ATTACHMENTS TO

Ordinary Meeting Business Paper
26 February 2026



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Attachment 2: DA 2025/126 - Assessment Form

ASSESSMENT OF THE APPLICATION UNDER SECTION 4.15 (1) OF THE EP& A ACT 1979 – DA 2025/126 – 23 COMPTON DRIVE, EAST BALLINA

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

Local Environmental Plans (LEPs)

Relevant LEP	Applies (Yes/No)
Ballina Local Environmental Plan 2012	Yes
Ballina Local Environmental Plan 1987 (Note: BLEP 1987 only applies to land identified as "Deferred Matter" on the Land Application Map accompanying the BLEP 2012	Yes

Ballina LEP 2012 – Zoning, Permissibility and Relevant Clauses

Aims, objectives of BLEP (Clause 1.2)

Comments:

The proposed development is generally consistent with the aims and objectives of the BLEP 2012.

Land use definition (Clause 1.4)

Comments:

dwelling house *means a building containing only one dwelling.*
Note— *Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary*.

The proposed development is consistent with the definition of a dwelling house.

Zoning under BLEP 2012, permissibility within zone and regard for zone objectives (Clause 2.3)

Comments:

Part of the site is located within the DM Deferred Matter Zone and part is located within the R2 Low Density Residential Zone under the BLEP 2012. Dwelling houses are permitted with consent in the R2 Low Density Residential Zone. The objectives of the zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.

- To provide for development that meets the social and cultural needs of the community.
- To encourage development that achieves the efficient use of resources such as energy and water.

The proposal seeks to construct a three bedroom dwelling house on the site, which is a development and density considered to be appropriate for the site within the R2 Low Density Residential Zone.

The development is considered to be compatible with the character and amenity of the surrounding neighbourhood. The two storey dwelling house will be constructed of corefilled concrete block wall, James Hardie Stria cladding, Fibre cement Sheeting and Colorbond roofing. The dwelling house materials are proposed to be finished in darker colours including Colorbond Windspray and Monument. These are materials appropriate for the site and are consistent with contemporary building designs, materials and colours also present in the surrounding neighbourhood.

A BASIX Certificate, being Certificate No. 1784868S, was prepared for the development which confirms it is capable of meeting the NSW State Government requirements in regards to energy and water efficiency.

Height of buildings (Clause 4.3)

Comments:

The site is identified as E – 6.0m on the Height of buildings mapping. The proposed dwelling house has an overall height of 5.925m above existing ground level. The building is within the maximum specified height of 6.0m.

Appropriate conditions will be included in the determination to ensure that the building does not exceed the specified height. No issues raised.

Floor space ratio (Clause 4.4)

Comments:

The site is not identified on the Floor space ratio mapping, however given the development is for a dwelling house, it is restricted to a maximum 0.5:1 FSR. The FSR for the site is calculated as follows:

Site Area:
Lot 100 – 142.20m^2
Lot 3 – 537.50m^2
Combined Area: 679.7m^2

Downstairs GFA – 84.03m^2
Upstairs – 145.78m^2
Garage – 48.34m^2
Combined Dwelling house GFA: 278.15m^2

FSR: 0.40:1

The proposal is below the specified maximum FSR of 0.5:1. No issues raised.

Acid Sulfate Soil (Clause 7.1)

Comments:

The site is identified on the Acid Sulfate Soils mapping as containing Class 5 Acid Sulfate Soils which are within 500.0m of adjacent Class 1, 2 and 3 Acid Sulfate Soils. The site is below 5.0m AHD, however the watertable is unlikely to be lowered below 1.0m AHD on the adjacent Class 1, 2 or 3 land by the proposed works. Appropriate conditions have been included in regards to groundwater. No Issues raised.

Earthworks (Clause 7.2)

Comments:

The development will require substantial earthworks in the form of two retaining walls at the rear of the existing retaining wall and excavations on site to facilitate the new dwelling house and site stabilising features. The site is identified as Landslip Hazard – Cat 11 – Coffey Partners Mapping and has a steep topography, being composed of sandy soils. A number of Geotechnical Reports have been prepared for the site during the Planning Proposal process to ensure the site was capable of being developed for the R2 Low Density Residential Zone use, and as part of the subject development.

The development seeks to establish a new 3.0m high retaining wall behind and within 1.0m of the existing retaining wall on site, prior to its removal, in order to avoid a landslip. A further retaining wall, being located a varying distance of 1.4m to 4.0m from the rear of the new retaining wall, and with a height of 2.3m, along with a soil catcher of 1.0m, will be constructed along the proposed APZ line. Owing to the slope, the retaining walls will require screw pile construction.

The new retaining wall located at the rear of the dwelling will have screw pile construction to a depth of 7.5m, with further screw piles being fixed at an approximately 30 degree angle into the slope to tie back the top of the vertical piles. Vertical panels between the vertical piles will be 180mm thick, with a capping beam of 0.5m x 0.5m. The higher retaining wall will also be fixed with further screw piles into the slope at an approximately 30 degree angle, and consist of a 250mm thick concrete retaining wall.

Appropriate conditions will be included in the determination to ensure that the earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land.

A Stormwater Diagram has been prepared for the development and the proposed earthworks will be conditioned appropriately to ensure that sufficient drainage is installed to avoid detrimental impacts to drainage patterns. The development will result in an improvement to the existing situation in regards to soil stability in the locality of the development. The existing retaining walls are not considered to be adequate for long term support of the steep uphill slope.

The proposed earthworks will facilitate the future use and redevelopment of the site in a positive manner, given that the existing retaining walls have questionable long term viability due to their age, design and materials. The earthworks will provide for better drainage, adequate retaining of the site and allow the site to be developed for a residential purpose, which given the R2 Low Density zoning and the restrictions placed on the site, is considered to be a suitable future use.

Cut and fill will be required by the development. Appropriate conditions will be included in the determination as regards the disposal of excavated material generated by the development, given the presence of known asbestos contamination.

Appropriate conditions relating to dilapidation surveys will be included in the determination to ensure that the amenity of adjoining properties is protected.

An AHIMS search was carried out for the development and no known Aboriginal Cultural Heritage sites were found in close proximity to the development. The site is located within a previously disturbed site in the urban locality. A condition will be placed on the determination to ensure that if any relics are uncovered during the development, works will cease and the appropriate bodies will be contacted.

Shaws Bay is located across Compton Drive from the site and there is the potential for sediment and erosion issues resulting from the development to adversely impact this environmentally sensitive area. Standard conditions will be placed on the determination in regards to sediment and erosion control to ensure that appropriate measures are in place prior to the commencement and for the duration of works.

The development has been sited, designed and will be managed via conditions on the determination, to ensure that appropriate measures are in place to avoid, minimise or mitigate the potential impacts of the development.

Essential services (Clause 7.7)

Comments:

The existing building on the site was previously connected to grid electricity and telecommunications, reticulated water, sewer and the stormwater system. The proposed dwelling house will be required to connect to all these services. Standard conditions relating to S68 Applications will be included in the determination. A sewer line is located just inside the south-western boundary, and for the full depth of Lot 3.

The application required referral to Essential Energy for comment owing to the proximity to Low Voltage Overhead Powerlines. The Essential Energy response is addressed elsewhere in this report.

The site does not currently have vehicular access, nor does it provide any formal car parking on site. 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 condition requiring the lodgement of a S138 Application will be included in the determination to ensure a new driveway crossover is provided for the dwelling house from Compton Drive.

All essential services are available to the development.

Ballina LEP 1987 – Zoning, Permissibility and Relevant Clauses

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Aims, objectives of BLEP (Clause 2)

Comments:

The proposed development is generally consistent with the aims and objectives of the BLEP 2012.

Land use definition (Clause 5) (includes Clause 4(1) of Model Provisions 1980)

Comments:

dwelling-house means a building containing 1 but not more than 1 dwelling.

The proposed development is consistent with the definition of a dwelling house.

Zoning under BLEP 1987, permissibility within zone and compliance with zone objectives (Clause 9)

Comments:

Part of the site is located within the 7(d) Environmental Protection (Scenic/Escarpment) Zone and a very small portion of the site is located within the 2(a) Living Area Zone under the BLEP 1987. As the development is not included within the 2(a) Living Area Zone, no assessment has been undertaken against this zone. The proposed Dwelling house will be located within a small portion of the 7(d) Environmental Protection (Scenic/Escarpment) Zone. Dwelling houses are permitted with consent in the 7(d) Environmental Protection (Scenic/Escarpment) Zone. The objectives of the zone are as follows:

A The primary objectives are—
(a) to protect and enhance those areas of particular scenic value to the Shire of Ballina, and
(b) to minimise soil erosion from escarpment areas and prevent development in geologically hazardous areas.
B The secondary objective is to enable development as permitted by the primary and secondary objectives for Zone No 1 (b), except for development which could conflict with the primary objectives of this zone.
C The exception to these objectives is development of public works and services, outside the parameters specified in the primary and secondary objectives, but only in cases of demonstrated and overriding public need and subject to the visual impact being minimised as much as is reasonably practical.

The site is opposite Shaws Bay and is considered to have particular scenic value to the Shire of Ballina, being in a prominent position. The site is currently improved by a derelict restaurant building which has been vacant for some time and has also been subject to vandalism and a fire. The site is not maintained and the development seeks to demolish the existing building and construct the dwelling house. The demolition of the existing building and the construction of a dwelling house is considered to protect and enhance those areas of particular scenic value to the Shire of Ballina, given that the development will improve the aesthetic appeal of the site.

The Planning Proposal for the site and the established Special Controls for Lot 3 took into consideration the usable area of the site along with the constraints and designated a building envelope, Vegetation Management Plan area and Asset Protection Zones, along with suitable R2 Low Density Residential zoning for the portion of the site considered appropriate for development. It should be noted that the proposed development will sit slightly outside of the R2 Low Density Residential zoned portion of the site.

The subject proposal seeks to increase the building envelope to accommodate a larger development than was originally envisaged. This is to accommodate the required site works and APZ for the larger dwelling. The dwelling house itself is located within the R2 Low Density Zone under the BLEP 2012, however the proposed patio bridge, courtyard and earthworks associated with these features extend into the 7(d) Environmental Protection (Scenic/Escarpment) Zone, outside the designated building envelope. Whilst the proposed works encroach on the designated Vegetation Management Plan area, and require the removal of two additional trees, replanting will be implemented on the site at a ratio of 10:1. Appropriate conditions will be included in the determination in regards to offset planting.

When the application was lodged the site was mapped as Bushfire Prone Land. Accordingly, the application was referred to the NSW RFS for assessment under Planning for Bushfire Protection. The NSW RFS raised no objection to the application, subject to compliance with conditions. The easements and S88B Instrument which relate to the site are discussed elsewhere in this report.

Standard sediment and erosion control conditions will be included in the determination given the site's proximity to Shaws Bay and the steep slope, to minimise soil erosion. The proposed earthworks and retaining walls are considered to be an improvement on the existing retaining walls on the site which are at risk of failure due their design, age and materials.

The primary and secondary objectives of the 1(b) Rural (Secondary Agricultural Land) Zone are as follows:

A The primary objective is to regulate the subdivision and use of land within this zone—
- *(a) to encourage the productive use of the land and enable development ancillary to agricultural land uses, particularly dwelling-houses, rural workers' dwellings and rural industries, and*
- *(b) to permit a range of uses which are compatible with the rural character of the land, particularly tourist oriented developments and recreation establishments and recreation facilities, and*
- *(c) (Repealed)*

B The secondary objectives is to ensure that development within the zone—
- *(a) maintains the rural character of the locality, and*
- *(b) does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.*

The site is too small to be agriculturally viable, along with it having a steep topography, densely vegetated and located within the urban locality. All of these matters make the site unsuitable for agricultural pursuits. Despite this, the proposed dwelling house is considered to be a suitable use of the site, given the surrounding locality and established uses.

There are no other uses proposed for the site, apart from the dwelling house.

The development seeks to demolish the existing restaurant and construct a two storey dwelling house on the site, a use which is permissible with the primary objectives of the 1(b) Rural (Secondary Agricultural Land) Zone. The proposed development does not conflict with the primary objectives of the 7(d) Environmental Protection (Scenic/Escarpment) Zone.

The development does not involve public works and services.

Dwelling-houses within Zone No 1 (a1), 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l) (Clause 12)

Comments:

A portion of works required to facilitate the development of the dwelling house are located within the 7(d) Environmental Protection (Scenic/Escarpment) Zone, including the earthworks, one retaining wall, patio bridge, and gardens at the rear of the building.

Part of the site is included in the R2 Low Density Residential Zone under the BELP 2012, and has a minimum Lot Size of 600m^2, whereby permitting a dwelling within this area.

The development does not involve a rural workers dwelling.

Despite being improved by an existing former restaurant building, the site is vacant of a dwelling house and no previous consents are operational for a dwelling house or dual occupancy.

Limitation of building height (Clause 17)

Comments:

The proposed dwelling house has an overall height of 5.925m above existing ground level and a maximum ridge height of 12.035m AHD at the rear. The existing ground level at the front north-eastern corner of the site is 4.335m AHD, with the existing ground level at the rear of the site 5.33m AHD at the base of the retaining wall and 7.19m AHD at the top of the retaining wall. The building is therefore within the maximum specified height of 6.4m.

In accordance with the clause, height is defined as follows:

"…in relation to a building the topmost floor of which has a ceiling, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below the point."

In accordance with the definition of height, the building is slightly over the permitted height, with a total height of 6.9m, however it should be noted that while the development encroaches into the portion of the lot included in the BLEP 1987, the building itself is located outside of this area. No issues raised.

Development within Zone No 1 (d), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l) (Clause 23)

Comments:

The site is partially located within 7(d) Environmental Protection (Scenic/Escarpment) zoned land. The development seeks consent to carry out the clearing of vegetation, including two trees, and earthworks, including cut/fill and the construction of retaining walls. The proposed vegetation removal and earthworks are to facilitate the increased footprint of the dwelling house, Asset Protection Zones and Building Envelope.

Appropriate Geotechnical Reports and a Biodiversity Assessment Report have been prepared for the development which address Council concerns in regards to slope stability, construction methods and offset planting required.

Development within Zone No 7 (d), 7 (d1) or 7 (i) (Clause 25)

Comments:

A small portion of the development will be located within the 7(d) Environmental Protection (Scenic/Escarpment) and this development application seeks consent for the demolition of an existing restaurant and construction of a two-storey dwelling house, and associated earthworks, retaining walls, vegetation removal (2 x tuckeroos) and ecological works.

Part of Lot 3 is subject to Special Area Controls restricting the height of the development to 6.0m above existing ground level. The remainder of the site, on Lot 100, is not restricted to these height controls, however the development maintains the maximum specified height of 6.0m above existing ground level. The proposed dwelling house will be subject to a 0.0m setback to the Compton Drive road frontage on Lot 3, and it is considered appropriate that this extend to Lot 100 also, given that the lots will be consolidated as part of the development. The dwelling house will be located at the base of the slope and will be contained wholly within the subject site, unlike the existing restaurant, which encroaches into Council's road reserve on the Compton Drive frontage of the site.

The development application proposes that the development will include both Monument and Windspray Colorbond colours and Double Furnace – Porter's Paints, which consist of darker greys, to ensure that the building blends with the surrounding landscape and other developments and preserves or enhances the scenic quality of the land.

Suitable conditions can be imposed in relation to the height and colour of the development.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Resilience and Hazards) 2021

Comments:

The site is identified under the SEPP as being within the Coastal Environment Area and Coastal Use Area. An assessment against the relevant clauses is as follows -

2.10 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

(b) coastal environmental values and natural coastal processes,

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.

The development is unlikely to cause an adverse impact to the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment. The development will result in the removal of two additional trees, from the site and result in offset plantings at a ratio of 10:1. Erosion and sediment control conditions will be placed on the determination to ensure that the development does not impact hydrological surface and groundwater water, especially given the proximity of the site to Shaws Bay.

The development is unlikely to adversely impact the coastal environmental values and natural coastal processes given the distance between the site, Shaws Bay and the foreshore.

The standard erosion and sediment control measures placed on the determination will minimise the potential for the development to adversely impact the water quality of the marine estate, in particular, the cumulative impacts of the proposed development.

The development is unlikely to adversely impact marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms. Standard conditions have been placed on the determination in regards to erosion and sediment control, planting offset ratios, and fauna habitat to minimise the potential for adverse impacts.

The site is located opposite Shaws Bay foreshore, however the development will not impact the existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

The site is located within the urban locality and has previously been disturbed. An AHIMS search was submitted with the development which demonstrated that there are no known sites of cultural heritage in proximity to the site. Despite this, a condition regarding Aboriginal cultural heritage will be placed on the determination to ensure that if any Aboriginal cultural heritage, or places are discovered during the works, all works will cease until the appropriate authorities have conducted the required investigations.

The development is located sufficient distance from the surf zone, approximately 1.0Km, that it will not affect its use.

2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—
(a) has considered whether the proposed development is likely to cause an adverse impact on the following—
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that—

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6.*

The development is unlikely to cause an adverse impact on the existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability. The site is located opposite Shaws Bay and but will not adversely impact access.

The development will not result in overshadowing, wind funnelling or the loss of views from public places to foreshores, due to its proposed height, the location and orientation of the site and development.

The development is unlikely to cause an adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands, given that the height of the development will be restricted to a maximum of 6.0m above existing ground level, and the proposed colour scheme of the development will consist of darker greys which will assist with the blending of the development into the surrounding vegetation.

The site is located within the urban locality and has previously been disturbed. An AHIMS search was undertaken for the development which determined that there are no known Aboriginal cultural heritage sites in proximity to the development. A condition will be included in the determination in regards to Aboriginal cultural heritage which will ensure that if any artefacts or cultural heritage are discovered during the development, works will cease until the relevant bodies have undertaken the necessary investigations.

The site is not known as containing or being in close proximity to any cultural, and built environment heritage.

The development has been designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a).

The development has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development is considered to be consistent with, or smaller than, the surrounding residential developments in regards to these matters.

The site does not include land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The development is not likely to cause increased risk of coastal hazards on that land or other land, given its proposed elevation and location. The site is not identified on Council's Coastal Hazard mapping as being at risk.

2.13 Development in coastal zone generally—coastal management programs to be considered
Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

There are no certified coastal management programs which are located in proximity to and apply to the land.

Remediation of Land

Chapter 4 (Clause 4.6) of the State Environmental Planning Policy (Hazards and Resilience) 2021, specifies that contamination and remediation is to be considered when determining development applications. The site is included in a number of zones including the DM Deferred Matter Zone and R2 Low Density Residential Zone under the BLEP 2012 and the 7(d) Environmental Protection (Scenic/Escarpment) Zone and a very small portion is located within the 2(a) Living Area Zone under the BLEP 1987.

The site is identified on Council's Contaminated Land Register, given that Preliminary Site Investigation sampling undertaken for the previous Planning Proposal detected asbestos. The application was referred to Council's Environmental Health Officer for comment, who advised that it is satisfactory subject to conditions. A condition has been placed on the determination requiring the submission of a Detailed Site Investigation following completion of the demolition. A further condition requires that if further contaminants are found as a result, a Remedial Action Plan will be required to be prepared and implemented. No issues raised.

State Environmental Planning Policy (Sustainable Buildings) 2022

Comments:

The submitted BASIX certificate indicates that the proposed development plans achieve the NSW Government's sustainability requirements. The BASIX Certificate number is 1784868S.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48 Determination of development applications—other development

The proposed dwelling house will be constructed in proximity to the existing Essential Energy powerlines on the site (within 5.0m).

- Referral to Essential Energy is required as:
    - The development involves the penetration of ground
        - within 2m of an underground electricity power line or an electricity distribution pole, or
        - within 10m of any part of an electricity tower,
    - The development is to be carried out
        - within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
        - immediately adjacent to an electricity substation, or

- within 5m of an exposed overhead electricity power line, or o It is the installation of a swimming pool any part of which is
- within 30m of a structure supporting an overhead electricity transmission line (measured horizontally from the top of the pool to the bottom of the structure at ground level), or
- within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

o It is development involving or requiring the placement of power lines underground.

A response was received from Essential Energy on 13 June 2025, as follows:

> *As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 2.2M from the NEAREST part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. LOW VOLTAGE OVERHEAD NETWORK IN COMPTON DRIVE.*
>
> *It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.*

Given Essential Energy's response, a condition will be included in the determination to ensure that the applicant liaises with Essential Energy in regards to their requirements, before obtaining a Construction Certificate.

During discussions on site with the owner, it was verbally advised that they would be placing the overhead powerlines underground.

4.15 (1) (a) (ii) – any proposed instrument that is or has been the subject of public consultation under the EP&A Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

PP 2025/1660 involves General Amendments to the BLEP 2012. The Endorsed LEP Amendment has been submitted to DPIE for finalisation and contains the following items:

Item 1 - Not applicable – does not apply to the subject site
Item 2 - Not applicable – does not apply to the subject site
Item 3 – Not applicable – does not apply to the subject site
Item 4 - Not applicable – the development does not involve an exhibition home
Item 5 - Not applicable – does not apply to the subject site
Item 6 - Not applicable – does not apply to the subject site
Item 7 - Not applicable – the development does not involve a dual occupancy
Item 8 – Not applicable – the development does not involve a rural workers dwelling
Item 9 – Not applicable – does not apply to the subject site
Item 10 – Not applicable – whilst the site is included partly within the R2 Low Density Residential Zone, the development is for a dwelling house only

No issues raised in regards to the proposed development.

4.15 (1) (a) (iii) – any development control plan (DCP)

Ballina Shire Development Control Plan 2012

Chapter 2 – General and Environmental Considerations

Comments:

3.4 Potentially Contaminated Land

The site is identified on Council's contaminated land mapping. The development is for demolition of an existing restaurant and construction of a two-storey dwelling house and associated earthworks, retaining walls, vegetation removal (2 x tuckeroos) and ecological works. A Contamination Assessment was provided with the development and the application referred to Council's Environmental Health Officer for comment.

Council's Environmental Health Officer advised that the application was satisfactory subject to conditions. Appropriate conditions will be included in the determination in regards to asbestos, demolition, waste, contamination and remediation. The Special Area Controls specify that Lot 3 of the site must be remediated to standard for the land to be used for residential development. No issues raised.

3.5 Landslip/Geotechnical Hazard

i. *Where there is potential for a development to result in impacts on or be impacted by the stability of the subject site or surrounding locality, a geotechnical report prepared by an appropriately qualified and experienced professional may be required to accompany the development application. Such a report must certify that the stability of the site will be maintained during the course of, and following the development, and that the site is not subject to risk of land movement activity originating from other land;*

The site is identified on Council's mapping as being Landslip Hazard Category 11, having a steep topography composed of sandy soils. A number of Geotechnical Reports were prepared for the site during the Planning Proposal process to ensure the site was capable of being developed for the R2 Low Density Residential Zone use. A Geotechnical Report was submitted with the development as part of the Engineering Report. The Geotechnical Report, dated 20 June 2023, found that the site upslope of the existing retaining wall had moved very little since previous visits by the author in 2013 and 2019.

Conditions relating to dilapidation surveys can be included in the conditions of any consent to ensure that the site does not place adjoining properties at risk of land movement.

ii. *The siting of buildings shall have particular regard to the slope of the land. Applications must demonstrate that the siting of buildings avoids steeper parts of the land that are or may be susceptible to erosion and potentially unstable. Buildings are to be sited to minimise earthworks required for the erection of structures and the provision of associated infrastructure such as roads and utility services; and*

Given the steep topography of the site and the sandy soils, the proposal includes substantial earthworks and retaining walls to facilitate the development and to minimise the potential of landslip as a result. The existing retaining wall on the site is constructed of a number of different materials and the proposal will result in a retaining wall being constructed upslope of the existing retaining wall, prior to its removal, to minimise the potential for landslip and to provide a viable building site.

iii. Construction methods should respond to the slope of the land and involve minimal cut and fill in accordance with the provisions of chapters 3 and 4.

Prior to the removal of the existing retaining wall on the site, the development proposes to erect a 3.0m high retaining wall behind and within 1.0m of the existing retaining wall, in order to avoid a landslip. An additional retaining wall is also proposed to be erected further up the slope, a varying distance of 1.4m to 4.0m from the rear of the proposed new retaining wall, and with a height of 2.3m, along with a soil catcher of 1.0m, The higher retaining wall will be constructed in line with the proposed new APZ line. Owing to the steep topography of the site, the retaining walls will require screw pile construction.

The new retaining wall located at the rear of the dwelling will have screw pile construction to a depth of 7.5m, with further screw piles being fixed at an approximately 30 degree angle into the slope to tie back the top of the vertical piles. Vertical panels between the vertical piles will be 180mm thick, with a capping beam of 0.5m x 0.5m. The retaining wall further up the slope will also be fixed with further screw piles into the slope at an approximately 30 degree angle, and consist of a 250mm thick concrete retaining wall.

Appropriate conditions will be included in the determination to ensure that the earthworks not adversely impact adjoining properties or the environment.

3.6 Mosquito Management

The site is identified as being within the coastal plains and lowlands. Standard conditions relating to mosquito management will be included in the determination in regard to screening of the dwelling house and rainwater tanks.

3.7 Waste Management

The development involves demolition of an existing restaurant and construction of a two-storey dwelling house and associated earthworks, retaining walls, vegetation removal (2 x tuckeroos) and ecological works. A Demolition Control Plan was submitted for the development.

Standard conditions will be included in the determination in regard to waste management during the construction phase. Council's kerbside collection service will be available to the dwelling house on receipt of an Occupation Certificate.

3.10 Sediment and Erosion Control

The proposal involves substantial earthworks in the form of excavation and retaining walls. Details of the proposed sediment and erosion controls were included in the plans. Standard conditions relating to sediment and erosion control will be included in the determination to prevent adverse impacts to the environment.

3.11 Provision of Services

The existing restaurant building on the site was connected to grid electricity, telecommunications, reticulated water and sewer and the stormwater system. The services

will be required to be disconnected and reconnected to the proposed dwelling house. Standard conditions relating to S68 connection will be included in the determination.

The application was referred to Essential Energy in regards to the development being in proximity to overhead Low Voltage powerlines. Appropriate conditions will be included in the determination to ensure that the applicant liaises with Essential Energy before obtaining a Construction Certificate.

As the site does not currently have vehicular access or formal parking, a condition will be included in the determination requiring the lodgement of a S138 Application for a new driveway crossover from Compton Drive, which is sealed. The proposed dwelling house will provide a double garage and covered car parking for two cars on site.

3.15 Crime Prevention through Environmental Design

The development is for the demolition of an existing restaurant and construction of a two-storey dwelling house, and associated earthworks, retaining walls, vegetation removal (2 x tuckeroos) and ecological works. Given that the development involves a dwelling house only, no CPTED assessment is required.

Despite this, it is considered that the proposal will have an overall positive impact on the site, with the demolition of the unoccupied, dilapidated building on the site and the increase in passive surveillance of the Shaws Bay foreshore area and adjoining Coogee Street stairs and amenities block.

3.18 Protection of Foreshore and Public Open Space

The site adjoins the Coogee Street Stairs to the southwest and Shaws Bay to the south and east across Compton Drive.

The development site includes Lot 100 DP 1281381, which adjoins the Coogee Street stairs, with the site being adjacent to Shaws Bay across Compton Drive. The development is unlikely to restrict access to the public open space given it is within the boundaries of the site and will not encroach on the surrounding public access to public open space and the foreshore.

The building has been designed to provide an outlook to the public open space of Shaws Bay across Compton Drive without appearing to privatise that space. The building also has windows which address the Coogee Street Stairs, however they are highset bedroom windows and a bathroom window, which will provide little opportunity for passive surveillance of the stairs by the occupants of the dwelling. The dwelling also proposes a walled patio/courtyard area to the southeastern elevation which shares a boundary with the Coogee Street Stairs. This will also limit passive surveillance of the stairs, however will not appear to privatise that space.

The development is subject to site specific Special Area Controls contained in the BDCP 2012, which specify a maximum height of 6.0m. This will result in a lesser impact to views both from and to public open space, than the two existing residential buildings on Lot 2 DP 549665 (three storey residential flat building) and Lot 4 DP 574594 and Lot 6 DP 610975 (three storey dwelling house). The maximum building height will minimise the potential impacts to views, both to and from public open space, including Shaws Bay and the Coogee Street Stairs. In addition, the development will be an improvement on the existing building on the site, which is dilapidated and provides no contribution to amenity, views or passive surveillance and safety.

Conditions will be included in the determination to ensure that Shaws Bay is not subject to light spill from the development which has the potential to adversely impact on native fauna. Given the restrictive nature of Shaws Bay, it is unlikely that fauna, such as sea turtles would be using this area for nesting purposes.

The site includes restrictions on the title and easements in regard to Bushfire Protection (Asset Protection Zones). Despite this, the proposal seeks to vary the restrictions and Council is amenable to the variation sought, given that it is supported by an amended Bushfire Assessment and appropriate conditions from the NSW Rural Fire Service.

The variation sought to the Asset Protection Zones and Building Envelope will result in the removal of two tuckeroos and required replacement plantings. It will also reduce the area suitable for prescribed Vegetation Management Plan as per the Section 88B Instrument. The proposed development is located partially outside of the R2 Low Density Residential Zone and the application has been assessed against the 7(d) Environmental Protection (Scenic/Escarpment) Zone, and the 1(b) Rural (Secondary Agricultural Land) Zone, accordingly.

The development will be designed to generally maximise opportunities for casual surveillance of public open space, being predominantly the Shaws Bay foreshore area. The first storey living areas and bedrooms will have outlook to Shaws Bay, however the Coogee Street Stairs, which adjoin the property to the southwest, will be largely obscured from the development in terms of passive surveillance. Whilst there are windows proposed on the southwestern elevation of the building, they will be highset to a bedroom and bathroom. The ground storey patio and first storey courtyard level are proposed to be screened to provide privacy for the residents from people descending/ascending the Coogee Street Stairs, and as such, will limit surveillance from this elevation of the building to the southwest.

The development will utilise a mixture of 1.8m high concrete block wall to the southwest and landscaping to provide screening to the Coogee Street Stairs, and a 1.3m high concrete block wall to the south (Compton Drive). The topography of the site, along with established vegetation, concrete block retaining walls and timber screening, is proposed to provide screening to the first storey courtyard area and dwelling. The wall along the site frontage and the wall to the south-west will provide a clear definition of public space and private land and will minimise the impact of the development on the public open space being the Shaws Bay foreshore, while providing passive surveillance to the area.

The development proposes new management buffers in relation to environmental matters, including vegetation protection, geotechnical matters and bushfire. These items are discussed in greater detail elsewhere in this report, and the development is able to adequately address the management requirements within the boundaries of the site.

The development has a 0.0m setback in accordance with the Special Area Controls placed on the site. The reduced setback will result in an inability of the site to be screened with landscaping from Shaws Bay. Despite this, the rear of the site is already improved with established vegetation, and a Vegetation Management Plan with required replantings will also form part of the development. This will effectively soften the appearance of the development when viewed from Shaws Bay. An amended Vegetation Management Plan has been prepared in relation to the development which proposes the removal of two additional trees and landscape plantings are also proposed on the plans submitted to Council. The additional

landscape plantings seek to provide privacy to the rear of the site and courtyard areas from the Coogee Street stairs.

The topography of the site, the proposed building design and the maximum 6.0m height limit, will ensure that the development will not result in overshadowing of beaches or adjacent open space before 3.00pm (Australian Eastern Standard Time) at winter solstice (June 21) or 6.30pm (Australia Eastern Daylight Saving Time) at summer solstice (December 21). The steep topography of the slope above the development will cast a shadow over the Shaws Bay foreshore area, rather than the development itself, which has been restricted in height.

3.19 Car Parking and Access

The site does not currently have vehicular access or formal parking. As such, a condition will be included in the determination requiring the lodgement of a S138 Application for a new driveway crossover from Compton Drive, which is sealed. Although the site adjoins the Coogee Street road reserve to the southwest, the road is not formed and due to the topography of the site, access would not be suitable.

The proposed dwelling house will provide a double garage and covered car parking for two cars on site, behind the building line. This is in compliance with the requirements of the DCP. No issues raised.

3.21 Bushfire Management

The site was originally identified as Bushfire Prone Land, being vegetation Category 2 and Buffer under the Bushfire Prone Mapping 2012. The application was accompanied by a Bushfire Risk Assessment and referred to the NSW Rural Fire Service (RFS) for comment on 15 May 2025. A response was received from the NSW RFS on 4 June 2025, which set out a number of conditions to be included in the determination.

Council had some concerns regarding the Determination issued by the NSW RFS and requested clarification from them via an email sent by the previous assessing officer on 6 June 2025.

A response was issued to Council on 18 June and provided the following comments:

The advice for DA 2025/126 (the current proposal) provided by the NSW RFS on 4 June 2025 was issued with consideration of

1. *the NSW RFS requirements for the planning proposal to rezone the land (your reference SPI20191218000155);*
2. *information provided by the bush fire consultant in relation to the current proposal; and*
3. *a PRE-DA consultation with the NSW RFS regarding the current proposal.*

The information received by the NSW RFS since SPI20191218000155 included performance solution/s that enabled support for the current proposal.

Whilst the advice for DA 2025/126 varies from the position outlined in relation to SPI20191218000155, the NSW RFS is satisfied that the bush fire threat to the proposed dwelling has been adequately addressed.

However, as our response for DA 2025/126 is advice under s4.14 of the EP&A Act, the NSW RFS recognises Council's ability to support or reject the advice provided. Amendment to any section 88B instrument over the land is also at Council's discretion.

The conditions provided by the NSW RFS relate to Asset Protection Zones, Construction Standards and Water and Utility Services and can be included in any consent.

3.24 Acid Sulfate Soils

The site is identified as Class 5 Acid Sulfate Soils on Council's mapping. The site is located within 500.0m of mapped Class 1 and 3 Acid Sulfate Soils. The proposed works are unlikely to result in lowering of the watertable by 1.0m AHD in the other adjacent classes of Acid Sulfate Soils. No issues raised.

Chapter 2A – Vegetation management

Comments:

The site is wholly within the Natural Areas and Habitat mapping and the Wildlife Corridor mapping. Two tuckeroo trees are proposed to be removed to facilitate the development. The Biodiversity Assessment Report and Vegetation Management Plan submitted with the application was referred to Council's Environmental Scientists for comment, who provided feedback that the development was satisfactory, subject to conditions.

PP- 2020-1840 resulted in a Vegetation Management Plan being registered on the S88B Instrument over the site. The current proposal reduces the area of the registered VMP by way of encroachment resulting from increased development footprint for Asset Protection Zone and Geotechnical works. Discussions with Council's Strategic Planning team provided advice that the main concerns which led to the formation of the Vegetation Management Plan and Building Location Envelope, were the littoral rainforest and the risk that vegetation canopy would be reduced by the development.

The Asset Protection Zone easement and restrictions on the title, which are discussed elsewhere in this report, will be varied as part of the development. The conditions provided by the NSW Rural Fire Service can be included in the determination.

Chapter 4 – Residential and tourist development

Comments:

<table>
<tr><th>Chapter 4 Residential and Tourist Development</th><th>Assessment</th><th>Complies Yes/No – Provide justification if No</th></tr>
<tr><td colspan="3">3.1 Dwelling Houses and Dual Occupancies (and Secondary Dwellings, except for where identified in 3.2)</td></tr>
<tr><td colspan="3">3.1.3.1 Minimum lot area – Dual Occupancy</td></tr>
<tr><td>i. The minimum lot area required is outlined in Table 4.1:</td><td>Not applicable</td><td>Not applicable</td></tr>
<tr><td>Table 4.1 – Minimum Lot Areas
<table><tr><th>Type of Residential Accommodation</th><th>Zone</th><th>Minimum Lot Area</th></tr><tr><td>Dual Occupancy</td><td>R2, R3</td><td>450m² – attached
600m² – detached</td></tr></table></td><td></td><td></td></tr>
<tr><td colspan="3">3.1.3.2 Setbacks</td></tr>
<tr><td>Front Setback</td><td>Front Setback</td><td>Variation Accepted</td></tr>
</table>

i. Dwellings and dual occupancies are to be setback from the front property boundary as specified on the Building Line Map (BLM). ii. Where not specified on the BLM, the front building line shall be greater of: • 4.5m; or • A distance equal to the average of the setbacks of dwellings on immediately adjoining lots. iii. Garages and carports must be setback a minimum of 5.5m from the front boundary. iv. For corner lots, the dwellings must be setback a minimum of 3m from the boundary on a secondary road. Garages and carports accessed from the secondary road must be setback a minimum of 5.5m from that boundary. *where an encroachment forward of building line, see notes in DCP.	Lot 3 of the site is specified on the Special Area Controls of having a 0.0m setback to Compton Drive. The proposed plans show a 0.0m setback to Compton Drive, which is in compliance with the Building Line Map for Lot 3. Lot 100 of the site is not specified on the Special Area Controls and is not specified on the Building Line Setback mapping. The site is held within the same ownership and the development will encroach onto this lot, requiring consolidation as part of an approval. The site adjoins the Special Area Controls over Lot 3, and therefore, it is considered appropriate in this instance to adopt the same setbacks as the adjoining lot. Despite the reduced setbacks, the development is considered to be sited on a suitable area of the land and will protect the amenity of the locality in which the dwelling is situated.	
<u>Side and Rear Boundaries</u> v. A single-storey dwelling, or ground floor of a two-storey dwelling, is to be setback a minimum of 900mm from the side and rear boundary line to the wall of the building. Guttering, eaves, hoods and other similar structures may be constructed within the side setback but not closer than 450mm from the boundary. vi. Walls more than 4.5 metres above existing ground level must be setback from side and rear boundaries as follows:	<u>Side and Rear Boundaries</u> The northeastern side boundary has a minimum setback of 0.9m at both the ground and first storey. The northeastern side boundary has a wall more than 4.5m above existing ground level and a variation is sought to reduce the 1.5m minimum setback to 0.9m. The southwestern side setback has a minimum setback of 6.8m, which exceeds the setback requirements. Given the site restrictions and the absence of any dwellings in close proximity to the northeast of the site which would be adversely impacted in regards to privacy or overlooking	

• 2.5m for western and southern elevations. • 1.5m for northern and eastern elevations. Guttering, eaves, hoods and other similar structures may be constructed within the side setback to a maximum width of 600mm. vii. Unenclosed ancillary development, other than visually impermeable fences, may be located within the foreshore building line specified for Ballina Quays and Banyanda Lake, between the rear of the dwelling and the edge of the gutter defining location of the revetment wall. <u>Additional Rear Setback Requirement</u> viii. Dwellings and dual occupancies are to be setback a minimum of 4.0m from the rear boundary (including verandahs, patios, decks, etc) for at least 30% of the lot width.	as a result of the reduced setbacks, it is considered that the development is suitable. The development is setback 3.2m from the rear boundary of Lot 100 and 5.4m from the southwestern side boundary of Lot 100. The development is proposed to span the northeastern side boundary of Lot 100. The reduced setbacks to the rear and front boundaries of Lot 100 are considered appropriate given the constraints of the site and the required consolidation which will be conditioned. <u>Additional Rear Setback Requirement</u> The steep topography of the site will ensure that the development exceeds the minimum 4.0m setback from the rear boundary of the site for 30% of the width. The combined site width is approximately 33.2m which would permit an encroachment for a distance of approximately 9.9m. The portion of the development on Lot 100 encroaches for a distance of approximately 7.0m, which is compliant. No issues raised.	
3.1.3.3 Landscaping and Open Space		
i. The minimum landscaped area that must be provided on a lot is shown in Table 4.2. **Table 4.2 – Landscaping Controls** *Lot Size* / *Minimum Landscaped Area* Less than 600m² — 20% of lot area 600m² – 900m² — 30% of lot area 900m² or more — 30% of lot area ii. Each dwelling must be provided with an area of private open space that is predominately flat (1:10), and at least 24m² in contiguous area, and a minimum dimension of 4m in at least one direction. iii. Each dwelling is to be provided with a covered outdoor living area	The site has a total combined area of 679.7m² and is therefore required to provide 30% of the lot area as minimum landscaped area, or 203.91m². The proposed dwelling house will have a combined floor area of 278.15m², which ensures that an area in excess of 401.55m² is available for landscaping. The dwelling house will be provided with an area of private open space that is predominantly flat, 1:10, and at least 24m² in contiguous area. The proposed ground floor patio area to the southwest of the building will have an area greater than 38m² and a minimum dimension of 4.0m in one direction. A covered outdoor living area is provided on the first storey, being the veranda with an area of 8.84m².	Complies

(i.e. patio, courtyard, deck or the like).		
3.1.3.4 Solar Access / Design for Climate		
i. Each new dwelling must have one indoor living area with a major window that is oriented to the north, north-west, north-east or east and which receives at least **two hours** of direct sunlight between 9.00am and 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice);	The windows of the main living areas are orientated towards the north. The applicant has provided an Architectural Design Statement, accompanied by 3D rendered images which provide solar models of the proposed dwelling house, demonstrating that the design will allow for greater than 2 hours of direct sunlight to enter the living space through a highset north-facing window between 9.00am and 3.00pm on the 21 June.	Acceptable
ii. At least 50% of the area of private open space provided for each dwelling is to receive at least two hours of direct sunlight between 9.00 and 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice);	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.	Variation Accepted
iii. New buildings must not result in overshadowing of beaches or adjoining public foreshore open space before 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice) or 6.30pm (Australian Eastern Daylight Saving	The proposed development will be located across Compton Drive from the public foreshore area of Shaws Bay. The development will not result in overshadowing of the public foreshore open space due to the orientation and topography of the site and the maximum height of the development.	Complies

Time) on 21 December (Summer Solstice).		

