \$60K to Sandpit Airport Access, \$100K to Ferry Gates
Ballina CBD – Roundabout	470,000	(400,000)	70,000	Defer to 2026/27
Wardell CBD – To the River	150,000	(100,000)	50,000	Defer to 2026/27
Sandpit Airport – Access	0	1,000,000	1,000,000	Sourced from above adjustments as referenced
Rural Roads				
Reseals Rural	556,000	(50,000)	506,000	Trans to Heavy Patching
Rural Roads – Heavy Patching	430,000	110,000	540,000	Transfer from Reseals Urban and Rural
Tintenbar to Ewingsdale Bypass	100,000	(100,000)	0	Saving – Transfer to Reserve

8.10 Capital Expenditure - 31 December 2025 Review

Item	Current Budget	Variation	Revised Budget	Comment
Ross Lane – Betterment	2,996,000	(2,500,000)	496,000	Defer to 2026/27
Riverbank Road	356,000	(76,000)	280,000	Trans to Hermans Lane
Hermans Lane	490,000	76,000	566,000	Trans from Riverbank Road
Humpty Back Road	343,000	(80,000)	263,000	Trans to Empire Vale
Empire Vale Road	338,000	80,000	418,000	Trans from Humpty Back
Houghlahans Road	496,000	90,000	586,000	Trans from The Coast Road
Landslip – Sneaths Road	826,000	(500,000)	326,000	Defer to 2026/27
Landslip – Marom Creek	256,000	(100,000)	156,000	Defer to 2026/27
Landslip – Tamarind Drive	1,045,000	(600,000)	445,000	Defer to 2026/27
Landslip – Hinterland Way	263,000	(200,000)	63,000	Saving – Seeking approval to reallocate EPAR funds
Landslip – Uralba Cutting	704,000	(650,000)	54,000	Defer to 2026/27
The Coast Road	362,000	(90,000)	272,000	Trans to Houghlahans Road
Dalwood Road	432,000	(420,000)	12,000	Defer to 2026/27
Teven Road	286,000	(280,000)	6,000	Defer to 2026/27
Dust Seal				
Cooks Lane	164,000	25,000	189,000	Trans from Temple Street
Perrys Lane	20,000	(10,000)	10,000	Trans to Carneys Lane
Carneys Lane	95,000	10,000	105,000	Trans from Perrys Lane
Footpaths and Shared Paths				
Stewart Street, Lennox Head	74,000	40,000	114,000	Trans from Footpath Renewals
Lennox Head – Cooper Close to Byron Street	3,557,000	(1,500,000)	2,057,000	Revised Budget – Reduction in Grant Income
Footpaths - Renewals	330,000	(40,000)	290,000	Trans to Stewart Street
Water Transports				
Ferry - Gates	0	242,000	242,000	Trans from Temple Street (\$100K), Kalinga Street (\$100K) and \$42,000 from Road Contingency Reserve
Stormwater				
Urban Lanes	110,000	(100,000)	10,000	Trans to Lems Lane and Cliff Murray
Kerr Street, Ballina	210,000	(100,000)	110,000	Trans to Balance Other Stormwater Adjustments
Martin Street, Ballina	108,000	40,000	148,000	Trans from Other Stormwater
Ballina Fair	20,000	(20,000)	0	Trans to Other Stormwater
Lems Lane and Cliff Murray Lane, Lennox Head	78,000	70,000	148,000	Trans from Other Stormwater
Park Lane, Lennox Head	130,000	(130,000)	0	Trans to Other Stormwater
Williams Reserve, Lennox Head	19,000	(19,000)	0	Trans to Other Stormwater
Coral Street, Alstonville – Flood Recovery	53,000	20,000	73,000	Trans from Other Stormwater
West Ballina, Flood Recovery	326,000	117,000	443,000	Trans from Other Stormwater
Owen Street, Ballina	64,000	22,000	86,000	Trans from Other Stormwater
Lems Lane, Lennox Head	77,000	30,000	107,000	Trans from Other Stormwater
Deadmans Creek Road Culvert	0	70,000	70,000	Trans from Other Stormwater
Sub Total – Eng Works	48,795,000	(14,738,000)	34,057,000	

Options

This report provides an overview of the implementation of the 2025/26 capital expenditure program.

8.10 Capital Expenditure - 31 December 2025 Review

Cash expenditure to 31 December 2025 is approximately \$21m on a cash basis, out of a total budget of \$84m, as per the following summary.