Chapter 4 Residential and Tourist Development **3.4 Controls Applicable to all Residential and Tourist Development**		
Applies to Residential Accommodation Tourist and Visitor Accommodation.		
3.4.3.2 Articulation Zone		
i. Accepted building elements may project 1.5m forward of the building line. • an entry feature or portico, • a balcony, deck, pergola, terrace or verandah, • a window box treatment, • a bay window or similar feature, • an eave. Note: no building element including eave of building element can project forward of articulation. i.e. no part of the building should be forward of 4.5m if subject to 6m building line.	Lot 100 is not subject to the Special Area Controls and the 0.0m setback to Compton Drive is therefore not permitted without variation on this lot. Given that both of the lots are held within the same ownership, the development encroaches onto Lot 100, the site constraints, and a condition will be included in the determination for their consolidation, it is considered appropriate for the reduced setbacks specified in the Special Area Controls to be extended to Lot 100. The extension of the Special Area Controls to Lot 100 would whereby remove the encroachment into the articulation zone by the development. No issues raised.	Variation Acceptable
ii. Up to 25% of the articulation zone may include accepted building elements. (Eaves excluded from calculation)	Lot 100 is not subject to the Special Area Controls and the 0.0m setback to Compton Drive is therefore not permitted without variation on this lot. Given that both of the lots are held within the same ownership, the development encroaches onto Lot 100, the site constraints, and a condition will be included in the determination for their consolidation, it is considered appropriate for the reduced setbacks specified in the Special Area Controls to be extended to Lot 100. The extension of the Special Area Controls to Lot 100 would whereby remove the encroachment into the articulation zone by the development. No issues raised.	Variation Acceptable
iii. New dwellings are to be designed to address the street, identifiable entrances and contribute to streetscape.	The dwelling is designed to address Compton Drive, with an identifiable entry point (including a pathway and steps from the road reserve) and is considered to contribute to the streetscape.	Yes
3.4.3.3 Vehicular Access and Parking		

i. Onsite car parking is to be provided in accordance with Table 4.6: **Table 4.6 – Car Parking for Residential and Tourist Uses** | | Car Parking | | *Dwellings, Semi-detached Dwellings and Attached Dwellings* | 2 spaces per *dwelling** | | *Secondary Dwellings* | Nil | | *Dual occupancy* | 2 spaces per *dwelling** | | *Multi Dwelling Housing* and *Residential Flat Buildings* | 1 space per *dwelling* where total GFA of *dwelling* is less than 60m² 1.5 spaces per *dwelling* where total GFA of *dwelling* is between 60m² and 85m² | | | 2 spaces per *dwelling* where total GFA of *dwelling* is greater than 85m² Plus 1 additional space per 5 *dwellings* for visitor parking | | *Shop top housing* | Dwelling requirement plus shop requirement | * At least 1 required car parking space per dwelling must be covered. ^ Stack parking is an acceptable solution.	The development proposes to construct a double garage behind the building line, which will provide two covered car parking spaces.	Complies
Controls – Garages and Sheds i. Garages and sheds are to be located behind the building line or where building line is less than 5.5m, a minimum of 5.5m from the street boundary, and	Lot 3 is subject to Special Area Controls which set the Building Line at 0.0m. This was implemented as a result of the steeply sloping site. The development will result in a double garage located on the Building Line which does not achieve the minimum 5.5m setback from the street boundary. The constraints of the site, being the steeply sloping topography and the site orientation, have limited the ability for a garage to provide the 5.5m setback, as evidenced through the reduced Building Line setback of 0.0m. Despite this variation, the development will ensure that the development provides adequate onsite car parking that is convenient and safe to access, and the garage does not dominate the streetscape. The development will ensure that streetscape amenity, character and utility is maintained.	Variation Acceptable
ii. Combined maximum width of garage must not exceed 50% of lot frontage.	Lot 3 has a site frontage of 20.73m and Lot 100 has a site frontage of 12.58m, resulting in a combined frontage width of 33.32m. Given the lots will be consolidated as a result of the development, their combined width should be considered. The proposed garage door has a width of 6.2m, which is substantially below 50%, or 16.66m.	Complies
Controls - Carports and Car Parking Spaces i. Car parking must be behind building line or setback unless permitted as below.	Not applicable	Not applicable

ii. Carports and parking spaces forward of the building line will be considered subject to compliance with the following criteria: • At least one covered parking space (garage or carport) for each dwelling is located behind the building line or, where the building is less than 5.5m, a minimum of 5.5m from the street boundary. • The frontage facing the street remains open and is not fitted with a door or enclosing device of any kind. • The carport roof does not significantly impact on the streetscape. (flat or low pitched roofs preferred). • The carport is not to exceed 33% of the width of the allotment frontage. • No side or rear enclosure or screening is to be provided.	Not applicable	Not applicable
Controls – Basement Parking i. Basement car parking must not extend more than 1m above ground level (finished) where it faces a public street or public space or 1.5m above ground level (finished) to the side and the rear of the lot where it does not face a public street or public space;	Not applicable	Not applicable
ii. Ramps entering off a street or lane must start behind the boundary. Ramps cannot be located on public land; and	Not applicable	Not applicable
iii. The walls of basement car parking that protrude above ground level (existing) are to be located within the building's footprint. Basement car parking is not to extend outside the external line of terraces, balconies and porches.	Not applicable	Not applicable
3.4.3.4 Overlooking and Privacy		
i. A window must have a privacy screen if: • It is a window in a habitable room other than a bedroom, and • The will in which the window is located is within 3m of side or rear boundary, and • The window has a sill height less than 1.5m and floor level greater than 1m above the existing ground level.	The rooms adjoining the side boundaries are bedrooms or bathrooms, with only the northeastern elevation being within 3.0m of a side boundary. The southwestern elevation will be approximately 6.8m from the side boundary and the lots will be consolidated as part of any approval.	Not applicable

ii. A balcony, deck pergola etc, must have a privacy screen if: • Has a setback of less than 3m from side or rear boundary, and • Has a floor area of more than 3m^2 and a floor level greater than 1m above existing ground level. • Balconies, decks, pergolas etc that are within 3m of side or rear boundaries that require privacy screens are not permitted within the articulation zone.	The development includes a courtyard/balcony within 3.0m of the rear boundary of Lot 100 and with a floor area of more than 3m^2 and floor level greater than 1.0m above existing ground level. Whilst this portion of the development is non-compliant with the setbacks, the topography of the site in this location is quite steep and the residential development located on the adjoining lot is located some distance above. As such, privacy and overlooking are not considered to be an issue in this instance.	Variation Accepted
iii. For residential accommodation (excluding secondary dwellings on R2) and tourist and visitor accommodation involving multiple dwellings on the same site, direct views between habitable rooms (not bedrooms) are to be screened where: • Ground and first floor windows within a 9m radius from any part of the window on adjacent dwelling on the same site, and • Other floor windows within a 12m radius of an adjacent dwelling on the same site, and • Direct views from habitable rooms, excluding bedrooms of dwellings into the principal area of POS of other dwellings on the same site where within a 12m radius.	Not applicable	Not applicable
iv. Details of privacy screening required in (i)-(iii) must be submitted with the development application and may consist of: • Screening that has 25% openings (maximum), is permanently fixed and is constructed of durable materials, or • A 1.8 metre high visually impervious fence or wall between a ground-level balcony, deck, patio, pergola, terrace, verandah or window where the floor level is not more than 1 metre above ground level (existing), or • Landscape screening by using existing dense vegetation or new	Not applicable	Not applicable

planting that can achieve a 75% screening effectiveness within three years (without affecting solar access or views), or • Fixed opaque glazing in any part of a window below 1.5 m above floor level.		
Roof Terraces i. Shall be designed to not impose or have unreasonable impacts on the privacy of adjoining dwellings.	Not applicable	Not applicable
ii. Awnings and coverings must be located within the applicable building height and not unduly obstruct views from surrounding properties.	Not applicable	Not applicable
iii. Must be appropriately located and screened to prevent direct views into habitable rooms or POS of any adjoining dwellings.	Not applicable	Not applicable
3.4.3.5 Fences and Walls		
i. Height of fences must not exceed below: Table 4.7 - Height of Fences Fence Location / Height Front Fence* — 1.2 metres unless fence complies with point ii.below. Side Fence — 1.2 metres forward of the building line and 1.8 metres for the remainder. Rear Fence — 1.8 metres. Where the rear fence is the primary frontage, 1.2 metres. *Front fence refers to a fence on the front boundary or forward of the building line on the primary street frontage of a site.	The proposed southwestern concrete block wall bounding the Coogee Street Stairs and ground storey patio is proposed to have a height of 1.8m for the full boundary. The southern concrete block wall bounding Compton Drive frontage of the ground storey patio is proposed to have a height of 1.3m. Whilst the 1.3m height slightly exceeds the maximum specified 1.2m height of front fences, the area will essentially operate as the dwelling houses' backyard. In addition, the site is located in a visually prominent location, being Shaws Bay, which has a high visitor traffic from both the Coogee Street stairs which are located above the site and the foreshore. As such, the proposed variation is considered to be appropriate in this instance.	Variation Acceptable
ii. Where fences or walls exceed 1.2m the fence must be designed in accordance with: • The fence or wall is to be articulated. • Maximum height of 1.8m. • Incorporate at least 50% visual permeability.	Whilst the front fence is proposed to exceed the 1.2m height, no articulation is proposed, nor is any visual permeability proposed. Despite this, given the prominent location, the lack of a backyard for the site and the likelihood that this area will act as a backyard, and the minimal increase in the overall height of the front fence to 1.3m, it	Variation Acceptable

	is considered appropriate that the front fence height be varied to 1.3m without articulation or permeability. It should also be noted that a portion of this fence is set inside the front boundary of the site.	
iii. Where fence abuts a driveway, a minimum 2.5m x 2m splayed area. Or a fully open or part open style fence to a maximum height of 1m.	Not applicable – the proposed fencing does not abut the driveway.	Not applicable
iv. Refer to DCP for list of where acoustic fencing is supported.	Not applicable	Not applicable
3.4.3.6 Roof Pitch		
i. Roof must have minimum pitch of 5º.	The main roof has a pitch of 10º, while the north-western corner of the building, over the ensuite and walk in robe, has a roof pitch of 7º.	Complies
ii. Variation can be considered to maintain views or to correspond with adjoining building design that is consistent with character of the locality.	Not applicable	Not applicable
3.4.3.7 Adaptable Housing		
i. At least 10% of all dwellings in an attached dwelling, residential flat building or multi dwelling housing development containing 10 or more dwellings must be designed in accordance with Australian Adaptable Housing Standard (AS 4299-1995). Where this results in a fraction then it shall be rounded to the nearest whole number with 0.5 being rounded down; and	Not applicable	Not applicable
ii. Car parking and garages allocated to dwellings built to the Australian Adaptable Housing Standard (AS 4299-1995) must comply with the dimensions specified in the Standard.	Not applicable	Not applicable
3.4.3.8 Earthworks and Slope Sensitive Design		
i. Earthworks are to comply with (except provided under (ii): • Controls contained within Clause 3.30 of the Housing Code and Clause 3A.29 of the Rural Housing Code; and • Earthworks involving excavation and filling on or within 1m of a property boundary must not exceed 1200mm per single cut, single fill or combination. Any works exceeding 1m require	The site has a greater gradient than 15%. Refer to the assessment below.	Variation Acceptable

retaining by a masonry structure and certified by a qualified structural engineer.		
ii. For lots with slopes greater than or equal 15%, the following applies: • Building siting is to relate to the original form of land; • Alternatives to slab on ground constructions are encouraged, where major excavation or filling as a result of raft slab would be inappropriate. • Earthworks are to be kept to the minimum required for an appropriately design site responsive development.	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.	Complies

Assessment against Clause 3.30 of the SEPP (Exempt and Complying)

3.30 Earthworks, retaining walls and structural support

1. Excavation for the purposes of development under this code must not exceed a maximum depth, measured from ground level (existing), of—
a. if located not more than 1m from any boundary—1m, and
b. if located more than 1m but not more than 1.5m from any boundary—2m, and
c. if located more than 1.5m from any boundary—3m.

The proposed development involves earthworks of more than 1.0m depth right to the boundaries of the site. The development includes an engineering report which specifies the new retaining wall located at the rear of the dwelling will have screw pile construction to a depth of 7.5m, with further screw piles being fixed at an approximately 30 degree angle into the slope to tie back the top of the vertical piles. Vertical panels between the vertical piles will be 180mm thick, with a capping beam of 0.5m x 0.5m. The higher retaining wall will also be fixed with further screw piles into the slope at an approximately 30 degree angle, and consist of a 250mm thick concrete retaining wall.

The site is highly constrained with the regards to the steep topography, and the properties and escarpment above. The proposed engineering solutions are considered to be appropriate and in accordance with the supplied Geotechnical Assessment. A variation has been requested, owing to the steep topography of the site and the threat of landslip.

2. Despite subclause (1), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural).

The subject site is identified as being subject to Class 5 Acid Sulfate Soils, however it is within 40.0m of a waterbody, being Shaws Bay. Despite this, the proposal seeks to excavate beyond a depth of 1.0m from

existing ground level. As such, a variation has been requested, owing to the steep topography of the site and the threat of landslip.

3. Fill must not exceed a maximum height, measured from ground level (existing), of—
a. if the fill is for the purposes of the erection or alteration of, or an addition to, a dwelling house under this code—1m, or
b. if the fill is for any other purpose under this code—600mm.

The amount of fill required for the retaining walls has not been specified. This will be addressed at Construction Certificate.

4. Despite subclause (3), the height of fill is not limited if the fill is contained— a. wholly within the footprint of a dwelling house, attached development or detached development, or b. by a drop edge beam.

The amount of fill required for the retaining walls has not been specified. This will be addressed at Construction Certificate.

5. Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a dwelling house or any attached development or detached development is limited to 50% of the landscaped area of the lot.

The amount of fill required for the retaining walls has not been specified. This will be addressed at Construction Certificate.

6. The ground level (finished) of the fill must not be used to measure the height of any dwelling house or any attached development or detached development under this code.

Noted.

7. Retaining walls and structural supports Support for earthworks more than 600mm above or below ground level (existing) must take the form of a retaining wall or other structural support that—
a. a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and
b. has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and
c. has adequate drainage lines connected to the stormwater drainage system for the site, and
d. does not have a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and
e. is separated from any other retaining wall or structural support on the site by at least 2m, measured horizontally, and
f. has been installed in accordance with any manufacturer's specifications, and
g. if it is an embankment or batter—has a toe or top that is more than 1m from any side or rear boundary.

Appropriate conditions can be included in the determination in regards to any retaining structures being certified by a suitably qualified engineer. Standard drainage and sediment and erosion control conditions will be included in the determination. The site is highly constrained owing to the steep topography and escarpment above, however these matters can be dealt with through conditions.

8. In this clause—drop edge beam means a vertical concrete slab—
a. constructed at the edge of a horizontal concrete slab, and
b. designed to hold fill under the horizontal concrete slab.

Noted.

3.4.3.9 Screening Underfloor Space of Buildings

i. Where understory is visible from adjoining properties or public land, landscaping or screening panels must be provided and maintained. • Screening must not create appearance of a solid wall i.e. constructed of lattice, slates or the like. • Where landscaping is proposed as screening, a landscape plan must be provided. • Landscaping screening is to be provided utilising mature plants.	Not applicable	Not applicable
ii. Screening is to be provided prior to OC.	Not applicable	Not applicable

Chapter 4 Residential and Tourist Development **Part 4 Special Area Controls** **4.8 23 Compton Drive, East Ballina**		
Applies to 23 Compton Drive, East Ballina - Residential Accommodation		
3.4.3.1 Development Fronting Laneways		
A. Element - Geotechnical and Engineering Assessment		
i. Applications for development on the site must be accompanied by a geotechnical assessment. The assessment is to be prepared by a qualified geotechnical engineer.	A Geotechnical Assessment has been prepared for the development by Lucena Consulting.	Yes
ii. Applications for development must demonstrate that the findings of the assessment have been considered in relation to the structural design of the proposed development.	A Geotechnical Assessment has been prepared for the development by Lucena Consulting. The findings of the Geotechnical Assessment have been considered in relation to the structural design of the proposed development.	Yes
B. Element - Bushfire Asset Protection Zone		
i. A 4 metre wide bushfire Asset Protection Zone (APZ) is required in the location indicated in Appendix E. The APZ shall be capable of being managed as an inner protection area, as per the requirements detailed in Planning for Bushfire Protection (2019).	Whilst the Special Area Controls specified a 4.0m wide bushfire Asset Protection Zone, an amended Bushfire Risk Assessment was provided for the development which proposed a reduced Asset Protection Zone. The application was referred to the NSW RFS for comment and appropriate conditions were provided on 4 June 2025.	Variation Acceptable

	Given the proposed changes to the APZ are supported by the Bushfire Risk Assessment, it is considered that the APZ can be varied. The conditions provided by the NSW Rural Fire Service will be included in the determination. No issues raised.	
ii. Future residential accommodation on the site shall be constructed to a minimum Bushfire Attack Level (BAL) 29 as per the requirements detailed in Planning for Bushfire Protection (2019).	The Bushfire Attack Level for the southeast elevation has been set at a minimum of BAL-29, while the roof, northeast, southwest and northwest elevations have been set at BAL-40. The application was referred to the NSW RFS for comment, who provided feedback that subject to conditions, the development was considered to be satisfactory. The application was referred to the NSW RFS for comment and appropriate conditions were provided on 4 June 2025. The conditions provided by the NSW Rural Fire Service will be included in the determination. No issues raised.	Variation Acceptable
C. Element – Building Envelope		
i. The area within Lot 3 DP 525783 (Lot 3) able to be built upon is restricted to that area indicated as the building envelope area in Appendix E.	The proposed development seeks to expand outside of the Building Location Envelope designated in Appendix E. The applicant has provided Geotechnical Reports outlining the need for two retaining walls and increased excavation, a Biodiversity Assessment Report addressing the additional impacts to the site's ecology and an amended Bushfire Risk Assessment for the dwelling house. As discussed elsewhere in this report, Council has the ability to determine the application regardless of the conflict with the S88B Instrument Restriction placed on the title. The proposed slope stabilisation and increase to the building's footprint is considered appropriate to require	Variation Acceptable

		construction of the dwelling house outside of the building envelope in this instance.	
ii.	No part of Lot 1 DP 781542 is incorporated within the building envelope area.	Lot 1 DP 781542 is now known as Lot 100 DP 1281381. Whilst originally this lot was included in Council ownership, both lots are now owned by the one person and form part of the development. A condition requiring their consolidation will be included in any approval. The inclusion of Lot 100 (previously known as Lot 1) into the development will also have the benefit of permitting site stability retaining wall to extend across both properties. Given this, it is now considered desirable that both lots be able to be utilised for the dwelling house development, given they are appropriately zoned.	Variation Acceptable
D. Element – Ecological Considerations			
i.	The compensatory planting ratio required for the site is a minimum of 10:1. This ratio has been set having regard to the EEC vegetation required to be removed to enable the APZ, referenced in Element B, to be provided.	A total of two x Tuckeroo trees are proposed to be removed to facilitate the development. The compensatory planting ratio is required to be 10:1 and will be compliant, given 20 new trees are proposed to replace the two to be removed. Council's Environmental Scientist reviewed the development and accompanying reports and considers it to be satisfactory subject to conditions.	Complies
ii.	Development applications for residential accommodation on the site shall be accompanied by an ecological assessment report prepared by an appropriately qualified and experienced professional. The report shall contain details of the type and quantity of vegetation impacted by the development as well the area occupied by such vegetation. The calculation of area is also to incorporate tree canopy impacts as a consequence of the APZ requirements contained in Element B.	A Biodiversity Assessment Report has been submitted for the development. Council's Environmental Scientist has reviewed the submitted documentation and has indicated that the development is satisfactory subject to conditions.	Complies

iii.	Tests of Significance under s7.3 of the Biodiversity Conservation Act 2016 are to be prepared, and incorporated within the ecological assessment report, for all impacted EECs and threatened species to the Vegetation Management Plan. If	A Biodiversity Assessment Report has been submitted for the development. Council's Environmental Scientist has reviewed the submitted documentation and has indicated that the development is satisfactory subject to conditions.	Complies
	this area is insufficient then additional areas in close proximity to the site shall be incorporated as determined by council.		
iv.	A Vegetation Management Plan (VMP) is required to be submitted with the development application. The VMP is to be prepared in respect to those areas required as offsets for EEC vegetation impacted by the development.	An amended Vegetation Management Plan has been submitted for the development. Council's Environmental Scientist has reviewed the submitted documentation and believes the development to be satisfactory subject to conditions.	Conditioned
v.	The required compensatory planting area to offset the impact on EEC vegetation shall include that part of the site indicated within Appendix E as the area subject	A condition requiring an offset planting ratio of 10:1 within the Vegetation Management Plan area will be included in the determination to ensure that the proposed vegetation removal will be adequately compensated. Although the Vegetation Management Plan area will be slightly reduced from that originally designated on the S88B Instrument, it will be capable of providing for the offset planting required to facilitate the development. No issues raised.	Conditioned
E. Element – Additional Development Controls			
i.	Building Height is limited to 6 metres as shown on the Ballina LEP 2012 Building Height Map. One residential storey above excavated car parking and storage is permitted within the building envelope area.	The dwelling house will have a maximum height of 5.925m above existing ground level. The development will comprise one residential storey above excavated car parking and storage. The development will result in a maximum of two storeys.	Complies
ii.	The building line setback to Compton Drive is 0 metres.	The proposed development will have a 0.0m setback from Compton Drive. The proposed portion of the development over Lot 100, which is not included in the Special Area Controls, will also include the 0.0m setback (this is addressed elsewhere in this report).	Complies

iii.	Waste management and demolition requirements are specified in Ballina Development Control Plan 2012 – Chapter 2 – Section 3.7 Waste Management. The following additional requirements also apply: The footpath adjacent to Lot 3 is to be restored to council's satisfaction following demolition of building works. Restoration to include a 2.5% cross fall, topsoil and turfing for pedestrian accessible sections of the footpath.	A Demolition Control Plan accompanies the application. Appropriate conditions will be included in any approval.	Conditioned
iv. iv.	Remediation of contaminated land on Lot 3 is to be carried out to a standard for the land to be used for residential development. Remediation is to be carried out in accordance with applicable environmental standards as well as Council's Policy for the Management of Contaminated Land and Asbestos Management Policy.	Appropriate conditions will be included in any approval to ensure that the remediation of Lot 3 is carried out in accordance with the applicable environmental standards as well as Council's Policy for the Management of Contaminated Land and Asbestos Management Policy.	Conditioned

4.15 (1) (a) (iiia) – 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

None applicable

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

If the DA is for the demolition of a building, consider the **provisions of AS 2601-1991: The demolition of structures** (as in force 1 July 1993):

Standard conditions relating to demolition will be included in any consent.

If the DA is only for a change of use or the use of an existing building as a place of public entertainment, **is the fire protection and structural capacity of the building appropriate to the building's proposed use**?

Not applicable

If the DA is involves the rebuilding/ alteration/enlargement/extension of an existing building, **is the existing building required to be brought into total or partial conformity with the Building Code of Australia (BCA)?**

Not applicable

If the DA is for the erection of a temporary structure, **is the fire protection and structural capacity of the structure appropriate to the proposed use of the structure?, and is the ground or other surface, on which the structure is to be erected, sufficiently firm and level to sustain the structure while in use?**

Not applicable

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

Urban and Building Design

i) Context and Settings

The proposed new dwelling house on the site is considered to be generally consistent with the context of the surrounding R2 Low Density Residential locality, which is characterised predominantly by dwelling houses, dual occupancies and some residential flat buildings.

The surrounding locality displays a wide range of building scales, designs, materials and colours and the proposed development will be in keeping with the characteristics of the locality utilising darker colours which will blend with the existing vegetation and not aesthetically detract from the prominent location of Shaws Bay. In addition, the dwelling house is restricted to a maximum height above existing ground level of 6.0m, which will assist in minimising potential visual impacts. The demolition of the existing derelict building will also be beneficial to the locality, given the fire and vandalism damage, which make it aesthetically undesirable.

Appropriate conditions will be included in any consent to address environmental issues including Acid Sulfate Soils, Sediment and Erosion Control Measures, the Vegetation Management Plan on the site, and the Landslip mapping.

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ii) Site Design and Internal Design

The development will result in a two storey dwelling house with an overall height of 5.925m above existing ground level and a maximum ridge height of 12.035m AHD at the rear and is within the maximum specified height of 6.0m. Although the building is proposed outside the specified Building Envelope, it is considered a minor increase and Council, as the Authority Benefited, is able to approved the construction outside of the Building Envelope.

The dwelling will be located wholly within the site boundaries, which will be an improvement on the existing situation, in which the derelict building encroaches into Council's road reserve. The lots will be conditioned to be consolidated as part of the determination and although this will result in a variation to the front setbacks of Lot 100, this is considered suitable as it will result in an appropriate use of the R2 Low Density Residential zoned site.

A variation is required for the proposed driveway, given that it is unable to comply wholly with Council's standard driveway design in regard to grades. Given the constraints of the site, which has a steep topography, and the development which has a 0.0m setback, Council's engineers have indicated that the proposed driveway design is suitable in this instance.

The inability of the development to provide the required solar access is a consequence of the site constraints owing to the steep slope, the escarpment above, dense vegetation and orientation of the lot. It is considered that the development has made provision for internal solar access through highset windows to the living area and a vergola with operable louvres.

The development will be constructed in accordance with BASIX Certificate No. 1784868S, to ensure that it meets the State Government's sustainability requirements.

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iii) Ecologically Sustainable Building Design

The submitted BASIX certificate indicates that the development plans achieve the NSW Government's sustainability requirements. The BASIX Certificate number is 1784868S.

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iv) Access, Transport and Traffic

The existing building does not have formal parking or vehicular access. The proposed development will result in a double garage, which will provide car parking in accordance with the requirements of the BDCP 2012. The site is proposed to gain vehicular access via the Compton Drive frontage, which is a sealed road. Engineering plans lodged with the application include driveway grades which were referred to Council's Civil Engineers for comment. Council's engineers advised that whilst the proposed driveway design for the development was still not entirely compliant with some aspects of Council's standard, given the constraints of the site, Council could accept the design.

A condition requiring the lodgement of a S138 Application will be included in the determination.

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v) Public Domain

There are no issues relating to the public domain given that the development is over private property.

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vi) Utilities

The existing restaurant building on the site is connected to grid electricity, telecommunications, reticulated water, sewer and the stormwater management system. The existing essential services to the site will be disconnected prior to demolition of the existing former restaurant building. The essential services will be reinstated for the new dwelling house.

Appropriate conditions will be included in the determination in regards to the disconnection of services, seeking Essential Energy's consent for setbacks to the existing Low Voltage powerlines and construction of a driveway crossover.

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vii) Heritage

The site is not identified as containing or being in proximity any heritage or cultural heritage items and an Aboriginal Heritage Information Management System Report did not locate the development as being within 200.0m of any known cultural heritage sites or places.

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viii) Construction

The construction phase of the development can be managed by way of conditions.

Environmental Impacts

ix) Other Land Resources

The proposed development will not impact other land resources.

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x) Water

The site is not located within the drinking water catchment. Sediment and erosion control conditions will be included in the determination to ensure that the development does not adversely impact water quality, especially in regards to Shaws Bay.

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xi) Soils

The site is identified on the Acid Sulfate Soils mapping as Class 5 Acid Sulfate Soils which are within 500.0m of adjacent Class 1, 2 and 3 Acid Sulfate Soils. The site is below 5.0m AHD, however the watertable is unlikely to be lowered below 1.0m AHD on the adjacent Class 1, 2 or 3 land by the proposed works. Appropriate conditions have been included in regards to groundwater.

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xii) Air and Microclimate

The proposal is unlikely to adversely impact the surrounding air quality and microclimate. Short term changes during construction, such as dust generation, will be managed with appropriate conditions.

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xiii) Flora and Fauna

The application was referred to Council's Environmental Scientist for comments on the amended Vegetation Management Plan and the removal of an additional two trees to facilitate the development. Appropriate conditions have been included in the determination to minimise potential impacts to flora and fauna.

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xiv) Waste

Standard conditions will be included in the determination to manage waste during the construction phase of the development.

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xv) Energy

The submitted BASIX certificate indicates that the development plans achieve the NSW Government's sustainability requirements. The BASIX Certificate number is 1784868S.

Hazards

xvi) Noise and Vibration

Some noise and vibration is likely during the construction phase of the development. Appropriate noise and vibration conditions have been included in the determination to ensure that the development does not interfere with the amenity of surrounding properties.

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xvii) Natural Hazards

The site was identified as Bushfire Prone Land when the application was lodged with Council. Conditions provided by the NSW Rural Fire Service will be included in the determination and the relevant easements and S88B Instruments on the title varied.

The site contains Acid Sulfate Soils and is included on Council's Landslip Hazard Mapping. Appropriate reports have been submitted for the development regarding Bushfire and Landslip/Geotechnical Hazards and conditions have been included in the determination to ensure that these matters are appropriately addressed to prevent adverse impacts to surrounding properties and the environment.

The site is identified as Acid Sulfate Soils Class 5 and is within 500.0m of Class 1, 2 and 3 Acid Sulfate Soils. Despite this, the development is unlikely to result in a drop in the water table below 1.0m AHD and appropriate conditions have been included in the determination in regards to groundwater.

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xviii) Technological Hazards

No issues raised.

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xix) Safety, Security and Crime Prevention (CPTED)

The proposal is for demolition of an existing restaurant building and construction of a dwelling house. Accordingly, no issues have been raised in relation to CPTED.

Social and Economic Impacts

xx) Social Impacts in the Locality

The proposed development is consistent with the surrounding dwelling houses, residential flat buildings and dual occupancies in the locality, which include a wide range of styles, scales and designs. The development is unlikely to adversely impact the existing residential character of the locality and will provide residential accommodation suitable for the density of the site.

The development will be an improvement on the existing dilapidated restaurant building on the site, which is appropriately zoned for residential accommodation of this scale.

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xxi) Economic Impact in the Locality

The proposed development is expected to have a positive economic impact on the locality with increased local employment opportunities during the demolition and construction phases and residential accommodation suitable for the site.

Cumulative Impacts

xxii) Cumulative Impacts

The dwelling house will generate positive cumulative impacts to the locality by providing additional residential accommodation suitable for and located within the R2 Low Density Residential Zone. The development will also provide passive surveillance of the surrounding public open space including Shaws Bay and the Coogee Street Stairs and amenities.

The development will also be an improvement on the existing use of the site in terms of safety, aesthetics and CEPTD outcomes.

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

i) Does the proposal fit in the locality?

The proposed dwelling house is consistent with other residential developments in the surrounding locality, which consist predominantly of a mixture of two and three storey dwelling houses, dual occupancies and three storey residential flat buildings.

The development is considered to be appropriate for the site in that it will provide residential accommodation appropriate to the site whilst maintaining the low density residential character of the area.

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ii) Are the site attributes conducive to development?

The supporting documentation confirms that the site attributes are conducive to the proposed development.

4.15 (1) (d) Any submission made in accordance with this Act or the Regulations?

Is advertising required because the development is designated or "advertised" development? NO

Is advertising required in accordance with established Council policy and practice? Yes

If YES, how many submissions were received? Two submissions

Document general terms of issues raised in any submission and how they are being considered/ assessed:

Public Submissions:

The application received two submissions which raised the following matters:

Slope Instability During Earthworks

The submission raised concerns that there could be land slippage during the ground works for the development. An Engineering Report and Plans accompanied the development. Appropriate conditions will be included in the determination to manage slope stability during the construction phase of the development.

Development's Proximity to Overhead Powerline

The application was referred to Essential Energy given the development's proximity to the powerlines. Essential Energy had no specific objections to the development.

As such, a condition has been included in the determination for the developer to approach Essential Energy for approval to encroach or alternatively relocate the powerline underground, before issue of a Construction Certificate.

Aesthetic Considerations

One submission raised concerns about the aesthetic considerations of the proposed development, along with the derelict state of the existing building on the site. The submittor iterated that locating a two storey dwelling house next to the existing public toilet block and opposite Shaws Bay was undesirable. It did appear that the submittor had not viewed the proposed plans for the development as they were unsure what kind of house would be built on the site. They also raised concerns about the state of the existing building on site, namely that it was unattractive, unsafe and could be leaching toxic substances to groundwater, whereby contaminating Shaws Bay. The submittor closed with a proposition that Council should purchase the land and landscape the area, including a more attractive colour for the toilet block.

The proposed development is considered to be an improvement on the existing situation, including existing encroachments, the derelict state of the building, and the state of the retaining walls on the site. It should also be noted that the site has been privately owned for sometime and Council recently sold Lot 100 DP1281381 to the current owner following due process. Lot 3 DP525783 underwent a Planning Proposal in order for it to be included in the R2 Low Density Residential Zone and during this process it was envisaged that the site would be utilised for a residential purpose. Appropriate restrictions, including height, were placed on the site to avoid an overly dominant structure being constructed in such a visually prominent location.

Drainage Considerations

One submission briefly raised the concerns that the site has a major drainage problem given the steep slope behind. Appropriate conditions will be included in the determination in regard to drainage for the retaining walls and house, along with the appropriate sediment and erosion controls.

Public Authority Submissions: NSW Rural Fire Service

The application was referred to the NSW RFS for assessment under Planning for Bushfire Protection. The NSW RFS raised no objection to the application, subject to compliance with conditions relating to Asset Protection Zones, Construction Standards (BAL 29 and BAL 40) and Water and Utility Services. These conditions will be imposed on any consent.

4.15 (1) (e) The public interest

Federal, State & Local Government interests and Community interests

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

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 3 and the land is Predominately zoned R2 – Low Density Residential under the Ballina LEP 2012.
   - Lot 100 has an area of only 142m^2 and cannot reasonable accommodate a separate residential development.
   - The 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 a single-storey located above 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.

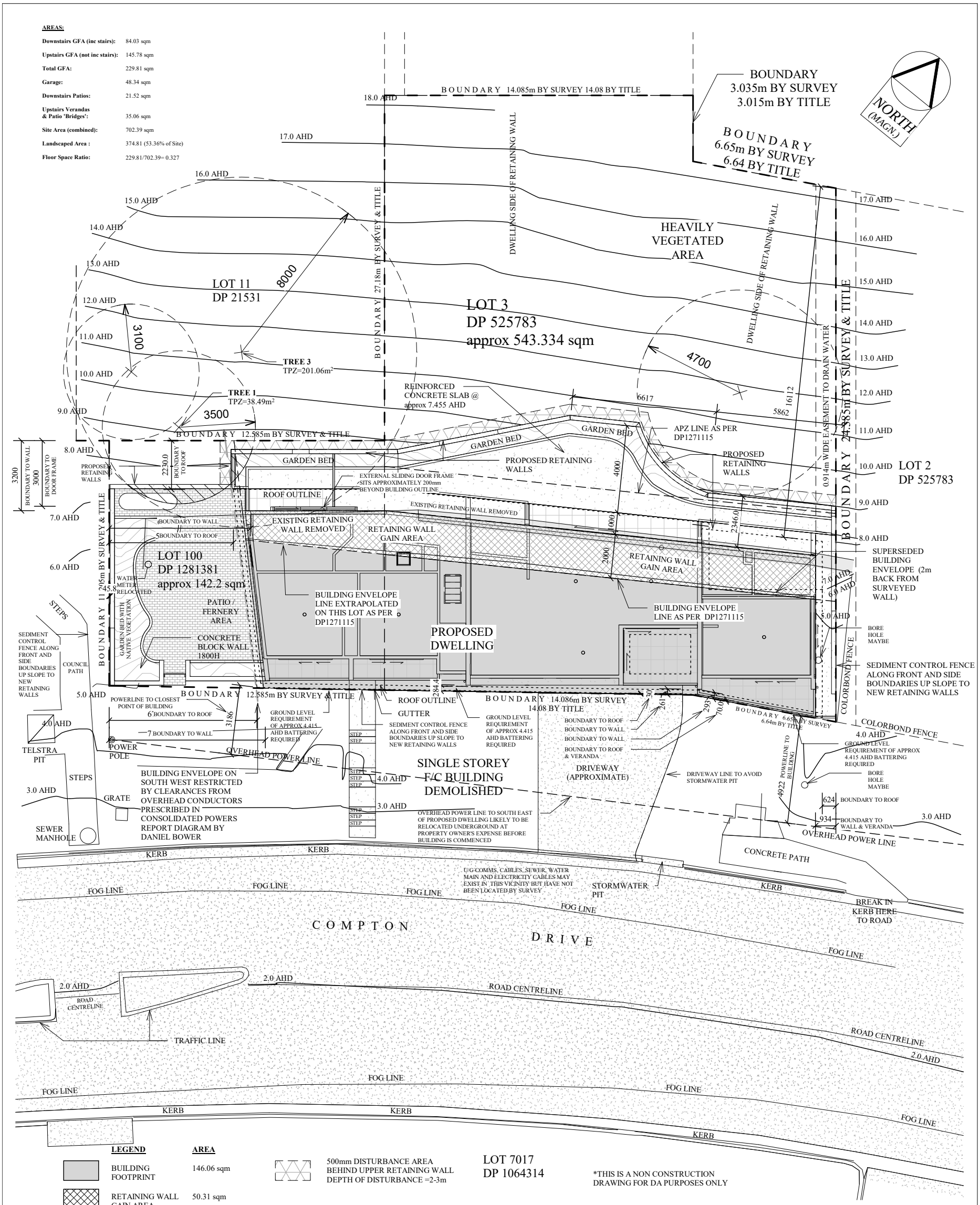
   The application was accompanied by an amended Vegetation Management Plan, which meets the requirements for the S88B Instrument. Whilst the development encroaches slightly into the nominated VMP area, sufficient area is still available to accommodate the proposed compensatory plantings.

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.

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.

Section 64 Contributions and Section 7.4 or 7.11 Contributions

The site is comprised of two lots and will be subject to a condition requiring its consolidation following determination of the development. No development contributions will apply to the development, given it is for a single dwelling house.



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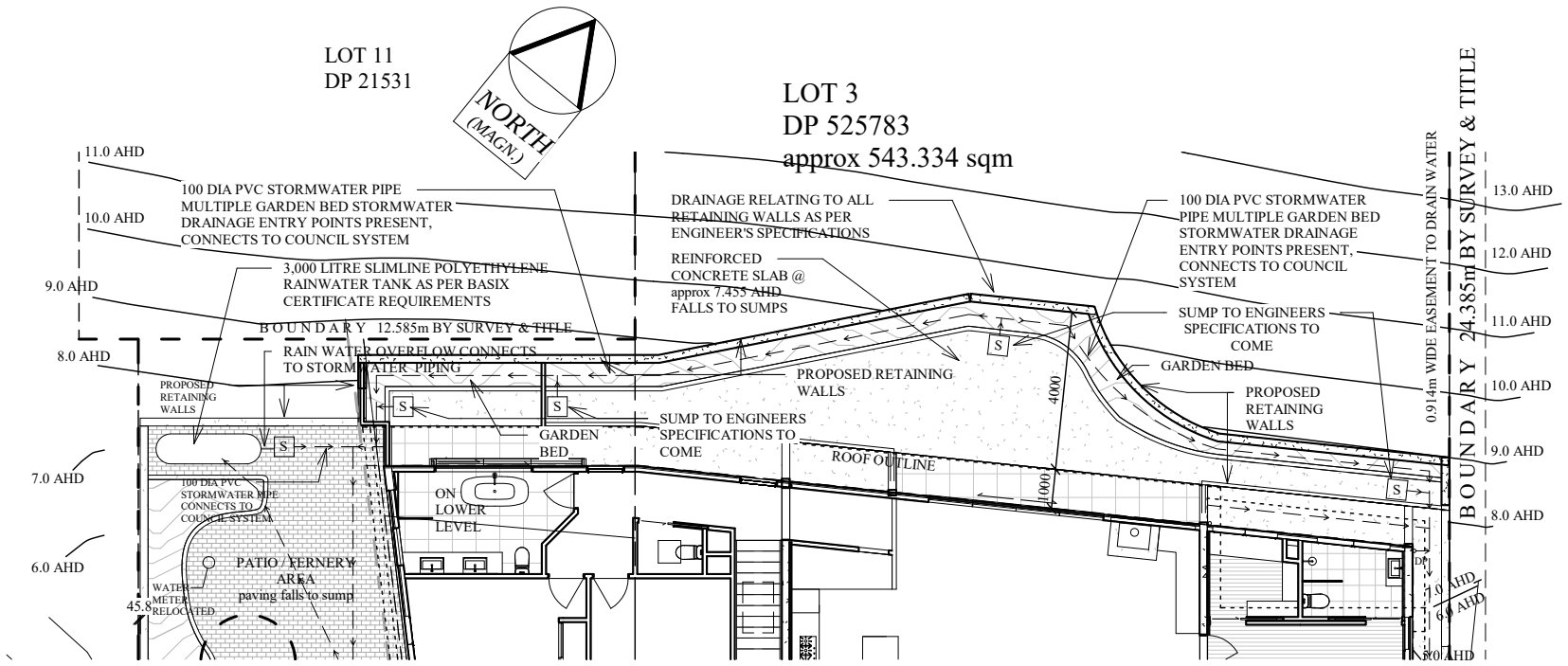
Client: Kelvin Daly

Address: 23 Compton Drive
East Ballina 2478

Project: Proposed Dwelling

Drawing Title: Proposed Site Plan

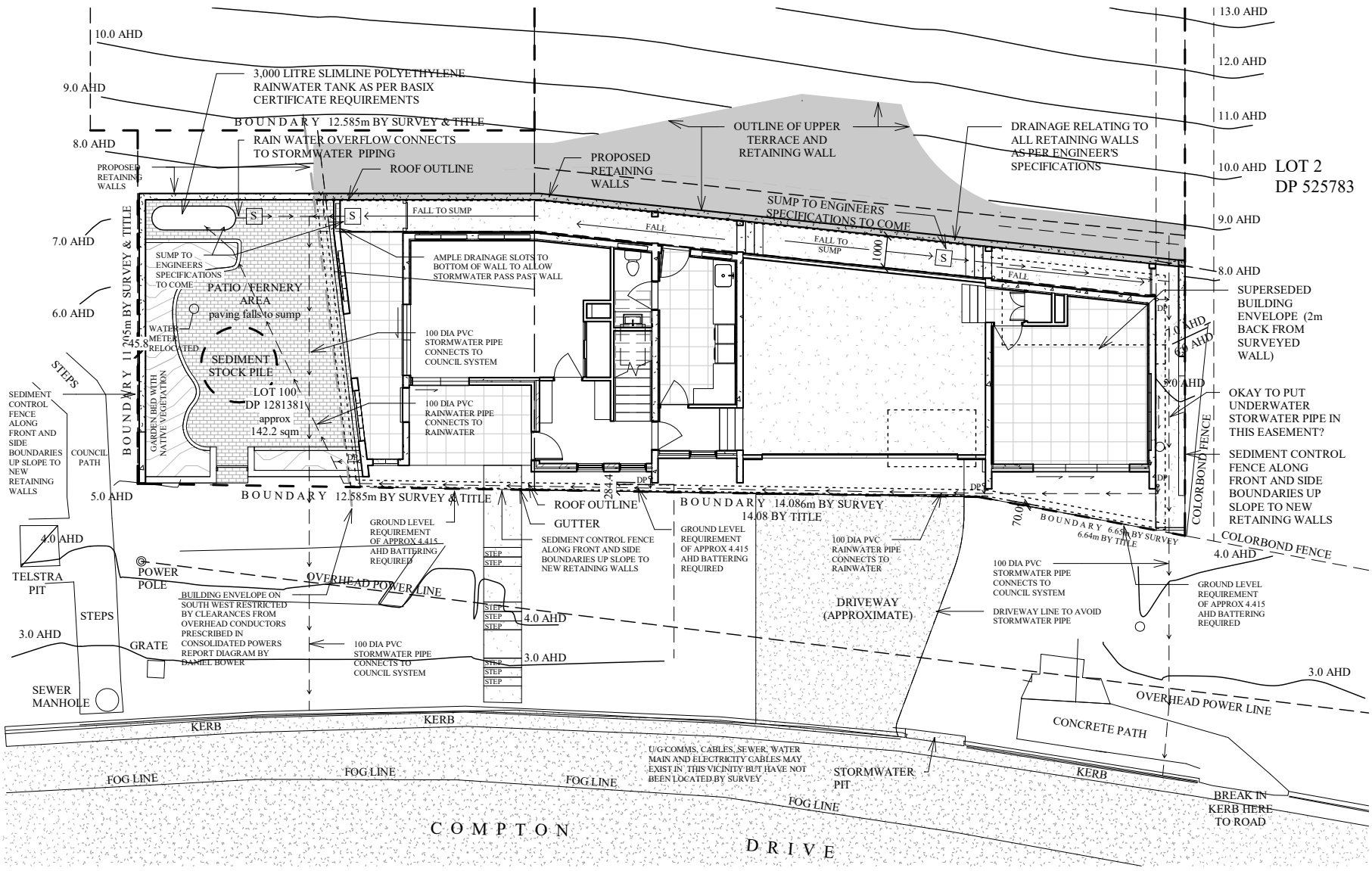
Sheet Number: DA4
Page Size: A3
Scale: 1 : 150
Date: 09.10.2025



UPPER LEVEL

STORMWATER MANAGEMENT PLAN IS INDICATIVE ONLY AND WILL BE SUBJECT TO ENGINEER'S DESIGN AT A LATER DATE

*THIS IS A NON CONSTRUCTION DRAWING FOR DA PURPOSES ONLY



LOWER LEVEL

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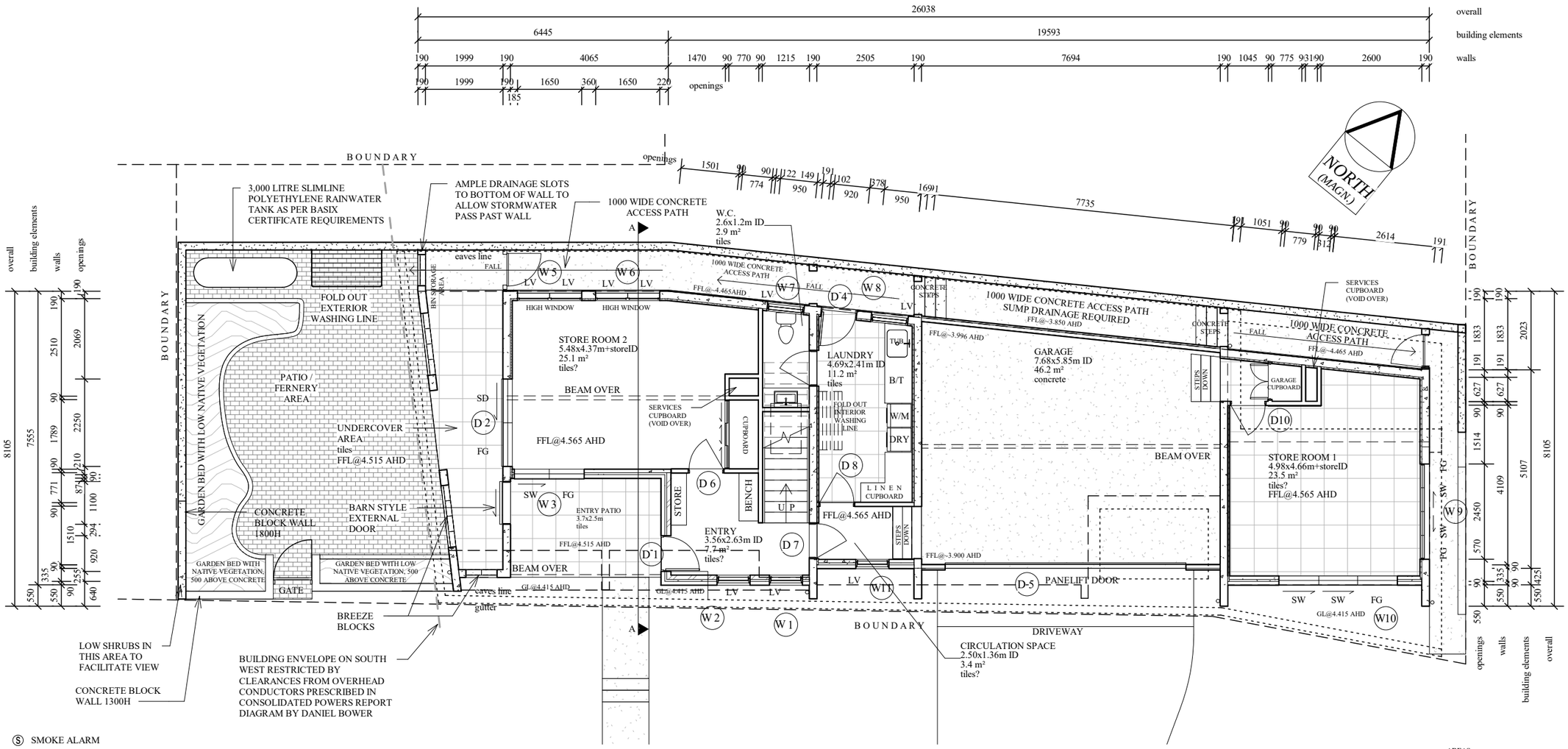
Client: Kelvin Daly

Address: 23 Compton Drive
East Ballina 2478

Project: Proposed Dwelling

Drawing Title: Stormwater Diagrams

Sheet Number: DA5
Page Size: A3
Scale: 1 : 150
Date: 09.10.2025



Ⓢ SMOKE ALARM

*WINDOW AND DOOR OPENING WIDTHS SHOWN ARE FRAME WIDTH +50mm TO ALLOW FOR 2x20mm TIMBER REVEALS AND 2x5mm CLEARANCE EACH SIDE

BUILDER TO CHECK/VERIFY ALL EXISTING & NEW DIMENSIONS BEFORE CONSTRUCTION AND ORDERING OF MATERIALS COMMENCES

*ALL CONSTRUCTION ON THE NORTH EAST, NORTH WEST, SOUTH WEST ELEVATIONS AND TO THE ROOF TO MEET BAL 40 STANDARDS. ALL CONSTRUCTION ON THE SOUTH EAST ELEVATION TO MEET BAL 29 STANDARDS.