**Table 3 – Capital Works Summary by Section and Division
31 December 2025**

Section Results	Budget (\$)	Expended (\$)	% Expended
Open Spaces	7,957,000	3,433,700	43%
Health and Environment	94,000	35,300	38%
Commercial Services	4,051,000	848,000	21%
Facilities Management	8,155,000	1,977,900	24%
Destination and Economy	90,000	76,500	85%
Information Services	500,000	0	0%
Asset Mgmt and Emergency Services	4,569,000	1,564,100	34%
Resource Recovery	682,000	182,600	27%
Water Operations	2,839,000	1,042,700	37%
Wastewater Operations	10,706,000	3,188,200	30%
Engineering Works	44,143,000	8,848,400	20%
Total	83,786,000	21,197,400	25%
Division Results			
Planning and Environmental Health	8,051,000	3,469,000	43%
Civil Services	62,939,000	14,826,000	24%
Corporate and Community	12,796,000	2,902,400	23%
Total	83,786,000	21,197,400	25%

The cash figures applied in this report do not reflect the contracts underway, where there is accrued expenditure incurred by the contractor.

Council has approved major contracts during the last quarter, particularly for the Bridge Duplications, and the Alstonville Cultural Centre, which should significantly increase the rate of expenditure during the third quarter.

In respect to the Alstonville Cultural Centre, in resolving to accept the tender from J Hutchinson Pty. Ltd. t/a Hutchinson Builders at the 11 December 2025 Ordinary meeting, Council also resolved as follows:

That Council receive a further update on the funding strategy for this project, as part of the December 2025 Quarterly Budget Review and the quarterly Capital Works – Status reports, to the 26 February 2026 Ordinary meeting.

The Quarterly Budget Review is included earlier in this agenda, and following the 11 December 2025 resolution, Council's Long Term Financial Plan has been updated to include funding for this project as per the following table.

**Table 4 – Alstonville Cultural Centre Refurbishment and Library
Expansion - Funding**

Item	2025/26	2026/27	Total
Expenditure Budget	2,546,000	15,190,000	17,736,000
Sourced as follows:			
Section 7.11 Developer Contributions	1,760,000	800,000	2,560,000
Alstonville Cultural Centre Reserve	786,000	0	786,000
Loan Funds	0	2,890,000	2,890,000
Community Infrastructure Reserve	0	11,500,000	11,500,000
Total	2,546,000	15,190,000	17,736,000

8.10 Capital Expenditure - 31 December 2025 Review

The tender report to the December 2025 Ordinary meeting discussed potential contract savings and the “value management process” review is still underway, with \$1m in contract savings still the target figure.

The contractor and Council staff remain positive in respect to reaching this level of savings and this is critical, as the current expenditure budget is based on securing at least \$800,000 in savings through this process.

Comments on the various funding sources in Table 4 are as follows.

- Section 7.11 – \$1,760,000 in 2025/26 and \$800,000 in 2026/27 - Council held \$5.2m in Open Space and Community Facilities Developer contributions as at 30 June 2025. Contributions totalling approximately \$4.8m are allocated to the Ballina Pump Track, Pop Denison Car Park, the Sharpes Beach Car Park and this project, in the 2025/26 budget, with \$120,000 collected for the year to date.

Based on these figures, there is some risk that Council might be slightly short of the \$800,000 identified in 2026/27, although with interest still to be accrued for 2025/26, and contributions still to be collected during 2025/26 and 2026/27, the \$800,000 should be available.

The one downside is that this will effectively drain the contributions held for Open Space and Community Facilities related Section 7.11 works, as per the Contributions Plan, for the next couple of years.

- Alstonville Cultural Centre Reserve – \$786,000 in 2025/26 - These funds are already held in this reserve, funded through previous transfers from the Community Infrastructure Reserve.
- Loan Funds – \$2,890,000 in 2026/27 - Council can borrow the \$2.89m included in the LTFP. The downside to borrowing is the impact of the annual loan repayments, which equate to approximately \$250,000 per annum, for 20 years. These repayments leave less recurrent funding available for service delivery.

Ideally, any loan borrowings should be minimised, where possible.

- Community Infrastructure Reserve - \$11.5m in 2026/27 - A major part of the funding relates to this transfer from the Community Infrastructure Reserve in 2026/27, with the funding in the Reserve dependent on ongoing land sales and income generated from rental properties.

Council’s Long Term Financial Plan (LTFP) is based on \$8m in sales income from the Wollongbar Urban Expansion Area (WUEA) – Stage 3 in 2025/26 and \$3m in 2026/27.

In addition to this, the LTFP includes sales income of \$9m in 2025/26 and \$4.5m in 2026/27 and \$4.5m in 2027/28 from the Russellton Industrial Estate.

For WUEA – Stage 3, six lots have been settled and two more contracts exchanged, representing approximately \$4m in income for 2025/26.

8.10 Capital Expenditure - 31 December 2025 Review

Council still has another eight lots approved for sale (excluding the medium density housing lots), and with the sale of the childcare lot, at a value of approximately \$2m, also in process, the \$8m target remains viable for 2025/26.

The childcare lot should settle before June 2027, subject to the purchaser obtaining development consent for a childcare facility.