*THIS IS A NON CONSTRUCTION DRAWING FOR DA PURPOSES ONLY

AREAS:

Downstairs GFA (inc stairs):	84.03 sqm
Upstairs GFA (not inc stairs):	145.78 sqm
Total GFA:	229.81 sqm
Garage:	48.34 sqm
Downstairs Patios:	21.52 sqm
Upstairs Verandas & Patio 'Bridges':	35.06 sqm

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Client: Kelvin Daly

Address: 23 Compton Drive
East Ballina 2478

Project: Proposed Dwelling

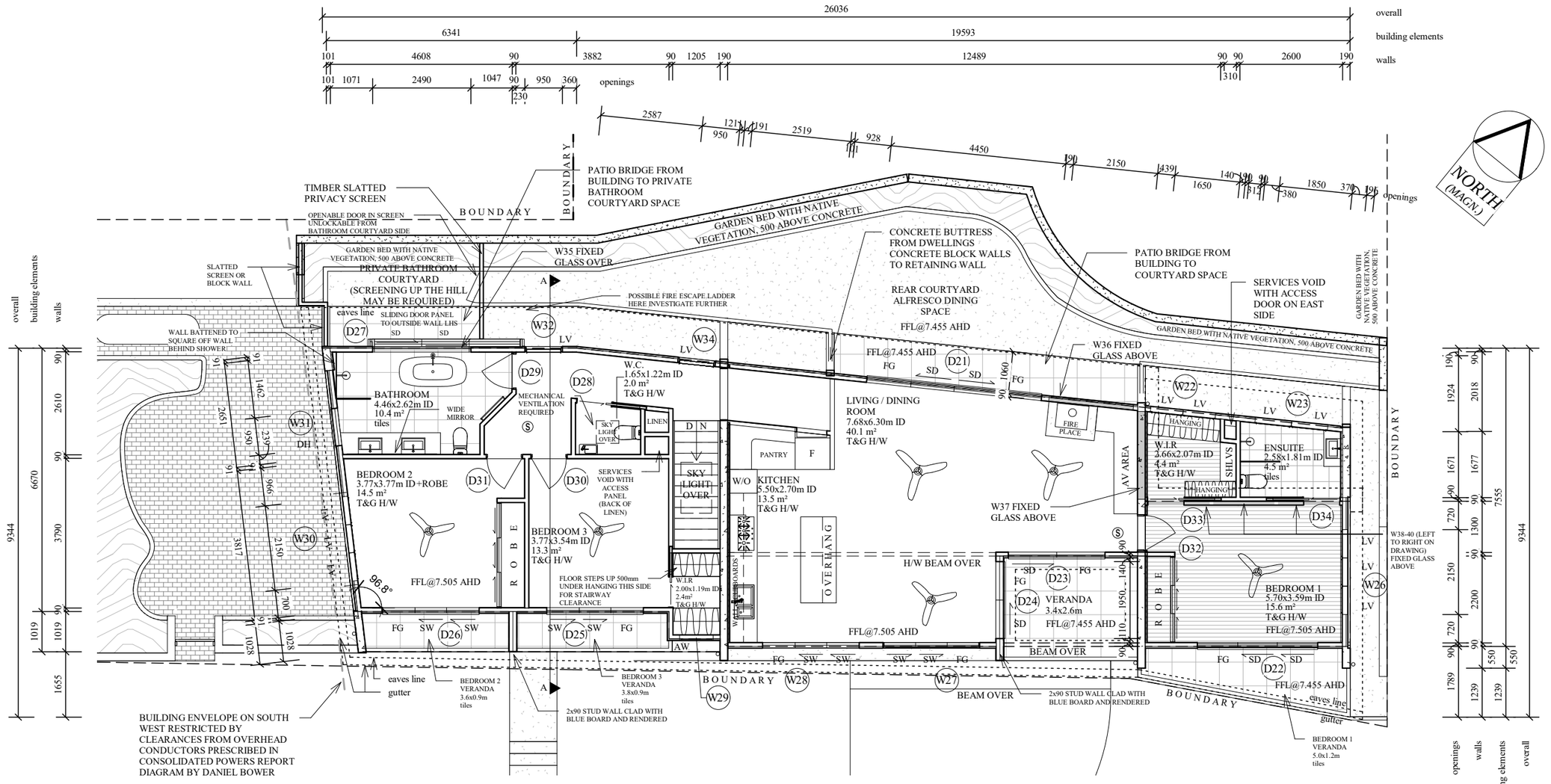
Drawing Title: Proposed Downstairs Floor Plan

Sheet Number: DA6

Page Size: A3

Scale: 1 : 100

Date: 09.10.2025



S SMOKE ALARM

*WINDOW AND DOOR OPENING WIDTHS SHOWN ARE FRAME WIDTH +50mm TO ALLOW FOR 2x20mm TIMBER REVEALS AND 2x5mm CLEARANCE EACH SIDE (D27 likely requires greater clearances)

BUILDER TO CHECK/VERIFY ALL EXISTING & NEW DIMENSIONS BEFORE CONSTRUCTION AND ORDERING OF MATERIALS COMMENCES

*ALL CONSTRUCTION ON THE NORTH EAST, NORTH WEST, SOUTH WEST ELEVATIONS AND TO THE ROOF TO MEET BAL 40 STANDARDS. ALL CONSTRUCTION ON THE SOUTH EAST ELEVATION TO MEET BAL 29 STANDARDS.

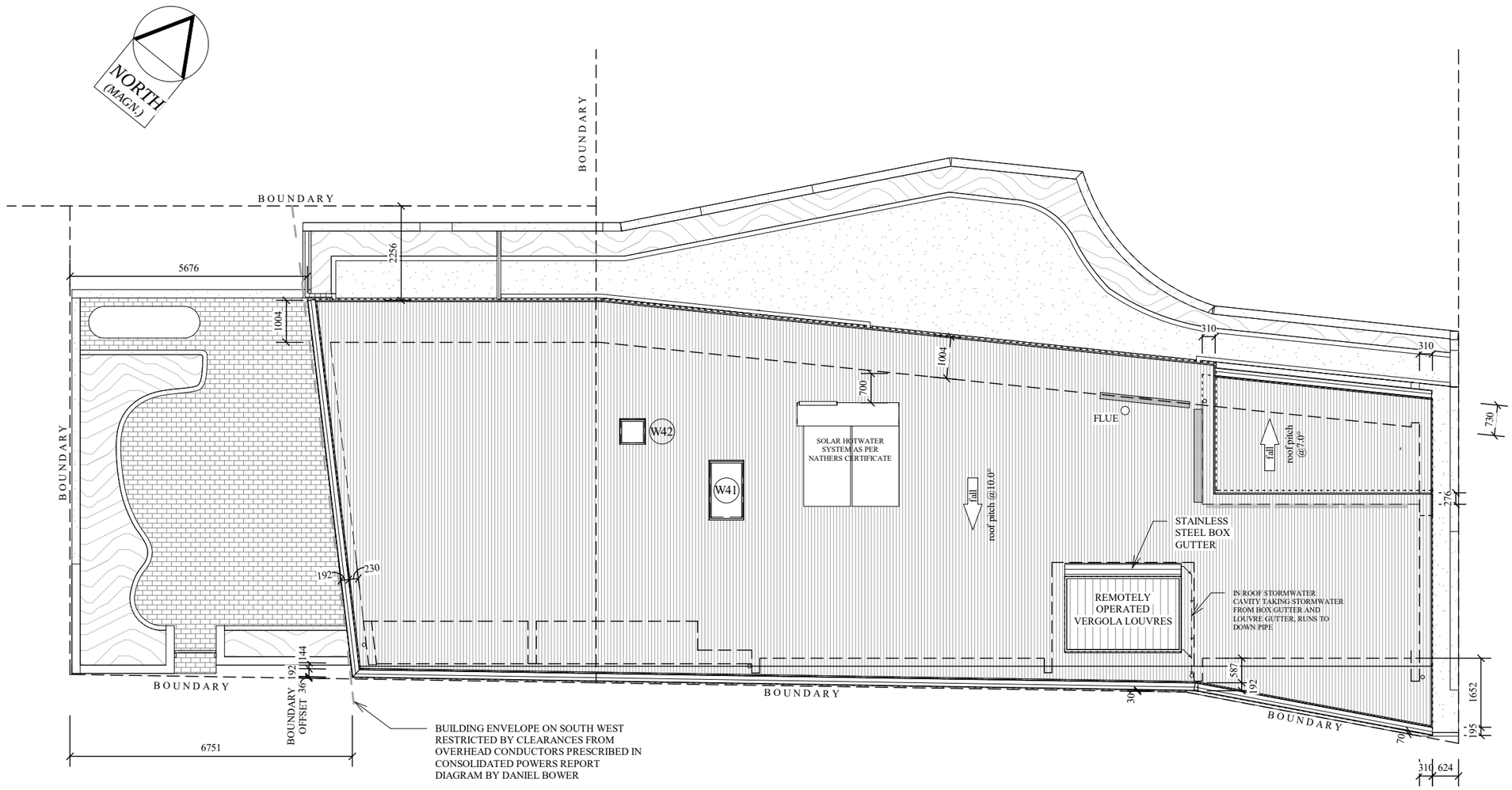
*THIS IS A NON CONSTRUCTION DRAWING FOR DA PURPOSES ONLY

AREAS:

Downstairs GFA (inc stairs):	84.03 sqm
Upstairs GFA (not inc stairs):	145.78 sqm
Total GFA:	229.81 sqm
Garage:	48.34 sqm
Downstairs Patios:	21.52 sqm
Upstairs Verandas & Patio 'Bridges':	35.06 sqm

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Client:	Kelvin Daly	Project:	Proposed Dwelling	Sheet Number:	DA7	Scale:	1 : 100
Address:	23 Compton Drive East Ballina 2478	Drawing Title:	Proposed Upstairs Floor Plan	Page Size:	A3	Date:	09.10.2025



O.D. WALL AND BEAM

*ALL DIMENSIONS FROM O.D. FASCIA TO O.D. STUD OR BEAM

BUILDER TO CHECK/VERIFY ALL EXISTING & NEW DIMENSIONS BEFORE CONSTRUCTION AND ORDERING OF MATERIALS COMMENCES

*ALL CONSTRUCTION ON THE NORTH EAST, NORTH WEST, SOUTH WEST ELEVATIONS AND TO THE ROOF TO MEET BAL 40 STANDARDS. ALL CONSTRUCTION ON THE SOUTH EAST ELEVATION TO MEET BAL 29 STANDARDS.

*THIS IS A NON CONSTRUCTION DRAWING FOR DA PURPOSES ONLY

Proposed Roof External Materials and Finishes

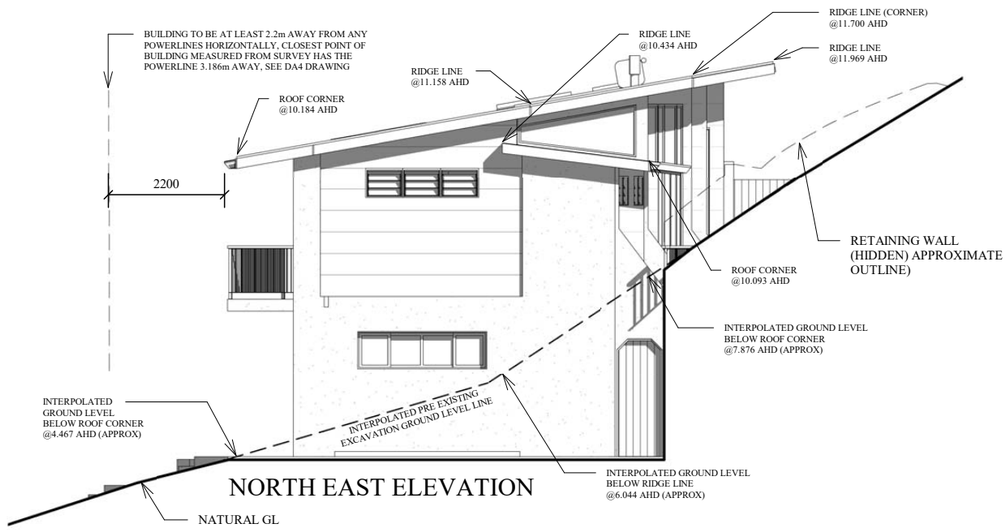
Roof:	Colorbond Ultra, colour: 'Windspray'
Gutter:	192mm Shoreline Colorbond Ultra gutter, colour: 'Monument'
Facias & Barges:	Colorbond Ultra, colour: 'Monument'
Downpipes:	90 Dia Colorbond, colour: 'Monument'

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Mullumbimby, NSW

Client:	Kelvin Daly	Project:	Proposed Dwelling	Sheet Number:	DA8	Scale:	1 : 100
Address:	23 Compton Drive East Ballina 2478	Drawing Title:	Proposed Roof Plan	Page Size:	A3	Date:	09.10.2025



SOUTH EAST ELEVATION



NORTH EAST ELEVATION

Proposed External Materials and Finishes

Walls:	James Hardie Stria (405mm profile) Fibrecement Sheeting, painted, colour: 'Double Furnace' (Porter's Paints colour)
	Corefilled Concrete Block Wall, colour: 'Camel Back' (Porter's Paints colour)
Roof:	Colorbond Ultra, colour: 'Windspray'
Gutter:	192mm Shoreline Colorbond Ultra gutter, colour: 'Monument'
Facias & Barges:	Colorbond Ultra, colour: 'Monument'
Windows & Doors:	Powdercoated aluminium, colour: 'Monument' (Colorbond)
Downpipes:	90 Dia Colorbond, colour: 'Monument'

BUILDER TO CHECK/VERIFY ALL EXISTING & NEW DIMENSIONS BEFORE CONSTRUCTION AND ORDERING OF MATERIALS COMMENCES

*ALL CONSTRUCTION ON THE NORTH EAST, NORTH WEST, SOUTH WEST ELEVATIONS AND TO THE ROOF TO MEET BAL 40 STANDARDS. ALL CONSTRUCTION ON THE SOUTH EAST ELEVATION TO MEET BAL 29 STANDARDS.

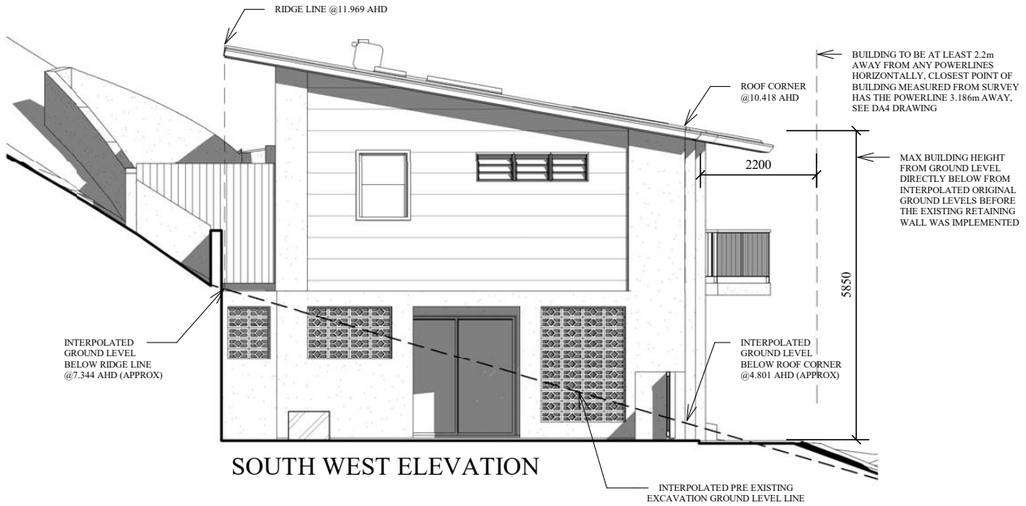
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Client:	Kelvin Daly	Project:	Proposed Dwelling	Sheet Number:	DA9	Scale:	1 : 100
Address:	23 Compton Drive East Ballina 2478	Drawing Title:	Proposed Elevations 1	Page Size:	A3	Date:	09.10.2025



NORTH WEST ELEVATION



SOUTH WEST ELEVATION

Proposed External Materials and Finishes

Walls:	James Hardie Stria (405mm profile) Fibrecement Sheeting, painted, colour: 'Double Furnace' (Porter's Paints colour)
	Corefilled Concrete Block Wall, colour: 'Camel Back' (Porter's Paints colour)
Roof:	Colorbond Ultra, colour: 'Windspray'
Gutter:	192mm Shoreline Colorbond Ultra gutter, colour: 'Monument'
Facias & Barges:	Colorbond Ultra, colour: 'Monument'
Windows & Doors:	Powdercoated aluminium, colour: 'Monument' (Colorbond)
Downpipes:	90 Dia Colorbond, colour: 'Monument'

BUILDER TO CHECK/VERIFY ALL EXISTING & NEW DIMENSIONS BEFORE CONSTRUCTION AND ORDERING OF MATERIALS COMMENCES

*ALL CONSTRUCTION ON THE NORTH EAST, NORTH WEST, SOUTH WEST ELEVATIONS AND TO THE ROOF TO MEET BAL 40 STANDARDS. ALL CONSTRUCTION ON THE SOUTH EAST ELEVATION TO MEET BAL 29 STANDARDS.

*THIS IS A NON CONSTRUCTION DRAWING FOR DA PURPOSES ONLY

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Client: Kelvin Daly

Address: 23 Compton Drive
East Ballina 2478

Project: Proposed Dwelling

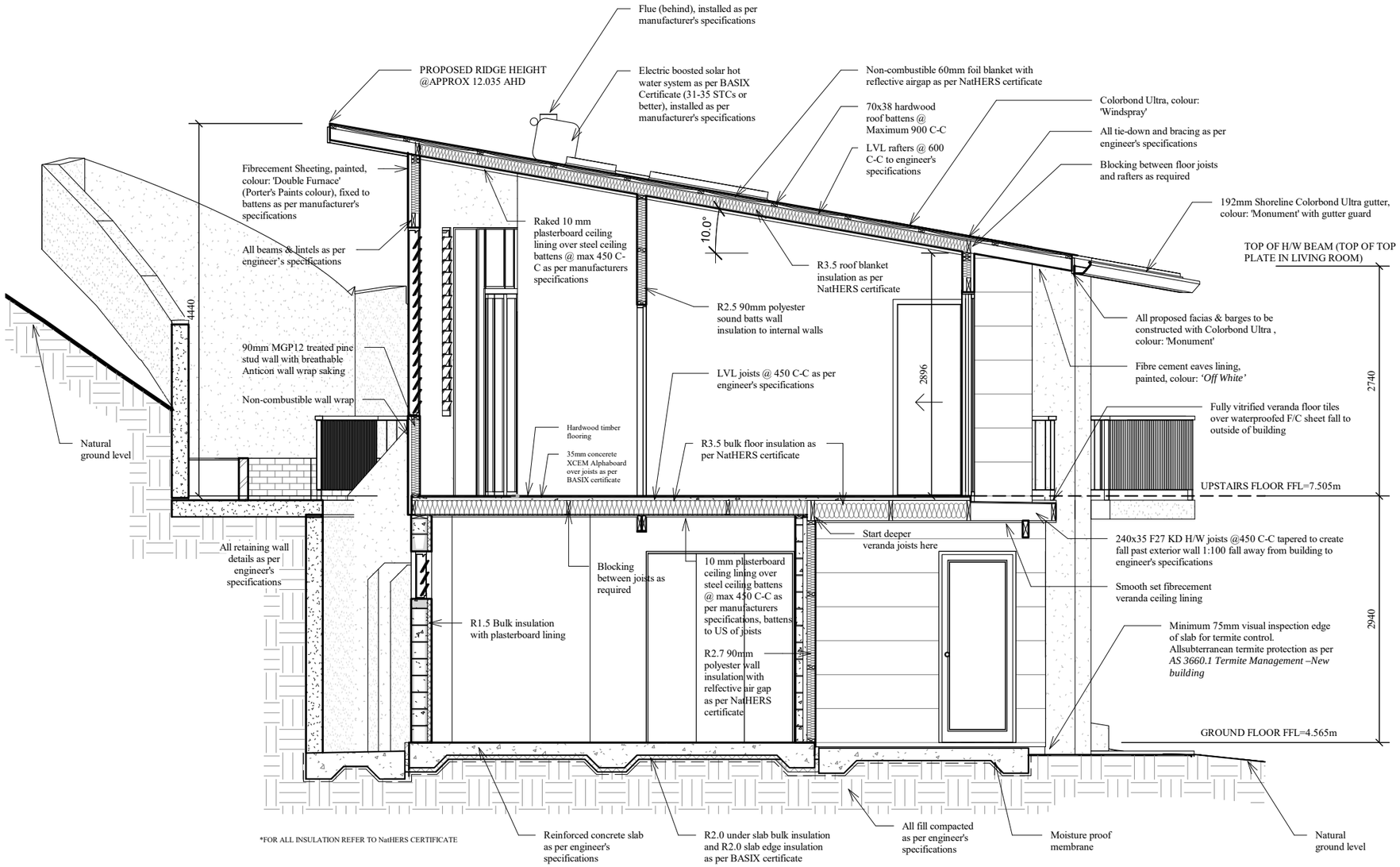
Drawing Title: Proposed Elevations 2

Sheet Number: DA10

Page Size: A3

Scale: 1 : 100

Date: 09.10.2025



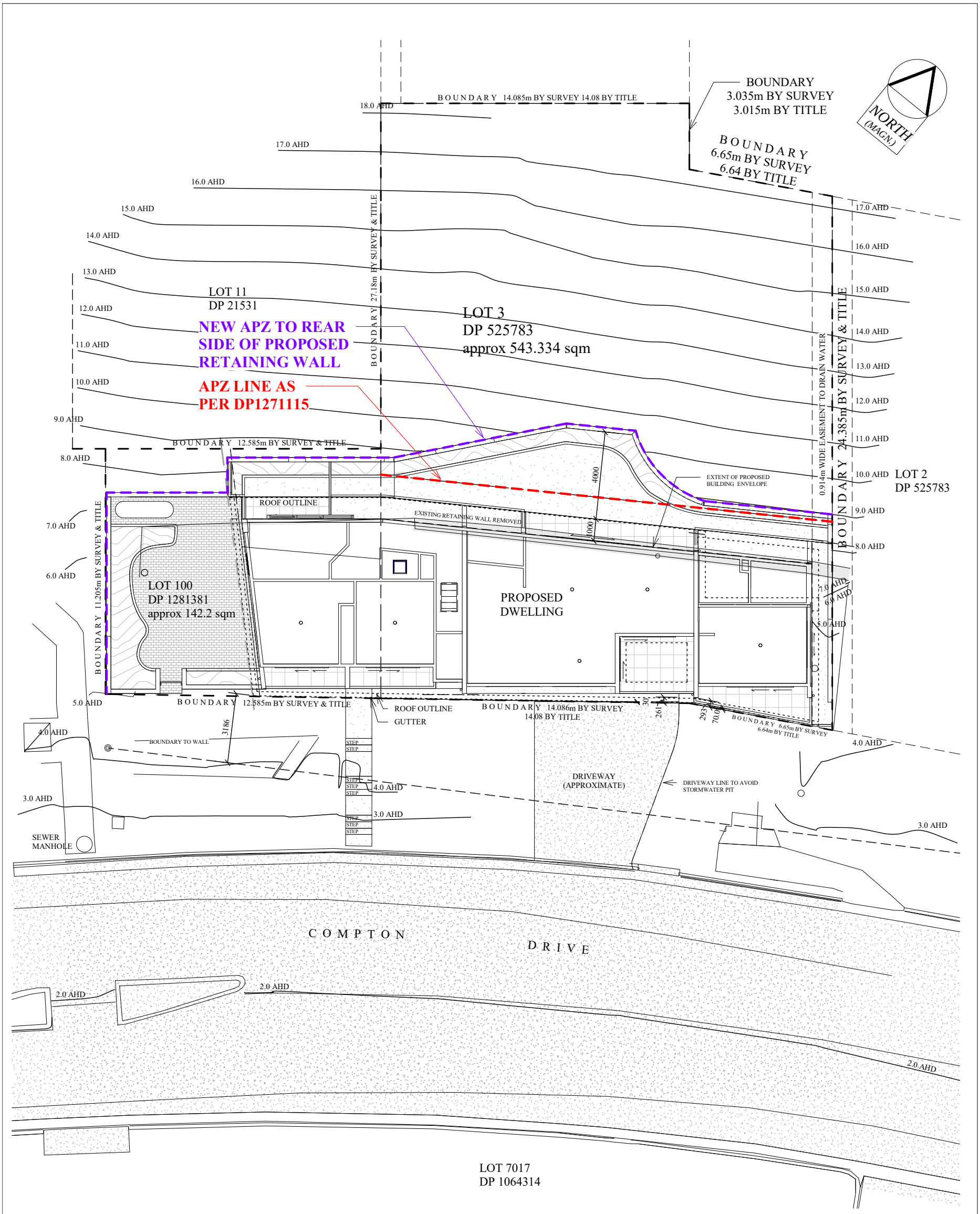
* ALL CONSTRUCTION ON THE NORTH EAST, NORTH WEST, SOUTH WEST ELEVATIONS AND TO THE ROOF TO MEET BAL 40 STANDARDS. ALL CONSTRUCTION ON THE SOUTH EAST ELEVATION TO MEET BAL 29 STANDARDS. BAL STANDARDS AS PER SECTIONS 3 AND 5 OF AUSTRALIAN STANDARD AS3959-2018 'CONSTRUCTION OF BUILDINGS IN BUSHFIRE-PRONE AREAS' AND THE RELEVANT PROVISIONS OF SECTION 7.5 OF PLANNING FOR BUSH FIRE PROTECTION 2019

\# BUILDER TO CHECK/VERIFY ALL EXISTING & NEW DIMENSIONS BEFORE CONSTRUCTION AND ORDERING OF MATERIALS COMMENCES

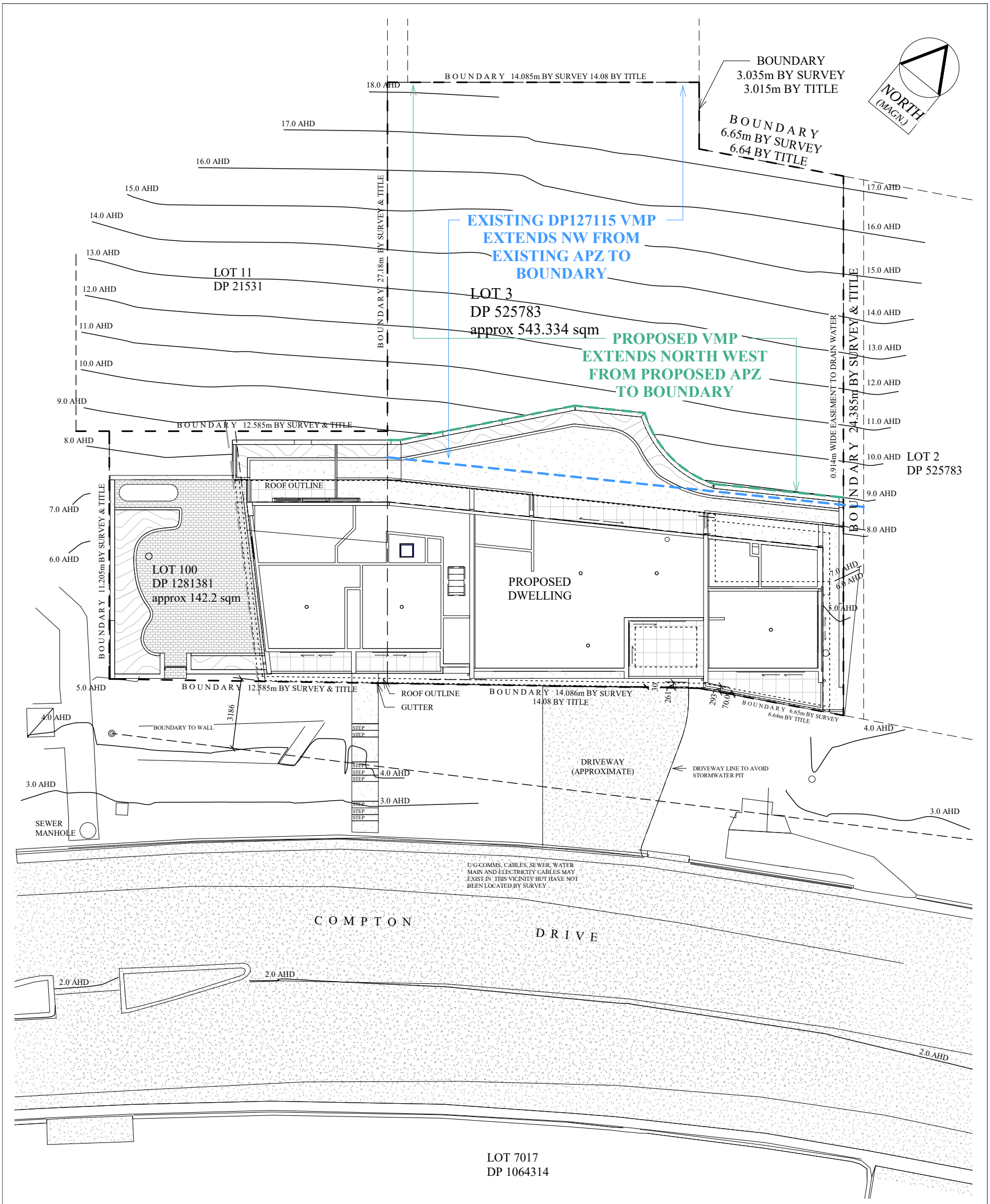
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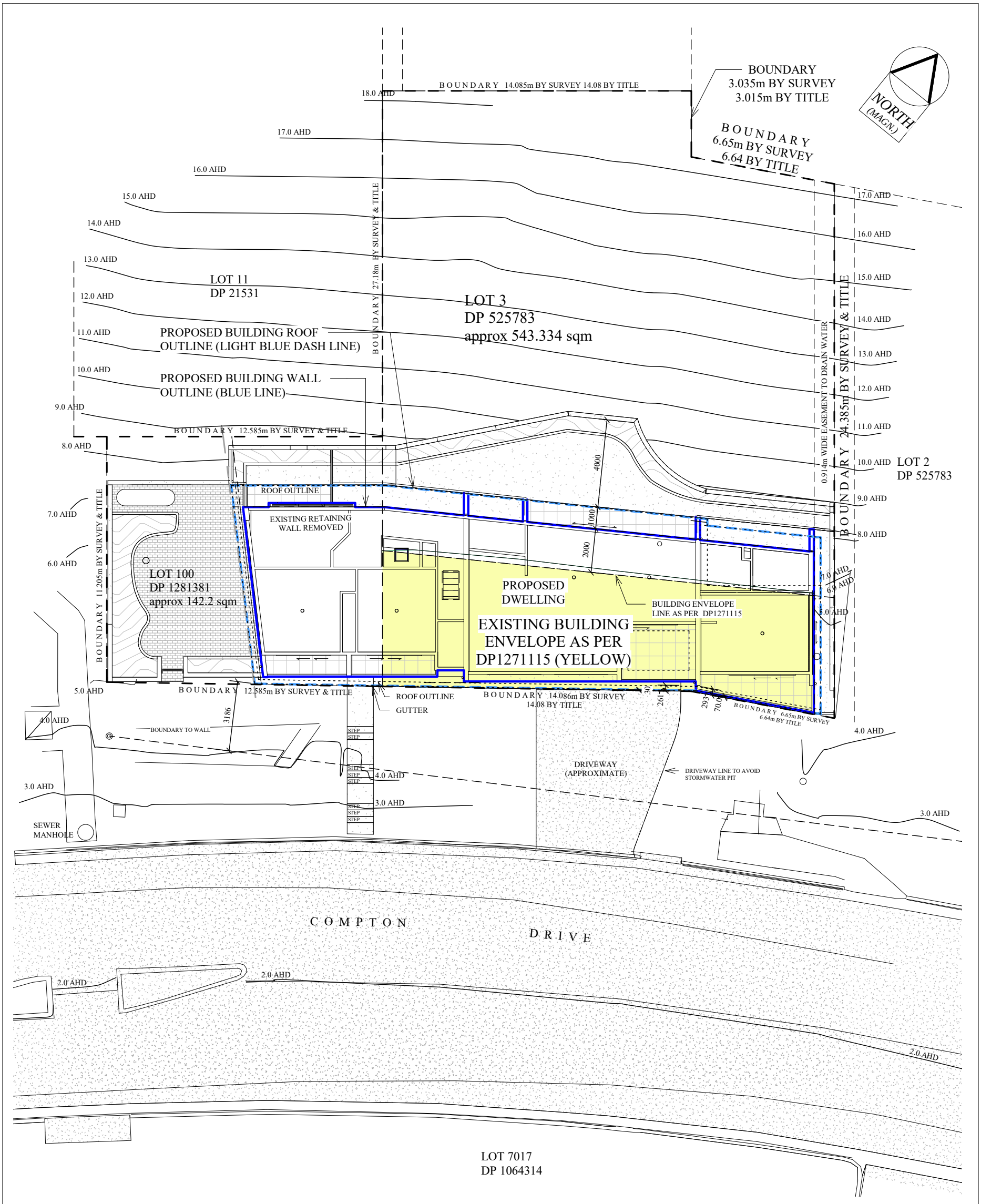
Client:	Kelvin Daly	Project:	Proposed Dwelling	Sheet Number:	DA12	Scale:	1 : 50
Address:	23 Compton Drive East Ballina 2478	Drawing Title:	Section A-A	Page Size:	A3	Date:	09.10.2025



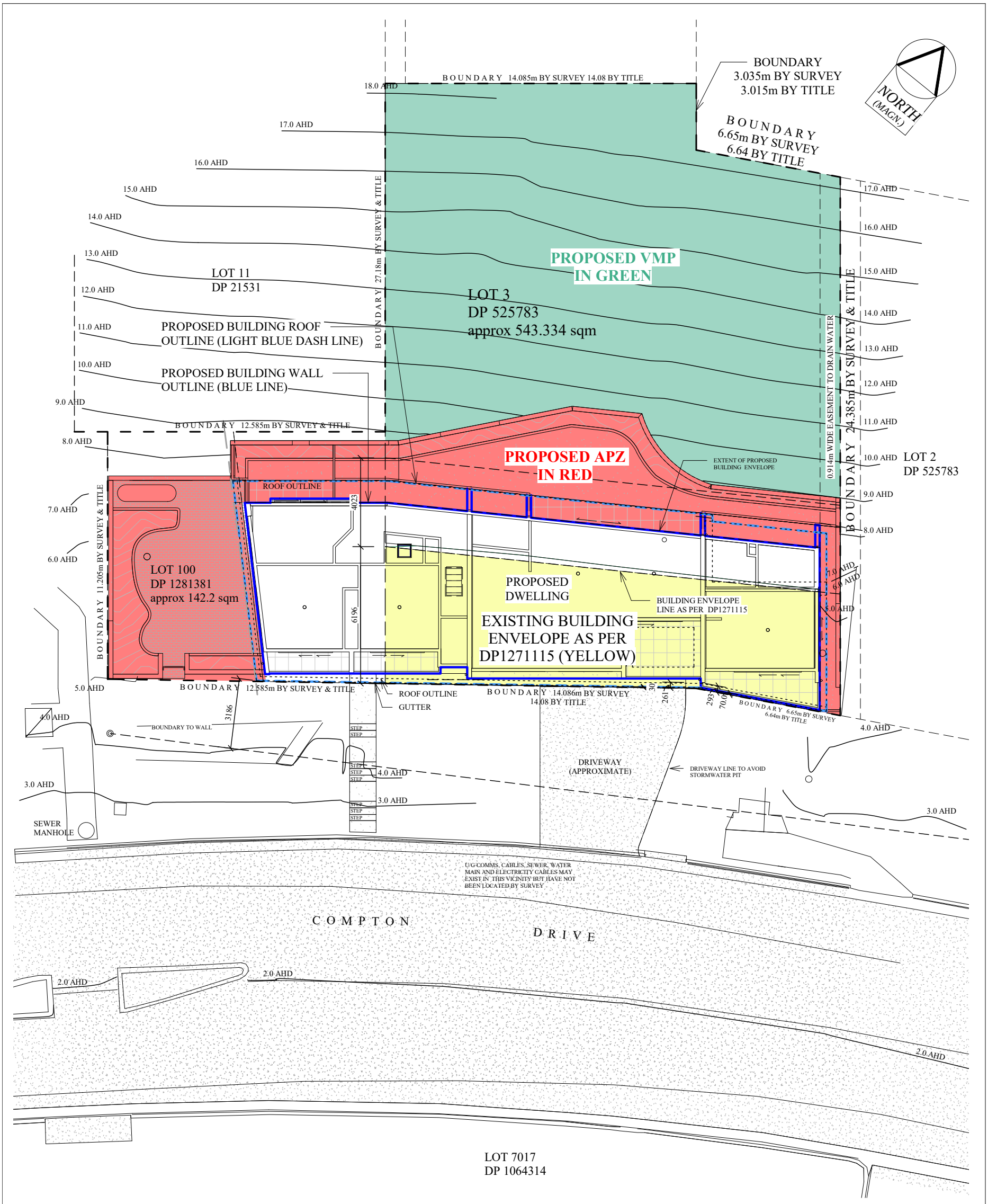
MIRO HALFORD DESIGN 0402 613 638 miro@mirohalforddesign.com Mullumbimby, NSW	Client: Kelvin Daly Address: 23 Compton Drive East Ballina 2478 Project: Proposed Dwelling	Drawing Title: Site Plan -APZ Sheet Number: DA16 Page Size: A3 Scale: 1 : 150 Date: 09.10.2025



MIRO HALFORD DESIGN 0402 613 638 miro@mirohalforddesign.com Mullumbimby, NSW	Client: Kelvin Daly Address: 23 Compton Drive East Ballina 2478 Project: Proposed Dwelling	Drawing Title: Site Plan - VMP Sheet Number: DA17 Page Size: A3 Scale: 1 : 150 Date: 09.10.2025



MIRO HALFORD DESIGN 0402 613 638 miro@mirohalforddesign.com Mullumbimby, NSW	Client: Kelvin Daly Address: 23 Compton Drive East Ballina 2478 Project: Proposed Dwelling	Drawing Title: Site Plan - Building Envelopes Sheet Number: DA18 Page Size: A3 Scale: 1 : 150 Date: 09.10.2025



MIRO HALFORD DESIGN 0402 613 638 miro@mirohalforddesign.com Mullumbimby, NSW	Client: Kelvin Daly Address: 23 Compton Drive East Ballina 2478 Project: Proposed Dwelling	Drawing Title: Site Plan - Deviations from DP1271115 Sheet Number: DA19 Page Size: A3 Scale: 1 : 150 Date: 09.10.2025

DESIGN COMPLIANCE CERTIFICATE

CIVIL

WE HAVE DESIGNED THE CIVIL ENGINEERING DETAILS INCLUDED IN THIS SET OF DRAWINGS.

I CERTIFY THAT THESE DRAWINGS COMPLY WITH THE CIVIL/STRUCTURAL PROVISIONS OF THE BUILDING CODES OF AUSTRALIA AND RELEVANT CODES OF STANDARDS AUSTRALIA.

AS 2890.1:2004 PARKING FACILITES PART 1: OFF-STREET CAR PARKING

I AM AN APPROPRIATELY QUALIFIED AND COMPETENT PERSON IN THIS AREA AND CERTIFY THAT THE DESIGN AS DETAILED ON THE FOLLOWING DRAWINGS COMPLIES WITH THE ABOVE.

THIS CERTIFICATE SHALL NOT BE CONSTRUED AS RELIEVING ANY OTHER PARTY OF THEIR RESPONSIBILITIES.

PETER LUCENA
MIEAust CPEng NER RPEQ VBA
NSW PROFESSIONAL ENGINEER PRE0001648
DESIGN PRACTITIONER REGISTRATION DEP0003995
LUCENA ENGINEERS PTY LTD

DRAWING TRANSMITTAL		
DRAWING No	DRAWING TITLE	REVISION
C0	DESIGN CERTIFICATION	A
C1	SITE PLAN	A
C2	SECTIONS / DETAILS 1	A
CGN1	GENERAL NOTES	A

REFERENCED DOCUMENTATION

ARCHITECTURAL
TITLE:
PROPOSED DWELLING
REVISION: n/a DATE: 24.02.2025

PROJECT PHASE:
DEVELOPMENT APPLICATION

PREPARED BY:
MIRO HALFORD DESIGN

SURVEY
TITLE:
PLAN SHOWING DETAIL SURVEY
OVER LOT 1 DP 781542 & LOT 3 IN DP 525783
23 COMPTON DRIVE
REFERENCE: 22013-1A DATE: 25/02/2022

PREPARED BY:
ABBOTT & MACRO
LAND AND ENGINEERING SURVEYORS

REVISIONS

ISSUE	DESCRIPTION	DATE
B	MODIFIED	4.12.25
A	FOR DEVELOPMENT APPLICATION	10.10.25

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PRINCIPAL ENGINEERS SIGNATURE

BEST VIEWED IN COLOUR

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CIVIL & STRUCTURAL ENGINEERS
02 6687 8182
www.lucena.com.au
office@lucena.com.au

PROJECT
PROPOSED DRIVEWAY CROSSING

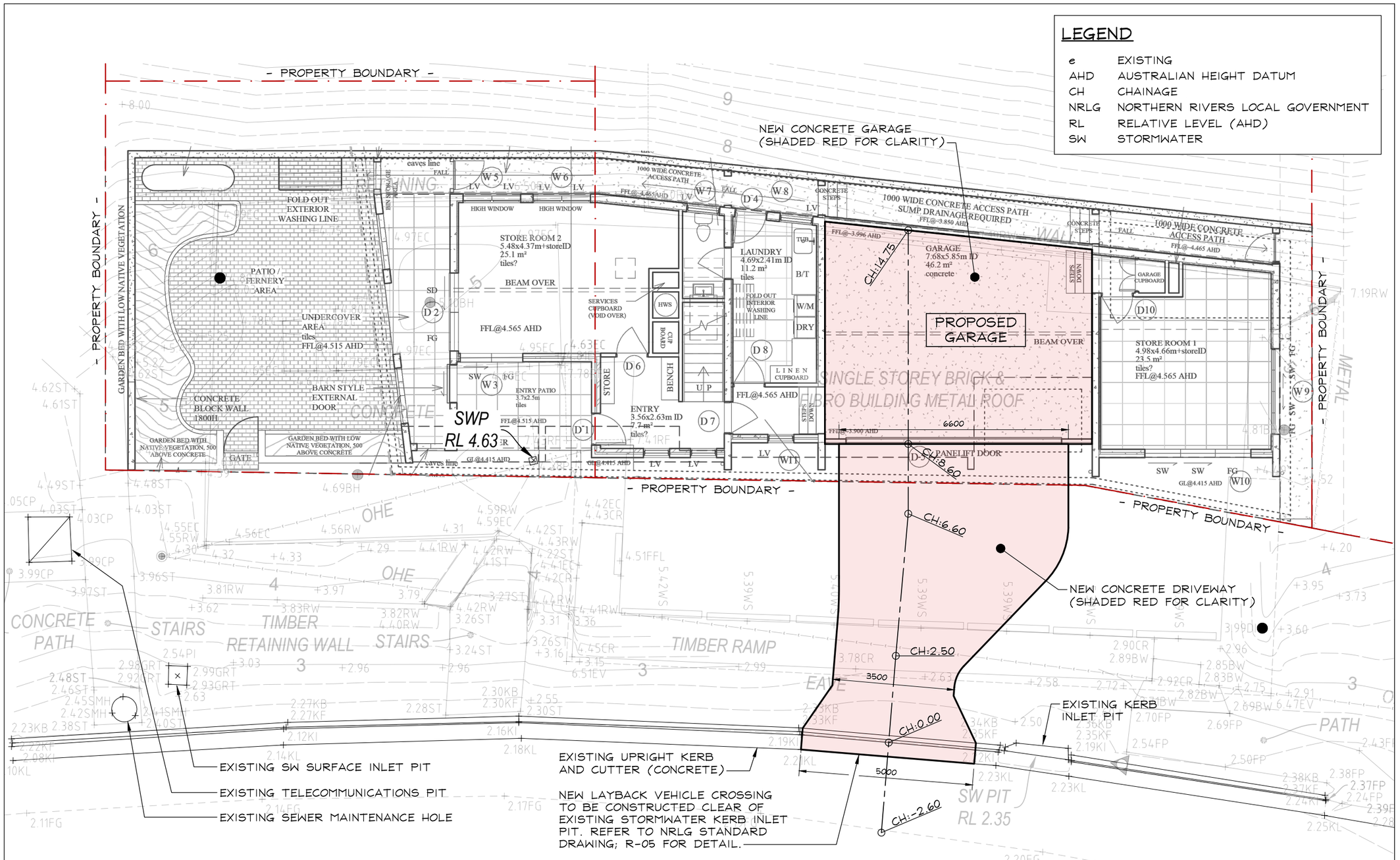
AT
23 COMPTON DRIVE, EAST BALLINA NSW 2478

FOR
DALY C/- BALANCED SYSTEMS PTY LTD

DRAWING TITLE
DESIGN CERTIFICATION

DESIGN	DRAWN	DRAWING SCALE	SHEET SIZE
PL	NJE	NOT TO SCALE	A3

PROJECT REF No	DRAWING No	REVISION
230717	C0	B



REVISIONS			
B	MODIFIED	4.12.25	
A	FOR DEVELOPMENT APPLICATION	10.10.25	
ISSUE	DESCRIPTION	DATE	

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www.lucena.com.au
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PROJECT
PROPOSED DRIVEWAY CROSSING

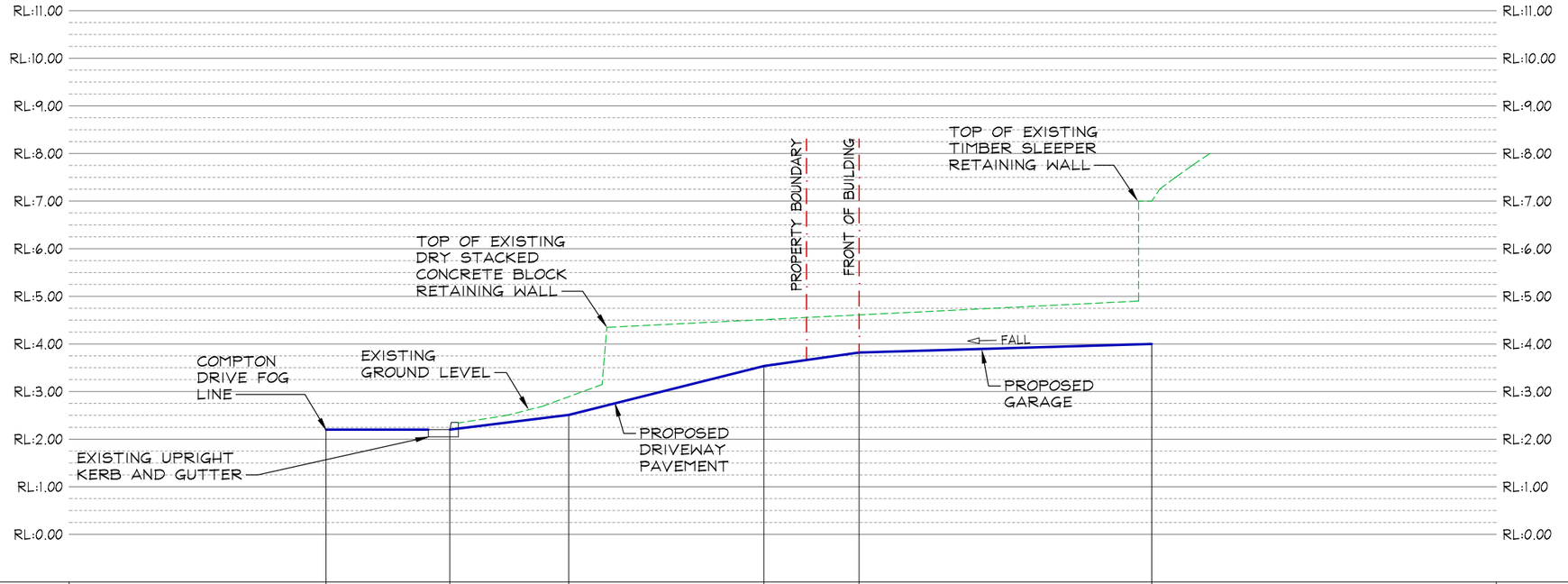
AT
23 COMPTON DRIVE, EAST BALLINA NSW 2478

FOR
DALY C/- BALANCED SYSTEMS PTY LTD

DRAWING TITLE
SITE PLAN

DESIGN	DRAWN	DRAWING SCALE	SHEET SIZE
PL	NJE	1:100	A3

PROJECT REF No	DRAWING No	REVISION
230717	C1	B



SURFACE GRADE		0.0%	12.5%	24.8%	14.5%	2.93%		SURFACE GRADE
SURFACE LEVEL (m)	2.200	2.200	2.512	3.530	3.820	4.000		SURFACE LEVEL (m)
EXISTING GROUND LEVEL (m)	2.200	2.200	2.890	4.525	4.610	7.000		EXISTING GROUND LEVEL (m)
CHAINAGE (m)	-2.600	0.000	2.500	6.600	8.600	14.750		CHAINAGE (m)

DRIVEWAY LONGITUDINAL SECTION

HORIZONTAL SCALE - 1:100 / VERTICAL SCALE - 1:100

REVISIONS

ISSUE	DESCRIPTION	DATE
B	MODIFIED	4.12.25
A	FOR DEVELOPMENT APPLICATION	10.10.25

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BEST VIEWED IN COLOUR

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www.lucena.com.au
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PROJECT
PROPOSED DRIVEWAY CROSSING

AT
23 COMPTON DRIVE, EAST BALLINA NSW 2478

FOR
DALY C/- BALANCED SYSTEMS PTY LTD

DRAWING TITLE
SECTIONS / DETAILS 1

DESIGN	DRAWN	DRAWING SCALE	SHEET SIZE
PL	NJE	AS SHOWN	A3

PROJECT REF No	DRAWING No	REVISION
230717	C2	B

CIVIL WORKS

1. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH LOCAL COUNCIL STANDARDS.
2. FOR SETOUT REFER TO ARCHITECT'S DRAWINGS.
3. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
4. ALL LEVELS ARE GIVEN IN METRES UNLESS NOTED OTHERWISE.
5. ALL LEVELS SHOWN ARE FINISHED SURFACE LEVELS UNLESS NOTED OTHERWISE.
6. CONCRETE SHALL HAVE THE FOLLOWING PROPERTIES:
   - 6.1. CLASS OF CONCRETE SHALL BE NORMAL,
   - 6.2. MAXIMUM SLUMP SHALL BE 80mm,
   - 6.3. MAXIMUM AGGREGATE SIZE SHALL BE 20mm,
   - 6.4. PRODUCTION ASSESSMENT OF CONCRETE STRENGTHS IS SUFFICIENT, AND
   - 6.5. MINIMUM 28 DAY COMPRESSIVE STRENGTH OF CONCRETE SHALL BE 25 MPa UNLESS NOTED OTHERWISE.
7. CONCRETE WORKS SHALL CONFORM TO AS 3600.
8. APPROVAL OF LOCAL AUTHORITY TO BE OBTAINED BY CONTRACTOR PRIOR TO CONSTRUCTING CROSSING.
9. MINIMUM GRADE OF ALL STORMWATER DRAINAGE TO BE 1 IN 200. PIPES TO BE P.V.C., F.R.C OR R.C.
10. R.C. AND F.R.C PIPES SHALL BE CLASS '2', RUBBER RING JOINTED UNLESS NOTED OTHERWISE.
11. MINIMUM COVER TO STORMWATER PIPES SHALL BE 300mm IN LANDSCAPED AREAS AND 600mm UNDER ROAD PAVEMENTS UNLESS NOTED OTHERWISE.
12. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ADEQUATE EROSION AND SEDIMENTATION CONTROL DEVICES ARE ERECTED AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION AND TO THE SATISFACTION OF COUNCIL.
13. CONTRACTOR TO CONFIRM LOCATION AND DEPTH OF ALL SERVICES PRIOR TO COMMENCEMENT OF ANY EXCAVATION WORKS.
14. SEDIMENTATION AND EROSION CONTROL MEASURES ARE TO BE INSTALLED AT ALL DRAINAGE STRUCTURES. ALL DISTURBED AREAS ARE TO BE STABILISED AS SPECIFIED AND DIRECTED.
15. IT IS THE CONTRACTORS RESPONSIBILITY TO ENSURE THAT PROVISION IS MADE FOR THE INSTALLATION OF ALL SERVICES PRIOR TO THE CONSTRUCTION OF DRIVEWAYS, CARPARKS AND OTHER PAVED AREAS.
16. THESE DRAWINGS ARE DIAGRAMMATIC ONLY AND ARE INTENDED TO INDICATE DESIGN IN ACCORDANCE WITH THE RELEVANT REGULATIONS AND REQUIREMENTS OF THE AUTHORITIES CONCERNED AND TO THE RELEVANT AUSTRALIAN STANDARDS. THEY DO NOT RELIEVE THE CONTRACTOR OR BUILDER FROM HIS RESPONSIBILITY TO COMPLY WITH THESE REQUIREMENTS, EVEN IF DRAWINGS ARE APPROVED.
17. NATURAL SURFACE CONTOURS ARE COMPUTER INTERPOLATED FROM SURVEYORS ELECTRONIC FIELD DATA.
18. NOT WITHSTANDING THE LIMITS OF EARTHWORKS SHOWN ON THE DRAWINGS, THE ACTUAL LIMITS SHALL BE CONFIRMED ON SITE BY THE CONTRACTOR.
19. PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE CONTRACTOR IS TO ASCERTAIN THE LOCATION AND LEVEL OF EXISTING SERVICES TO HIS SATISFACTION. SERVICES SHOWN ON PLANS ARE TAKEN FROM SURVEYORS FIELD NOTES ONLY AND MAY NOT NECESSARILY INDICATE ALL SERVICES WITHIN THE WORKS AREA.

ROAD PAVEMENTS

1. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE RELEVANT COUNCIL'S CONSTRUCTION MANUAL AND DESIGN GUIDELINES.
2. CONTRACTOR TO CONFIRM LOCATION, DEPTH AND EXTENT OF ALL SERVICES PRIOR TO COMMENCING ANY CONSTRUCTION.
3. CONTRACTOR TO GIVE COUNCIL AND LUCENA ENGINEERS 48 HOURS NOTICE FOR ALL INSPECTIONS AND PROOF ROLLING.
4. CONTRACTOR TO PREPARE AND SUBMIT A TRAFFIC CONTROL PLAN TO COUNCIL PRIOR TO COMMENCING WORKS. PLAN TO BE PREPARED BY A QUALIFIED PERSON(S).
5. CONTRACTOR TO GIVE NOTICE TO COUNCIL WHEN WORKS ARE TO COMMENCE PRIOR TO STARTING WORK.

ROAD PAVEMENTS:-

1. 25mm AC10 ASPHALTIC SEAL.
2. 7mm PRIMER SEAL.
3. 150mm THICK CRUSHED ROCK ROAD BASE LAYER (DGB20) COMPACTED TO MINIMUM 100% STANDARD COMPACTION.
4. 150mm THICK CRUSHED ROCK SUB-BASE LAYER (DGS40) COMPACTED TO MINIMUM 100% STANDARD COMPACTION.
5. ROLL AND COMPACT SUBGRADE TO MINIMUM 98% STANDARD COMPACTION. PROOF ROLL IN PRESENCE OF ENGINEER. MINIMUM CBR OF 10% TO BE CONFIRMED BY TESTING UNDERTAKEN BY A LICENSED GEOTECHNICAL AUTHORITY.
6. ALL WORK TO BE COMPLETED TO AUSPEC STANDARDS AND COUNCIL SATISFACTION.
7. FINAL PAVEMENT DEPTHS TO BE CONFIRMED BY COUNCIL WHEN SUBGRADE EXPOSED.

EROSION AND SEDIMENT CONTROL

GENERAL INSTRUCTIONS:-

1. THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE ENGINEERING PLANS, AND ANY OTHER PLANS OR WRITTEN INSTRUCTIONS THAT MAY BE ISSUED AND RELATING TO DEVELOPMENT AT THE SUBJECT SITE.
2. THE SITE SUPERINTENDENT WILL ENSURE THAT ALL SOIL AND WATER MANAGEMENT WORKS ARE LOCATED AS INSTRUCTED IN THIS SPECIFICATION.
3. ALL BUILDERS AND SUB-CONTRACTORS WILL BE INFORMED OF THEIR RESPONSIBILITIES IN MINIMISING THE POTENTIAL FOR SOIL EROSION AND POLLUTION TO DOWN SLOPE LANDS AND WATERWAYS.

CONSTRUCTION SEQUENCE:-

4. THE SOIL EROSION POTENTIAL ON THIS SITE SHALL BE MINIMISED. HENCE WORKS SHALL BE UNDERTAKEN IN THE FOLLOWING SEQUENCE:-
   - 4.1. INSTALL SEDIMENT FENCES.
   - 4.2. UNDERTAKE SITE DEVELOPMENT WORKS IN ACCORDANCE WITH THE ENGINEERING PLANS. PHASE DEVELOPMENT SO THAT LAND DISTURBANCE IS CONFINED TO AREAS OF WORKABLE SIZE.

EROSION CONTROL:-

5. DURING WINDY CONDITIONS, LARGE, UNPROTECTED AREAS WILL BE KEPT MOIST (NOT WET) BY SPRINKLING WITH WATER TO KEEP DUST UNDER CONTROL.
6. FINAL SITE LANDSCAPING WILL BE UNDERTAKEN AS SOON AS POSSIBLE AND WITHIN 20 WORKING DAYS FROM COMPLETION OF CONSTRUCTION ACTIVITIES.

FENCING:-

7. STOCKPILES WILL NOT BE LOCATED WITHIN 2 METRES OF HAZARD AREAS, INCLUDING LIKELY AREAS OF CONCENTRATED OR HIGH VELOCITY FLOWS SUCH AS WATERWAYS. WHERE THEY ARE BETWEEN 2 AND 5 METRES FROM SUCH AREAS, SPECIAL SEDIMENT CONTROL MEASURES SHOULD BE TAKEN TO MINIMISE POSSIBLE POLLUTION TO DOWNSLOPE WATERS, E.G. THROUGH INSTALLATION OF SEDIMENT FENCING.
8. ANY SAND USED IN THE CONCRETE CURING PROCESS (SPREAD OVER THE SURFACE) WILL BE REMOVED AS SOON AS POSSIBLE AND WITHIN 10 WORKING DAYS FROM PLACEMENT.
9. WATER WILL BE PREVENTED FROM ENTERING THE PERMANENT DRAINAGE SYSTEM UNLESS IT IS RELATIVELY SEDIMENT FREE, I.E. THE CATCHMENT AREA HAS BEEN PERMANENTLY LANDSCAPED AND/OR ANY LIKELY SEDIMENT HAS BEEN FILTERED THROUGH AN APPROVED STRUCTURE.
10. TEMPORARY SOIL AND WATER MANAGEMENT STRUCTURES WILL BE REMOVED ONLY AFTER THE LANDS THEY ARE PROTECTING ARE REHABILITATED.

OTHER MATTERS:-

11. ACCEPTABLE RECEPTORS WILL BE PROVIDED FOR CONCRETE AND MORTAR SLURRIES, PAINTS, ACID WASHINGS, LIGHT-WEIGHT WASTE MATERIALS AND LITTER.
12. RECEPTORS FOR CONCRETE AND MORTAR SLURRIES, PAINTS, ACID WASHINGS, LIGHT-WEIGHT WASTE MATERIALS AND LITTER ARE TO BE EMPTIED AS NECESSARY. DISPOSAL OF WASTE SHALL BE IN A MANNER APPROVED BY THE SITE SUPERINTENDENT.

SITE INSPECTION AND MAINTENANCE:-

13. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED AFTER RAINFALL EVENTS TO ENSURE THAT THEY OPERATE EFFECTIVELY. REPAIR AND OR MAINTENANCE SHALL BE UNDERTAKEN AS REQUIRED.

REVISIONS			
B	MODIFIED	4.12.25	
A	FOR DEVELOPMENT APPLICATION	10.10.25	
ISSUE	DESCRIPTION	DATE	

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PRINCIPAL ENGINEERS SIGNATURE

BEST VIEWED IN COLOUR

Lucena
CIVIL & STRUCTURAL ENGINEERS
02 6687 8182
www.lucena.com.au
office@lucena.com.au

PROJECT
PROPOSED DRIVEWAY CROSSING

AT
23 COMPTON DRIVE, EAST BALLINA NSW 2478

FOR
DALY C/- BALANCED SYSTEMS PTY LTD

DRAWING TITLE
GENERAL NOTES

DESIGN	DRAWN	DRAWING SCALE	SHEET SIZE
PL	NJE	NOT TO SCALE	A3

PROJECT REF No	DRAWING No	REVISION
230717	CGN1	B

BASIX® Certificate

Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 1784868S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Tuesday, 25 February 2025
To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.

When submitting this BASIX certificate with a development application or complying development certificate application, it must be accompanied by NatHERS certificate 0011746914.

Project summary	
Project name	24246
Street address	23 COMPTON Drive EAST BALLINA 2478
Local Government Area	Ballina Shire Council
Plan type and plan number	Deposited Plan DP525783
Lot no.	3
Section no.	-
Project type	dwelling house (detached)
No. of bedrooms	3

Project score		
Water	✔ 41	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 73	Target 68
Materials	✔ -9	Target n/a

Certificate Prepared by
Name / Company Name: PEM GROUP CO PTY LTD
ABN (if applicable):

Description of project

Project address	
Project name	24246
Street address	23 COMPTON Drive EAST BALLINA 2478
Local Government Area	Ballina Shire Council
Plan type and plan number	Deposited Plan DP525783
Lot no.	3
Section no.	-

Project type	
Project type	dwelling house (detached)
No. of bedrooms	3

Site details	
Site area (m²)	686
Roof area (m²)	207
Conditioned floor area (m²)	175.2
Unconditioned floor area (m²)	27.0
Total area of garden and lawn (m²)	375
Roof area of the existing dwelling (m²)	0

Assessor details and thermal loads	
NatHERS assessor number	20039
NatHERS certificate number	0011746914
Climate zone	10
Area adjusted cooling load (MJ/m².year)	47
Area adjusted heating load (MJ/m².year)	13

Project score		
Water	✔ 41	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 73	Target 68
Materials	✔ -9	Target n/a

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 3 star (> 7.5 but <= 9 L/min) in all showers in the development.		✔	✔
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		✔	✔
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		✔	
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.		✔	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 3000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✔	✔	✔
The applicant must configure the rainwater tank to collect rain runoff from at least 150 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✔	✔
The applicant must connect the rainwater tank to:			
• all toilets in the development		✔	✔
• the cold water tap that supplies each clothes washer in the development		✔	✔
• at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		✔	✔

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Simulation Method			
Assessor details and thermal loads			
The applicant must attach the certificate referred to under "Assessor Details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for an occupation certificate for the proposed development.			
The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate and the "Construction" and "Glazing" tables below.			
The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.	✔	✔	✔
The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✔	✔
The applicant must show on the plans accompanying the development application for the proposed development, the locations of ceiling fans set out in the Assessor Certificate. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.	✔	✔	✔

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Construction			
The applicant must construct the floors, walls, roofs, ceilings and glazing of the dwelling in accordance with the specifications listed in the tables below.	✔	✔	✔
The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.			✔

Construction	Area - m²	Insulation
floor - concrete slab on ground, conventional slab.	60	polystyrene
floor - suspended floor above open subfloor, treated softwood; frame: timber - H2 treated softwood.	22	foil-foam composite board+ foil/sarking
floor - above habitable rooms or mezzanine, treated softwood; frame: timber - H2 treated softwood..	120.2	none
garage floor - concrete slab on ground.	80	none
external wall: framed (fibre cement sheet or boards); frame: timber - H2 treated softwood.	160	fibreglass batts or roll
external wall: concrete block/plasterboard; frame: no frame.	57	fibreglass batts or roll
external garage wall: framed (fibre cement sheet or boards); frame: timber - H2 treated softwood.	57	none+ foil/sarking
internal wall shared with garage: single skin masonry; frame: no frame.	21	polystyrene
internal wall: single skin masonry; frame: no frame.	22	polystyrene
internal wall: plasterboard; frame: timber - H2 treated softwood.	34.8	none
ceiling and roof - flat ceiling / flat roof, framed - metal roof, timber - H2 treated softwood.	207	ceiling: fibreglass batts or roll; roof: foil backed blanket.

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Glazing			
The applicant must install windows, glazed doors and skylights as described in the table below, in accordance with the specifications listed in the table.	✔	✔	✔

Frames	Maximum area - m2
aluminium	92.1
timber	0
uPVC	0
steel	0
composite	0

Glazing	Maximum area - m2
single	36.6
double	55.5
triple	0

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric boosted solar with a performance of 31 to 35 STCs or better.	✔	✔	✔
Cooling system			
The living areas must not incorporate any cooling system, or any ducting which is designed to accommodate a cooling system.		✔	✔
The bedrooms must not incorporate any cooling system, or any ducting which is designed to accommodate a cooling system.		✔	✔
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: wood heater; Energy rating: n/a		✔	✔
The bedrooms must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.		✔	✔
The wood heater must have a compliance plate confirming that it complies with the relevant Australian standards, and must be installed in accordance with the requirements of all applicable regulatory authorities.			✔
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, open to façade; Operation control: manual switch on/off		✔	✔
Kitchen: no mechanical ventilation (ie. natural); Operation control: n/a		✔	✔
Laundry: natural ventilation only, or no laundry; Operation control: n/a		✔	✔
Artificial lighting			
The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✔	✔
Natural lighting			

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✔	✔	✔
The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) in the development for natural lighting.	✔	✔	✔

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a ✔ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a ✔ in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a ✔ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.

[redacted]

From: [redacted]
Sent: Wednesday, 27 August 2025 11:37 AM
To: Planning and Environmental Health Support Staff
Subject: 23 Compton Drive EAST BALLINA

Categories: [redacted]

I would like to raise concerns about the submission for a residential building to be erected at 23 Compton Drive. Although this apparently hasn't yet had approval I think a 2 storey building built right next to a public toilet block and right opposite the very attractive beach and recreation area is undesirable for many reasons.
The land has a major water drainage problem from the very steep land behind this block, The whole area around this beach facility is very attractive and who knows what kind of house will be built there The building that is still there is a major eyesore and seems to be unsafe and could be leaching toxic substance across the bay and into the water, this structure has been there for more than 3 years, deteriorating to a point of visual and structural wreckage.
Perhaps the council could consider purchasing the land and landscaping the area, with a more attractive colour for the toilet block, ie something that blends in to the hill vegetation I know what I am protesting about is probably out of my control as a rate. Payer but I can but try.
Many thanks Julianne Bowen. [redacted]

1

[redacted]

From: [redacted]
Sent: Thursday, 12 June 2025 1:53 PM
To: Planning and Environmental Health Support Staff
Subject: DA 2025/126

Categories: Lauren

Hello Saxon

I tried calling you today but you were unavailable.

I am the owner of 29 Pine Avenue East Ballina. My property sits directly above the proposed development of the old restaurant in Compton drive.

In regards to DA 2025/126 (Compton drive) I'd like to express two concern with you;
1. The possibility for land slippage during the ground works
2. The proximity of the overhead power line running over shows bay.

NB no disclosures apply.

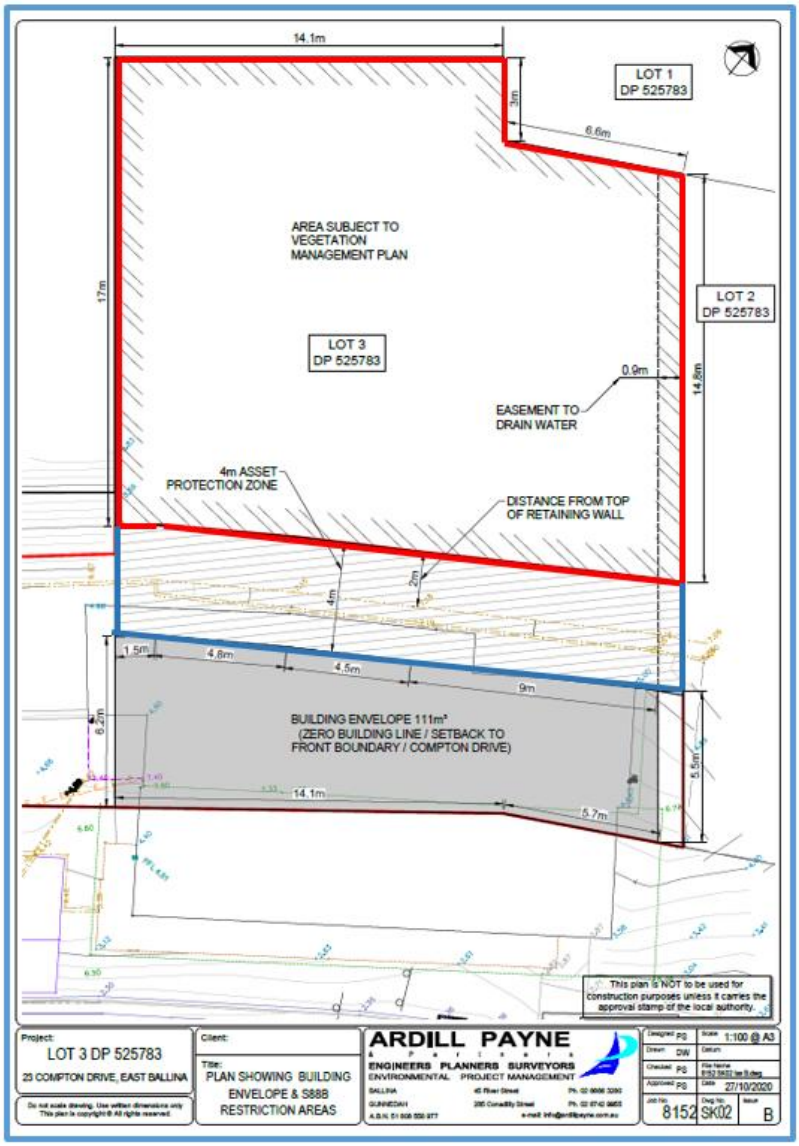
Please call at your convenience to discuss.

Kind regards

Costa Kikiras
[redacted]

1

– 23 Compton Drive, East Ballina – Plan showing building envelope and S88B restriction areas



Attachment 6 – Non-Standard Conditions

	Conditions
1.	**Consolidation of Lots**
	Before issue of an Occupation Certificate, Lot 100 DP 1281381 and Lot 3 DP 525783 are to be consolidated into one allotment and the plan registered with NSW Land Registry Services.
	Condition reason: To ensure the development is contained within a single allotment.
2.	**State Survey Mark**
	The State Survey Mark located in proximity to the proposed driveway must be preserved or formally adjusted.
	Condition reason: To ensure State Survey Marks are preserved.
3.	**Native Vegetation**
	1. Removal of native vegetation is restricted to that described in the Biodiversity Assessment Report being: Two (2) x Tuckeroo (*Cupaniopsis anacardioides*) Seedlings 2. Trees for removal will be flagged by the project ecologist prior to their removal. 3. A no go zone for areas to be protected will be identified on site by the ecologist prior to works commencing. 4. Removal of the two trees will be undertaken at the direction of/by the project arborist. 5. No additional areas of native vegetation or individual trees will be removed without approval from Council. 6. All plant laydown areas and stockpile areas will be allocated prior to works commencing and will be located on cleared areas of the site. 7. The project arborist is to be on-site during all excavation works for the installation of the new retaining wall. Any vegetation inadvertently impacted will be required to be offset.
	Condition Reason: Avoid inadvertent impacts to native vegetation not approved for removal
4.	**Native fauna**
	1. Microbat boxes (x2) are to be installed by the project ecologist in vegetation to the north (Vegetation Management Plan (VMP) area), *prior to* demolition of the building on site. 2. Should fauna species occur on site during demolition or construction works, works should cease and the species should be allowed to move on of its own accord. If fauna are injured as a result of works, works should cease and WIRES should be contacted immediately.
	Condition Reason: Avoid inadvertent impacts to native fauna species
5.	**Vegetation Management Plan**
	1. The VMP is to be implemented for a period of five years or until performance criteria are achieved. 2. Annual monitoring reports of the VMP site are to be provided to Council. 3. The VMP actions are to be undertaken by local, suitably qualified bush

	regenerators to the satisfaction of Council. 4. All priority weeds (as listed under the Biosecurity Act 2015) are to be eliminated from the site within 12 months of the development application being approved. 5. Proposed adaptive management will be communicated with Council. 6. Watering of any new plantings should first consider the potential for excess water to affect soil stability.
	Condition Reason: Rehabilitate the site in accordance with the VMP and ensure the longevity of the rainforest EEC on site.
6.	**Offset Requirements**
	1. Offsets are required to be implemented at the site in accordance with the site-specific VMP at an offset ratio of 10:1. 2. Species will be in accordance with the VMP and conducive to the reinstating of Littoral Rainforest values at the site. 3. Offsets will be implemented wholly within the site. 4. A suitably qualified bush regenerator will be contracted to undertake works associated with the offsets and VMP. 5. Trees will not be planted where they may impede the APZ or retaining walls.
	Condition Reason: Offset the removal of native vegetation in accordance with Council's offset policy and VMP and prevent future impacts from mature vegetation.
7.	**Groundwater**
	1. Hydrological processes at the site should be maintained (where these have been assessed as not currently causing slip, or risk of slip). 2. Groundwater inflows should not be prevented.
	Condition Reason: Avoid potential impacts to existing native vegetation and hillside stability
8.	**Building Height**
	The building is not to exceed the overall height of RL 12.035 at those locations as shown on the approved plans.
	Condition Reason: To ensure the building complies with the specified height restrictions.
9.	**Essential Energy Infrastructure Encroachment**
	Any requirements of Essential Energy are to be implemented when undertaking the development.
	Condition reason: To ensure that there is no safety risk to the development or its occupants from Essential Energy infrastructure.
10.	**Pre-Construction Dilapidation Report**
	Before the commencement of demolition works, the applicant shall engage a certified practicing Structural Engineer to prepare and endorse a Pre-Construction Dilapidation Report detailing the current structural condition of all existing adjoining buildings, infrastructure and roads. The report shall be submitted to and approved by the Principal Certifier prior to the issue of the commencement of demolition works. A copy of the report must also be forwarded to Council.
	Condition reason: To ensure adequate documentation is acquired in regard to the existing pre-development conditions adjoining the development site.
11.	**Potential Contamination**

	Following the completion of demolition activities and prior to the issue of a construction certificate, a suitably qualified consultant must be engaged to conduct a Detailed Site Investigation (DSI). The results of this assessment must be utilised to determine the waste classification of any soil that may require off-site disposal and to determine if management plans/remediation are required during construction or following completion of construction works. The DSI must be undertaken in accordance with the requirements of SEPP (Resilience and Hazards) 2021, Contaminated Land Management Act, Council's Management of Contaminated Land Policy and guidelines made or approved by NSW EPA. The PSI must be submitted to and approved by the Principal Certifier with a copy provided to Council prior to construction works occurring onsite.
	Condition reason: To protect the environment and public health.
12.	**Essential Energy Infrastructure Encroachment**
	Before the issue of a Construction Certificate, the developer is to obtain approval from Essential Energy to encroach on Overhead Low voltage infrastructure, or alternatively, arrange for the Low voltage infrastructure to be directed underground, in accordance with Essential Energy requirements.
	Condition reason: To ensure that there is no safety risk to the development or its occupants from Essential Energy infrastructure.
13.	**Dilapidation report**
	Before the issue of a Construction Certificate, the Principal Certifier is to ensure that the pre-construction dilapidation report that is required prior to demolition works has been approved and a copy forwarded to Council.
	Condition reason: To ensure adequate documentation is acquired in regard to the existing pre-development conditions adjoining the development site.
14.	**Asset Protection Zones**
	At the commencement of building works, and in perpetuity, the property to the northwest of the dwelling to the rear of the new retaining wall and to the boundary for all other directions must be managed as an inner protection area (IPA) in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019: a. tree canopy cover should be less than 15% at maturity; b. trees at maturity should not touch or overhang the building; c. lower limbs should be removed up to a height of 2m above the ground; d. tree canopies should be separated by 2 to 5m; e. preference should be given to smooth-barked and evergreen trees; f. create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided; g. shrubs should not be located under trees; h. shrubs should not form more than 10% ground cover; i. clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation; j. grass should be kept mowed (as a guide, grass should be kept to no more than 100mm in height); and k. leaves and vegetation debris should be removed.
	Condition reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.
15.	**Construction Standards**
	New construction of the southeast elevation shall comply with Sections 3 and 7

	(BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.
	Condition reason: The intent of Infill measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.
16.	**Construction Standards**
	New construction (except the southeast elevation) shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.
	Condition reason: The intent of Infill measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.
17.	**Construction Standards**
	New fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.
	Condition reason: The intent of Infill measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.
18.	**Construction Standards**
	Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build-up of flammable material. Any materials used shall be non-combustible.
	Condition reason: The intent of Infill measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.
19.	**Water and Utility Services**
	The provision of new water, electricity and gas must comply with the following in accordance with Table 7.4a of 'Planning for Bush Fire Protection 2019': ● fire hydrant spacing is too comply with the relevant clauses of AS 2419.1:2021; ● all above-ground water service pipes external to the dwelling are metal, including and up to any taps; ● where practicable, new electrical transmission lines are underground; ● where overhead, electrical transmission lines are proposed as follows: ● lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and ● no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines. ● reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used; ● all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side; ● connections to and from gas cylinders are metal; ● polymer sheathed flexible gas supply lines are not used; and

	● above-ground gas service pipes are metal, including and up to any outlets.
	Condition reason: The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.
20.	**Building Survey**
	To verify compliance with the progress of works to comply with conditions as referenced within this consent, a survey of the floor level of the first storey is to be obtained prior to works proceeding past that level. The Survey is to be provided to the Principal Certifier.
	Condition reason: To ensure the building complies with the specified height restrictions.
21.	**Dilapidation report**
	Before the issue of an Occupation Certificate, the applicant shall engage a certified practicing Engineer to prepare a Post-Construction Dilapidation Report at the completion of construction works for the development. This report must ascertain whether the construction works created any structural damage to all existing adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority before to the issue of the Occupation Certificate for the development. A copy of the report must also be forwarded to Council. Any structural damage identified under the dilapidation report as being caused by the development must be repaired by the applicant to the satisfaction of the Certifying Authority before the issue of an Occupation Certificate.
	Condition reason: To ensure all building works approved are wholly contained within a single parcel of land.
22.	**Retaining Walls**
	All retaining walls are to be designed and certified in accordance with the following: • Retaining walls are to be designed in accordance with AS 4678-2002. • Designs are to consider all the applicable limit states defined in Section 3 of AS 4678-2002. Design loads are to be in accordance with Section 4 of the Standard. Earthquake loads are to be provided for in accordance with Appendix I of the standard. • Definition - "combined height" is defined in this condition as the sum of the heights of retaining walls that are individually horizontally staggered by less than 3.0m between top of lower wall and bottom of higher wall • Structure Classification AS 4678 - 2002, Table 1.1. Retaining walls with a combined height of >1.5m and < 2.5m are, as a minimum, to be designed as Class B; Retaining walls with combined height of >1.0m and < 1.5m that support services are, as a minimum, to be designed as Class B; Retaining walls with combined height equal to or >2.5m are, as a minimum, to be designed as Class C. • Site investigation is to be in accordance with Section 2 of AS 4678-2002. • The retaining wall design is to have regard to the informative Appendix G Drainage of Earth-Retaining Structures of AS 4678-2002. • The design and associated drawings are to specify maximum loads (at specified distance from walls) that may be placed on land supported by the retaining walls and/or whether there need to be restrictions on loads that would preclude placement of swimming pools or other structures in the vicinity. • The design and associated drawings are to specify the limits of future excavation forward (i.e. on the low side) of retaining wall footings that could

	compromise the structural integrity of the retaining walls. • Fully detailed (position, levels, dimensions, alignment, drainage) and notated drawings are to be provided for each individual retaining wall and retaining wall group. Drawing details are also to comply with Section 6.3 of AS 4678. A specification is to be provided with the Occupation Certificate application for materials to be used and construction details (including foundation preparation, backfilling, drainage etc.) of the retaining walls. • A retaining wall design report must accompany the Occupation Certificate Application. The design report is to address AS 4678-2002 and the matters referred to in this condition. Certification is required with the Occupation Certificate application, from a registered certified practicing engineer, competent in the field of retaining wall design and familiar with the geotechnical aspects of the project; that the retaining walls depicted on the approved plans and the associated Design Report, comply with the requirements of AS 4678-2002 and the design requirements of this condition.
	Condition reason: To ensure structural integrity of retaining walls and protection of infrastructure
23.	**Retaining Walls and Reserves**
	Where retaining walls are to be constructed adjacent to public reserves and road reserves the walls must be located completely within the private properties and not within public land. Engineering design drawings must be submitted to and approved by Council before the issue of the Occupation Certificate.
	Condition reason: To ensure structural integrity of retaining walls and protection of infrastructure.
24.	**Retaining Walls and Services**
	Where retaining walls are located adjacent to water, sewer and drainage pipelines the walls must be designed such that they will be structurally self-supporting when excavation is required to the invert level of the adjoining pipeline or otherwise offset sufficient distance that the retaining wall is beyond the zone of influence of the pipeline. Engineering design drawings and structural certification must be submitted to and approved by Council before the issue of the Occupation Certificate.
	Condition reason: To ensure structural integrity of retaining walls and protection of infrastructure.
25.	**Use of Storage Areas**
	Rooms labelled as 'Store room 1' and 'Store room 2' on the Proposed Downstairs Floor Plan shall only be used for the purposes of storage areas ancillary to the residential use of the building, and no other purpose, unless separate approval is obtained by Ballina Shire Council.
	Condition reason: To ensure consistency with the restriction on use of land under DP 1271115.

Northern Rivers Squash Club Incorporated
nrsquashclub@gmail.com

20 January 2026

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

RE: Request for Waiver of Section 7.11 Development Contributions

for Change of use to Recreational Indoor - Squash Courts

DA 2025/403 - 13 Ascot Road, Ballina

Dear Sir/Madam,

The Northern Rivers Squash Club Incorporated respectfully submits this formal request for a full waiver of the Section 7.11 Development Contributions associated with our Development Application 2025/403 for the change of use of an existing light industrial unit to a Recreation Facility (Indoor) at 13 Ascot Road, Ballina.

This request is submitted under the provisions of the *Environmental Planning and Assessment Act 1979* and the relevant Ballina Shire Council Contribution Plans, allowing Council to exercise discretion where a development provides a significant public benefit or has a negligible impact on the infrastructure funded by the levy.

Currently, local squash players (of which there are approximately 80 regular fixture players and a further 70 social players) have no venue to play the sport between Maclean and Nerang, with a number of the squash constituent traveling to play both social and competitive squash post the Ballina Squash Courts in Norton Street being demolished late 2024. The Ballina Squash Courts where one of few courts between Grafton and the Gold Coast bosting 6 or more courts (allowing the hosting of Professional Squash Association tournaments such as the Australian Open which the Ballina Courts hosted in the 1980's).

The club has discussed with Council on multiple occasions the potential to accommodate the squash club and courts within Council land/facilities. Unfortunately this has not eventuated, however the club has been able to secure a tenancy within a light industrial building to get the club up and running and provide the ability for local players to return to a local court. The club has also been fortunate to secured through generous donation of a member of the club to allow us to get to our current position.

Northern Rivers Squash Club Incorporated
nrsquashclub@gmail.com

The proposed courts to be installed are full glass courts often reserved for international tournaments similar to the courts used for the Gold Coast Commonwealth Games, PSA World Championships, British Open, New York Tournament of Champions.

Our request for waiver of contributions is founded on the following grounds:

- The Northern Rivers Squash Club Incorporated is a registered not-for-profit community sports club. Our development constitutes an investment in local community for an all-weather community sport.
- Community Service: The club will provide affordable, accessible recreational facilities for local residents, juniors, seniors, promoting public health and social inclusion.
- Promote Public Health: Provide a new, accessible avenue for physical activity and healthy living in the Ballina region. Squash is an all weather sports with a unique blend of cardiovascular, strength, and mental demand which can be enjoyed by all ages and abilities.
- Foster Social Inclusion**:** we wish to create a vibrant, inclusive club for local residents, junior players and visitors to enjoy the game of squash and hopefully produce more world class athletes as the Northern Rivers has in the past decades. 3 Local players have gone from club juniors to Commonwealth Games Gold medallists with Ryan Cusckelly of Evans Head becoming the current Australian Team Coach.
- Material Public Benefit: As a not-for-profit organisation, all revenue is reinvested into the facility and community involvement with a particular focus on promoting squash for juniors and future generations. This inherent community benefit justifies a waiver, particularly for contributions levied under the Ballina Shire Open Space and Community Facilities Contribution Plan.
- Minimal impact to peak-hour vehicle movements: Contributions under the Ballina Shire Roads Contribution Plan are intended to fund infrastructure required due to demand generated by new development, primarily focusing on additional peak-hour vehicle movements. The proposed squash facility's operation is structured specifically to minimise impact on the industrial precinct's peak traffic hours. Squash fixtures (competition nights) will be held outside of business hours as the majority of the local players work during regular business hours.

  Whilst some usage during the regular business hours would occur this would generally be private court hire which is expected to make up a small component of the clubs revenue and court usage.

Northern Rivers Squash Club Incorporated
nrsquashclub@gmail.com

Based on our proposal to provide a community sporting facility to promote squash within Ballina and the wider area, we respectfully request that Ballina Shire Council consider the Northern Rivers Squash Club Incorporated a key community asset and community sport facility and, by exercising its discretion, waive the $8890.07 of contributions related to Section 7.11 Contributions for DA 2025/403 (Contributions Advice provided with the Development Approval enclosed) based on the reasons provided above.

We are available to meet with Councillors and Council Staff to discuss this matter and review the methodology for contributions as it applies to our specific, community not-for-profit sport facility.

Thank you for your consideration and for supporting the development of community sport in the Ballina Shire.

Yours sincerely,



Ryan Beavis

President
Northern Rivers Squash Club Inc – INC2401227



Javad Mazhar

Secretary
Northern Rivers Squash Club Inc – INC2401227

BALLINA SHIRE COUNCIL CONTRIBUTIONS ADVICE

Not for payment

Ardill Payne & Partners
45 River Street
BALLINA NSW 2478

Application ID:	DA 2025/403/1
Advice number:	ICN-001498
Date of issue:	16 Jan 2026
Description	Recreation facility (indoor) - To undertake a change of use of an existing light industrial unit (No. 3) to a Recreation Facility (Indoor) – 2 x squash courts
Land description:	20//DP1308738
Property address:	13 Ascot Road, BALLINA NSW 2478
Secondary address:	Not Applicable
Application type:	Development Application
Stage name:	N/A
Related planning agreements:	Not Applicable
Notes:	

Total contributions and fees	**$8,890.07**

Note to Applicant
These figures are correct at date of issue and are subject to periodic review and indexing in accordance with relevant Development Contributions Plans and/or Voluntary Planning Agreements.
Please contact Ballina Shire Council prior to payment to obtain the current outstanding amount, by telephone or email:
P: 6686 1220
E: payments@ballina.nsw.gov.au
This amount is current to 30 June. Any Developer Contribution that remains unpaid after this date will require reindexing. Please contact Ballina Shire Council for an updated Fee Estimate.