In respect to the Russellton Industrial Estate, sales have settled this financial year with Rous County Council and one private party, totalling approximately \$4.5m, with seven lots scheduled for auction during March 2026.

Estimated sales revenue of \$4.3m to \$4.8m is forecast from the auction, which means the target of \$9m remains viable, however the overall magnitude of sales income for WUEA and Russellton means there remains a significant risk associated with this funding strategy.

The loss of rental income from 89 Tamar Street, for the Community Infrastructure Reserve, also has significant recurrent revenue income impacts, as that income is funding loan repayments associated with the various town centre upgrade projects.

The town centre loan repayments currently total \$478,000 per annum, and the remaining principal on the loans, as at 30 June 2026, is forecast to be \$4.646m.

If there is no replacement rental income from 89 Tamar Street, of a similar magnitude, the existing loan repayments will directly impact the recurrent funds available for service delivery in the General Fund, and Council does not have the financial capacity to cover that level of lost recurrent income.

This means that 89 Tamar Street, or other property assets may need to be sold, to repay that loan debt in full, to ensure that the ongoing loan repayments do not negatively impact Council's service delivery and liquidity.

A more detailed report on the movements in the two property reserves, being the Property Development Reserve and the Community Infrastructure Reserve will be submitted to the March or April 2026 Finance and Facilities Committee meetings, scheduled as part of the preparation of the draft 2026/27 to 2029/30 Delivery Program and 2026/27 Operational Plan.

There remains a significant financial risk in respect to funding this project, as the sales income is only forecast and not secured, therefore it is essential that Council does not commit to other major community infrastructure projects until there is greater certainty in respect to land sale income levels and the future of 89 Tamar Street.

In conclusion, the recommendations that follow relate to noting the contents of this Capital Expenditure Review report, along with approving the budget changes identified in Table 2 of this report.

RECOMMENDATIONS

1. That Council notes the contents of this report regarding the 2025/26 capital expenditure review for the period ending 31 December 2025.
2. That Council approves the budget variations, as per Table 2 of this report.

Attachment(s)

1. Capital Expenditure - Division - Planning and Environmental Health - 31 December 2025 [↔](#)
2. Capital Expenditure - Division - Corporate and Community - 31 December 2025 [↔](#)
3. Capital Expenditure Review - Division - Civil Services - Emergency Services and Resource Recovery - 31 December 2025 [↔](#)
4. Capital Expenditure Review - Division - Civil Services - Water Operations - 31 December 2025 [↔](#)
5. Capital Expenditure Review - Division - Civil Services - Wastewater Operations - 31 December 2025 [↔](#)
6. Capital Expenditure Review - Division - Civil Services - Engineering Works - 31 December 2025 [↔](#)

9.1 Policy (Review) - Asset Management

9. Civil Services Division Reports

9.1 Policy (Review) - Asset Management

Section	Resource Recovery
Objective	To review Council's Asset Management Policy

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Asset Management Policy.

Council first adopted this policy in 2010, and it was last reviewed in 2023.

Asset Management Planning is a fundamental component within Council's Resourcing Strategy. A Resourcing Strategy is a requirement of the NSW Government's Integrated and Reporting Framework and ensures the stewardship of Council's assets supports the outcomes of the Community Strategic Plan.

Best practice Asset Management Planning involves the adoption of a framework that includes an Asset Management Policy, a Strategic Asset Management Plan (SAMP) and Asset Management Plans.

The purpose of the Asset Management Policy is to set guidelines for implementing consistent asset management processes throughout Council.

Key Issues

- Alignment with asset management legislation
- Financial sustainability of Council's assets
- Asset management principles
- Levels of service

Discussion

Asset Management Policy

This review of this policy identified only minor changes as follows:

- Value of Council's Assets
- Related documentation

The changes have been highlighted in yellow.

Otherwise, the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is included as Attachment1 to this report.

9.1 Policy (Review) - Asset Management

Delivery Program Strategy / Operational Plan Activity

Operational Plan Activity EL2 is to ensure Asset Management Framework remains contemporary.

This Asset Management Policy is a key part of Council's Asset Management Framework which also includes the SAMP and Asset Management Plans for each of council's specific asset classes.

Community Engagement Strategy

As the changes are only minor it is recommended that Council adopt the policy as presented, however, the document will also be exhibited for public comment.

If any submissions are received, they can be reported back to Council however there will not be a need for any further report if there is no public comment.

Financial / Risk Considerations

Asset management planning is fundamentally linked to Council's long term financial plan.

Best practice asset management planning assists in establishing budgets required to effectively manage council assets at a level that meets the desired level of service for community.

Options

Council may accept or amend the proposed changes to the policy. The changes included are largely housekeeping and it is recommended that the policy be adopted as presented.

It is also recommended that if no submissions are received from the exhibition process, no further action is required.

RECOMMENDATIONS

1. That Council adopts the amended Asset Management Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, then no further action is required.