Breakdown of contributions and fees

Development composition

Development type	Development unit	Proposed development	Existing development	Net development
Light industry - m2 GLFA (Road)	GLFA (m2)	0	370.46	-370.46
Recreation facility (outdoor) - Squash court (per court)	Item	2	0	2
Light industry - Site Ha (Water supply and wastewater)	Site Area (ha)	0	.07	-.07

Applied contribution rates and fees

Infrastructure category	Unadjusted contribution/fee rate ($/unit)[1]	Adjusted contribution/fee rate ($/unit)[2]	Capped contribution/fee rate ($/unit)	Applied contribution/fee rate ($/unit)
Roads - 5208				
Recreation facility (outdoor) - Squash court (per court)	$7,267.54	$8,604.03		$8,604.03
Light industry - m2 GLFA (Road)	$19.27	$22.81		$22.81
Roads Plan Administration - 5209				
Recreation facility (outdoor) - Squash court (per court)	$109.03	$129.08		$129.08
Light industry - m2 GLFA (Road)	$0.29	$0.34		$0.34
Rous Bulk Water - 5001				
Recreation facility (outdoor) - Squash court (per court)	$4,901.58	$4,901.58		$4,901.58
Light industry - Site Ha (Water supply and wastewater)	$158,970.00	$158,970.00		$158,970.00
Wastewater Services - Ballina - North Ballina - 3008				
Recreation facility (outdoor) - Squash court (per court)	$1,659.73	$1,771.31		$1,771.31
Light industry - Site Ha (Water supply and wastewater)	$89,715.00	$95,746.26		$95,746.26
Water Supply - Ballina - North Ballina - 2008				
Recreation facility (outdoor) - Squash court (per court)	$394.51	$421.03		$421.03
Light industry - Site Ha (Water supply and wastewater)	$12,795.00	$13,655.17		$13,655.17

[1] In accordance with the 2024 - ROUS23, WS24, WW24, RCP42, OSCF22.

[2] At the date of this advice, after the application of indexation.

Total contributions and fees

Infrastructure category	Unit	Development amount	Applied contribution/fee rate ($/unit)	Total contribution/fee ($)
Roads - 5208				
Recreation facility (outdoor) - Squash court (per court)	Item	2	$8,604.03	$17,208.06
Light industry - m2 GLFA (Road)	GLFA (m2)	-370.46	$22.81	($8,450.19)
Roads Plan Administration - 5209				
Recreation facility (outdoor) - Squash court (per court)	Item	2	$129.08	$258.16
Light industry - m2 GLFA (Road)	GLFA (m2)	-370.46	$0.34	($125.96)
Rous Bulk Water - 5001				
Recreation facility (outdoor) - Squash court (per court)	Item	2	$4,901.58	$9,803.16
Light industry - Site Ha (Water supply and wastewater)	Site Area (ha)	-.07	$158,970.00	($11,127.90)
Wastewater Services - Ballina - North Ballina - 3008				
Recreation facility (outdoor) - Squash court (per court)	Item	2	$1,771.31	$3,542.62
Light industry - Site Ha (Water supply and wastewater)	Site Area (ha)	-.07	$95,746.26	($6,702.24)
Water Supply - Ballina - North Ballina - 2008				
Recreation facility (outdoor) - Squash court (per court)	Item	2	$421.03	$842.06
Light industry - Site Ha (Water supply and wastewater)	Site Area (ha)	-.07	$13,655.17	($955.86)

Applicable discounts

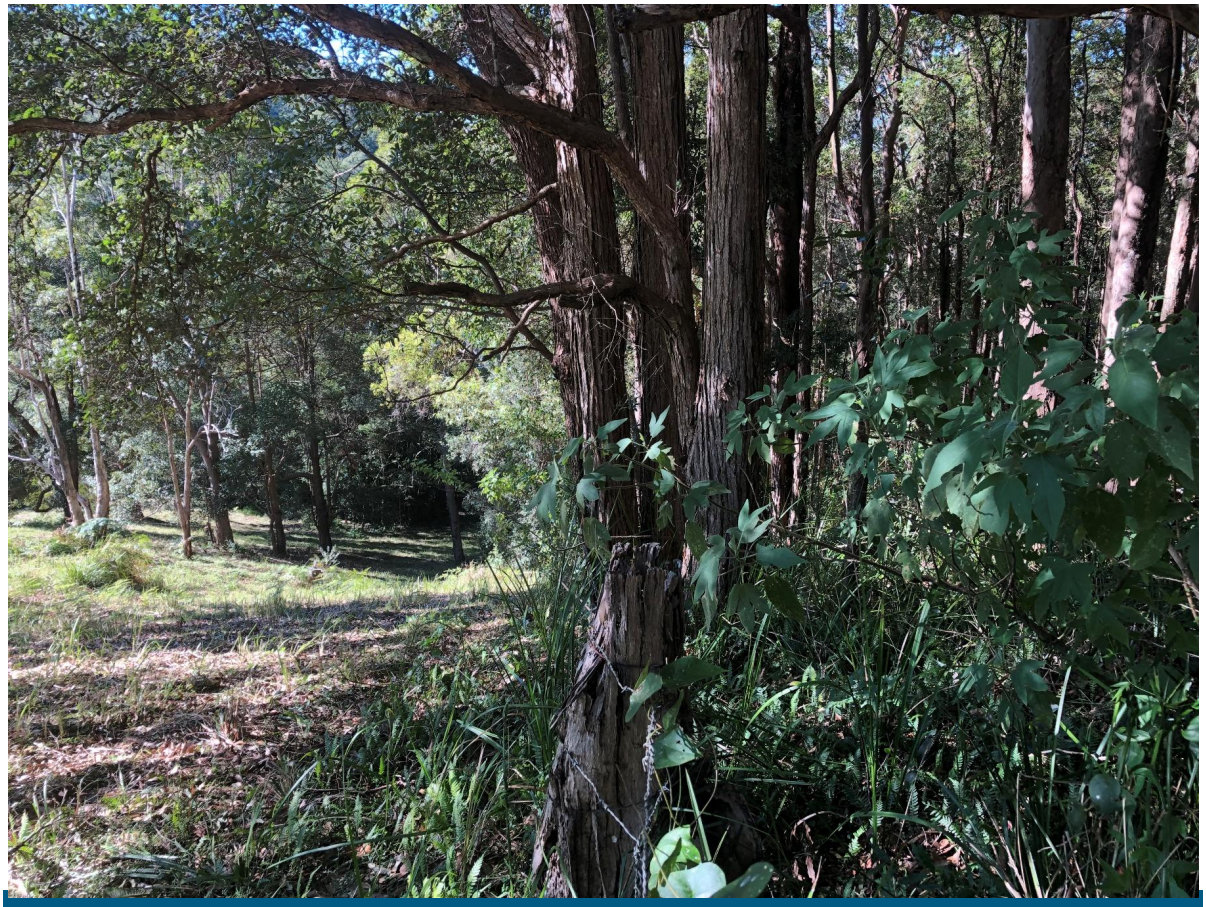
No discounts apply.

Other adjustments

No other adjustments apply.

Summary

Total contributions and fees ($)	$8,890.07
Total discounts ($)	$0.00
Total other adjustments ($)	$0.00
Total contributions and fees ($)	**$8,890.07**



Planning Proposal – Ballina Local Environmental Plan 2012

Planning Proposal relating to deferred matter and conservation zones on certain land

BSCPP 25/010

October 2025 (V2 Exhibition) 25/22898

ballina shire council

ballina
shire council

40 cherry street • po box 450 • ballina nsw 2478
t 02 6686 4444 • **f** 02 6686 7035 • **e** council@ballina.nsw.gov.au

ballina.nsw.gov.au

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1. Introduction

1.1 Summary of planning proposal

The purpose of this planning proposal (PP) is to:

a) Integrate certain land into Ballina LEP 2012 (BLEP 2012) from Ballina LEP 1987 (BLEP 1987) (Teven Test Case properties). This is land that was not included within BLEP 2012 Amendment No 55, published on 12 July 2012, as such land was the subject of unresolved objections, and

b) Amend BLEP 2012 in respect to two lots that were incorporated within BLEP 2012 Amendment No 55 but to which objections (confidential) were not considered prior to the land being rezoned.

The location of the Teven Test Case properties is depicted in Figure 1.

The location of the lots that were subject to zone changes without (confidential) objections being considered by the Department of Planning, Housing and Infrastructure (DPHI), and are subject to this PP, are depicted in Figures 2. The objections were not considered as council did not forward the objections to the DPHI.

Figure 1 – Location Diagram Teven Test Case Properties

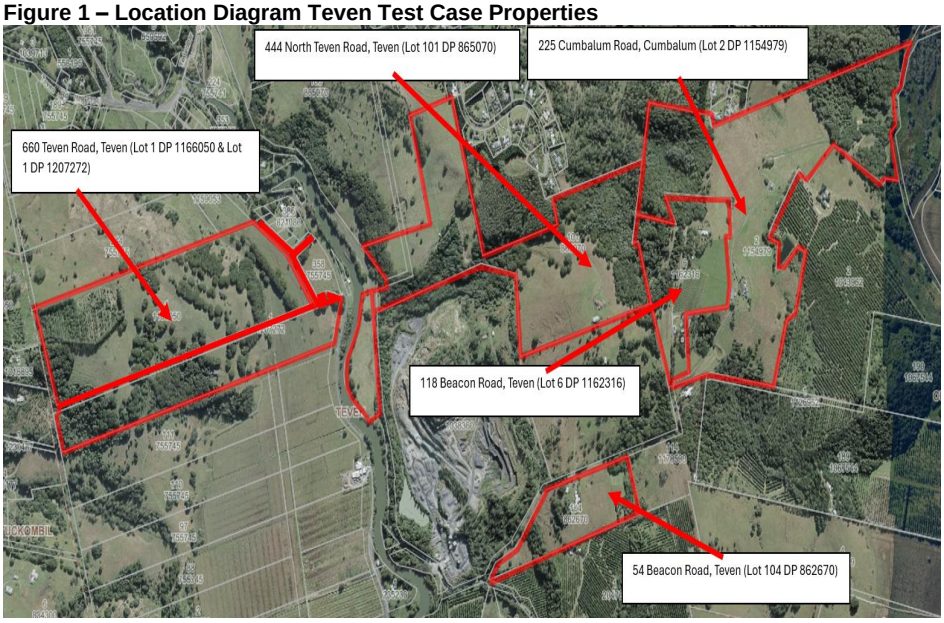
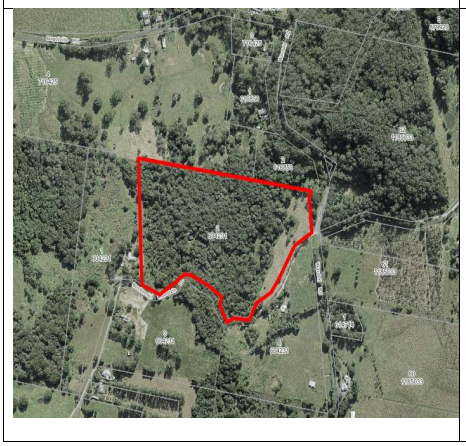
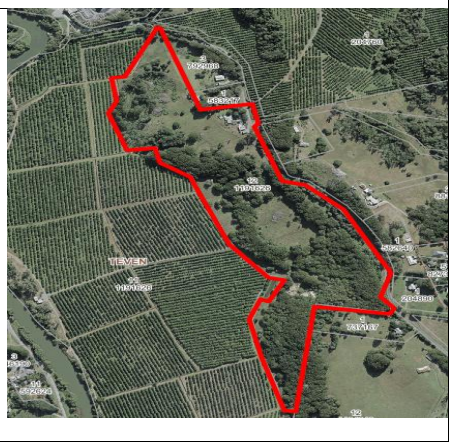


Figure 2 – Location Diagram - land subject to an unconsidered objection

54 Buckombil Mountain Road Meerschaum Vale (Lot 2 DP 604231)	287 North Teven Road, Teven, (Lot 12 DP 1191626)
	

1.2 Background

When BLEP 2012 came into effect in January 2013, it included 'deferred matters'.

Deferred matter (DM) land is that land that had been proposed for environmental zoning in BLEP 2012 but had been 'deferred' from the LEP by the (then) Department of Planning and Infrastructure, pending a review of the application of environmental zones. The land affected instead retained its zoning under BLEP 1987.

The review of environmental zones was completed in 2016 with the publication of the *Northern Councils E Zone Review Final Recommendations Report* (NCEZR) and associated Ministerial Direction. The NCEZR stipulates criteria councils are required to apply when proposing land for an environmental zone.

In April 2017 Council resolved to retain all areas zoned for environmental purposes (7 series zones) under BLEP 1987 as deferred areas. It also resolved to prepare a planning proposal to integrate the remaining deferred matter areas (non 7 series zones) into BLEP 2012 using NCEZR criteria.

In February and March 2023 council publicly exhibited its Conservation Zone Review (deferred matters integration) Planning Proposal (BSCPP21/004).

In September 2023 Council resolved to include environmental zones on private property only where a written request ("opt-in") from a landholder was submitted to and accepted by Council. Where written consent was not given, the land was instead proposed to be zoned the most appropriate equivalent zone to its current BLEP1987 zone.

The Department of Planning Housing and Infrastructure (DPHI) did not support the "opt-in" approach. Instead, it completed the planning proposal for those lots not subject to objection generally in the manner it had been exhibited by council. This was then published on the NSW Legislation web site on 12 July 2024 as Amendment No. 55 to BLEP 2012.

Amendment No. 55 gave effect to council's exhibited 2023 PP (BSCPP21/004) and rezoned 475 lots. Rezoning these lots to zones, including C2 Environmental Conservation (C2), C3 Environmental Management (C3), RU1 Primary Production (RU1) and RU2 Rural Landscape (RU2), resulted in such lots being integrated into BLEP2012 and no longer being classified as a 'deferred matter'.

Excluded from Amendment No 55 were 257 lots which included those lots the subject of objections. The excluded land includes land owned by the JALI Local Aboriginal Land Council at Wardell, and some government agency, council and privately owned lots.

In July 2024 the DPHI when advising council that Amendment 55 had been made also advised as follows (refer Appendix 4):

> *It should be noted that a number of sites and part sites proposed for a conservation zoning have been removed from the plan due to an objection from the landowner. These sites will remain zoned Deferred Matter until further investigations and discussions can be undertaken between Council, the landowners, NSW Biodiversity Conservation and Science (BCS) and the Department regarding their environmental significance.*
>
> *I encourage Council to engage with the affected landowners as a priority and appropriate zonings be applied to their land in accordance with the Northern Council's E Zone Review Final Recommendations Report. I look forward to Council then forwarding a planning proposal for a Gateway determination to rezone the lands in accordance with the outcomes of these investigations.*

It is in response to the above comments that this planning proposal has been prepared as it relates to the 5 Teven Test Case properties.

Land the subject of Unconsidered Confidential Objections

In respect to the land the subject of objections not forwarded to the DPHI, Council had initially requested that the zoning of this land be restored to the zones applicable to the land prior to 12 July 2024. That was unless the DPHI was of the view that the zoning as amended is appropriate following consideration of submitted correspondence and the submissions.

Council requested that the zones be restored utilising s3.22(1)(c) of the *Environmental Planning and Assessment Act, 1979*. In respect to this request Council was informed by the DPHI in a letter received on 3 March 2025 (Appendix 4) as follows:

> *Council's request included five sites where confidential submissions were made to Council objecting to the proposal but were not submitted to the Department for consideration. It was determined that inclusion of these sites in accordance with s3.22(1) (c) EP&A Act do not meet the criteria for this process and warrant compliance with the usual plan making processes. I would encourage Council to work with the landowners to determine whether a planning proposal for the five sites is appropriate and necessary and should be pursued.*

Following correspondence being forwarded to the affected landowners, two owners agreed to their properties undergoing further ecological evaluation. These properties known as 54 Buckombil Mountain Road, Meerschaum Vale, and 287 North Teven Road, Teven, have been incorporated within this planning proposal with zone changes proposed following ecological evaluation to ensure compliance with NCEZR.

1.3 Land to which the planning proposal applies

The lots to which this PP applies is shown outlined in red in Figure 1 and 2.

Table 1 details the properties and lots the subject of this PP, the existing and proposed zones for each land parcel and the primary use of the land as determined by Council and the basis of the proposed zone change decision.

Table 1 – Property Information for Lots subject to Planning Proposal

No	Property Details	Lot Area	Existing Zones that this PP proposes to Change	Proposed Zones	Primary Land Use	Basis of Zoning Decision
1	118 Beacon Road, Teven (Lot 6 DP 1162316)	15.25ha	1(b) Rural (Secondary Agriculture) BLEP 1987	RU1 & C3	Agriculture & Environmental Management	Negotiated outcome
2	225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979)	47.74ha	1(b) Rural (Secondary Agriculture) BLEP 1987	RU1 and C3	Agriculture & Environmental Management	Negotiated outcome
3	444 North Teven Road, Teven (Lot 101 DP 865070)	39.98ha	1(b) Rural (Secondary Agriculture) BLEP 1987	RU1 and C3	Agriculture & Environmental Management	Negotiated outcome
4	54 Beacon Road, Teven (Lot 104 DP 862670)	9.885ha	Part 1(b) Rural (Secondary Agriculture) & Part 1(e) Rural (Extractive & Mineral Resources) BLEP 1987	RU1 and C2	Agriculture & Environmental Conservation	Ecological evaluation NCEZR criteria
5	660 Teven Road, Teven (Lot 1 DP 1166050 & Lot 1 DP 1207272)	53.558ha	Part 1(a2) Rural (Coastal Lands Agriculture) & Rural & Part 1(b) Rural (Secondary Agriculture) BLEP 1987	RU1	Agriculture	Ecological evaluation
6	54 Buckombil Mountain Road, Meerschaum Vale (Lot 2 DP 604231)	13.49ha	C2 Environmental Conservation, BLEP 2012	Rezone C2 Environmental Conservation zone to part C3 Environmental Management and part RU2 Rural Landscape zone	Environmental Management	Ecological evaluation & negotiated outcome
7	287 North Teven Road, Teven (Lot 12 DP 1191626)	24.86ha	Part C2 Environmental Conservation, & Part RU2 Rural Landscape zone BLEP 2012	RU1 Primary Production	Agriculture	Ecological evaluation

1.4 Council Resolutions

The Council resolved to prepare this PP at its Ordinary Meeting on 28 August 2025 (Minute No 280825/5). At that time the Council resolved as follows:

> *1. That Council adopts the six guiding principles, as detailed in this report, to evaluate the appropriateness of a C zone being applied to privately owned land.*
>
> *2. That Council adopts the revised primary use of land (PUL), and zone recommendations contained within Table 1 of this report, for the Teven Test Case properties, and prepare a planning proposal on that basis. The planning proposal is to be submitted for a Gateway determination and subsequent public exhibition.*
>
> *3. That Council adopts the PUL recommendations in this report, in respect to 287 North Teven Road, Teven and 54 Buckombil Mountain Road, Meerschaum Vale and the zoning outcomes shown in Diagrams 10 and 12. These properties to be incorporated in the planning proposal referenced in point 2.*
>
> *4. That Council further consider the zones applied to the remaining three properties, subject to unconsidered objections, as detailed in this report, if requested to do so by the property owners, at no cost to the owners.*
>
> *5. That further transitioning of privately owned deferred matter affected properties into Ballina LEP 2012, for zones substantially other than C2, or C3, be the subject of proponent-initiated planning proposals. This includes the payment of Council's fees and charges.*
>
> *6. That private property owners seeking to transition deferred matter affected properties to be substantially zoned C2, or C3, be exempt from Council's rezoning fees and charges, as the proposals are to be incorporated into a Council prepared planning proposal, on an annual, or as required basis, concurrently with periodic reviews of the LEP.*
>
> *7. The transition of Council owned deferred matter properties, excluded from Amendment No 55, are to be included in a planning proposal, within the next 12 months.*
>
> *8. The transition of Government Agency and JALI Local Aboriginal Land Council owned deferred matter properties, excluded from Amendment No 55, are to be considered on an on-request basis.*
>
> *9. That Council applies a zoning arrangement to 118 Beacon Road, Teven consistent with image 3b in the report.*
>
> *10. That Council provides vegetation mapping data obtained through the deferred matters program and other initiatives to the NSW State Government to inform future updates to the Biodiversity Values Map.*

A copy of the report considered by the Council forms Appendix 3 of this PP.

1.5 Gateway Determination

A Gateway Determination was issued on 13 October 2025. A copy of the Gateway Determination and associated letter from the DPHI are contained within Appendix 13.

1.6 Deferred Matter Integration Context and Interpretation

The application of conservation zones in Ballina Shire is required to be based on the NSW Department of Planning and Environment's *Northern Councils E Zone Review Final Recommendations Report* (NCEZR) dated October 2015. This report is supported by a section 9.1(2) Ministerial Local Planning Direction (3.4) to ensure the application of C zones and mapped planning controls are consistent with the final recommendations report.

A number of matters relevant to this PP, as detailed in the NCEZR and associated material, require explanation as detailed below.

1.6.1 Primary Use of Land (PUL)

The NCEZR defines primary use of the land as the main use for which the land has been used for the last two years.

Where a C2 or C3 conservation zone is proposed, the primary use of the land is to be considered. The primary use of land concept is not required to be directly applied in cases where zones other than C2 or C3 are proposed.

In making a determination as to the PUL of land affected by this PP council has also considered the following DPHI guidance documents:

Letter from the Planning and Environment Secretary 1 March 2016

This letter is the primary guidance document.

The letter was issued to all Northern Councils affected by the then E zone review process to

"further assist Council when seeking to apply E zones in accordance with the Northern Councils E Zone Review Final Recommendations."

The letter contains the following relevant statement:

> *For the avoidance of doubt a reference to 'Primary Use of land' in the context of the Recommendations Report is considered to be:*
>
> *b) If the main use is for environmental conservation or management, the environmental values of the land and vegetation need to be demonstrated and the absence of any agricultural or other land use confirmed.*

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

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

The PUL for the land the subject of this PP has been determined substantially in accordance with the guidance contained in the NCEZR and the DPHI guidance documents referenced above.

1.6.2 Verification of the C zone criteria

Where this PP proposes to zone land for conservation purposes (C2 or C3) the lands ecological characteristics have been verified by ecologists as meeting the criteria contained within the NCEZR. This has been done through field inspections.

Where land has already been zoned for conservation purposes, and the appropriateness of such zone has been disputed by the landowner, then such land has been evaluated by ecologists for compliance with the NCEZR criteria. This has also been done through field inspections.

Appendixes 5, 6 and 7 contain the expert ecological reports which relate to the land detailed in Table 1.

It is noted that it is not mandatory to apply a C zone if the land has been verified to meet the criteria. Council has accepted a number of negotiated outcomes as provided for in the NCEZR. This has been done in cases where the absence of agriculture could not be definitively established or to achieve consistency with zones on adjoining or nearby land.

Table 1 provides details of the basis of the zoning outcomes proposed by this PP including the land the subject of a negotiated zoning outcomes.

1.6.3 Guiding Principles for application of C zones to privately owned land

Council has adopted the following guiding principles to assist it when negotiating the application of C zones to privately owned land. This has been done based on learnings derived from the 2023 Conservation Zone Review PP (BSCPP21/004), the extensive consultation undertaken with the Teven Test Case landowners and DPHI guidance documents.

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

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

2. *Minimum Land Area for C Zone.*

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

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

3. *C2 – Environmental Conservation Zone.*

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

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

   These areas are characterised by the absence of agriculture.

4. *C3 – Environmental Management Zone.*

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

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

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

5. *Rural Zones.*

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

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

6. *Application.*

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

2. Objectives & Intended Outcomes

The objective of this planning proposal is to:

a) Transition land contained on 5 properties (Teven Test Case Properties) from BLEP 1987 into BLEP 2012. This land is designated as a DM (*deferred matter)* within BLEP 2012.

It is intended to achieve this objective through the following means:

- Apply a C2 zone to land identified as meeting the criteria set out under the NCEZR and where the PUL has been determined to be conservation.
- Apply a C3 zone to land identified as meeting the criteria set out under the NCEZR and where the PUL has been determined to be environmental management.
- Apply an RU1 zone to other land that does not meet the criteria for application of environmental protection zones as set out under the NCEZR or where the application of such zone is based on a negotiated development outcome.
- Apply the following consequential development standard mapping to the subject land: Height of Buildings (8.5m); Lot Size (40ha); Acid Sulfate Soil designation (where applicable).
- Adjust the Land Application Map to incorporate the land within BLEP 2012.

b) Amend BLEP 2012 in respect to the land zones applicable to two properties which were incorporated within BLEP 2012 Amendment No 55, but in respect to which objections (confidential) were not considered prior to the land being rezoned.

It is intended to achieve this objective through the following means:

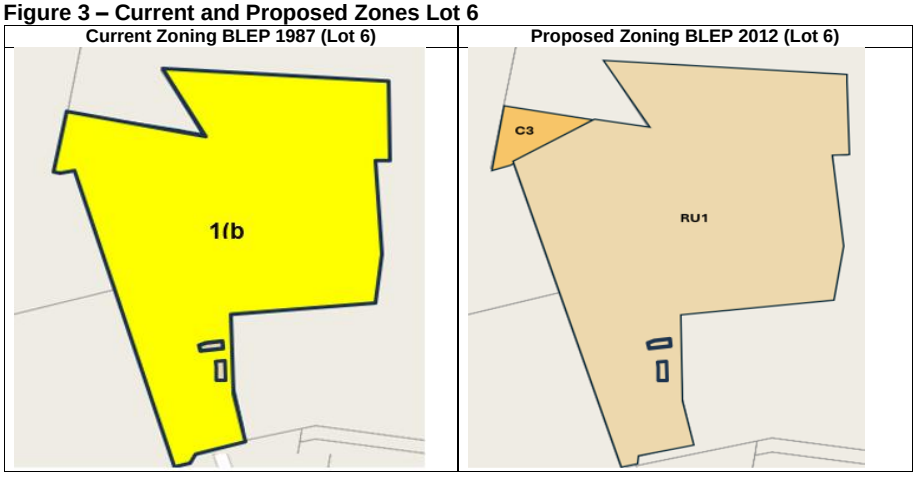
- Apply a C3 zone to part of the land known as 54 Buckombil Mountain Road, Meerschaum Vale (Lot 2 DP 604231). Being land identified as meeting the criteria set out under the NCEZR and where the PUL has been determined to be conservation management. Instead of the C2 zone currently applicable to part of that land.
- Apply an RU2 Rural Landscape zone to that part of 54 Buckombil Mountain Road Meerschaum Vale (Lot 2 DP 604231) within the curtilage of a dwelling house, and generally over the associated bushfire asset protection zones (APZs) and accessway area.
- Apply an RU1 zone to 287 North Teven Road, Teven, (Lot 12 DP 1191626) instead of the C2 and RU2 zones currently applicable to part of that land.

The following map snips show how each of the properties referenced in Table 1 is currently zoned and the zone changes proposed by this PP.

Part A – Teven Test Case Properties

118 Beacon Road, Teven (Lot 6 DP 1162316) (Lot 6)

Figure 3 – Current and Proposed Zones Lot 6



Lot 6 has an area of 15.25ha.

[Surrounded by lot 6 at its southern end are two small lots (Lot 5 DP 1162316 – 51.75m^2 and Lot 4 DP 1154979 – 88m^2) These lots were created in 2010 and 2011 and contain telecommunications infrastructure. Lots 4 & 5 were incorporated within BLEP2012 Amendment 55 and zoned RU1.]

Lot 6 has been the subject of an ecological evaluation and site visit (Refer Appendix 5).

That part of Lot 6 proposed to be zoned C3 is located within an area that contains wet sclerophyll forest. In this area canopy trees included Brushbox (*Lophostemon confertus* and Tallowwood (*Eucalyptus microcorys*) with a rainforest midstorey and understorey are located. Lowland Subtropical Rainforest meets the criteria for a C zone under the criteria of the NCEZR report.

A site inspection has confirmed that agriculture is taking place across the majority of Lot 6. Agricultural activities include grazing (beef cattle) custard apple and fig orchards as well as *Syntropic* agriculture. Syntropic agriculture is confined to steeper sections of this property.

As part of a negotiated outcome the property owner has agreed to a C3 zone being applied to part of Lot 6 in the far northwestern corner. This area has been assigned a PUL of environmental management. The PUL for the remainder of Lot 6 has been accepted by the Council to be agriculture.

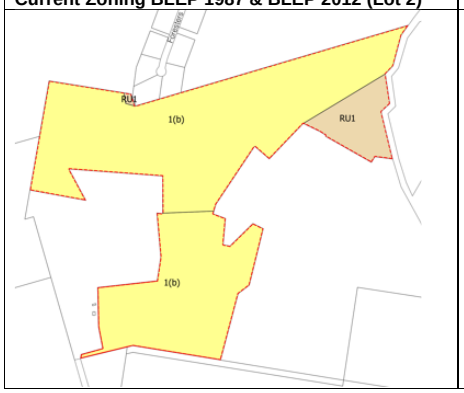
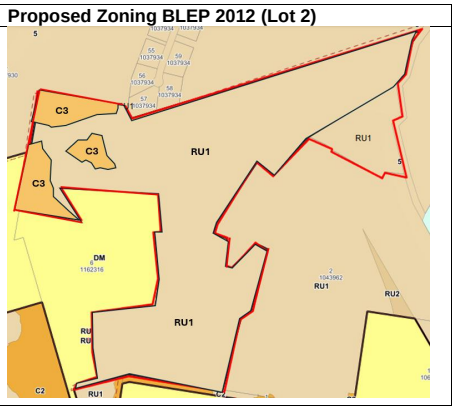
The proposed C3 zone occupies an area of approximately 0.6ha. The remainder of Lot 6 is proposed to be zoned RU1 under the provisions of BLEP 2012.

It is also proposed to apply a minimum lot size of 40ha and a maximum building height of 8.5 metres to Lot 6. This will be done through incorporation of Lot 6 within the BLEP 2012 Lot

Size Map and the Height of Buildings Map. Lot 6 will also be incorporated into the BLEP 2012 Land Application Map.

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

Figure 4 – Current and Proposed Zones Lot 2

Current Zoning BLEP 1987 & BLEP 2012 (Lot 2)	Proposed Zoning BLEP 2012 (Lot 2)
	

Lot 2 has an area of 47.74ha of which approximately 44ha is zoned Rural 1(b) Secondary Agriculture (BLEP 1987) and the remaining 3.74ha being zoned RU1 (BLEP 2012).

This PP only related to that part of Lot 2 zoned under the provisions of BLEP1987. It is proposed to rezone approximately 4.1ha of Lot 2 to C3 with a RU1 zone being applied to the remaining 39.9ha.

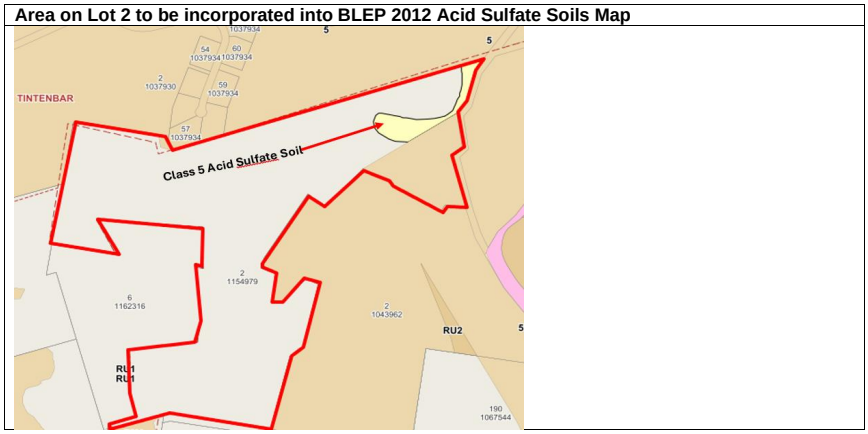
The proposed C3 zoned areas have been subject to an ecological evaluation (refer Appendix 5) and site visit. The evaluation has found that the vegetation consists of wet sclerophyll forest. It is dominated by Brushbox, and including some areas containing Tallowood. Rainforest species are located in the midstorey and understorey. The ecological evaluation has concluded that the vegetation is of high environmental value. The vegetation communities within the proposed C3 zone meets the criteria for a C3 zone as specified in the NCEZR report.

The vegetated areas on Lot 2 are not fenced to exclude stock and consequently their use for understorey grazing cannot be excluded. For this reason, a negotiated solution has been agreed with the property owners which provides for a C3 zone being applied to the 3 areas the subject of this PP and an RU1 zone for the remainder of the DM area on Lot 2. A PUL of environmental management has been assigned to the proposed C3 areas.

It is also proposed to apply a minimum lot size of 40ha and a maximum building height of 8.5 metres to the proposed rezoned areas on Lot 2 (C3 and RU1). This will be done through incorporation of these areas within the BLEP 2012 Lot Size Map and the Height of Buildings Map.

A small portion of Lot 2 is affected by Class 5 Acid Sulfate Soils which will require this area to be incorporated within the BLEP 2012 Acid Sulfate Soils Map as indicated in the map snip contained in Figure 5 below.

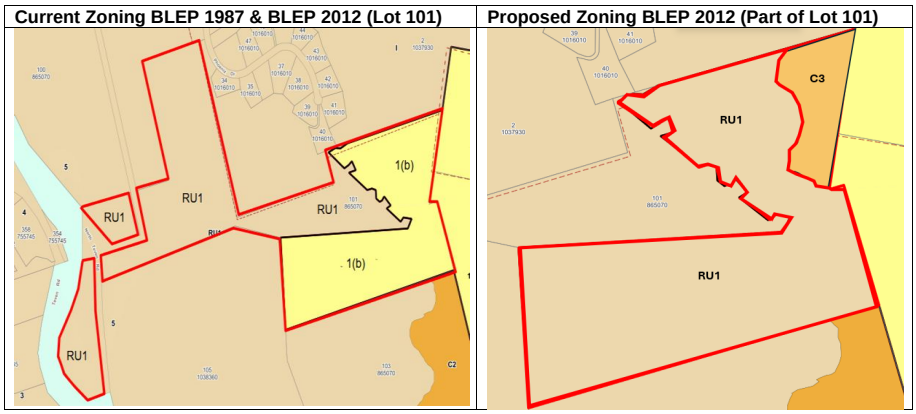
Figure 5 – Area (yellow) to be incorporated into BLEP 2012 Acid Sulfate Soils Map



The whole of Lot 2 will also be incorporated into the BLEP 2012 Land Application Map.

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

Figure 6 - Current and Proposed Zones Lot 101



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

This PP only related to that part of Lot 101 zoned under the provisions of BLEP1987. It is proposed to rezone approximately 1.8ha of Lot 101 to C3 with a RU1 zone being applied to the remaining 15.2ha under the provisions of BLEP 2012.

Lot 101 has been the subject of an ecological evaluation and site visit (refer Appendix 5). The ecologists have identified the vegetation within the proposed C3 zone to be wet sclerophyll forest communities. The mid and understorey containing rainforest species. The vegetation communities within the proposed C3 zone meet the criteria for a C3 zone as specified in the NCEZR report. The vegetation within the proposed C3 zone is of good quality, blends into similar vegetation communities on adjoining land, and contains a low density of weed species.

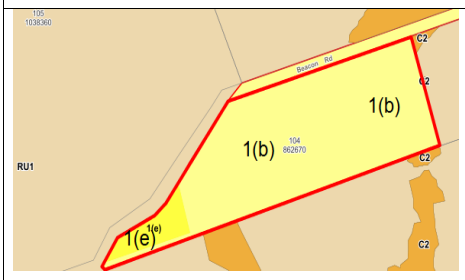
The proposed C3 zone is located to the northeast of an existing access track and is fenced to exclude stock. This land is steep in nature and formed a part of a previous historic banana plantation use. Land to the southwest of the proposed C3 zone has similar ecological characteristics but has not been fenced to exclude stock and is subject to occasional understorey grazing. It is for this reason that an RU1 zone is proposed to be applied to this land as well as to land containing a high density of weed species (privet and camphor laurel).

The landowner supports the application of a C3 zone to part of Lot 101 and an RU1 zone to the remainder of the DM land as a negotiated outcome.

It is also proposed to apply a minimum lot size of 40ha and a maximum building height of 8.5 metres to those parts of Lot 101 affected by this PP. This will be done through incorporation of the rezoned sections of Lot 101 within the BLEP 2012 Lot Size Map and the Height of Buildings Map. Lot 101 will also be incorporated into the BLEP 2012 Land Application Map.

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

Figure 7 - Current and Proposed Zones Lot 104

Current Zoning BLEP 1987 & BLEP 2012 (Lot 104)	Proposed Zoning BLEP 2012 (Lot 104)
	

Lot 104 has an area of 9.8850ha.

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

It is proposed to rezone Lot 104 to part C2 and part RU1 under the provisions of BLEP 2012 as shown in Figure 7. The proposed C2 zone occupies an area of approximately 1.4ha.

Council has applied a PUL of environmental conservation to the proposed C2 zoned areas and a PUL of agriculture to the proposed RU1 zoned areas.

Lot 104 has been the subject of an ecological evaluation (Annexure 5) and site visit. This found that the 3 proposed C2 zoned areas contain vegetation classified as *Native vegetation in over-cleared Mitchell landscapes - Rainforest*. This is a key threatened species habitat and meets the criteria for a C2 zone in the NCEZR. The ecologists found that the proposed C2 areas contained vegetation in good to very good condition with few weeds.

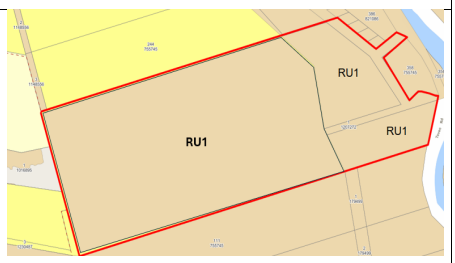
It is noted that the vegetation within the proposed C2 zoned areas was substantially planted by a previous owner in 2011 utilising in part a Local Land Services grant. The 5 year maintenance obligation under that grant have been completed.

The current landowner has indicated objection to the proposed C2 zone. This owner acquired Lot 104 in April 2025. The previous landowner actively maintained and replanted the areas proposed to be zoned C2. This owner also raised objection to the proposed C2 zone.

It is also proposed to apply a minimum lot size of 40ha and a maximum building height of 8.5 metres to Lot 104. This will be done through incorporation of Lot 104 within the BLEP 2012 Lot Size Map and the Height of Buildings Map. Lot 104 will also be incorporated into the BLEP 2012 Land Application Map.

660 Teven Road, Teven (Lot 1 DP 1166050 & Lot 1 DP 1207272)

Figure 8 - Current and Proposed Zones 660 Teven Road

Current Zoning BLEP 1987 & BLEP 2012	Proposed Zoning BLEP 2012 (Lot 1 & 1)
	

This property consists of two lots – Lot 1 DP 1166050, and Lot 1 DP1207272 a closed road. The DM sections of this property are zoned partly 1(b) Rural (Secondary Agricultural Land) and partly 1(a2) Rural (Coastal Lands Agriculture) under the provisions of BLEP1987. The non deferred matter sections of this property are zoned RU1 under the provisions of BLEP 2012.

Lot 1 & 1 have been the subject of an ecological evaluation and a site visit by ecologists (refer Appendix 5)

Cattle access all the DM sections of this property. A range of farm infrastructure is also located within the DM area. This includes farm sheds, fences, and water tanks. Powerlines run along the southern boundary with the vegetation below managed by Essential Energy. An orchard is located in the northwestern corner (area of approx. 5ha).

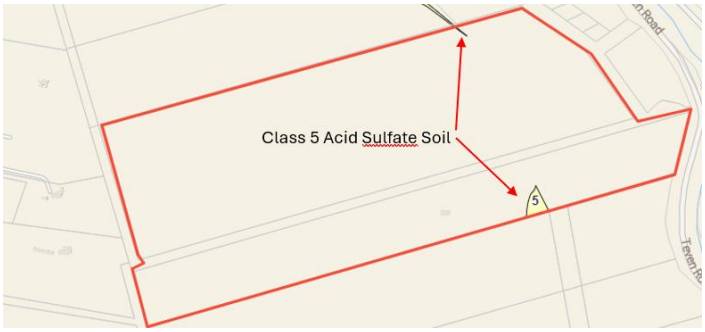
Due to the degraded condition of the vegetation and the grazing of cattle in all areas, a PUL of Agriculture has been assigned to all the DM sections of this property. The ecologist

concluded that none of the vegetation observed meets the criteria for a C2 or C3 zone because of the dominance of weeds species.

An RU1 zone is proposed to be applied to all of the DM sections of this property. The landowner supports the proposed RU1 zone.

It is also proposed to apply a minimum lot size of 40ha and a maximum building height of 8.5 metres to the areas proposed to be zoned RU1. This will be done through incorporation of the lots within the BLEP 2012 Lot Size Map and the Height of Buildings Map. The lots will also be incorporated into the BLEP 2012 Land Application Map.

A small portion of Lot 1 is affected by Class 5 Acid Sulfate Soils which will also require this area to be incorporated within the BLEP 2012 Acid Sulfate Soils Map as indicated in the map snip below.



Part B – Properties Subject to Unconsidered Objections (Amendment No 55 BLEP 2012)

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

Lot 2 has an area of 13.49ha. It is zoned part RU1 Primary Production, Part RU2 Rural Landscape and part C2 Environmental Conservation under the provisions of BLEP 2012.

The C2 zone occupies an approximate area of 10.5ha or 78% of the area of Lot 2.

Prior to the making of BLEP 2012 Amendment No 55 the C2 zoned part of Lot 2 was zoned 1(b) Rural (Secondary Agricultural Land) under the provisions of BLEP 1987.

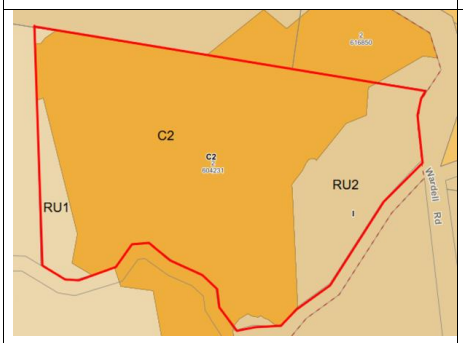
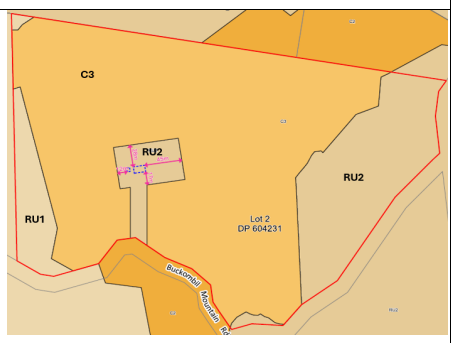
Figure 9 below shows the manner in which Lot 2 was zoned prior to Amendment No 55 to BLEP 2012.

Figure 9 - Land zoning Lot 2 prior to Amendment No 55 BLEP 2012



Figure 10 below shows how Lot 2 is currently zoned, and the zones proposed to be applied by this planning proposal.

Figure 10 - Current and Proposed Zones Lot 2

Current Zoning BLEP 2012 (Lot 2)	Proposed Zoning BLEP 2012 (Lot 2)
	

The landowner had lodged an objection to the proposed C2 zone during the period that the 2023 Conservation Zone Review PP was on public exhibition. An administrative error resulted in objections, which landowners had requested to be treated on a confidential basis, not being forwarded to the DPHI. This resulted in the 1(b) zoned land on Lot 2 being rezoned to C2 as part of Amendment No 55 to BLEP 2012 on 12 July 2024.

The landowners 2023 objection was based on financial impact, cleared land being designated for C2 zoning, loss of development opportunities for dual occupancy and cabins, and ongoing need to manage existing Asset Protection Zones (APZs).

All objections received by Council were independently evaluated by Gyde Consulting in 2023. The DPHI funded the work undertaken by Gyde Consulting. The evaluation of the landowner's submission recommended ground truthing to verify vegetation type, checking of cadastral alignment of zone boundaries and application of an RU2 zone to the areas occupied by the dwelling and APZs.

A copy of the Gyde Consulting evaluation is contained in Appendix 8.

Lot 2 has been the subject of ecological evaluation and ground truthing in June 2025 (Appendix 7). This found that vegetation on the property is predominantly Northern Brush Box Subtropical Wet Forest with rainforest regrowth present in gullies. This vegetation type is considered to meet the criteria for a C2 zone as it contains threatened species habitat.

Lot 2 is wholly located within a Koala Planning Area. The area subject to the C2 zone is mapped as Core Koala Habitat – Secondary Areas B and C. These areas, except for the area occupied by the dwelling, are also reflected in the NSW 2022 Biodiversity Values Map and designated as Core Habitat within an approved Koala Plan of Management.

The ecologist found no evidence of koala activity or old growth forest trees on this property at the time of inspection.

The ecologist recommended that the area of the driveway, house and APZs be excised from the conservation zone and zoned rural, and the C2 zone be changed to C3. The application of a C3 zone was partly influenced by the C3 zoning of a neighbouring property (Lot 62 DP 1185033 owned by Transport for NSW). This adjoining property contains the same vegetation community as on Lot 2 and is zoned C3.

The landowner has over a 25-year period engaged in active vegetation management activities on Lot 2. This includes weed control, replanting activities and maintenance of APZs. The overall good condition of vegetation on lot 2, and the low level of invasive weed species, are attributed to the landowner's activities. These factors also support a PUL of environmental management and a C3 zone being applied to that part of Lot 2 currently zoned C2.

Council at its meeting on 28 August 2025 endorsed the PUL of environmental management and C3 zone being applied to part of Lot 2.

Figure 11 below shows the proposed RU2 zone as agreed with the landowner in the area affected by APZs and located centrally over the driveway. The APZ has been increased from the required 30 metres on the eastern side as specified in Development Consent 2009/284 to 45 metres. This has been done at the request of the landowner and in accordance with the landowners 2009 Bush Fire Assessment Report.

Figure 11 – Proposed RU2 zone over APZs and Accessway

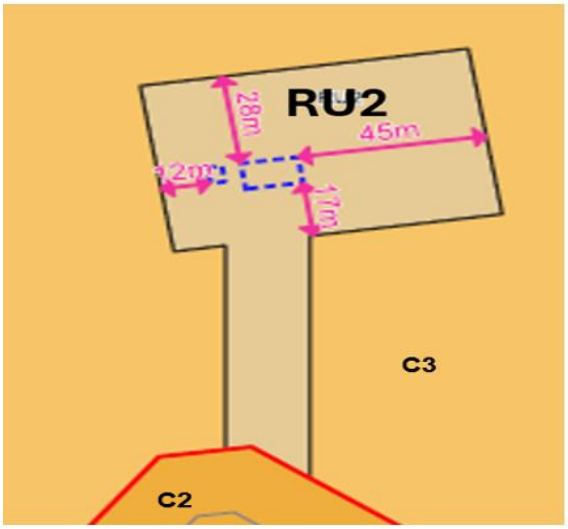


Diagram showing APZ and Accessway Area subject to RU2 zone

APZs have been applied and designated with an RU2 zone from the edge of the dwelling and bathroom outbuilding as follows:

East – 45m

North – 28m

West – 12m

South – 17m

Accessway 20m centrally over driveway

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

Lot 12 has an area of 24.86ha and is zoned partly RU1 Primary Production, RU2 Rural Landscape and C2 Environmental Conservation under BLEP 2012.

Prior to Amendment No 55 the deferred matter section of Lot 12 was zoned part 1(a1) Rural (Plateau Lands Agriculture) and partly 1(b) Rural (Secondary Agricultural Land) under the provisions of BLEP1987. An RU1 Primary Production zone applied to the non-deferred matter area. Refer diagram below of land zones that applied to Lot 12 prior to Amendment No55 to BLEP2012.

Figure 12 – Land zoning Lot 12 prior to Amendment No 55 BLEP 2012

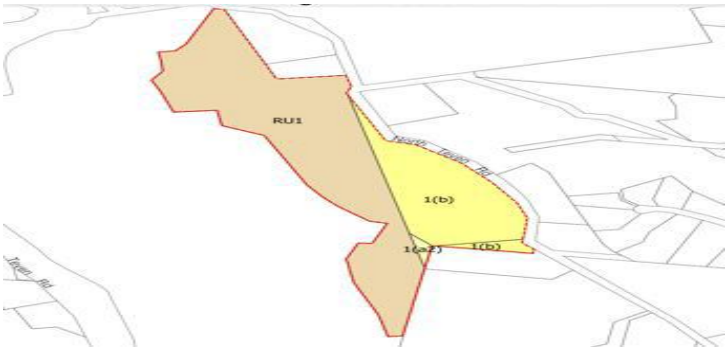
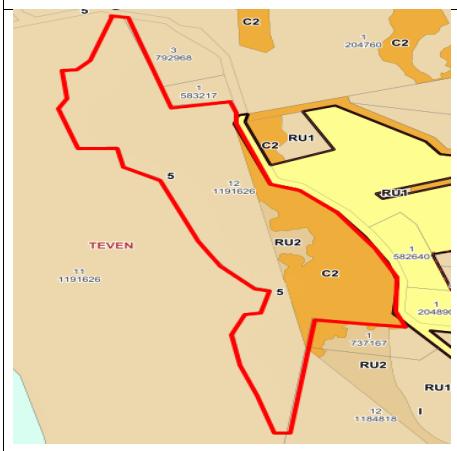
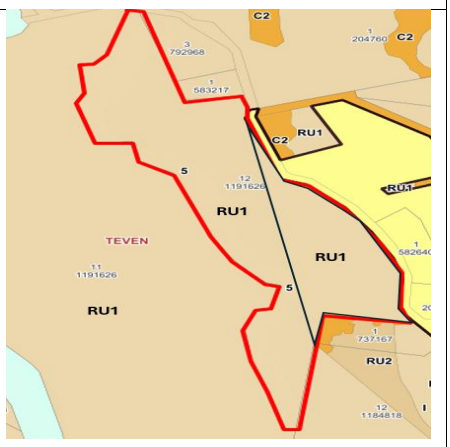


Figure 13 below shows how Lot 12 is currently zoned, and the zones proposed to be applied by this planning proposal.

Figure 13 - Current and Proposed Zones Lot 12

Current Zoning BLEP 2012 (Lot 12)	Proposed Zoning BLEP 2012 (Lot 12)
	

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

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

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

A copy of the Gyde Consulting evaluation is contained in Appendix 9.

Lot 12 was subject to ecological evaluation and ground truthing in May 2025 (Appendix 6)

The ecological evaluation of the vegetation on Lot 12 found no Threatened Ecological Communities (TECs) or threatened species. The ecologist concluded that none of the vegetation observed meets the criteria for a C2 or C3 zone because of the dominance of weed species, especially the Camphor laurel dominated canopy. It was the view of the ecologists that the area rezoned to C2 in 2024 was best suited to a rural zone.

Cattle grazing was observed within the area zoned C2 and this supports a PUL of agriculture for this land. Cattle have free access throughout the existing C2 zoned area.

The Council considered the ecological evaluation of part of Lot 12 at its meeting on 28 August 2025 and endorsed a PUL of Agriculture being applied to the C2 zoned part of this lot. Also endorsed was an RU1 zone being applied to both the current C2 zoned area as well

as a small section of RU2 zoned land. This was done to achieve zone consistency across Lot 12.

3. Explanation of Provisions

Mapping only changes are proposed by this PP.

3.1 Teven Test Case Zone Determination

The determination of zones to be applied to deferred matter zoned land within the Teven Test Case properties is based on the methodology contained within the NCEZR, the associated s.9.1 Ministerial Local Planning Direction under the *Environmental Planning and Assessment Act 1979* and the DPHI guidance information listed below and contained in Appendix 10:

Letter from the Planning and Environment Secretary 1 March 2016 to Ballina Shire Council, and

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

The methodology requires consideration of the vegetation type on each property, determination of the primary use of land (PUL), and a determination related to the absence of agriculture within areas that would otherwise meet the criteria for a conservation zone.

The NCEZR methodology also provides for negotiated development outcomes to determine the application of a conservation zone on land that may otherwise be inconsistent with the criteria.

In a number of cases, refer Table 1, a negotiated outcome has been applied. This occurred where land, whilst meeting the NCEZR criteria for a C zone, was also claimed by the landowners to be utilised for an agricultural activity. In such cases where the absence of an agricultural activity could not be confirmed, a negotiation with landowners was undertaken. This process resulted in alternative outcomes to that recommended in the ecological assessments.

Primary Use of Land

The NCEZR defines the PUL as the main use for which the land has been used for the last two years.

Verification of site attributes that meet the C2 or C3 criteria and determination of the PUL, as well as subsequent rezoning recommendations for the test case properties, was undertaken through a process which involved:

- Inspection and ground truthing of vegetation types by specialist ecologist (Earthscapes Consulting Pty Ltd). Refer to the reports contained within Appendix 5 to 7.
- Inspection of properties by a strategic planner and conversations with property owners.
- Consideration of landowner submissions, ecologists' reports and the framework of the Guiding Principles (see s1.6.3 of this PP) by the Council.

Land proposed for C2 or C3 zoning was assigned a PUL in accordance with the categories set out in Table 2.

Table 2: PUL categories for the purpose of determining Zones

PUL category	Attributes
Environmental	• Vegetation type determined to meet criteria for C zone if consistent with vegetation types nominated in Tables 1 and 2 of the NCEZR. • Condition of vegetation and extent of weed species infiltration. • Areas subject to active revegetation works, habitat remediation or assisted natural regeneration.
Agriculture	• Areas where agricultural activities including cropping, horticulture, pasture management, grazing or other forms of agriculture predominate. • Other cleared areas used on a rotational or occasional basis for cropping or grazing which are integral to the broader farm management. • Areas which support agricultural activities including water shed areas for dams, and animal shelter areas including paddock trees.

3.3 Application of zones and other mapped planning development standards

3.3.1 Application of Rural Zones

In cases where the PUL has been determined to be agriculture it is proposed to transition this land into a rural zone in BLEP 2012. The BLEP 2012 contains two rural zones applicable to land used for agricultural purposes.

An overview of the two rural zones is provided below.

RU1 Primary Production zone

The RU1 Primary Production zone provides for the identification and management of land suitable for most kinds of primary production. It is suitable for application to rural land that supports a variety of agricultural activity including extensive agriculture, horticulture and intensive livestock agriculture. This land is designated as *State* or *Regionally Significant Farmland* on the *Northern Rivers Farmland Protection Project, Final Map 2005.*

RU2 Rural Landscape zone

The RU2 Rural Landscape zone provides for the management of rural land that has landscape values or that is identified as having some agricultural limitations. It is suitable for application to rural areas not identified for inclusion in the RU1 zone or a conservation zone. This land may be designated as *Regionally Significant* or *Other Farmland* on the *Northern Rivers Farmland Protection Project, Final Map 2005.*

When applying a rural zone the overriding consideration was to ensure that isolated or fragmented RU1 or RU2 zoned areas did not result. To avoid zone fragmentation rural zones were generally applied to ensure consistency with the adjoining or nearby existing rural zone.

3.3.2 Lot Size

This PP proposes to apply a minimum lot size of 40 hectares to land proposed to be zoned C2 Environmental Conservation, C3 Environmental Management, RU1 Primary Production

and RU2 Rural Landscape zone. This will require amendments to the applicable BLEP 2012 Lot Size Map (LSZ).

3.3.3 Height of Buildings

It is proposed to apply a maximum building height of 8.5 metres to land zoned C2 Environmental Conservation, C3 Environmental Management, RU1 Primary Production and RU2 Rural Landscape zone. This will require amendments to the applicable BLEP 2012 Height of Buildings Map (HOB).

3.3.3 Acid Sulfate Soils

It is proposed to show land affected by acid sulfate soils on the BLEP 2012 Acid Sulfate Soils Map (ASS). Part of the DM areas on 225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979), and also 660 Teven Road, Teven (Lot 1 DP 1166050 & Lot 1 DP 1207272) is affected by Class 5 Acid Sulfate Soils.

3.3.4 Land Application Map

Integration of DM areas in BLEP 2012 will require amendment of the Land Application Map (LAP).

3.3 Redetermination of Zones on Land Subject to Unconsidered 2023 Objections

The following methodology has been applied to the consideration of the zoning outcomes associated with BLEP 2012 Amendment No 55 on land subsequently identified as the subject of an unconsidered objection:

- Consideration of the objection as submitted,
- Consideration of Cyde Consulting objection evaluation,
- Consideration of ecological evaluation and ground truthing report,
- Determination by the Council of the PUL and proposed zoning.

Only changes to the BLEP Land Zoning Map are proposed to land within this category.

4. Justification

4.1 Section A – Need for the Planning Proposal

Q1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes, the Northern Councils E Zone Review Final Recommendations Report *(NCEZR)* published by the Department of Planning and Environment in October 2015. This report outlines the criteria for the application of conservation zones ("C" zones) to DM areas.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal is the appropriate and only mechanism available to council to integrate DM areas into BLEP 2012, and to achieve a zone change on land already zoned under the provisions of BLEP 2012.

4.2 Section B – Relationship to Strategic Planning Framework

Q3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal demonstrates strategic merit through its consistency with the goals and objectives detailed in the North Coast Regional Plan 2041. Specifically, it is consistent with *Objective 2: Protect regional biodiversity and areas of high environmental value.*

Q4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Ballina Shire Local Strategic Planning Statement 2020 – 2040 (LSPS)

The planning proposal is consistent with a key theme within the LSPS of Healthy Environment and is consistent with the following planning priority and action:

Planning Priority 13: Ensure that the biodiversity values of the Shire are identified and where required protection strategies are implemented.

Ballina Shire Community Strategic Plan 2025 – 2035 (CSP)

The planning proposal is considered to be consistent with the key community priority – *protect the environment and live sustainably.* This priority incorporates strategies designed to:

preserve our highly valued environment, minimising our impacts and living sustainably whilst adapting to a changing climate. This includes retention of important habitat, planting of trees whilst managing our impacts on the land, minimising our waste and sustainably sourcing our energy needs

Q5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other state or regional studies or strategies relevant to the planning proposal.

Q6 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The PP is generally consistent with applicable State Environmental Planning Policies (SEPPs) as demonstrated in the table below.

SEPP	Comments	Consistency and Comments
SEPP (Primary Production) 2021	Applies to RU1 and RU2 zoned land but does not specify requirements for planning proposals.	Not relevant
SEPP (Biodiversity and Conservation) 2021	*Chapter 3 Koala habitat protection 2021* This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	Section 3.14 relates to the rezoning of core koala habitat otherwise than as a conservation zone and provides that the Minister may require the preparation of an environmental study. It is noted that 54 Buckombil Mountain Road, Meerschaum Vale, is located within an area designated as core koala habitat. This PP proposes to rezone part of this property from C2 to RU2. Given that the proposed RU2 zone occupies areas within the curtilage of a dwelling house, the associated APZs and accessway areas, an RU2 zone over these areas is considered to be a minor zone change and better accommodates the current uses taking place than the existing C2 zone. In such circumstances an environmental study is not considered to be warranted. It is also relevant to consider the circumstances under which the C2 zone was originally applied as detailed in this PP.

SEPP	Comments	Consistency and Comments
SEPP (Resilience and Hazards) 2021	*Chapter 2 Coastal Management* The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the *coastal zone* in a manner consistent with the objects of the *Coastal Management Act 2016*.	Consistent Land subject to this PP and contained within the following properties is located within the coastal zone (coastal environment and or coastal use area) as defined in the Coastal Management Act 2016. *225 Cumbalum Road, Cumbalum* *54 Beacon Road, Teven* *660 Teven Road, Teven* Land within the following properties is located within the coastal zone (coastal environment and or coastal use area) but is not subject to this PP. *287 North Teven Road* *444 North Teven Road, Teven* Appendix 11 contains diagrams which show how the subject properties are affected by the coastal zone. Local Planning Direction 4.2 requires that PPs in the coastal zone be assessed in accordance with the NSW Coastal Design Guidelines. The assessment has been undertaken (Refer Appendix 12) and has found no inconsistencies. The assessment has been undertaken on the basis that the PP primarily (Teven Test Case properties) provides for the transitioning of DM land from BLEP1987 to more appropriate zones under the provisions of BLEP2012 and having regard to the nature of existing land uses.
SEPP (Resources and Energy) 2021		Consistent It is noted that part of 54 Beacon Road Teven is located within a Rural 1(e) Extractive and Mineral

SEPP	Comments	Consistency and Comments
		Resources zone under the provisions of LEP1987. The affected land is proposed to be zoned RU1 by this planning proposal and consequently will maintain permissibility for extractive industries

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Q7 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. A number of section 9.1 directions are relevant to the planning proposal. A section 9.1 Ministerial Direction checklist is provided at Appendix 2. Checklist demonstrates consistency or justifies minor inconsistencies.

4.3 Section C – Environmental, Social and Economic Impact

Q8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The amendments contained in this PP are not expected to impact adversely on critical habitats, threatened species, populations or ecological communities or their habitats.

Q9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No significant adverse environmental impacts are likely to arise as a result of this PP.

Q10 Has the planning proposal adequately addressed any social and economic effects?

This PP will facilitate the provision of a more efficient and effective land use planning framework. The proposed zonings will provide landowners with certainty around the permissible land uses on their land. In addition, the integration of DM land into the Ballina LEP 2012 will simplify the planning controls for future development proponents. For these reasons the social and economic impacts associated with the proposal are considered to be positive.

4.4 Section D – State and Commonwealth Interests

Q11 Is there adequate public infrastructure for the planning proposal?

The planning proposal does not create the need for any additional public infrastructure.

Q12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the LEP amendment.

5. Mapping

This planning proposal will necessitate updates to the following BLEP 2012 maps:

- Acid Sulfate Soils Map
- Land Application Map.
- Land Zoning Map;
- Lot Size Map; and
- Height of Buildings Map.

The above maps will be produced in accordance with the applicable *Standard Technical Requirements for Spatial Datasets and Maps* post exhibition.

Appendix 1 contains mapping produced to show the manner in which the land the subject of this PP is currently affected by applicable planning controls, and how that land is affected by the changes proposed by this PP.

6. Community Consultation

The planning proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act* 1979.

7. Project Timeline

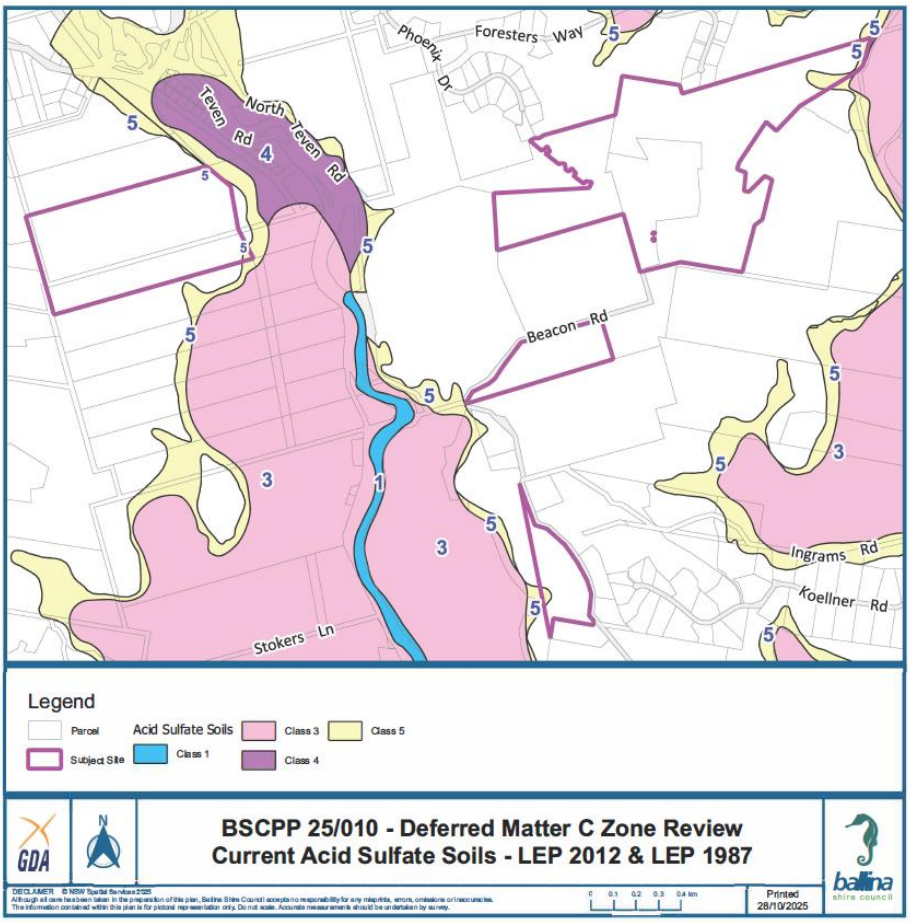
The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion (Before)
Gateway Determination	October 2025
Government Agency Consultation	November 2025
Public Exhibition Period	November – December 2025
Public Hearing	N/A
Submissions Assessment	February 2026
Planning Proposal Authority Assessment of Planning Proposal and Exhibition Outcomes	March 2026
Submission of Endorsed LEP to DPIH for Finalisation in its capacity as the Local Plan Making Authority	April 2026
LPMA to arrange independent review of zoning decision if requested	March 2026
LPMA decision to make LEP amendment	May 2026
Notification of LEP amendment	May 2026

Appendices

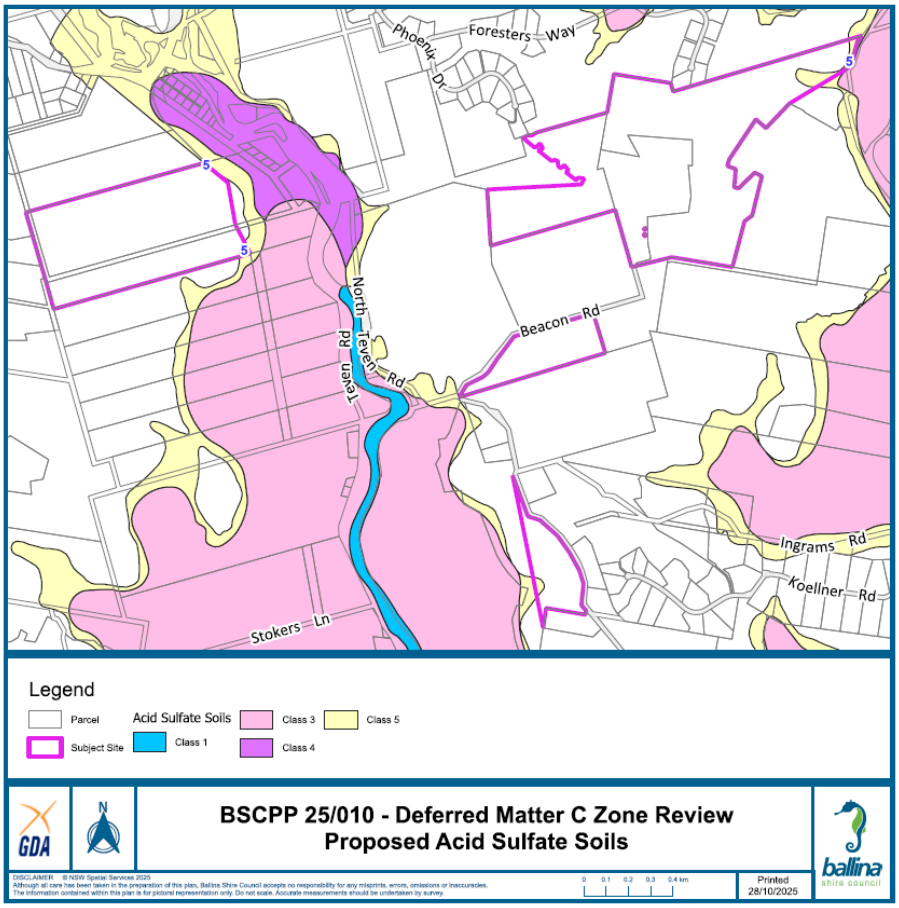
Appendix 1 – Mapping

Current Acid Sulfate Soils Map Extracts BLEP 1987 and BLEP 2012(ASS-005)



Ballina Shire Council

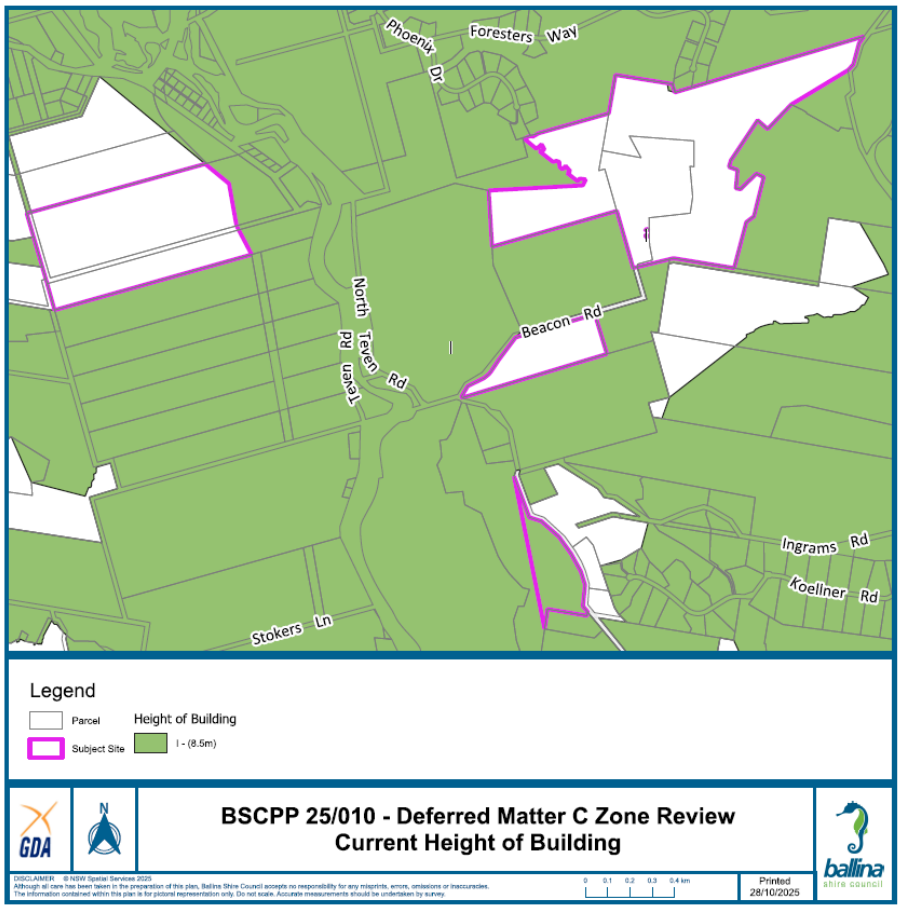
Proposed Acid Sulfate Soils Map Extract BLEP 2012 (ASS-005)



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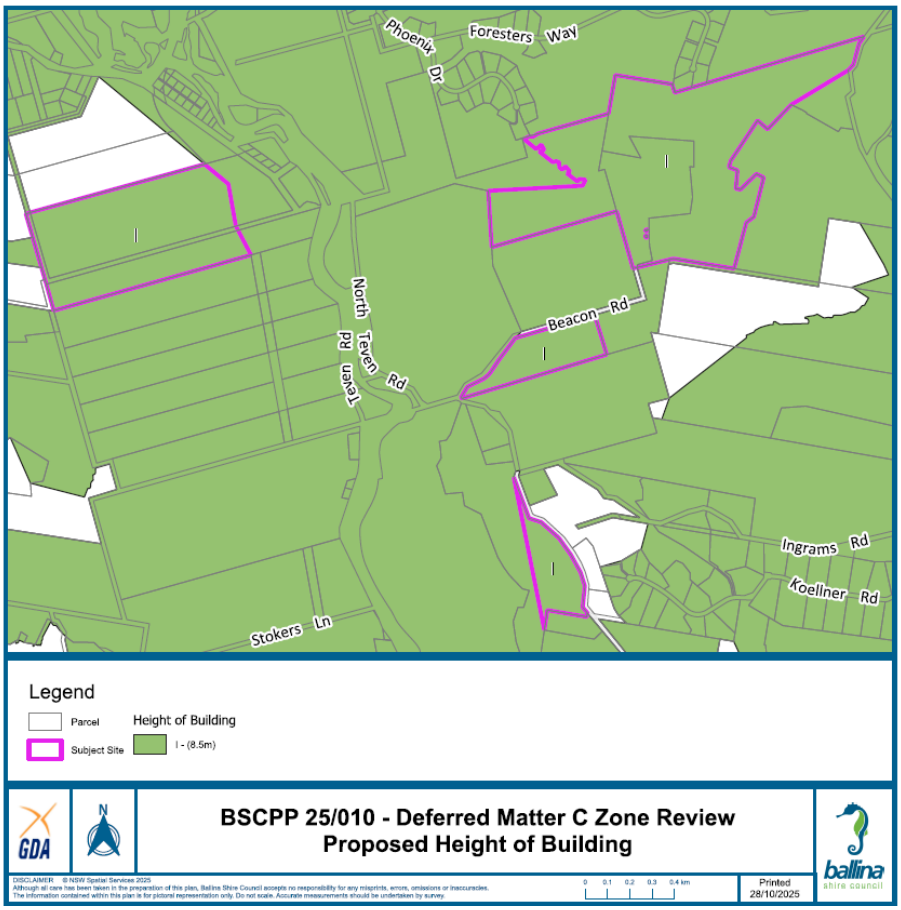
BSCPP 25/010 BLEP 2012 – Deferred Matter and Conservation zone review of certain land

Current Height of Buildings Map Extract BLEP 2012 (HOB_005B)



Ballina Shire Council

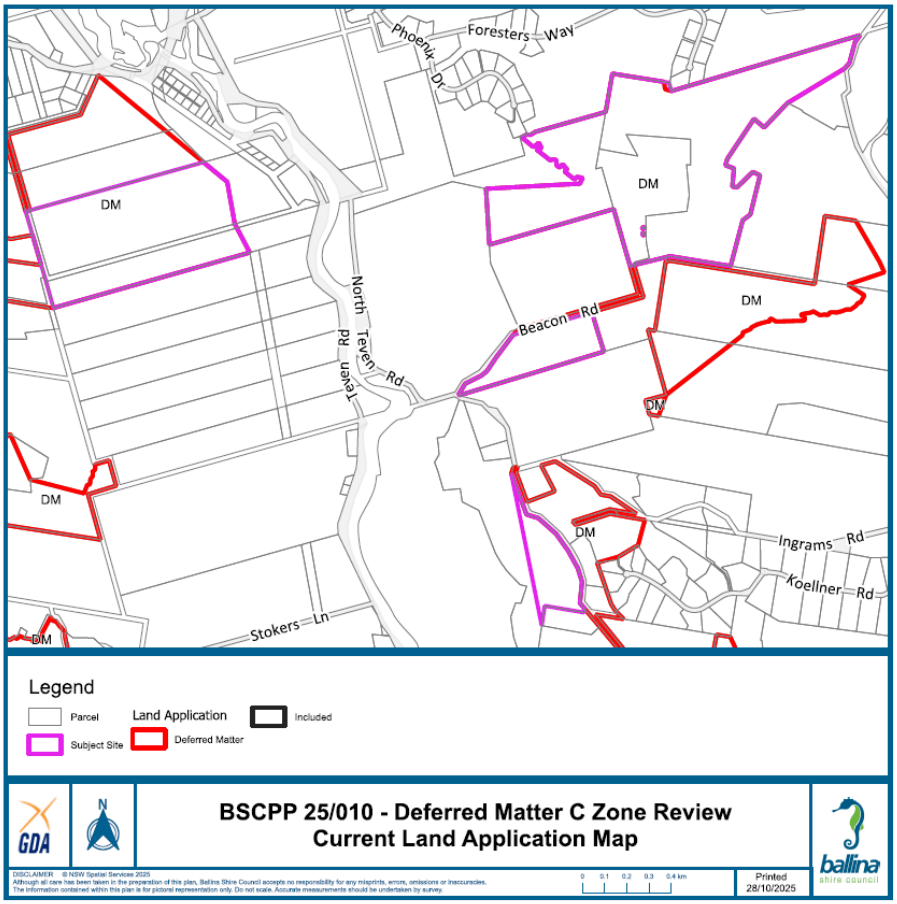
Proposed Height of Buildings Map Extract BLEP 2012 (HOB_005B)



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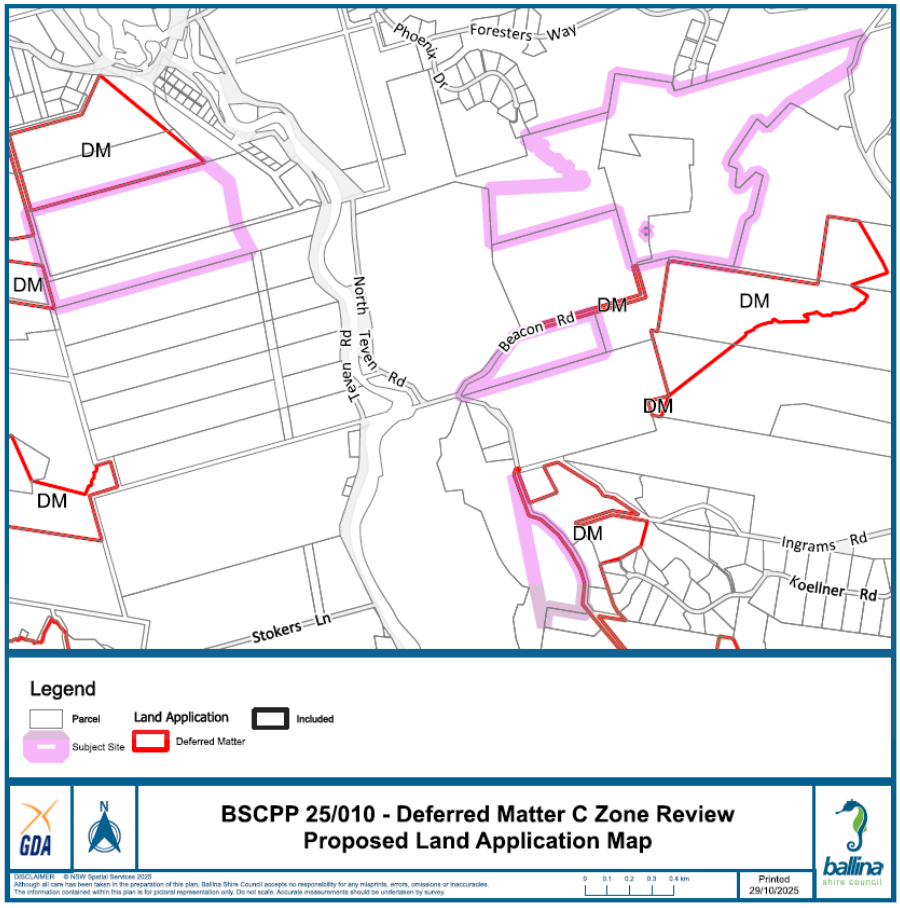
BSCPP 25/010 BLEP 2012 – Deferred Matter and Conservation zone review of certain land

Current Land Application Map Extract (LAP_001)



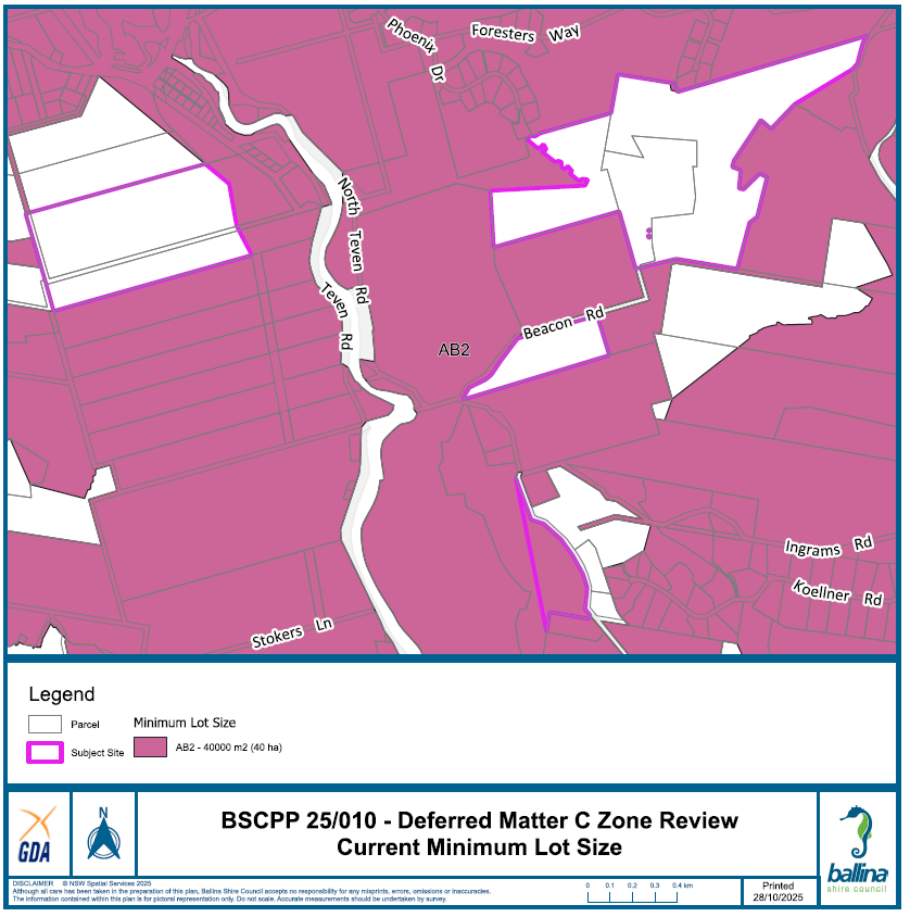
Ballina Shire Council

Proposed Land Application Map Extract (LAP_001)



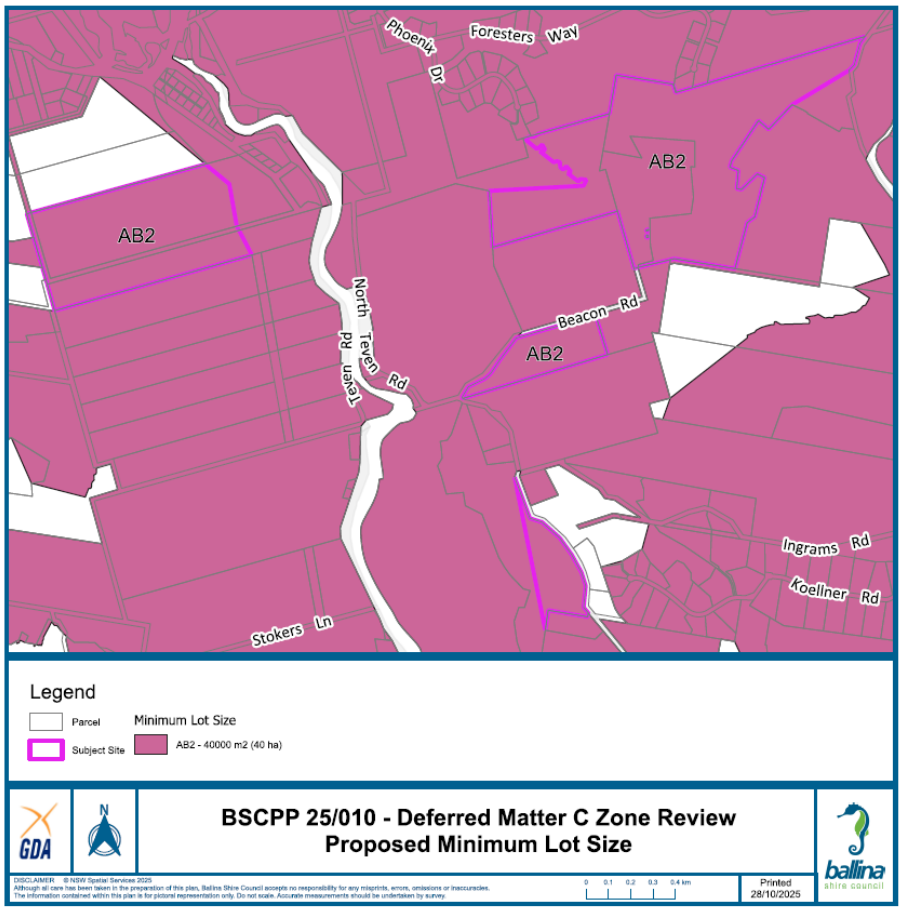
BSCPP 25/010 BLEP 2012 – Deferred Matter and Conservation zone review of certain land

Current Lot Size Map Extract (LSZ_005B)



Ballina Shire Council

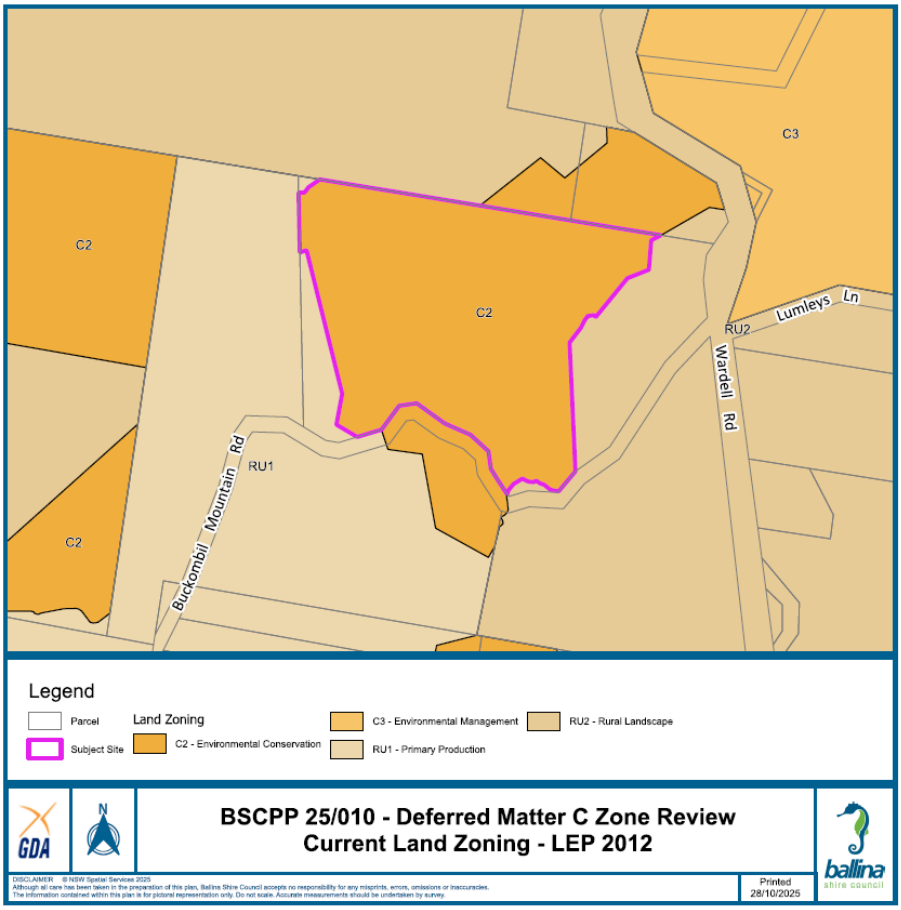
Proposed Lot Size Map Extract (LSZ_005B)



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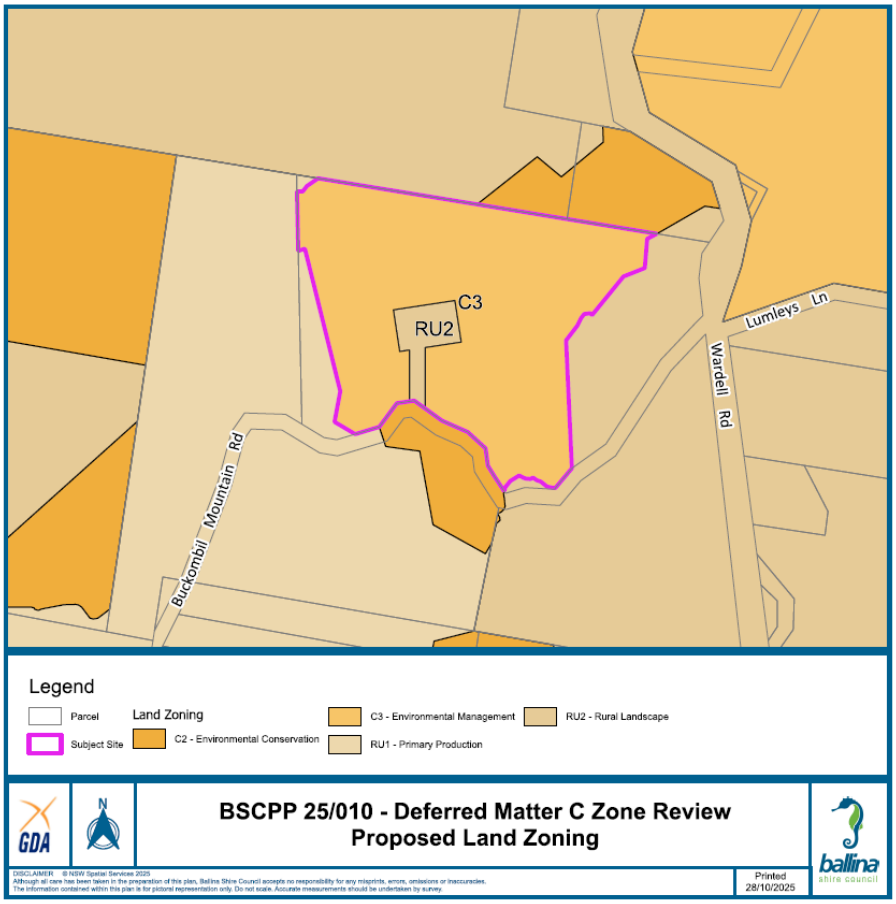
BSCPP 25/010 BLEP 2012 – Deferred Matter and Conservation zone review of certain land