Attachment(s)

1. Policy (Review) - Asset Management [⇒](#)

10.1 Notice of Motion - Convention Centre Site

10. Notices of Motion

10.1 Notice of Motion - Convention Centre Site

Councillor Cr Crollick

I move:

That Council, with Ballina identified as one of the preferred areas in the Destination North Coast 2023 feasibility study for a North Coast Convention Centre, proceed to take steps to build such a centre, by revisiting the feasibility study information and updating as necessary, with this project to be included in the 2026/27 Operational Plan

Councillor Comments

Council has spent a significant amount of money over the years upgrading our airport which could have greater use and capacity, corporate/conference tourism is a significant part of the tourism market and benefits the local economy plus provide an income to Council for the hire of space within a Convention Centre, the Ballina RSL – the go-to venue for events over many years – does not now have the capacity that a centre like

Ballina needs to host major events, we previously hosted an LGA conference in conjunction with Lismore and we should be able to do that again but simply don't have the capacity to do so, we do host a number of events but we could bid for and host many more diverse events if we had a state of the art, modern convention facility.

Staff Comments

The study mentioned refers to a report completed by Urbis Pty. Ltd., for Destination North Coast NSW, completed in 2023, in respect to potential priority sites for the construction of a business conference and convention centre somewhere within the North Coast region.

A copy of that report is included as Attachment 1.

The Urbis report examined locations on the NSW North Coast, with Ballina, Coffs Harbour, Port Macquarie and Pacific Bay being the short-listed sites.

The feedback from Destination NSW has been that Ballina and Coffs Harbour are the preferred sites and Destination NSW has been actively promoting this proposal to the State Government.

The Council site identified in the report is the Wigmore Car Park, which is operational land owned by Council.

This site is well located, and Council also owns the adjoining Wigmore Arcade, as well as the site being near the Council Administration Centre.

10.1 Notice of Motion - Convention Centre Site

The difficulty for Council is the impact of such a proposal on Council's overall financial position.

The feasibility identifies the estimated cost at approximately \$58.6m in 2023 dollars, including comments that replacement car parking would need to be found.

Based on continued cost escalations since 2023, a likely cost estimate for a project of this scale would now be closer to \$80m to \$100m, including car parking.

There are no known grant opportunities that would contribute significantly to this cost.

Council would also be responsible for operating costs, which, based on smaller sized facilities such as the Lennox Head Cultural Centre, might be close to \$400,000 to \$500,000 per annum, if not more.

There is no funding identified in Council's long-term financial plan for this project. The one project with some similarity to this proposal in Council's financial planning documents, is in the works plan in the Ballina Open Space and Community Facilities Developer Contributions Plan, which has a project titled "New Library and Cultural Hub at Ballina Town Centre", at a 2022 value of \$21m, with 18% funded by developer contributions. This project is described in the plan as:

"A new multi-purpose library, community and cultural hub (3,200sqm approx.) in Ballina town centre, incorporating (1) a contemporary and flexible central library (approx. 2,000sqm), (2) multi-purpose community hall (approx. 800sqm) that can be used for a range of activities, including seniors groups and seniors day care, (3) gallery (400sqm), (4) town square, (5) Council administration building (increased size from current), (6) meeting rooms, (7) performance space, (8) in association with the development of cafes, and compatible retail uses, (9) accessible car parking, (10) storage space, (11) community kitchen, (12) expanded history room as a tourist destination

The project is identified as a long-term project and recognises that at some point in time it will be necessary to expand the Ballina library, and this may provide an opportunity to concentrate services such as the gallery, library etc in the one building. This is still well short of the convention proposal promoted by Destination NSW.

In summary, Council is not in a sound enough financial position to commence planning for such a project, in the short to medium term, as there is not any possibility of the project being funded within the current life of the Long Term Financial Plan, unless grant funds of \$60m to \$80m were secured, with no known grant programs existing for that level of funding.

This facility might be affordable one day; however it may well be when the population of the Ballina Shire is closer to the 80,000 to 100,000 that applies to Coffs Harbour and Port Macquarie, which then might allow the population to sustain the forecast operating loss such a facility generates.

If the motion is supported, the draft 2026/27 budget will need to include an allocation of \$20,000 to \$50,000 to commence a very basic feasibility analysis

10.1 Notice of Motion - Convention Centre Site

for the facility. This would normally be sourced from the Property Reserves, however the preference is to limit transfers from those reserves until the bridge duplications and Alstonville Cultural Centre projects are finalised/

COUNCILLOR RECOMMENDATION

That Council, with Ballina identified as one of the preferred areas in the Destination North Coast 2023 feasibility study for a North Coast Convention Centre, proceed to take steps to build such a centre, by revisiting the feasibility study information and updating as necessary, with this project to be included in the 2026/27 Operational Plan

Attachment(s)

1. Destination North Coast - North Coast Convention Centre - Ballina [⇒](#)

10.2 Notice of Motion - Rural Land Use and Planning Priority 10

10.2 Notice of Motion - Rural Land Use and Planning Priority 10

Councillor

Cr Karsten

I move:

That Council includes an action in the Local Strategic Planning Statement under Planning Priority 10 (Protect productive agricultural land and encourage on-farm diversification) as follows:

- 10.3 Consolidate Rural Land Use Policy into a single reference document inclusive of a statement of key rural planning principles for Ballina Shire.