Existing Land Zoning Map Extract (LZN_003A)



Ballina Shire Council

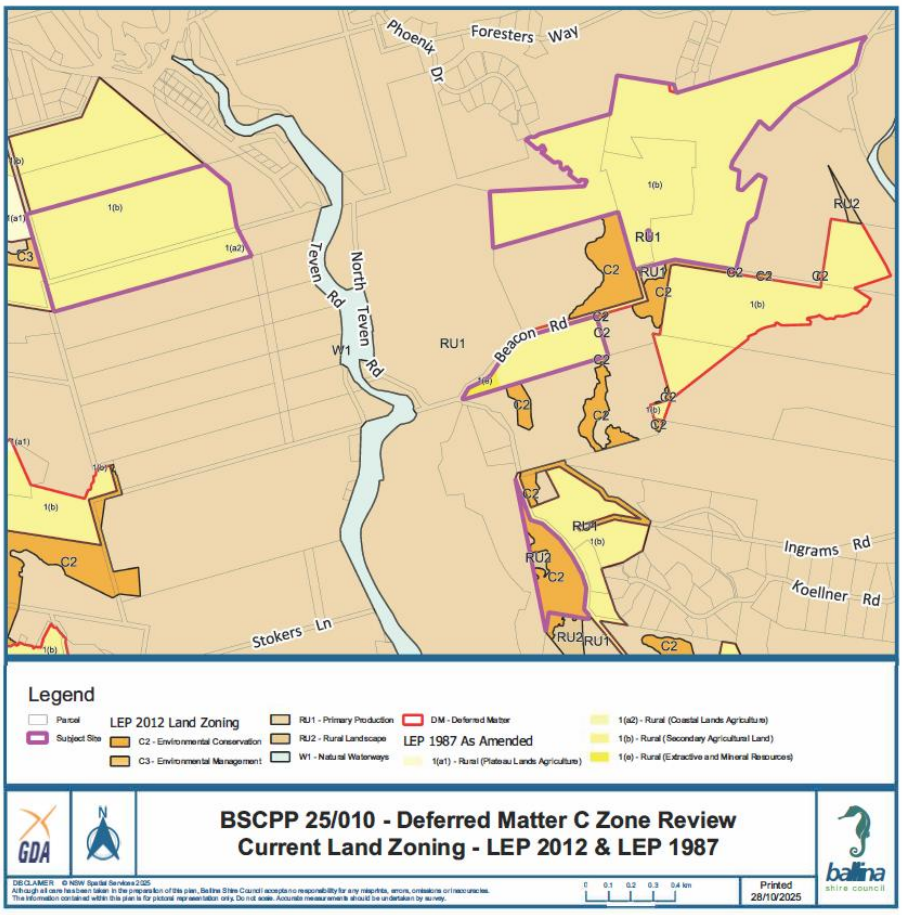
Proposed Land Zoning Map Extract (LZN_003A)



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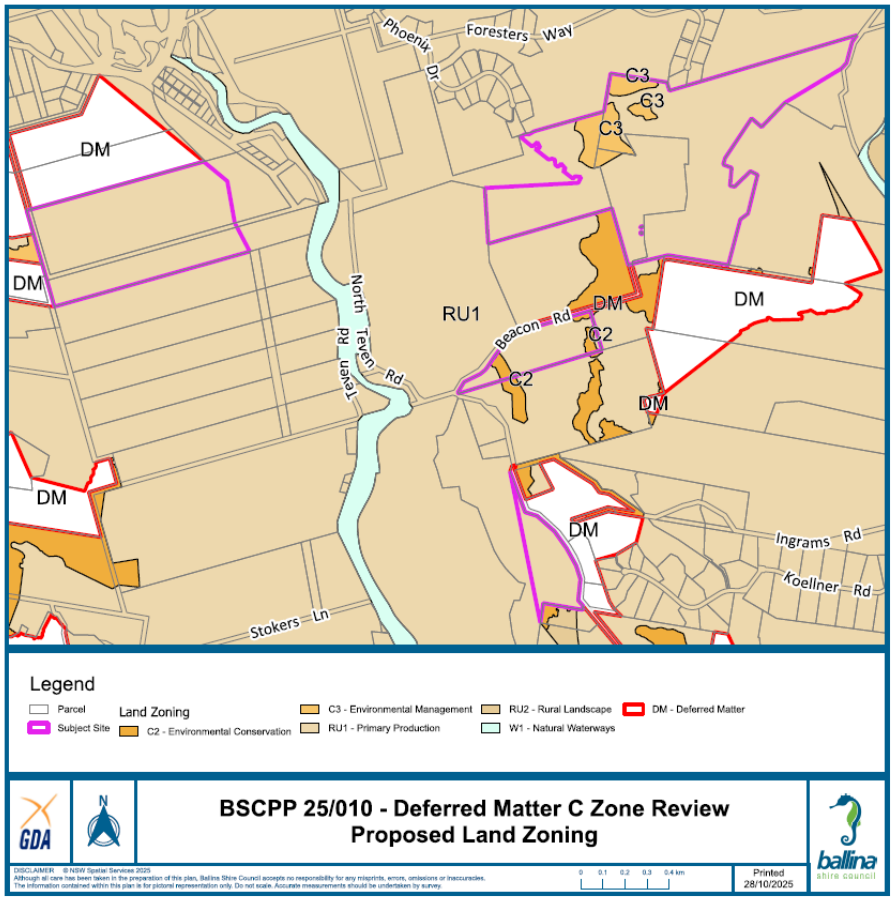
BSCPP 25/010 BLEP 2012 – Deferred Matter and Conservation zone review of certain land

Existing Land Zoning Map Extract BLEP 1987 and BLEP 2012 (LZN_005B)



Ballina Shire Council

Proposed Land Zoning Map Extract BLEP 2012(LZN_005B)

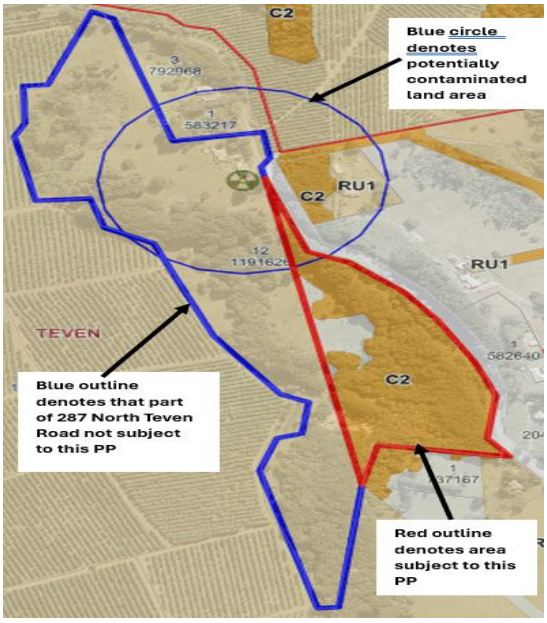


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Appendix 2 – s.9.1 Ministerial Direction Checklist

Section 9.1 Ministerial Direction Checklist Planning Proposal – BLEP 2012 Integration of certain deferred matter land (Stage 1)	
Direction No.	**Compliance of Planning Proposal**
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent.
1.2 Development of Aboriginal Land Council land	Does not apply to planning proposal.
1.3 Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
1.4 Site Specific Provisions	Does not apply to planning proposal.
1.4A Exclusion of Development Standards from Variation	Does not apply to planning proposal.
Focus area 1: Planning Systems – Place-based	
1.5 to 1.22	These Directions do not apply to Ballina Shire.
Focus area 2: Design and Place	
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Justifiably inconsistent. This PP seeks in part to reduce the extent of land zoned C2 on two properties which were the subject of unconsidered objections prior to the making of BLEP 2012 Amendment No 55. The reduction proposed is considered to be of minor significance and permitted by this direction.
3.2 Heritage Conservation	Consistent BLEP 2012 contains heritage provisions which are not affected by this PP.
3.3 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Consistent. The proposed conservation zones are consistent with the criteria as outlined in the NCEZR or are proposed to be applied as a result of negotiated outcomes agreed with landowners as provided for in the NCEZR.
3.5 Recreation Vehicle Areas	Consistent. The planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.
3.6 Strategic Conservation Planning	Consistent The planning proposal does not apply to avoided land or to land within a strategic conservation area as defined in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
3.7 – 3.10	These Directions do not apply to this planning proposal
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent. The planning proposal does not seek to amend the Flood Planning Maps.

Section 9.1 Ministerial Direction Checklist **Planning Proposal – BLEP 2012 Integration of certain deferred matter land (Stage 1)**	
Direction No.	**Compliance of Planning Proposal**
4.2 Coastal Management	Consistent Some of the land the subject of this PP is located within the coastal zone as shown by the diagrams contained within Appendix 11. Appendix 12 contains an assessment of this PP in accordance with the NSW Coastal Design Guidelines. This PP primarily seeks to integrate DM land into BLEP2012. BLEP 2012 already contains provisions which are consistent with the objects of the Coastal Management Act 2016.
4.3 Planning for Bushfire Protection	Justifiably Inconsistent Some of the land the subject of this PP is designated as bushfire prone land. At this pre-Gateway stage council has not yet consulted with the Commissioner of the NSW Rural Fire Service. This is proposed to occur post Gateway determination and prior to community consultation as required by this Direction. It is noted the NSW RFS previously raised no objection to BSCPP 2021/004.

Section 9.1 Ministerial Direction Checklist **Planning Proposal – BLEP 2012 Integration of certain deferred matter land (Stage 1)**	
Direction No.	**Compliance of Planning Proposal**
4.4 Remediation of Contaminated Land	Justifiably Inconsistent. Part of 287 North Teven Road is potentially contaminated land as it contained a historic cattle dip site. The affected area extends across land the subject of this PP which is proposed to be rezoned from C2 to RU1. The affected area is shown on the diagram below.  The DPHI previously rezoned potentially contaminated land as part of the zone amendments associated with Amendment No 55 to BLEP2012. The further amendments proposed by this PP seek only to correct zoning inconsistencies created because of failing to consider landowner objections. The proposed RU1 zone is consistent with the zone that already exists on the majority of the land affected by the potential land contamination. To that extent no further investigative work is considered to be warranted as council is aware of the lands contamination status and will take this into account should any future land use changes be proposed.
4.5 Acid Sulfate Soils	Consistent. A small section of land on 225 Cumbalum Road, Cumbalum, and 660 Teven Road, Teven is affected by Class 5 acid sulfate soils. Amendment of the Acid Sulfate Soils map is proposed as part of this PP. No zone intensification is proposed for the affected land. Clause 7.1 of BLEP 2012 contains provisions for land affected by acid sulfate soils.
4.6 Mine Subsidence and Unstable Land	Consistent. The land proposed for rezoning is not within a mine subsidence area. Some land proposed for rezoning is constrained by landslip risk. The planning proposal does not seek to intensify development within areas subject to landslip risk. The suitability of the land for any future proposed uses can be appropriately assessed if/when specific proposals are made.

Section 9.1 Ministerial Direction Checklist Planning Proposal – BLEP 2012 Integration of certain deferred matter land (Stage 1)	
Direction No.	**Compliance of Planning Proposal**
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Not relevant This PP does not apply to urban land. .
5.2 Reserving Land for Public Purposes	Not relevant. This PP does not apply to public land. .
5.3 Development Near Regulated Airports and Defence Airfields	Consistent. Ballina Byron Gateway Airport (BBGA) is a regulated airport. This PP affects properties at Cumbalum and Teven which are located within the airport's Obstacle Limitation Surface (OLS) levels. Council has previously consulted with BBGA during the exhibition period of BSCPP21/004 and received no response. The closest property to the airport is 225 Teven Road, Cumbalum. This property is located approximately 4km to the northwest from the western end of the airport's runway. This is not considered to be 'near' the airport within the terms of the direction. Unless directed to do so no further consultation is proposed to be undertaken with BBGA.
5.4 Shooting Ranges	Does not apply to planning proposal.
5.5 High Pressure dangerous goods pipelines	Does not apply to planning proposal.
Focus area 6: Housing	
6.1 Residential Zones	Does not apply to this planning proposal.
6.2 Caravan Parks and Manufactured Home Estates	Consistent Carvan parks and manufactured home estates are not permitted within the existing rural or conservation zones that apply to the land the subject of this PP. Proposed zones maintain this prohibition. As such there will be no reduction in the existing availability of land for caravan parks or manufactured home estates.
Focus area 7: Industry and Employment	
7.1 Employment Zones	Does not apply to planning proposal.
7.2 Reduction in non-hosted short term rental accommodation period	Does not apply to planning proposal.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
Focus area 8: Resources and Energy	

Section 9.1 Ministerial Direction Checklist **Planning Proposal – BLEP 2012 Integration of certain deferred matter land (Stage 1)**	
Direction No.	**Compliance of Planning Proposal**
8.1 Mining, Petroleum Production and Extractive Industries	Justifiably inconsistent. Land containing State and regionally significant mineral reserves was previously identified as being zoned 1(e) Rural (Extractive and Mineral Resources) in the Ballina LEP 1987. 54 Beacon Road which is subject to this PP contains approximately 0.8ha of 1(e) zoned land which is also located in close proximity to the Boral Teven quarry. BSCPP21/004 had previously proposed to rezone these 1(e) zoned lands to RU1. This being the same zone as proposed by this PP. Consultation with Regional NSW in 2023 resulted in correspondence which did not raise any objection to the proposed rezoning of this land. It is noted that the proposed RU1 zone permits with consent extractive industries. Due to the previous consultation and no objection response no further consultation with the Department of Primary Industries is proposed.
Focus area 9: Primary Production	
9.1 Rural Zones	Consistent. This PP does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone, nor contain provisions that will increase the permissible density of land within a rural zone.
9.2 Rural Lands	Consistent This PP is considered to be consistent with this direction. Rural zones have been applied to land following property inspection and with the agreement of landowners. Farmers right to farm has been maintained by rural zones being applied to land where the absence of agriculture on such land could not be definitively established. In cases where conservation zones have been applied this has also been done with landowner agreement in all but one case (54 Beacon Road Teven). In that case a proposed C2 zone has been applied following consideration of a specialist ecological report which has assessed the lands conservation value. The planning proposal does not seek to vary the existing minimum lot size within a rural or environmental protection zone.
9.3 Oyster Aquaculture	Does not apply to planning proposal.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Consistent. This PP does not propose the rezoning of identified significant farmland for urban, residential or rural residential purposes.

Appendix 3 – Council Reports

Report to the Council's Ordinary Meeting on 28 August 2025 under separate cover

Appendix 4 – Letter from The Executive Director Local Planning and Council Support (DPHI)7/7/2024 & Letter from Director, Hunter and Northern Region Local Planning and Council Support (received 3/3/2025)

Department of Planning, Housing and Infrastructure

NSW GOVERNMENT

PP-2022-456/IRF24/1300

Mr Paul Hickey
General Manager
Ballina Shire Council

Via email: council@ballina.nsw.gov.au
klaus.kerzinger@ballina.nsw.gov.au

Dear Mr Hickey

Ballina Local Environmental Plan 2012 (Amendment No 55)

I refer to the proposal to amend Ballina Local Environmental Plan 2012 to integrate certain deferred matter land into Ballina LEP 2012 and amend Ballina LEP 1987.

I am pleased to advise that as the Minister for Planning and Public Space's delegate, I have made the plan under section 3.36(2)(a) of the *Environmental Planning and Assessment Act 1979*, and under section 3.24(5) it will take effect when published on the NSW Legislation website.

It should be noted that a number of sites and part sites proposed for a conservation zoning have been removed from the plan due to an objection from the landowner. These sites will remain zoned Deferred Matter until further investigations and discussions can be undertaken between Council, the landowners, NSW Biodiversity Conservation and Science (BCS) and the Department regarding their environmental significance.

I encourage Council to engage with the affected landowners as a priority and appropriate zonings be applied to their land in accordance with the Northern Council's E Zone Review Final Recommendations Report. I look forward to Council then forwarding a planning proposal for a Gateway determination to rezone the lands in accordance with the outcomes of these investigations.

Should you have any enquiries about this matter, I have arranged for Mr Craig Diss to assist you. Mr Diss can be contacted on (02) 5778 1485.

Yours sincerely

7/7/2024

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
Locked Bag 5022, Parramatta NSW 2124

www.dphi.nsw.gov.au

1

Ballina Shire Council

Department of Planning, Housing and Infrastructure

NSW GOVERNMENT

Daniel Thompson
A/Executive Director
Local Planning and Council Support

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NSW GOVERNMENT

Department of Planning, Housing and Infrastructure

PP-2024-2305/IRF24/2548

Mr Paul Hickey
General Manager
Ballina Shire Council

Via email: klaus.kerzinger@ballina.nsw.gov.au
council@ballina.nsw.gov.au

Dear Mr Hickey,

Ballina Local Environmental Plan 2012 (Map Amendment No. 9)

I refer Ballina Council's request that the Department of Planning, Housing and Infrastructure correct mapping errors introduced by Ballina LEP 2012 (Amendment 55) for various sites across the local government area. The above amendment seeks to correct these minor mapping errors and misalignments.

I am pleased to advise that as the Minister for Planning and Public Space's delegate, I have made the plan under section 3.36(2)(a) of the *Environmental Planning and Assessment Act 1979*. Under section 3.24(5), it will take effect when published on the NSW Legislation website.

Council's request included five sites where confidential submissions were made to Council objecting to the proposal but were not submitted to the Department for consideration. It was determined that inclusion of these sites in accordance with s3.22(1) (c) EP&A Act do not meet the criteria for this process and warrant compliance with the usual plan making processes. I would encourage Council to work with the landowners to determine whether a planning proposal for the five sites is appropriate and necessary and should be pursued.

Should you have any enquiries about this matter, I have arranged for Stacey Stephens, Senior Planner Officer, Hunter and Northern region to assist you. Stacey can be contacted on (02) 9228 6239.

Yours sincerely

Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support

Hunter and Northern Region | Noel Park House, Tamworth, NSW, 2340 | PO Box 949 Tamworth NSW 2340 | planning.nsw.gov.au

Appendix 5 – Ecological Report Teven Test Case Properties

Refer to report under separate cover

Appendix 6 – Ecological Report 287 North Teven Road Teven

Refer to report under separate cover

Ballina Shire Council

Appendix 7 – Ecological Report 54 Buckombil Mountain Road Meerschaum Vale

Refer to report under separate cover

Appendix 8 – Cyde Consulting Objection Evaluation - 54 Buckombil Mountain Road Meerschaum Vale

C Zone Submission Evaluation Sheet

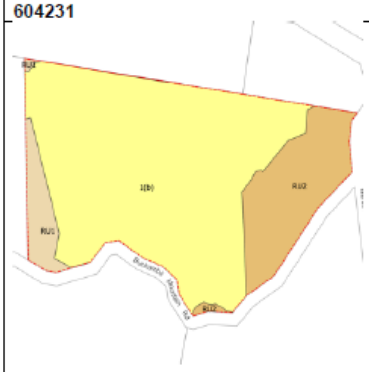
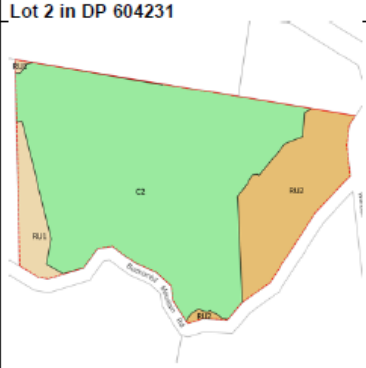
Submission No.	148 – confidential
Landowner:	Ms D G Clement
Property Details (Lot DP land area)	Lot 2 in DP 604231 - 54 Buckombil Mountain Road. Lot 2 has an area of 13.49ha
Locality:	Meerschaum Vale
Existing Zones	Part 1(b) Rural (Secondary Agricultural Land) Zone BLEP 1987, Part RU1 Primary Production BLEP 2012, Part RU2 Rural Landscape BLEP 2012
Proposed Zones	Part RU1 Primary Production BLEP 2012, Part RU2 Rural Landscape BLEP 2012, Part C2 Environmental Conservation BLEP 2012.
Brief Summary of Submission	Objection The landowner strongly opposes the proposed C2 zoning to parts of her property. The rezoning covers cleared land. There are financial impacts, and it will restrict the ability to develop the property. The land was purchased with building entitlements for dual occupancy and cabins which will now be restricted. The landowner seeks clarification on what information was used to apply the C2 zone and on the compensation for value loss given building restrictions are off putting to most potential purchasers. The landowner must lawfully and safely manage the APZ area for their house.
Assessment Comments	The proposed rezoned areas are mapped as containing wet sclerophyll forest which meets the criteria for applying a C2 zone in accordance with the criteria contained in the Northern Councils E Zone Review Final Recommendations Report. Aerial image shows these areas as vegetated, although note that imagery is from 2018. The dwelling on the land is located within the proposed C2 zoned area generally surrounded by dense forested areas. The area proposed to be zoned C2 is generally heavily vegetated except for the area located within the curtilage of the dwelling house. Development consent 2009/284 relates to the dwelling on this lot. Condition 14 of the consent required the provision of Asset Protection Zones (APZ) from the dwelling as follows: North – 28m East – 30m South – 17m West – 12m That part of Lot 2 occupied by the dwelling and the associated APZs may benefit from being zoned RU2.
Recommendation:	1. Undertake ground truthing to verify if vegetation meets C2 and/or C3 criteria. 2. Check cadastre/ cadastral alignment and update as required. 3. Apply an RU2 zone to the area occupied by the dwelling and the associated APZs.

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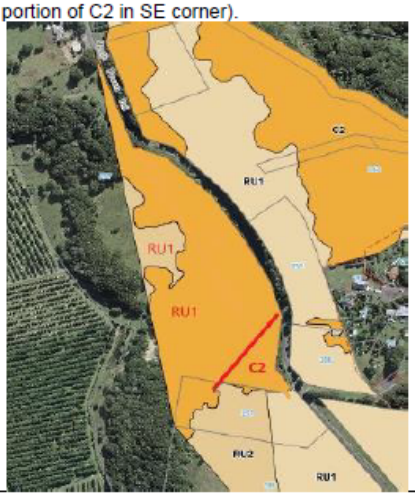
C Zone Submission Evaluation Sheet

	4. Provide advice if access across C2 area will be permitted to a detached dual occupancy development within RU1 or RU2 zone

Current Land Zoning – Lot 2 in DP 604231	Proposed Land Zoning as Exhibited – Lot 2 in DP 604231
	

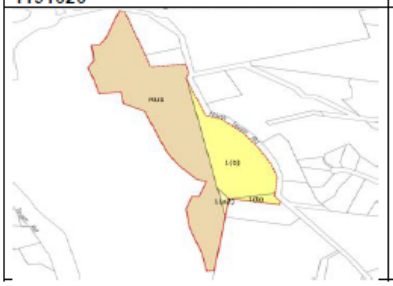
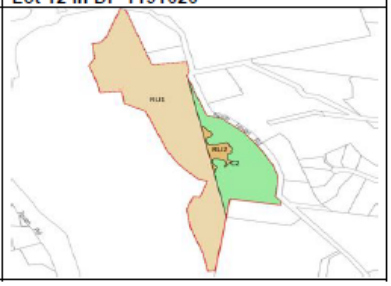
Appendix 8 – Cyde Consulting Objection Evaluation – 287 North Teven Road, Teven

C Zone Submission Evaluation Sheet

Submission No.	150 – confidential
Landowner:	Mr R T Dorey
Property Details (Lot DP land area)	Lot 12 in DP 1191626 - 287 North Teven Road - Lot 12 has an area of 24.86ha
Locality:	Teven
Existing Zones	Part 1(a1) Rural (Plateau Lands Agriculture) Zone BLEP 1987, Part RU1 Primary Production BLEP 2012, Part 1(b) Rural (Secondary Agricultural Land) Zone BLEP 1987
Proposed Zones	Part RU1 Primary Production BLEP 2012, Part RU2 Rural Landscape BLEP 2012, Part C2 Environmental Conservation BLEP 2012.
Brief Summary of Submission	Objection The landowner states that the draft mapping images are from 2018 and inaccurate. They have owned the land for over 30 years. A lot of the area proposed for C2 has been revegetated by their family to create windbreaks, privacy, and scenic preservation, and to offset our carbon footprint (future earnings from carbon trading, biodiversity agreements with developers or future agricultural pursuits). The primary land use is farming and grazing. They question how they will maintain access tracks and boundary fences, prevent overgrowth of weeds, fix fencing, liability for livestock escaping because fences unable to be maintained, huge bush fire risk rezoning to C2. They request that the proposed affected RU2 zoned area be zoned RU1 to be consistent with the remainder of their property. Alternatively, the request in a worst-case scenario that the zoning is adjusted as depicted in image below (suggests majority of C2 be RU1 with a small portion of C2 in SE corner). 

C Zone Submission Evaluation Sheet

Assessment Comments	There is evidence of some cadastral / aerial photo misalignment (not significant) which would warrant correction prior to final zone boundaries being fixed. The proposed rezoned areas are mapped as containing subtropical rainforest and Wet Sclerophyll Forest vegetation communities which meets the criteria for applying a C2 zone in accordance with the criteria contained in the Northern Councils E Zone Review Final Recommendations Report. Aerial photos confirm there are cleared areas within the proposed C2 area which should be excluded and a rural zone applied. The proposed boundary of the RU2 / C2 zone are irregular and would benefit from being realigned and canopy shadow areas excluded. The proposed RU2 zone is inconsistent with the RU1 zoning applicable in the western section of Lot 12 and should be changed to RU1 to prevent zone fragmentation. .
Recommendation:	1. Correct cadastral / aerial misalignment prior to fixing new zone boundaries. 2. Undertake ground truthing to verify if vegetation meets C2 zone criteria. If vegetation and primary land use do not meet the criteria, consider application of an RU1 and / or C3 zoning. 3. Remove C2 zone from cleared areas and realign boundaries in a tangential manner. 4. Amend proposed RU2 zone to RU1.

Current Land Zoning – Lot 12 in DP 1191626	Proposed Land Zoning as Exhibited – Lot 12 in DP 1191626
	

Appendix 10 – DPHI Guidance Information

NSW GOVERNMENT Planning & Environment

Office of the Secretary

Mr P Hickey
General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

13/16799

Dear Mr Hickey

I am writing in regard to the Northern Councils Environmental Zone Review (E Zone Review). The Department wrote to all Northern Councils when the E Zone Review was released.

The following information is provided to further assist Council when seeking to apply E zones in accordance with the *Northern Councils E Zone Review Final Recommendations*.

Primary Use of Land

The Recommendations Report confirms that an E zone can only be applied to land if its primary use is environmental conservation or management purposes and meets the criteria for an E2 or E3 zone.

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

a) The main use of the land is to be determined based on evidence about the nature of the activities and operations occurring on the land over the last two years. If the main use is for rural or farming operations, agricultural practices need to be demonstrated. Specific farming activities (such as grazing) do not need to have occurred in the last two years if the operations on the land (for example keeping paddocks fallow) are part of broader farm management practices.

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

The primary use may be identified by a series of methodologies including up to date air photography, site visits, property development records, farm management plans, Private Native Forestry or Property Vegetation Plan approvals, conservation records and discussion with landowners.

Councils shall include information in its planning proposals which confirm how the primary use of the land has been determined.

Department of Planning & Environment
23-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6111 | F 02 9228 6445 | www.planning.nsw.gov.au

Notification to affected landowners

Councils are encouraged to liaise with landholders early in the rezoning process when proposing to apply E zones to private land.

A condition will be included on all Gateway determinations for planning proposals that seek to apply an E zone to private land, which will require a council to write to each affected landholder unless a letter from the landholder agreeing to the proposed zoning has been provided.

Council will also be required to notify landholders once it resolves to adopt an E zone following a review of submissions. This letter is to advise landholders of their opportunity to have the matter reviewed by the NSW Chief Planner. This matter is discussed in more detail below.

Independent Review Body

In the event that a landholder disputes that their land meets the primary use or validation criteria for an E zone, the NSW Chief Planner has been appointed by the Minister for Planning to undertake an independent review. The Chief Planner will make a decision on the dispute, based on an assessment of the evidence provided by both Council and the landholder.

Landholders will have 28 days from Council's notification of the adoption of the final proposed zones to notify the Department of their request for a review by the Chief Planner.

Role of Development Control Plans

Councils seeking to apply controls under Development Control Plans (DCPs) in response to the Final Recommendations are reminded of the role of DCPs in accordance with the *Environmental Planning and Assessment Act 1979* (the Act).

In accordance with the Act, DCPs are to provide guidance to developers and consent authorities when carrying out development to:

- give effect to the aims of any environmental planning instrument;
- facilitate permissible development; and
- achieve the objectives of land zones under an environmental planning instrument.

Under the Act, a provision of a DCP has no effect to the extent that:

- it is the same or substantially the same as a provision of an environmental planning instrument; or
- it is inconsistent or incompatible with a provision of any such instrument.

While a council can include environmental considerations in its DCPs, these will only apply when the LEP requires development consent for an activity. I encourage you to consider whether your DCP requires review or updating to reflect the final recommendations of the E Zone Review.

Plan Making Delegations

To ensure a consistent approach to the finalisation of zoning decisions under the E Zone Review, planning proposal matters which seek to apply an E zone or overlay and associated clause will remain with the Department. As a consequence, written authorisation to use the Minister's plan making functions will not be issued.

In addition, to ensure there are agreed protocols for these planning proposals, delegations will be exercised at the Executive Director or Deputy Secretary level of the Department. Proposals where the land owners agree to E zones or request that an E zone be applied will be dealt with by the Director Regions, Northern, of the Department.

Local Planning Direction

In accordance with the *Northern Councils E Zone Review Final Recommendations* a local planning direction has been issued to ensure that the application of E zones is consistent with these final recommendations. This direction requires councils to implement the adopted recommendations when preparing planning proposals that seek to introduce an E2 or E3 zone or an overlay and associated clause. It also contains further clarification regarding the 'primary use of land'.

The Department will be ensuring that any proposed E zone planning proposal is consistent with the final recommendations and matters discussed above.

Implementation of the Final Report Recommendations in a transparent and credible manner will strengthen the value of zoning decisions made to finalise the deferred areas in Council's LEP. The Department is more than happy to meet with Council to ensure that any technical or process issues can be resolved.

Should you have any further enquiries, please contact Mr Steve Murray, Acting Executive Director, Regions, at the Department on (02) 9228 6249.

Yours sincerely

Carolyn McNally
Secretary
1 3-16

Department of Planning and Environment
Frequently asked questions

Northern Councils Environmental Zone Review

Final Recommendations Report & Section 9.1 Direction

July 2023

What are C zones?

- Conservation zones - or 'C zones' - are designed to protect land that is of important environmental value.
- Types of C zones include 'C2' (environmental conservation), 'C3' (environmental management) and 'C4' (environmental living).

What is the Northern Councils E Zones Review Final Recommendations Report?

- The *Northern Councils E Zone Review Final Recommendations Report* provides a balanced approach to applying C zones and other mapped planning controls to land on the NSW Far North Coast.
- The Final Report is based on the recommendations made by the independent *Northern Councils E Zone Review Interim Report*.
- The Final Report has taken into account the views expressed by councils, agencies, community organisations, landowners and the general public in more than 400 submissions we received during the public consultation on the interim report in 2014

What are the recommendations in the report?

- The report achieves a balanced approach that supports farming and protects the environment, by recommending that C zones should only be applied to places on the Far North Coast where the 'primary use' of the land is either environmental conservation ('C2') or environmental management ('C3'), and this has been based on validated ecological evidence.
- The 'primary use' of the land is the focus when making zoning decisions.
- Where the primary use of the land is agriculture, it will not be appropriate for the land to be zoned C2 or C3. Instead, a Vegetation Map (i.e. environmental overlay) may be applied to land that contains important environmental features.
- C4 zones will continue to be applied to low-impact residential developments in areas of special environmental value.
- The recommendations initially apply to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.

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Department of Planning and Environment
Frequently Asked Questions

NSW GOVERNMENT

How is the 'primary use' of land defined in the report?

- 'Primary use' is defined as the main use for which the land has been used for the last two years.
- The primary use of the land may vary across a particular property, depending on the characteristics of the land. This may result in more than one zone being applied to the land.
- The primary use of land will need to be identified by the Council during the preparation of a rezoning.
- For the avoidance of doubt a reference to 'primary use of the land' in the context of the Final Recommendations Report is:
  - The main use of the land is to be determined based on evidence about the nature of the activities and operations occurring on the land over the last two years. If the main use is for rural or farming operations, agricultural practices need to be demonstrated. Specific farming activities (such as grazing) do not need to have occurred in the last two years if the operations on the land (for example keeping paddocks fallow) are part of broader farm management practices.
  - If the main use is for environmental conservation or management, the environmental values of the land and vegetation need to be demonstrated and the absence of any agricultural or other land use confirmed
- Determining the primary use will require the use of methodologies such as site visits, property development records, farm management plans, up-to-date air photography, Private Native Forestry or Property Vegetation Plan approvals, conservation records and discussion with landowners.

What are the steps for 'C2 and 'C3' zoning under the recommendations?

- Councils will first consider the primary use of the land. If the primary use is found to be environmental management or environmental conservation, then the Council will need to weigh the ecological evidence to verify whether the area qualifies for C2 or C3 zoning.
- Land can only qualify for an C or C3 zone if it is home to rainforests, wetlands, endangered plant species or vegetation that has been over-cleared in other areas, or is a place of cultural significance to the local Aboriginal community.
- If a council determines the primary use of the land is not environmental management or environmental conservation, but the land has important ecological attributes, the Council may instead include the vegetation on a Vegetation Map (i.e. environmental overlay).
- Before a C zone or Vegetation Map can be put in place, evidence of the land's environmental value needs to be verified by tests such as flora and fauna reports, biodiversity field inspections and ground surveys, or Aboriginal heritage field inspections and cultural heritage reports. It will not be sufficient for a Council to rely on one methodology.
- A proposal to apply a C zone to land will be placed on public exhibition and landowners will be able to make a submission to the proposal. As outlined on page four of this document,

affected landholders will also have the right of independent review by the Planning Secretary or delegate.

What is the difference between a C zone and a Vegetation Map?

- Councils use C zones to indicate what type of activities can take place when land has important environmental value.
- A Vegetation Map and associated clause in a Local Environmental Plan gives councils extra flexibility to protect and manage places of significance, without needing to zone the surrounding area for environmental conservation or environmental management purposes. Vegetation Maps do not prohibit land uses, but require certain matters to be considered when development approval is required.
- The controls do not apply to development that can be carried out without consent i.e. extensive agriculture in a rural zone.

Can a C zone be applied to my land if it does not meet the criteria?

- Private land that does not meet the criteria for a C zone can only be zoned for environmental conservation or environmental management if the landowner agrees to this.
- Public land that does not meet the criteria can be zoned 'C2' or 'C3', if the primary use of the land is environmental conservation or environmental management.

If I have revegetated my land can it be C zoned?

- Land that has been actively revegetated by the current landowner and is primarily being used for agriculture will not qualify for environmental zoning unless requested by the owner or is a requirement of any funding agreement.
- A Vegetation Map can be placed over revegetated land only if it has environmental value.

What are the likely outcomes of the final recommendations?

- A clear and consistent way of applying C zones on the Far North Coast.
- Greater certainty for landowners, councils and the community, ensuring that C zones are only applied where environmental conservation or environmental management are the primary use of the land.
- Positive outcomes for farming and the environment alike, with greater certainty for the agriculture sector and greater protection for land that is verified as being of important environmental value.
- The value of C zones is enhanced by ensuring zoning decisions are evidence-based.
- Land that has been verified to meet the criteria for a C2 or C3 zone where the primary use of land is not environmental conservation or environmental management may be included in a Vegetation Map.

Department of Planning and Environment
Frequently Asked Questions

NSW GOVERNMENT

Why has the Department's position changed on vegetation mapping?

- The Department's initial response to the *Northern Councils E Zone Review Interim Report* did not support using terrestrial biodiversity overlays.
- The Department now supports the use of Vegetation Maps and associated clauses in LEPs for significant native vegetation outside of the C zones on the basis that the guiding principle is the land's 'primary use' and the need for evidence based verification of the land's environmental value.
- The Department also supports mapped planning controls for public health, safety, risk and hazard. These planning controls manage matters of public health and safety connected with drinking water catchments, flooding, coastal risk areas and land that needs strict development controls, such as steep land.

How will a mapped planning control, such as a water catchment map, affect what I can do on my land?

- A mapped planning control does not change the zoning of land or prohibit permissible activities. If land is zoned rural for example, the map and associated LEP clause will identify matters that need to be addressed for activities that only require development approval.

What is the Minister's role in implementing the final recommendations?

- A Ministerial Direction (s9.1 Direction) has been issued, requiring the five affected councils to use the criteria set out in the Final Recommendations Report when determining whether to apply an environmental conservation or environmental management zone.
- The Ministerial Direction will guide the preparation and assessment of zoning decisions.

Will the recommendations eventually be applied statewide?

- The final recommendations within the report will initially apply only to Ballina Shire, Byron Shire, Kyogle, Lismore City and Tweed Shire. The Department will be consulting with other councils about how the final recommendations for environmental zoning on the Far North Coast can work across all areas of the State.

Will landowners be notified if a C zone is proposed for their land?

- Where a C zone is proposed, Councils will be required to write to each affected land owner unless a letter from the land owner agreeing to the proposed zoning has been provided.

What happens if a landowner disagrees with a proposed C zone?

- In the event that a landholder does not agree that their land meets the primary use or validation criteria for a C zone, the Planning Secretary or delegate will undertake an independent review.

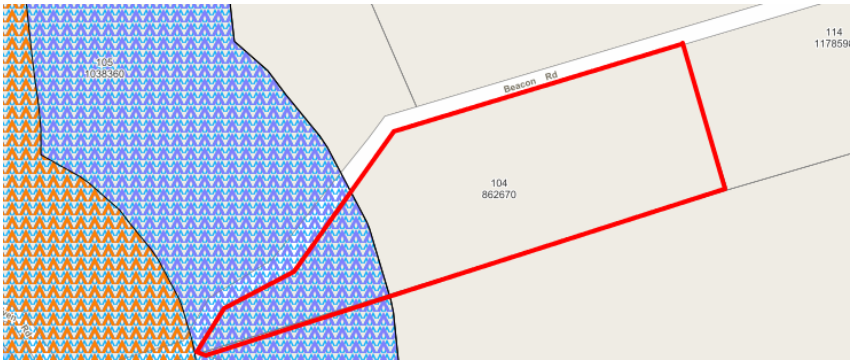
- The Planning Secretary or delegate will make a decision on the dispute, based on an assessment of the evidence provided by both Council and the landholder.
- Councils will be required to notify landholders once it resolves to adopt an E zone following a review of submissions.
- Landholders will have 28 days from Council's notification of the adoption of the final proposed zones to write to e the Department of their request for a review.
- To request a review, the landholder must provide written consent for Council, Council's representative, or other appropriate qualified person to access the site to verify the presence of attributes that meet the C2 or C3 criteria in accordance with Section 5 of the Recommendations Report.

Where can I find out more?

- Visit our website at www.planning.nsw.gov.au/policy-and-legislation/environment-and-heritage/environment-zones
- Call our Information Centre on 1300 420 596. If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email information@planning.nsw.gov.au

Appendix 11 – Land Within NSW Coastal Zone - SEPP (Resilience and Hazards) 2021 Mapping

54 Beacon Road Teven

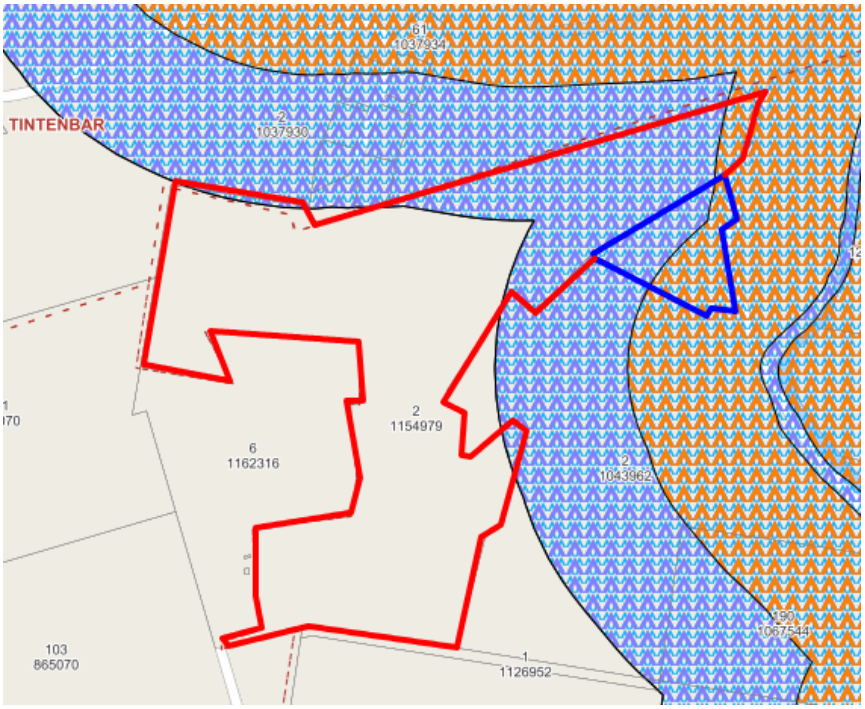


Legend

- SEPP Coastal Use Area
- SEPP Coastal Environment Area
- Land not subject to planning proposal
- Land subject to planning proposal

Ballina Shire Council

225 Cumbalum Road, Cumbalum

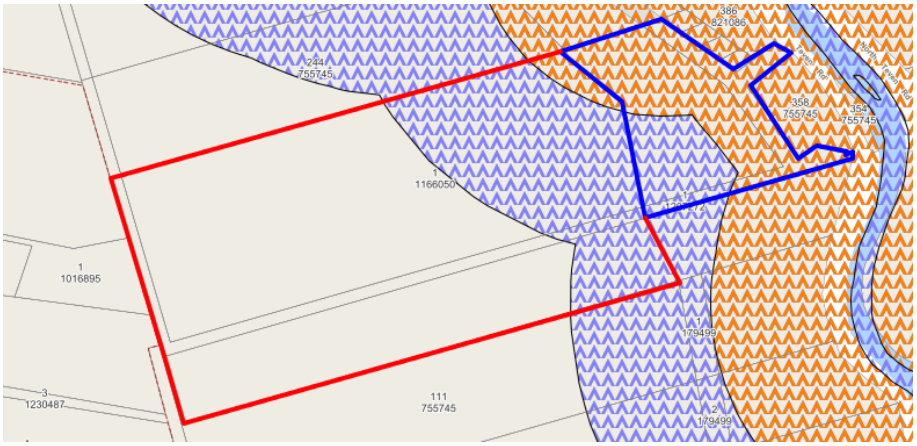


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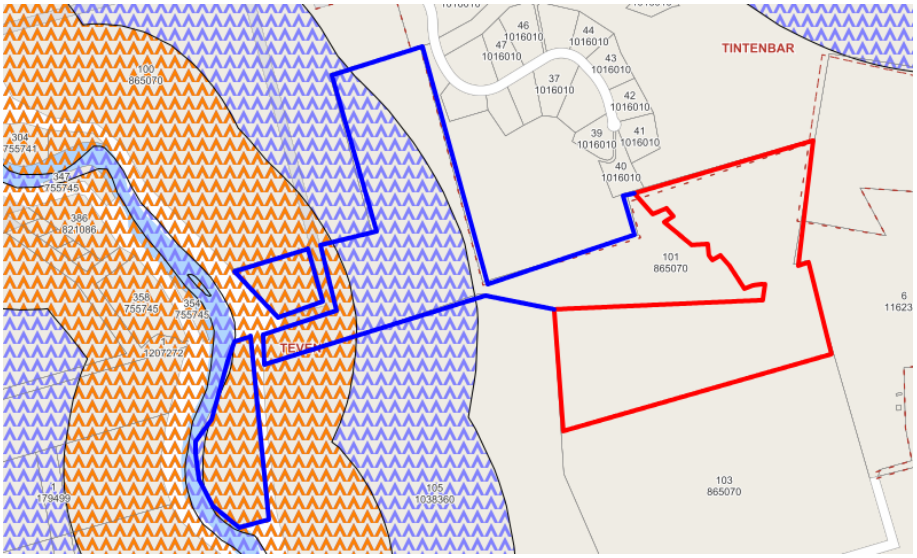
- SEPP Coastal Use Area
- SEPP Coastal Environment Area
- Land not subject to planning proposal
- Land subject to planning proposal

70

660 Teven Road, Teven



444 North Teven Road, Teven

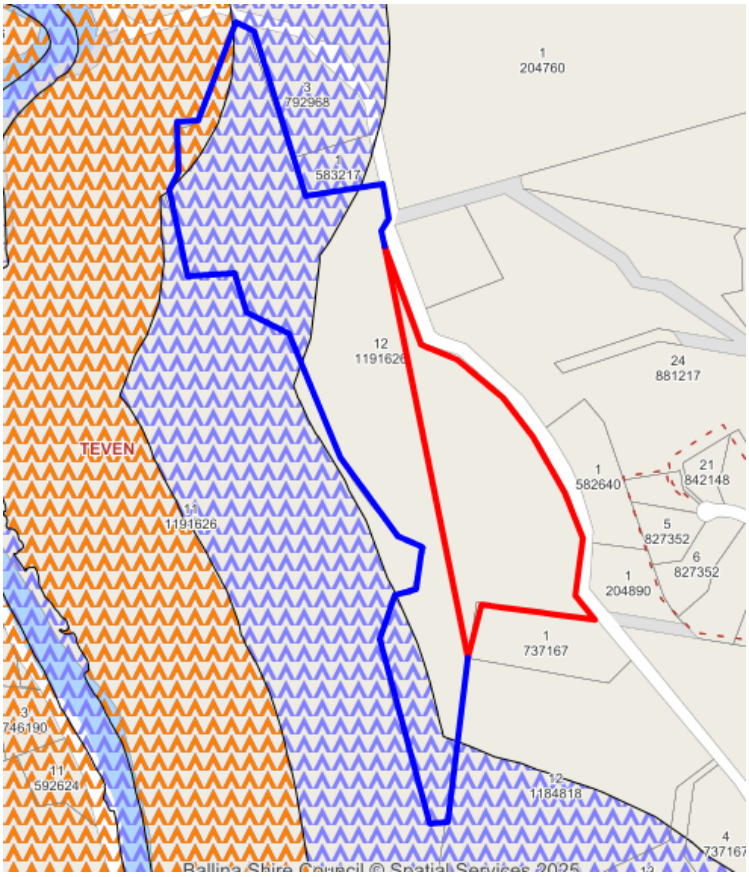


Legend

- SEPP Coastal Use Area
- SEPP Coastal Environment Area
- Land not subject to planning proposal
- Land subject to planning proposal

Ballina Shire Council

287 North Teven Road, Teven



Legend

- SEPP Coastal Use Area
- SEPP Coastal Environment Area
- Land not subject to planning proposal
- Land subject to planning proposal

Appendix 12 – NSW Coastal Design Guidelines 2023 Assessment Checklist for Planning Proposals

(Provided under separate cover)

Ballina Shire Council

Appendix 13 – Gateway Determination

Department of Planning, Housing and Infrastructure

NSW GOVERNMENT

Our ref: PP-2025-1798/(IRF25/2190)

Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478
council@ballina.nsw.gov.au

13 October 2025

PP-2025-1798 to amend Ballina Local Environmental Plan 2012

Dear Mr Hickey

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to incorporate deferred matter land and review conservation zones applied to certain land in Ballina local government area.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistencies of the planning proposal with applicable directions of the Minister under section 9.1 of the Act Directions 4.5 Acid Sulfate Soils, 8.1 Mining, Petroleum Production and Extractive Industries and 9.2 Rural Lands are justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act in relation to Directions 3.1 Conservation Zones, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast local environmental plans (LEP) and 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

Consistent with the former Secretary's letter to Ballina Shire Council of 1 March 2016, an authorisation to act as the Local Plan-Making authority is not to be issued where a planning proposal seeks to apply a conservation zone to land to which the Northern Councils E Zone Review applies.