Councillor Comments

The Federal Government has been undertaking a National Food Security Strategy with the aim of boosting productivity, resilience and the security of Australia's food system.

The Northern Rivers in general and the Plateau is known for its high quality farm land.

While I know the idea of looking at rural land use has been explored in the past, the review of the Food Security Strategy and the global pressures on food systems, as well as the demand for housing and development, I feel, makes this a prescient issue. In particular the Department of Agriculture, Fisheries and Forestry in looking at food security highlighted that climate change, economic shocks, biosecurity threats, geopolitical factors and supply chain disruptions can all have a significant impact on food security.

The homepage of "Feeding Australia" (link in the Motion) says "Australia must ensure that it has the right settings in place to maintain its role as a consistent provider of safe, quality and nutritious food in an evolving global environment.", and I'm interested in how we in our local shire can support this national initiative and our local resilience as a community and having some clear guidance on what is important to us in how our rural land is utilised in the future.

I think this is key to our economic success and security and the backbone of this motion.

Having a clear strategy around rural land use is important to provide the community, as well as developers a clear vision and guidance on acceptable growth and clearly identify what type of lands are to be protected for future generations be that for food security or for scenic amenity or biodiversity and environmental considerations.

Council presently has various rural land use planning and policy provisions in place through its principle strategic and statutory planning documents.

There is also a suite of State based rural planning policies that interact at a local level.

10.2 Notice of Motion - Rural Land Use and Planning Priority 10

This is a lot to navigate and so there is an opportunity for current policy information to be consolidated into a single document so there is a central source of Ballina Shire relevant information on key rural land use considerations such as:

- Protection of agricultural land
- Encouragement of agricultural uses/food security
- Planning policy around dwellings and subdivision in rural areas

A consolidated explanatory document could address specific elements of interest to the community, landowners, and potential developers, including:

- Identification of prime agricultural land that is required for food security (including where broad scale subdivision/intensive built form is and is not enabled). [MAYBE A RED, AMBER, GREEN MAP]
- Policy factors/key influencers to consider such as food production, agricultural viability (e.g. access to a local sugar mill, or the Casino meatworks), land use conflict, climate change, land value, on-site sewage management, environmental values, infrastructure.
- Guidance on rural housing including short term worker accommodation, tiny homes and intergenerational housing and dwelling entitlements (Already enabled under our dual occupancy provisions but could use some clarity for what is allowed/not allowed).
- Rural subdivision including boundary adjustments and farm build-up/consolidation opportunities and production efficiencies either increasing or decreasing land parcel use.
- Identifying current rural land characteristics including land parcel sizes, dominant uses (e.g. production vs rural housing), production types (sugar cane, cattle, macadamia, etc.), economic value to assist in identifying agricultural opportunities.
- Rural land uses complementary to farming including tourism, industrial and manufacturing, including wineries and distilleries, as well as activities that provide for supplemental farm income such as function centres, conferences, and roadside stalls, tasting rooms, etc.
- Plant and animal production (broad scale and intensive) including where approvals are and are not required from local government, and interactions with other agencies. (Helping people understand what they can do with consent and without, e.g. can plant macadamias, but can't spray pesticides and impact their neighbour)
- Environmental protection and enhancement e.g. regenerative farming practices, carbon credits, etc.
- Information sources and resources, including ways to engage with Council and (e.g. economic activation group, ward committees, strategic planning processes).

Resource Links

Department of Agriculture, Fisheries and Forestry (DAFF): Feeding Australia: National Food Security Strategy

<https://www.agriculture.gov.au/agriculture-land/farm-food-drought/food/national-food-security-strategy>

10.2 Notice of Motion - Rural Land Use and Planning Priority 10

Have Your Say landing page for the Food Security Strategy
<https://haveyoursay.agriculture.gov.au/food-security-strategy>

June 2023: Northern Rivers food security scoping study: Is the Northern Rivers food system resilient?
https://utsd8.prod.acquia-sites.com/sites/default/files/2023-06/Plan%20C%20-%20NR%20Food%20Security%20and%20Resilience%20Scoping%20Study_Final%20Report.pdf

Sustain.org's Response to the Food Security Discussion Paper:
https://sustain.org.au/wp-content/uploads/2025/09/Sustain_Summary_Response-to-the-National-Food-Security-Discussion-Paper.pdf

National Food Council - meeting communique - 8 December 2025
<https://www.agriculture.gov.au/about/news/stay-informed/communiqués/national-food-council-dec-2025>

Note: Members noted that the department will be undertaking a significant process of consultation and co-design in the first half of 2026 to enable stakeholders from across the food system to inform and contribute to the development of the strategy.

Food & Beverage Industry News:
<https://www.foodmag.com.au/national-food-council-meets-to-shape-food-security-future/>

Understanding the NSW Native Vegetation Regulatory Map DCCEEW 19 01 25 04
https://www.youtube.com/watch?v=lq_UBxqu2SM

Staff Comments

Council has an extensive suite of existing policy addressing rural land use and planning. This is embedded in both strategic planning and policy documents as well as the statutory planning framework. Key aspects of this existing policy, along with other significant influences in State based policy, could be brought together into a single explanatory document that provides an overarching guide to rural land use and planning in Ballina Shire.

This though will require resourcing and time, so consideration will need to be given to how this task would be placed into the work program relative to other tasks identified on the strategic planning work program. This can be further considered in the context of the full suite of actions in the Local Strategic Planning Statement (LSPS) and the formation of the Delivery Program and Operational Plan annually.

The LSPS is currently in a review phase, with Council having completed a public exhibition phase during September, October and November 2025. Staff are nearing completion of the review of submissions received and a report on the outcomes of the exhibition and adoption of the LSPS is currently scheduled for presentation at Council's 11 March 2026 Environmental and Sustainability Committee meeting.

10.2 Notice of Motion - Rural Land Use and Planning Priority 10

If Council resolves to incorporate the proposed action into the LSPS, it will be added to the draft plan that is presented to the committee. Council will be able to further consider the action in the context of the overall LSPS.

For context, the draft LSPS as exhibited included Protect productive agricultural land and encourage on-farm diversification as planning priority 10, with the following actions identified. The proposed action 10.3 is consistent with the intent of the planning priority and existing actions under the draft LSPS.

<i>No.</i>	<i>Action</i>	<i>Timing</i>
10.1	Monitor and maintain planning controls that minimise land use conflict in rural areas to ensure agriculture is protected.	Ongoing
10.2	Maintain a watching brief on emerging opportunities for on-farm diversification and respond to emerging issues as required.	Ongoing

COUNCILLOR RECOMMENDATION

That Council includes an action in the Local Strategic Planning Statement under Planning Priority 10 (Protect productive agricultural land and encourage on-farm diversification) as follows:

- 10.3 Consolidate Rural Land Use Policy into a single reference document inclusive of a statement of key rural planning principles for Ballina Shire.

Attachment(s)

Nil

11. Advisory Committee Minutes

11.1 Finance and Facilities Committee Minutes - 11 February 2026

Attendance

Crs Sharon Cadwallader (Mayor - in the chair), Michelle Bailey, Simon Kinny, Damian Loone, Therese Crollick, Simon Chate, Eva Ramsey, Erin Karsten, Kiri Dicker and Phil Meehan.

Paul Hickey (General Manager), Troy Anderson (Director - Civil Services Division), Matthew Wood (Director - Planning and Environmental Health Division), Caroline Klose (Director - Corporate and Community Division) and Nikki Glassop (Executive Assistant - General Manager and Mayor) were in attendance.

There were two people in the gallery at this time.

1. Acknowledgement of Country

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

2. Apologies

Nil.

3. Declarations of Interest

- **Paul Hickey** declared an interest in Item 4.5 – Wollongbar Medium Density Housing – Construction Tender (Nature of Interest: non-significant, non-pecuniary). Former Councillor Robyn Hordern is currently the Chair of Northern Rivers Housing. Mr Hickey considers Mrs Hordern to be someone he can discuss regional matters with, however there is no close friendship. Mr Hickey will remain in the room while this item is discussed.

4. Committee Reports

4.1 Ballina Community Safety Infrastructure Upgrade - CCTV Network

RECOMMENDATION

(Cr Damian Loone/Cr Michelle Bailey)

That Council confirms the scope of CCTV network upgrade is consistent with the recommendations provided by Matryx Pty. Ltd., as per Attachment 1 to this report, to allow the implementation to be progressed in a timely manner and to ensure compliance with the Federal Government grant conditions and timelines.

FOR VOTE - All Councillors voted unanimously.

4.2 **Audit Risk and Improvement Committee - Appointment of Members**

RECOMMENDATION

(Cr Erin Karsten/Cr Eva Ramsey)

1. That based on the selection process completed, Council approves the appointment of the following applicants to the Audit Risk and Improvement Committee, subject to satisfactory background checks:
 - Soizic Bellemere
 - Karen Williams
 - Cherie Watt
2. Cr Simon Kinny is appointed as the alternate Councillor delegate to the Audit Risk and Improvement Committee in the absence of Cr Erin Karsten.

FOR VOTE - All Councillors voted unanimously.

4.3 **26 Endeavour Close, Ballina - Status**

A **Motion** was moved by Cr Therese Crollick and seconded by Cr Kiri Dicker

1. That Council approves compensation of \$60,000 (ex GST) to the Unit Committee TS Lismore Inc as an exit payment following the termination of the current lease at 26 Endeavour Close, Ballina, in recognition of the structures on the site and to assist that organisation with the cost of establishing a new facility in Lismore. This compensation is to be funded from Council's Property Development Reserve, with the reserve to be reimbursed from any future sale or lease of this site.
2. That Council approves the sale of 26 Endeavour Close, Ballina by public auction and authorises the General Manager to set a price reserve based on prevailing market conditions for industrial land. If required, the sale contract may include a delayed settlement to assist with the provision of interim boat storage facilities for the Rainbow Region Dragon Boat Club Inc at Cawarra Park, or an alternate location.
3. That Council authorises the General Manager to enter into open or general agency agreements with local real estate agents who wish to participate in the auction campaign with a commission rate set at 1.50% plus GST.
4. The General Manager is authorised to execute all necessary sale documents and affix the Council seal to same.

The **Motion** was **LOST**

FOR VOTE - Cr Therese Crollick, Cr Eva Ramsey, Cr Erin Karsten and Cr Kiri Dicker

AGAINST VOTE - Cr Sharon Cadwallader, Cr Michelle Bailey, Cr Simon Kinny, Cr Damian Loone, Cr Simon Chate and Cr Phil Meehan

RECOMMENDATION

(Cr Phil Meehan/Cr Michelle Bailey)

1. That Council approves compensation of \$60,000 (ex GST) to the Unit Committee TS Lismore Inc as an exit payment following the termination of the current lease at 26 Endeavour Close, Ballina, in recognition of the structures on the site and to assist that organisation with the cost of establishing a new facility in Lismore. This compensation is to be funded from Council's Property Development Reserve, with the reserve to be reimbursed from any future sale or lease of this site.
2. That Council call for expressions of interest for leasing 26 Endeavour Close, Ballina based on, as is, or purpose built.
3. That subject to the outcome of Point 2, Council assist with the provision of interim boat storage facilities for the Rainbow Region Dragon Boat Club Inc at Cawarra Park, or an alternate location.

FOR VOTE - Cr Sharon Cadwallader, Cr Michelle Bailey, Cr Simon Kinny, Cr Damian Loone, Cr Therese Crollick, Cr Simon Chate, Cr Eva Ramsey and Cr Phil Meehan

AGAINST VOTE - Cr Erin Karsten and Cr Kiri Dicker

4.4 89-91 Tamar Street Ballina – Status

A **Motion** was moved by Cr Kiri Dicker and seconded by Cr Therese Crollick

That Council adopts Option 2 of this report, and approves the sale of 89-91 Tamar Street, Ballina, through an expression of interest process, at a commission rate of 2%.

The **Motion** was **LOST**

FOR VOTE - Cr Kiri Dicker

AGAINST VOTE - Cr Sharon Cadwallader, Cr Michelle Bailey, Cr Simon Kinny, Cr Damian Loone, Cr Therese Crollick, Cr Simon Chate, Cr Eva Ramsey, Cr Erin Karsten and Cr Phil Meehan

RECOMMENDATION

(Cr Phil Meehan/Cr Damian Loone)

That Council adopts Option 1 of this report, being retain and lease, subject to further reporting to Council.

FOR VOTE - All Councillors voted unanimously.

4.5 Wollongbar Medium Density Housing - Construction Tender

A **Motion** was moved by Cr Phil Meehan and seconded by Cr Eva Ramsey

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Wollongbar Medium Density Housing - Construction Tender as the tenders submitted would not provide commercial viability for the project.

2. That Council, in accordance with Local Government (General) Regulation 2021 Section 178(3)(a) cancels the proposal for the contract due to the difficulty in Council securing competitive construction tenders for the project.
3. That Council adopt Option 1 to sell, subject to a further report to Council.

A **Motion of Dissent** was moved by Cr Kiri Dicker and seconded by Cr Erin Karsten from the ruling of the Mayor, in regard to a proposed amendment not being permitted and to be treated as a foreshadowed motion.

The **Motion of Dissent** was **LOST**

FOR VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

AGAINST VOTE - Cr Sharon Cadwallader, Cr Michelle Bailey, Cr Simon Kinny, Cr Damian Loone, Cr Eva Ramsey and Cr Phil Meehan

RECOMMENDATION

(Cr Phil Meehan/Cr Eva Ramsey)

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Wollongbar Medium Density Housing - Construction Tender as the tenders submitted would not provide commercial viability for the project.
2. That Council, in accordance with Local Government (General) Regulation 2021 Section 178(3)(a) cancels the proposal for the contract due to the difficulty in Council securing competitive construction tenders for the project.
3. That Council adopt Option 1 to sell, subject to a further report to Council.

FOR VOTE - Cr Sharon Cadwallader, Cr Michelle Bailey, Cr Simon Kinny, Cr Damian Loone, Cr Eva Ramsey and Cr Phil Meehan

AGAINST VOTE - Cr Therese Crollick, Cr Simon Chate, Cr Erin Karsten and Cr Kiri Dicker

MEETING CLOSURE

6.17pm

RECOMMENDATION

That Council confirms the minutes of the Finance and Facilities Committee meeting held 11 February 2026 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

12.1 Mayoral Meetings

12. Reports from Councillors on Attendance on Council's behalf

12.1 Mayoral Meetings

Councillor Sharon Cadwallader

Activities I have attended, or propose to attend, at the time of writing this report, since the December 2025 Ordinary meeting are as follows:

<u>Date</u>	<u>Meeting</u>
11 December	Richmond College Presentation
12 December	Ballina Shire Council Staff Christmas party
14 December	Opening the Riverside Carols event
15 December	Ballina Hospital Christmas Lunch
15 December	Richmond Police District – New Probationary Constables
15 December	CMA Board meeting
15 December	Councillors and Executive Team meeting
16 December	Xavier Catholic College Year 7 to 11 Presentation Day Ceremony
16 December	Ballina Hospital Auxiliary Christmas Party
17 December	Ballina Pump Track Official Opening
17 December	North Coast Pathway End-of-Year Celebration & First Graduation
20 December	Meeting with Gurmeh Singh MP to discuss Gun Law Reform
21 December	Lennox Head Surf Life Saving Nippers Christmas Party
21 December	Shevet – Northern Rivers Jewish Community Hannukah Celebration
28 December	Pop Up Pub Wardell
8 January	Australia Day Briefing
8 January	Northern Rivers Community Gallery exhibition launch
10 January	Meeting with The Hon. Fiona Simpson MP, QLD Minister for Women
11 January	Farewell event for Prime 7 journalist
14 January	NSW Rural Fire Service Far North Coast – Wardell station extensions
16 January	Ballina Cup Fashions of Field Presentations
16 January	Ballina Players Opening Night ‘Anne of Green Gables’
22 January	National Day of Mourning to honour victims of Bondi Beach terrorist attack
22 January	Australian Coastal Councils Association meeting (Zoom)
23 January	Australia Day program rehearsal
26 January	Ballina Shire Council Australia Day Ceremony
29 January	Lennox Head Land Care Shaun Eastment tribute function
31 January	Crawford Park Alstonville re-opening of the sporting fields
2 February	‘Long Lunch’ 88.9 Nora Vidler-Banksby interview on Australia Day Awards
2 February	Lennox Head Residents Association (LHRA) meeting
3 February	Bi-monthly NSW Reconstruction Authority and Council meeting
3 February	Meeting with nbn Chris Simon and Staff
4 February	Australian Coastal Councils Association meeting (Zoom)
5 February	Meeting with airbnb and Staff
5 February	Country Mayors Association Board Meeting
5 February	Ballina Chamber of Commerce After Hours event - Northern Rivers Animal Services
8 February	Opening the Palm Lake Authors event
9 February	Australian Coastal Councils Association meeting (Zoom)
9 February	General Manager Performance review – 6 monthly
9 February	Local Government NSW information session with Peter Evans
9 February	NSW Premiers 2022 Emergency Flood Citations Award Ceremony
10 February	Rotary Satellite Club of Ballina Lifestyle – Peace Pole ceremony
10 February	Ballina Shire Economic Activation Group Meeting
11 February	Finance and Facilities Committee meeting
12 February	Country Mayors Association (CMA) Presentation ‘Little Wings’ (Zoom)

12.1 Mayoral Meetings

12 February	NSW SES Weather Update – North Eastern Zone
16 February	'Long Lunch' 88.9 Nora Vidler-Banksby radio interview on Sharpes Beach
17 February	Public Citizenship Ceremony
17 February	Ballina Players Theatre returning officer for Committee election
18 February	Rous County Council Meeting – Richmond Valley Council
18 February	Wardell Progress Association Meeting
20 February	Northern Rivers Joint Organisation (NRJO) Board meeting – Kyogle
20 February	CMA Board Meeting with Shadow Local Govt Minister Tim James MP
20 February	Councillor Site Inspection – 89 Tamar Street, Ballina
21 February	Reverend Cathy Ridd Farewell High Tea
22 February	Reverend Cathy Ridd final service before retirement
22 February	North Coast Show and Shine event presentation
24 February	Waterways Advisory Group Meeting
26 February	Public Forum
26 February	Ordinary meeting

RECOMMENDATION

That Council notes the contents of the report on Mayoral meetings.

Attachment(s)

Nil

13. Confidential Session

13. Confidential Session

Nil Items