The amending LEP is to be finalised on or before nine months from the date of Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
Locked Bag 5022, Parramatta NSW 2124

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The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Ella Wilkinson to assist you. Ms Wilkinson can be contacted on 02 6643 6408.

Yours sincerely



Daniel Thompson
Executive Director
Local Planning and Council Support

Encl: Gateway determination

Department of Planning, Housing and Infrastructure

Gateway Determination

***Planning proposal (Department Ref: PP-2025-1798)**: Incorporate deferred matter land and review conservation zones applied to certain land in Ballina local government area.*

I, the Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ballina Local Environmental Plan 2012 to incorporate deferred matter land and review conservation zones applied to certain land in Ballina local government area should proceed subject to the following:

The LEP should be completed on or before nine months from the date of Gateway determination.

Gateway Conditions

1. Prior to public exhibition the planning proposal is to be updated to include:
   (a) maps which are suitable for public exhibition and demonstrate the proposed changes to the Land Application Map, Height of Buildings Map, Lot Size Map, and Acid Sulfate Soils Map; and

   (b) a reference in section 5 of the planning proposal to the need to amend the Acid Sulfate Soils map under section 5 of the proposal.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
   (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days;

   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023);

   (c) consistent with the Secretary's letter of 1 March 2016, Council must ensure that any landowner whose land is proposed to have a conservation zone applied, is notified in writing of the planning proposal and consultation arrangements; and

   (d) when Council has considered the submissions received during public exhibition and has endorsed the final planning proposal, the landowners whose land will be subject to a conservation zone must be notified in writing of Council's decision and advised that they have 28 days to notify the Department to undertake an independent review of the proposed zoning of their property.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

   - Department of Primary Industries and Regional Development – Agriculture and Biosecurity (DPIRD - AG)
   - Department of Climate Change, Energy, the Environment and Water – Biodiversity (DCCEEW - Biodiversity)
   - NSW Rural Fire Service

   Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 40 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The final planning proposal is to detail how the C Zone application process for each property has been satisfied in accordance with the Northern Councils C Zone Review Final Recommendations Report.

Dated 13 October 2025



Daniel Thompson
Executive Director
Local Planning and Council Support
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces

PP-2025-1798 (IRF25/2190)

Department of Planning, Housing and Infrastructure

Our ref: PP-2025-1798/(IRF25/2190)

Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478
council@ballina.nsw.gov.au

13 October 2025

PP-2025-1798 to amend Ballina Local Environmental Plan 2012

Dear Mr Hickey

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to incorporate deferred matter land and review conservation zones applied to certain land in Ballina local government area.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistencies of the planning proposal with applicable directions of the Minister under section 9.1 of the Act Directions 4.5 Acid Sulfate Soils, 8.1 Mining, Petroleum Production and Extractive Industries and 9.2 Rural Lands are justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act in relation to Directions 3.1 Conservation Zones, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast local environmental plans (LEP) and 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

Consistent with the former Secretary's letter to Ballina Shire Council of 1 March 2016, an authorisation to act as the Local Plan-Making authority is not to be issued where a planning proposal seeks to apply a conservation zone to land to which the Northern Councils E Zone Review applies.

The amending LEP is to be finalised on or before nine months from the date of Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Ella Wilkinson to assist you. Ms Wilkinson can be contacted on 02 6643 6408.

Yours sincerely



Daniel Thompson
Executive Director
Local Planning and Council Support

Encl: Gateway determination

Department of Planning, Housing and Infrastructure

Gateway Determination

***Planning proposal (Department Ref: PP-2025-1798)**: Incorporate deferred matter land and review conservation zones applied to certain land in Ballina local government area.*

I, the Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ballina Local Environmental Plan 2012 to incorporate deferred matter land and review conservation zones applied to certain land in Ballina local government area should proceed subject to the following:

The LEP should be completed on or before nine months from the date of Gateway determination.

Gateway Conditions

1. Prior to public exhibition the planning proposal is to be updated to include:
   (a) maps which are suitable for public exhibition and demonstrate the proposed changes to the Land Application Map, Height of Buildings Map, Lot Size Map, and Acid Sulfate Soils Map; and

   (b) a reference in section 5 of the planning proposal to the need to amend the Acid Sulfate Soils map under section 5 of the proposal.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
   (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days;

   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023);

   (c) consistent with the Secretary's letter of 1 March 2016, Council must ensure that any landowner whose land is proposed to have a conservation zone applied, is notified in writing of the planning proposal and consultation arrangements; and

   (d) when Council has considered the submissions received during public exhibition and has endorsed the final planning proposal, the landowners whose land will be subject to a conservation zone must be notified in writing of Council's decision and advised that they have 28 days to notify the Department to undertake an independent review of the proposed zoning of their property.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

   - Department of Primary Industries and Regional Development – Agriculture and Biosecurity (DPIRD - AG)
   - Department of Climate Change, Energy, the Environment and Water – Biodiversity (DCCEEW - Biodiversity)
   - NSW Rural Fire Service

   Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 40 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The final planning proposal is to detail how the C Zone application process for each property has been satisfied in accordance with the Northern Councils C Zone Review Final Recommendations Report.

Dated 13 October 2025



Daniel Thompson
Executive Director
Local Planning and Council Support
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces

PP-2025-1798 (IRF25/2190)

Department of Climate Change, Energy, the Environment and Water

Your ref: PP-2025-1798
Our ref: DOC25/926601-12

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Klaus Kerzinger

Dear Mr Hickey

RE: Planning Proposal – Deferred matter land in Teven, Cumbalum and Meerschaum Vale – PP-2025-1798

Thank you for your referral through the NSW Planning Portal dated 30 October 2025 about the planning proposal relating to land at Teven, Cumbalum and Meerschaum Vale, seeking comments from the Conservation Programs, Heritage and Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water. I appreciate the opportunity to provide input.

We have reviewed the Planning Proposal relating to deferred matter and conservation zones on certain land prepared by Ballina Shire Council dated October 2025 and understand the planning proposal seeks to:

- Integrate certain deferred matter land into the Ballina Local Environmental Plan (LEP) 2012, being land that was not included within Ballina LEP 2012 Amendment No 55 published on 12 July 2024, as such land was the subject of unresolved objections. Noting this land was the subject of the Teven Test Case investigation that CPHR reviewed and provided comment to Council in our letter dated 3 June 2025.
- Amend the Ballina LEP 2012 in respect to two lots that were incorporated into Ballina LEP 2012 Amendment No 55 but to which confidential objections were not considered prior to the land being rezoned.

Following our review we advise that several issues are apparent with the application of conservation zones to the planning area. These issues are discussed in detail in **Attachment 1**, and our comments on specific land parcels are included in **Attachment 2** to this letter.

The planning proposal does not include conservation zones for areas land that has verified environmental zone criteria in accordance with the *Northern Councils E Zone Review Final Recommendations Report* (E Zones Review).

Given the Planning Proposal has progressed to gateway determination, CPHR objects to the planning proposal in its current form as it does not accord with the E Zones Review.

Level 8, 24 Moonee Street, (Locked Bag 914), Coffs Harbour NSW 2450 | environment.nsw.gov.au

We would reconsider our objection if the planning proposal was amended to:

1. Apply the C2 Environmental Conservation zone to Zones 2 and 3 of 118 Beacon Road, Teven (Lot 6 DP1162316) as mapped in Figure 4 of the *Assessment of Conservation Zones at five properties at Teven, Ballina Shire* (ACZ) prepared by EarthScapes Consulting Pty Ltd dated February 2025.

2. Apply the C2 Environmental Conservation zone to Zone 3 of 444 North Teven Road, Teven (Lot 101 DP865070) as mapped in Figure 7 of the ACZ.

3. Apply the C2 Environmental Conservation zone to:

    a. Zone 2 of the southern patch of 225 Cumbalum Road, Cumbalum as mapped in Figure 12 of the ACZ.

    b. Zones 2, 3a and 3b of the north-western patch of 225 Cumbalum Road, Cumbalum as mapped in Figure 13 of the ACZ.

    c. Zone 2 of the north-eastern patch of 225 Cumbalum Road, Cumbalum as mapped in Figure 14 of the ACZ.

4. Retain the C2 Environmental Conservation zone as currently applied to 54 Buckombil Mountain Road, Meerschaum Vale (Lot 2 DP604231) outside of the areas occupied by the existing dwelling, asset protection zones and driveway which are to be rezoned RU2 Rural Landscape.

If you have any further questions about this issue, please contact Mr Dimitri Young, Senior Team Leader Planning North East, CPHR, on 6659 8272 or at dimitri.young@dcceew.nsw.gov.au.

Yours sincerely



GABRIELLE PIETRINI
Director North East
Conservation Programs, Heritage and Regulation

12 December 2025

Enclosures:

Attachment 1: Detailed DCCEEW CPHR Comments – Deferred matter land in Teven, Cumbalum and Meerschaum Vale – PP-2025-1798

Attachment 2: Detailed comments on selected land parcels – Deferred matter land in Teven, Cumbalum and Meerschaum Vale – PP-2025-1798

Attachment 1: Detailed DCCEEW CPHR Comments – Deferred matter land in Teven, Cumbalum and Meerschaum Vale – PP-2025-1798

The Conservation Programs, Heritage and Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water has reviewed the following reports:

- Planning Proposal relating to deferred matter and conservation zones on certain land prepared by Ballina Shire Council dated October 2025
- Assessment of Conservation Zones at Five Properties at Teven, Ballina Shire prepared by EarthScapes Consulting Pty Ltd dated February 2025
- Assessment of Conservation Zones at Lot 12 Plan 1191616 Teven, Ballina Shire prepared by EarthScapes Consulting Pty Ltd dated May 2025
- Assessment of Conservation Zones at Lot 2 Plan 604231, 54 Buckombil Mountain Road, Meerschaum Vale, Ballina Shire prepared by EarthScapes Consulting Pty Ltd dated June 2025.

We understand the planning proposal seeks to:

- Integrate certain deferred matter land into the Ballina Local Environmental Plan (LEP) 2012, being land that was not included within Ballina LEP 2012 Amendment No 55 published on 12 July 2024, as such land was the subject of unresolved objections. This land was the subject of the Teven Test Case investigation that CPHR commented on in our letter dated 3 June 2025.
- Amend the Ballina LEP 2012 in respect to two lots that were incorporated into Ballina LEP 2012 Amendment No 55 but to which confidential objections were not considered prior to the land being rezoned.

Following our review we raise the following issues.

<u>The primary land use applied to some of the land in the planning proposal differs to the land use verified on-site</u>

As set out in the *Northern Councils E Zone Review Final Recommendations Report* (E Zones Review), which applies to the planning area, a conservation zone can only be applied to land with a primary use of environmental conservation or environmental management, and which meets the criteria for a C2 Environmental Conservation or C3 Environmental Management zone. Since the publication of the E Zones Review, planning authorities have experienced considerable difficulty in interpreting and applying the requirements relating to the primary use of the land, particularly when attempting to secure land with high environmental values into a conservation zone.

The report titled *Assessment of Conservation Zones at Five Properties at Teven, Ballina Shire* prepared by EarthScapes Consulting Pty Ltd dated February 2025 (EarthScapes report) attempted to clarify the definitions of the environmental conservation, environmental management, and agricultural primary land use categories, while ensuring such definitions remained in accordance with their wording in the E Zones Review. The clarified definitions in the EarthScapes report centred around whether ecological or agricultural processes predominate on the applicable land. CPHR supported this approach in our letter to Ballina Shire Council dated 3 June 2025.

We understand the Department of Planning Housing and Infrastructure (DPHI) considers if the primary use of the land is for environmental conservation or management, the environmental values of the land and vegetation need to be demonstrated, and the absence of any agricultural or other land use confirmed. This position is reflected in the Northern Councils Environmental Zone Review – Frequently Asked Questions published by the then Department of Planning and Environment (DPE - now DPHI) in July 2023, and the letter from the DPE Secretary to Council on 1 March 2016.

According to the E Zones Review, the primary use of land is the '*main use'* of the land over the previous two years. Hence, to determine the primary land use is agriculture, agricultural operations such as cropping or grazing would need to be clearly demonstrated as the '*main use'* of the land over the previous two years. The complete absence of agricultural or other land use is not required to determine the primary land use is environmental conservation or environmental management, provided agricultural or other land uses have not been the '*main use*' of the land over the previous two years. For example, where grazing within a native vegetation community occurs infrequently, such as once a month, grazing would not be considered the '*main use*' of the land.

CPHR understands there may be cases where a landowner requests a C3 zone or rural zone be applied despite Council determining the land meets the requirements for a C2 zone. In these cases, Council may seek to apply the C2 zone despite the landowner's objection.

The Planning Proposal has not followed the recommendations in the EarthScapes report for the Teven Test Case properties

CPHR reviewed and provided comment on the EarthScapes report which applies to 5 properties in Teven in our letter dated 3 June 2025. The EarthScapes report included an ecological field assessment of 5 properties in Teven in relation to the primary use of the land and the C2 and C3 criteria as set out in the E Zones Review. We noted the EarthScapes report defines the primary land uses of environmental conservation and environmental management as:

> "*areas of native vegetation where natural ecological processes predominate. This category may include some agricultural uses such as grazing where these activities are of a secondary or ancillary nature*".

We also noted the EarthScapes report defines the primary land use of agriculture as:

> "*areas where agricultural activities including cropping, horticulture, pasture management, grazing or other forms of agriculture predominate*".

As noted above, CPHR supported the approach taken in the EarthScapes report in defining the primary land use categories. Based on that approach, the EarthScapes report recommended the C2 zone be applied to portions of 4 of the 5 test case properties where it was determined the primary land use was environmental conservation or environmental management, and the land met the criteria for the C2 zone as set out in the E Zones Review.

We note the planning proposal has not followed these recommendations, as most of the land eligible for the C2 zone on the Teven Test Case properties is proposed to be rezoned to RU1 Primary Production and some as C3. Only a small portion of 54 Beacon Road, Teven (Lot 104 DP862670) is proposed to be rezoned as C2.

Although the C3 zone is nominally a conservation zone, its permitted land uses do not reflect those of conservation management. Importantly, the C3 zone permits extensive agriculture, which includes cropping and grazing, to be undertaken without consent. In comparison, the C2 zone more effectively gives effect to conservation, as the only land use permitted without consent is environmental protection works.

Based on the information provided in the planning proposal and EarthScapes report, CPHR agrees that 1 property, 660 Teven Road, Teven, does not contain land that meets the criteria for a conservation zone as set out in the E Zones Review, and we raise no issues with the proposed rezoning on this property.

The main reasoning provided in the Planning Proposal for the widespread application of the RU1 and C3 zones to land eligible for the C2 zone is:

- agricultural activities including cropping, horticulture, and pasture management predominate.

- a “negotiated outcome” was reached with the relevant landowner.

Based on the information provided in the EarthScapes report, CPHR considers the planning proposal has not established that agricultural activities predominate on the land previously determined in the EarthScapes report to meet the requirements for a C2 zone.

In relation to “negotiated outcomes” with landowners, as previously stated, where land meets the requirements of the E Zones Review, the Council may apply a C2 zone despite a landowner’s objection.

Our detailed comments regarding the proposed rezoning of 4 of the 5 Teven test case properties are provided in **Attachment 2**.

Some of the land subject to unconsidered 2023 objections contains C2 criteria and is being managed for conservation but proposed for C3 zoning

We understand an administrative error at the time the Council publicly exhibited its previous Conservation Zone Review Planning Proposal (PP-2022-456) resulted in some objections made by landowners who wished to be treated confidentially not being forwarded to DPHI. This resulted in some previously deferred matter land being rezoned to C2 on the assumption the applicable landowner had no objection.

The planning proposal seeks to rezone land on 2 properties from C2 to part C3, part RU1 and part RU2 Rural Landscape.

We understand the C2 zoned land on 1 of these properties, 287 North Teven Road, Teven (Lot 12 DP1191626), contains relatively degraded camphor laurel-dominated forest. We raise no issues with the proposed rezoning of land to RU1 on this property.

The C2 zoned land on the other property, 54 Buckombil Mountain Road, Meershaum Vale (Lot 2 DP604231), contains northern brush box subtropical wet forest with rainforest elements in gullies. These vegetated parts of the property are identified on the NSW Biodiversity Values Map due to being mapped as core koala habitat within the Council endorsed Ballina Shire Koala Management Strategy 2017. Consequently, the presently C2 zoned areas outside of the areas occupied by the dwelling, asset protection zones (APZs) and driveway meet multiple C2 zone criteria set out in the E Zones Review.

The planning proposal explains the landowner’s objection requested the application of the RU2 zone to the areas occupied by the dwelling, APZs and driveway. The planning proposal seeks to apply the RU2 zone to these areas and to rezone the remaining verified C2 criteria areas to C3. We disagree with the rezoning of land with verified C2 criteria to C3 at 54 Buckombil Mountain Road, Meerschaum Vale on the basis that the land contains verified C2 criteria and is currently being actively managed by the landowner for environmental conservation. Our detailed comments regarding the proposed rezoning of this property are provided in **Attachment 2**.

In summary, CPHR objects to the Planning Proposal and recommends:

1. The C2 Environmental Conservation zone be applied to Zones 2 and 3 of 118 Beacon Road, Teven (Lot 6 DP1162316) as mapped in Figure 4 of the *Assessment of Conservation Zones at five properties at Teven, Ballina Shire* (ACZ) prepared by EarthScapes Consulting Pty Ltd dated February 2025.

2. The C2 Environmental Conservation zone be applied to Zone 3 of 444 North Teven Road, Teven (Lot 101 DP865070) as mapped in Figure 7 of the ACZ.

3. The C2 Environmental Conservation zone be applied to:

a. Zone 2 of the southern patch of 225 Cumbalum Road, Cumbalum as mapped in Figure 12 of the ACZ.

b. Zones 2, 3a and 3b of the north-western patch of 225 Cumbalum Road, Cumbalum as mapped in Figure 13 of the ACZ.

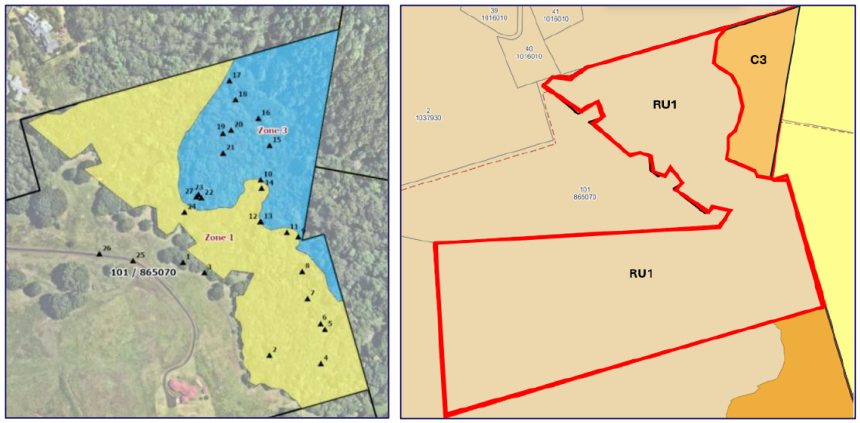
c. Zone 2 of the north-eastern patch of 225 Cumbalum Road, Cumbalum as mapped in Figure 14 of the ACZ.

4. The C2 Environmental Conservation zone be retained as currently applied to 54 Buckombil Mountain Road, Meerschaum Vale (Lot 2 DP604231) outside of the areas occupied by the existing dwelling, asset protection zones and driveway which are to be rezoned RU2 Rural Landscape.

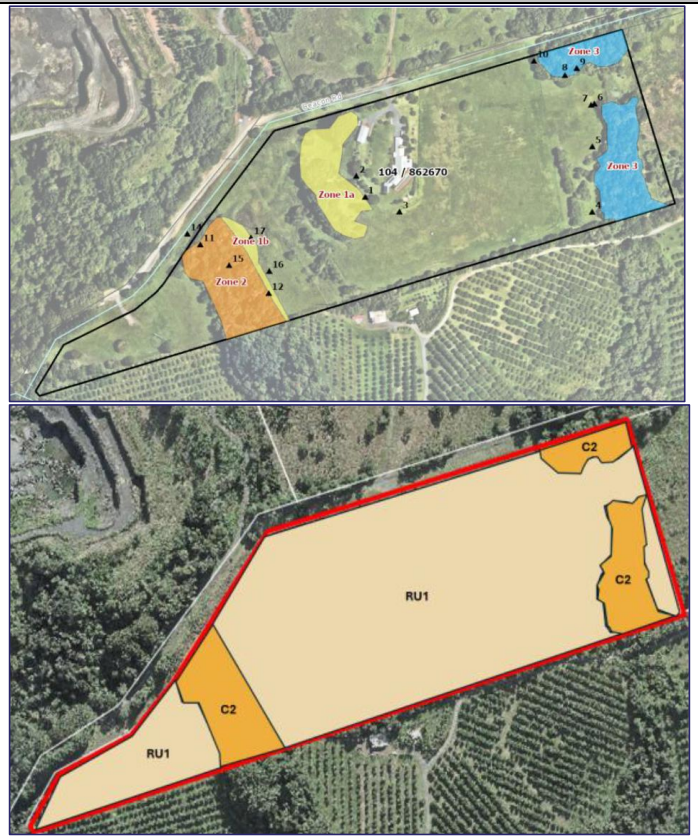
Attachment 2: Detailed comments on selected land parcels – Deferred matter land in Teven, Cumbalum and Meerschaum Vale – PP-2025-1798

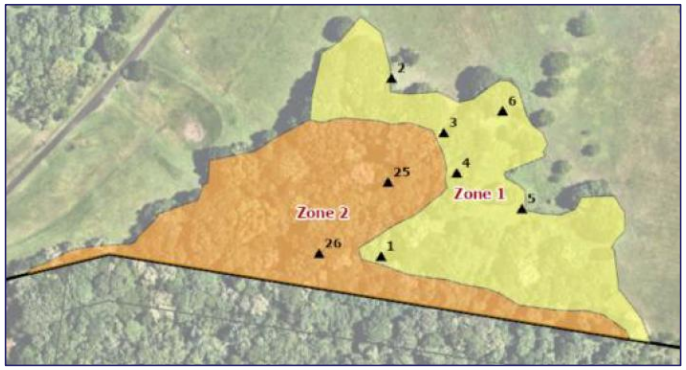
Address	Existing zone proposed to be changed	Proposed zones	CPHR comments
118 Beacon Road, Teven (Lot 6 DP1162316)	1(b)	RU1, C3	The EarthScapes report mapped vegetation on this property, determining 2 of the 4 vegetation mapped zones, Zones 2 and 3, met the requirements for a C2 zone as set out in the E Zones Review (see Figure 1). The EarthScapes report noted that while cattle have access to Zone 2, the vegetation in the zone is representative of the Lowland Rainforest threatened ecological community (TEC), there is a mix of tree growth classes including old growth, and natural regeneration is occurring, indicating grazing is of a secondary or ancillary nature and ecological processes predominate. The EarthScapes report noted Zone 3 contains wet sclerophyll forest including trees in the late stage of growth including tallowwood (*Eucalyptus microcorys*), a preferred koala food tree. There are koala records in adjacent areas to the north. The report noted there is little evidence of recent agricultural activity in Zone 3. Based on the information provided in the EarthScapes report, we consider a C2 zone is appropriate for Zones 2 and 3 on this property. Despite Zones 2 and 3 meeting the requirements of the C2 zone as set out in the E Zones Review, the planning proposal seeks to rezone the majority of the site to RU1, and a small portion in the north west to C3 (see Figure 1 below). The planning proposal has not provided justification for the decision on this zoning arrangement in relation to C2 criteria land or the primary land use other than by stating the landowner supports the proposed rezoning as a “negotiated outcome”.

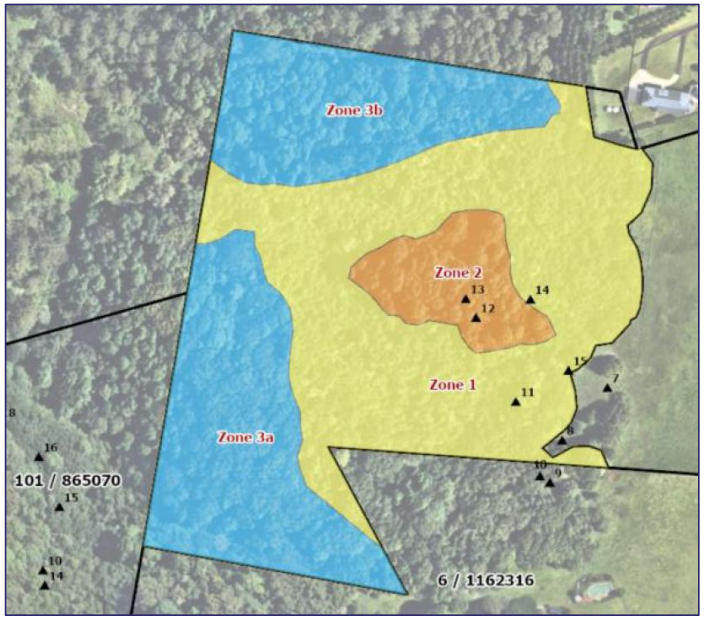
Address	Existing zone proposed to be changed	Proposed zones	CPHR comments
			 **Figure 1.** 118 Beacon Road, Teven. *Left*: Vegetation zones mapped by EarthScapes, Zones 2 (orange) and 3 (blue) meeting the requirements of the C2 zone. *Right*: Proposed zoning in planning proposal.
444 North Teven Road, Teven (Lot 101 DP865070)	1(b)	RU1, C3	The EarthScapes report mapped vegetation on this property, determining Zone 3 met the requirements for a C2 zone as set out in the E Zones Review (see Figure 2 below). The EarthScapes report described the vegetation community in Zone 3 as wet sclerophyll forest dominated by brushbox (*Lophostemon confertus*) and tallowwood (*Eucalyptus microcorys*) along the eastern edge and brushbox and tallowwood mixed with pink bloodwood (*Corymbia intermedia*) in the centre. Rainforest and lomandra species are present in the understorey. While cattle have access to part of Zone 3, the condition of the vegetation community as described in the EarthScapes report indicates ecological processes predominate. Based on the information provided in the EarthScapes report, we consider a C2 zone is appropriate for Zone 3 on this property.

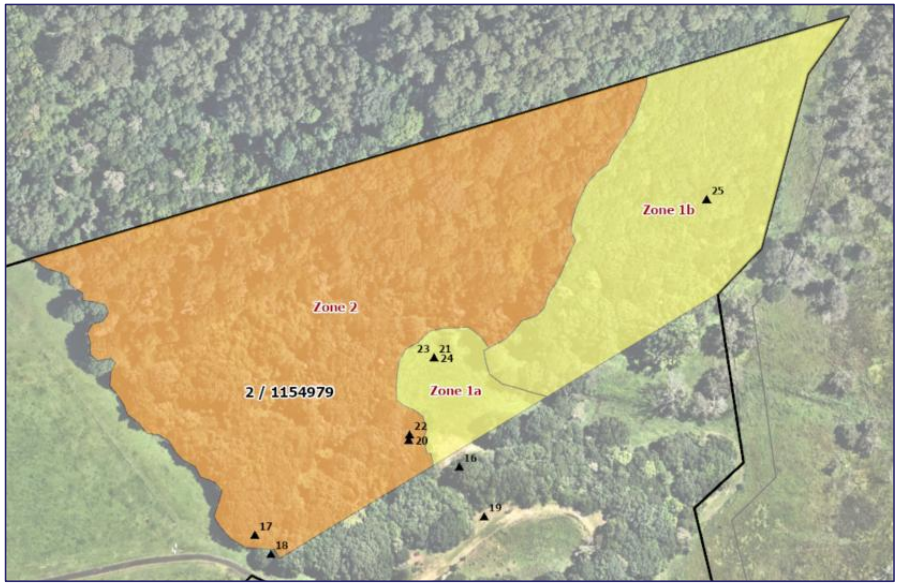
Address	Existing zone proposed to be changed	Proposed zones	CPHR comments
			Despite the land meeting the requirements of the C2 zone as set out in the E Zones Review, the planning proposal seeks to rezone the majority of Zone 3 to RU1, and a small subsection in the north east to C3 (see Figure 2 below). The planning proposal states part of Zone 3 is not fenced and is subject to occasional grazing, and hence an RU1 zone is proposed in this area. The Planning Proposal does not justify why a C3 zone is proposed in the north east rather than a C2 zone, other than by stating the landowner supports the proposed rezoning as a "negotiated outcome".  **Figure 2.** 444 North Teven Road, Teven. *Left:* Vegetation zones mapped by EarthScapes, Zone 3 (blue) meeting the requirements of the C2 zone. *Right:* Proposed zoning in planning proposal.
54 Beacon Road, Teven (Lot 104 DP862670)	1(b)	RU1, C3	The EarthScapes report mapped vegetation on this property, determining Zones 2 and 3 met the requirements for a C2 zone as set out in the E Zones Review (see Figure 3 below), and we understand the planning proposal seeks to apply the C2 zone to these areas. Based on the information provided in the EarthScapes report, we support the application of the C2 zone to these areas.

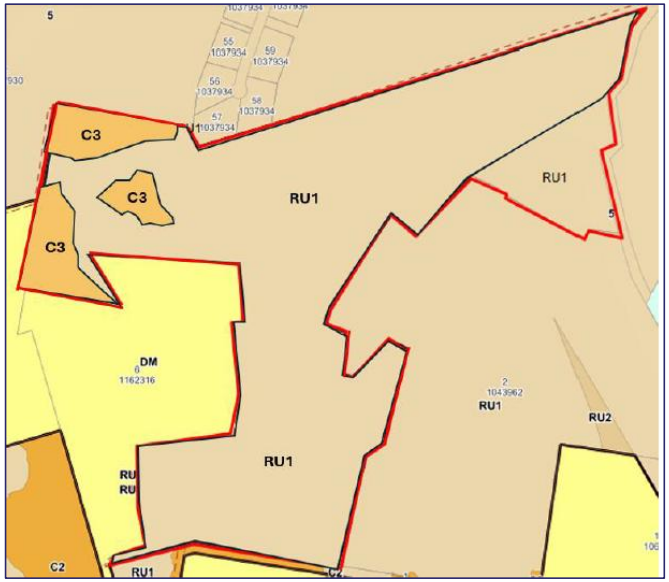
Attachment 2: Detailed comments on selected land parcels – PP-2025-1798

Address	Existing zone proposed to be changed	Proposed zones	CPHR comments
			 **Figure 3.** 54 Beacon Road, Teven. *Above:* Vegetation zones mapped by EarthScapes. *Below:* Proposed zoning in planning proposal.

Address	Existing zone proposed to be changed	Proposed zones	CPHR comments
225 Cumbalum Road, Cumbalum (Lot 2 DP1154979)	1(b)	RU1, C3	The EarthScapes report identified 3 main patches of vegetation on this property (the southern, north-western and north-eastern patches) and mapped vegetation zones within each patch. In the southern patch, the report determined Zone 2 met the requirements for a C2 zone as set out in the E Zones Review (see Figure 4 below). The report noted that while cattle have access to this area, the vegetation in the zone is representative of the Lowland Rainforest TEC, contains one or more of the threatened vines *Tinospora tinosporoides* and *Tinospora smilacina,* and natural regeneration is occurring, indicating grazing is of a secondary or ancillary nature and ecological processes predominate.  **Figure 4.** 225 Cumbalum Road, Cumbalum, southern patch. Vegetation zones mapped by EarthScapes, Zone 2 (orange) meeting the requirements of the C2 zone. In the north-western patch, the EarthScapes report determined Zones 2, 3a and 3b met the requirements for the C2 zone as set out in the E Zones Review (see Figure 5 below). The report noted vegetation in Zone 2 contains wet sclerophyll forest dominated by brushbox (*L. confertus*) with rainforest species in the midstorey and understorey and a mix of tree growth classes. The report noted there is little evidence of recent agricultural activity.

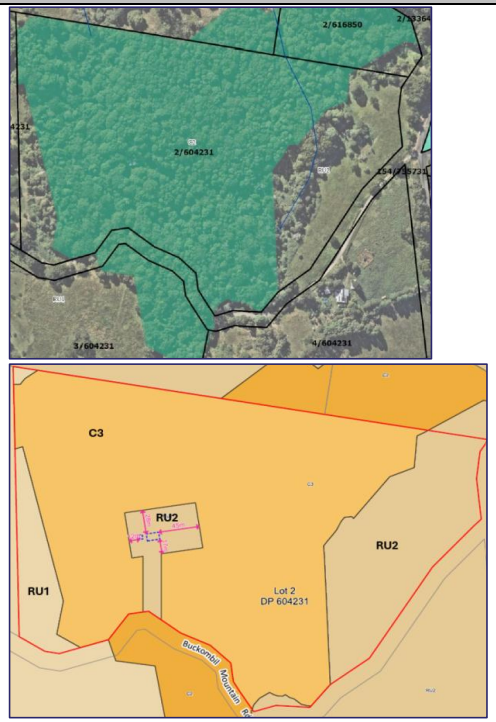
Address	Existing zone proposed to be changed	Proposed zones	CPHR comments
			The report noted Zones 3a and 3b contain wet sclerophyll forest including tallowwood (*E. microcorys*) and brushbox (*L. confertus*) with rainforest species in the midstorey and understorey. There are koala records in areas adjacent to Zone 3b in the north. The report noted there is little evidence of recent agricultural activity in Zones 3a or 3b.  **Figure 5.** 225 Cumbalum Road, Cumbalum, north-western patch. Vegetation zones mapped by EarthScapes, Zones 2 (blue), 3a and 3b (orange) meeting the requirements of the C2 zone. In the north-eastern patch, the EarthScapes report determined Zone 2 met the requirements for the C2 zone as set out in the E Zones Review (see Figure 6 below).

Address	Existing zone proposed to be changed	Proposed zones	CPHR comments
			The report noted Zone 2 contains likely remnant vegetation representative of the Lowland Rainforest TEC and includes steep slopes and drainage lines. The report noted there is little evidence of agricultural activity in the zone.  **Figure 6.** 225 Cumbalum Road, Cumbalum, north-eastern patch. Vegetation zones mapped by EarthScapes, Zone 2 (orange) meeting the requirements of the C2 zone. Despite these zones meeting the requirements of the C2 zone as set out in the E Zones Review, the planning proposal seeks to rezone the majority of the site to RU1 except for Zones 2, 3a and 3b in the north-western patch which are proposed be rezoned to C3 (see Figure 7 below). There is no explanation for how this zoning arrangement was decided in

Address	Existing zone proposed to be changed	Proposed zones	CPHR comments
			relation to C2 criteria land or the primary land use other than by stating the landowner supports the proposed rezoning as a “negotiated outcome”.  **Figure 7.** Proposed zoning in planning proposal for 225 Cumbalum Road, Cumbalum.
54 Buckombil Mountain Road, Meerschaum Vale (Lot 2 DP604231)	C2	C3, RU2	The planning proposal notes most of the property comprises established northern brush box subtropical wet forest with rainforest elements in gullies. These vegetated parts of the property are identified on the NSW Biodiversity Values Map due to being mapped as core koala habitat within the Council endorsed Ballina Shire Koala Management Strategy 2017. Consequently, the presently C2 zoned areas outside of the areas occupied by the dwelling and APZs meet multiple C2 zone criteria set out in the E Zones Review.

Address	Existing zone proposed to be changed	Proposed zones	CPHR comments
			Despite meeting the C2 zone criteria, the planning proposal determined the C3 zone is appropriate for the vegetated parts of the property because the landowner has actively managed native vegetation on the land, leading to its good condition, and that this demonstrates a primary land use of environmental management rather than environmental conservation. While we acknowledge the ambiguity of the two terms (environmental management and environmental conservation), we consider the active conservation management of the land demonstrates a primary land use of environmental conservation. This conclusion is supported by the objectives of the C2 zone in the Ballina LEP 2012, which include: "*To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values*", The single land use in the Ballina LEP 2012 permitted without consent in the C2 zone is `*environmental protection works'*. The definition of which precisely describes the conservation management work undertaken by the landowner.

Attachment 2: Detailed comments on selected land parcels – PP-2025-1798

Address	Existing zone proposed to be changed	Proposed zones	CPHR comments
			 **Figure 7.** 54 Buckombil Mountain Road, Meerschaum Vale. *Left:* Current C2 zone indicated by green shading. *Right:* Proposed zoning in planning proposal.

RFS

NSW GOVERNMENT

Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Your reference: PP-2025-1798
Our reference: SPI20251202000292

ATTENTION: Klaus Kerzinger

Date: Monday 2 February 2026

Dear Sir/Madam,

Strategic Planning Instrument
Rezoning – Planning Proposal
Ballina LEP 2012 - Deferred matter - Transition - Ballina LEP 1987 - Rezoning of Certain Lands

I refer to your correspondence dated 26/11/2025 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The purpose of this planning proposal is to Integrate certain land into Ballina LEP 2012 (BLEP 2012) from Ballina LEP 1987 (BLEP 1987). The current planning proposal seeks to transition 5 properties into Ballina LEP 2012 and an additional 2 properties (287 North Teven Road and 54 Buckombil Mountain Road) are also included with the objective of correcting rezoning errors.

The planning proposal does not provide for the creation of any additional dwelling opportunities. It does in two cases result in detached dual occupancy being permitted as a dwelling type in addition to the currently permitted attached dual occupancy. No changes to minimum permitted lot sizes are proposed and no new subdivision opportunities are proposed to be created by the planning proposal.

Ballina Shire Bushfire Prone Land Map was re-certified on 11 November 2025. The lots are mapped bushfire prone land.

The NSW RFS has no objection to the planning proposal. Future development on mapped bushfire prone land shall be assessed against the provisions of the EP&A Act 1979.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

Department of Primary Industries and Regional Development

OUT25/16570

Mr Paul Hickey
General Manager
Ballina Shire Council

klaus.kerzinger@ballina.nsw.gov.au

Attention: Mr Klaus Kerzinger

Planning Proposal PP2025-1798 - Transitioning of Deferred Matter land in Certain Land in Ballina Local Government Area (LGA)

Dear Mr Hickey

Thank you for your referral via the NSW Planning Portal of 29 October 2025 and the opportunity to provide advice on the Deferred Matter and Conservation Zone Review for seven (7) properties within the Ballina LGA.

The NSW Department of Primary Industries and Regional Development, Agriculture and Biosecurity (the Department) collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

The Department's advice is guided by section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which requires a consent authority to evaluate a project's potential environmental, social, and economic impacts, as well as the public interest. Sections 1.3(a) and (i) of the EP&A Act emphasise facilitating ecologically sustainable development in land use decision-making. This promotes responsible resource management that benefits present and future generations.

The Department has reviewed the relevant documents and provides the following advice.

It is understood that where this Planning Proposal proposes to zone land for conservation purposes (C2 Environmental Conservation or C3 Environmental Management), the land's ecological characteristics have been verified by field inspections by ecologists as meeting the criteria contained within the Northern Councils E Zone Review Final Recommendations Report (NCEZR). Where land has already been zoned for conservation purposes, and the appropriateness of that zone has been disputed by the landowner, the land has been evaluated by ecologists for compliance with the NCEZR criteria. This has also been done through field inspections.

105 Prince Street | Locked Bag 21
Orange NSW 2800

E: landuse.ag@dpird.nsw.gov.au
dpird.nsw.gov.au

It is also noted that it is not mandatory to apply a C zone if the land has been verified to meet the criteria. Council has accepted a number of negotiated outcomes as provided for in the NCEZR.

The Department 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.

With regard to Lot 104 DP862670, the proposed continuation of C2 zoning along the vegetated corridor with adjoining land is acknowledged. It is also understood, however, that the current and previous owners have objected to the proposal for C2.

There is evidence of cattle grazing on the property, with stockyards in the western portion. The proposed C2 in the western portion will separate the proposed RU1 land. This could create management difficulties due to the requirement to traverse through this zone, albeit existing use rights would prevail.

From aerial imagery and as discussed with Council staff, it appears that the vegetated section of the proposed C2 area in the western portion of the property is fenced off, and access occurs along the cleared section of the northern boundary. It would appear more appropriate to retain the cleared area along the northern boundary as RU1 and/or to map the proposed C2 area as C3.

It is understood that the proposed C2 zone lands in the eastern section of Lot 104 are not fenced, hence C3 or RU1 Primary Production zoning may be more appropriate for this area, particularly where landowner agreement on C2 zoning cannot be reached.

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.

Should you require clarification on any information contained in this response, I have arranged for Selina Stillman, Agricultural Land Use Planning Officer, to assist you. Selina can be contacted by email at landuse.ag@dpird.nsw.gov.au.

Sincerely

L Parker

Lilian Parker
A/Manager Agricultural Land Use Planning
Climate and Natural Resources, Agriculture and Biosecurity
Esigned 19 December 2025

105 Prince Street | Locked Bag 21
Orange NSW 2800
E: landuse.ag@dpird.nsw.gov.au
dpird.nsw.gov.au

Submission 1 – Online Feedback

Your Name

Seton Prettejohn

Phone Number

[redacted]

Your email address

[redacted]

Were the documents easy to read and understand?

No

Do you support the overall objectives and content of the documents?

No

Please provide further information about your response below.

1. Introduction / Summary I am writing to submit my objection to Planning Proposal 25-010 (PP-2025-1798) "Planning Proposal – Conservation and other zones." While I appreciate the stated intent to integrate certain deferred land into the Ballina LEP 2012, I believe the proposed rezoning raises serious concerns that outweigh any perceived benefit. 2. Key Objections / Concerns Below are my main grounds for objection: 2.1 It is quoted in 8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation, "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." Note the 'excluded areas' which are proposed to be c-zoned originally and still currently do have gates, which are used for livestock to access the areas for shelter and water sources as needed. This was utilised by both the previous and current owners. There has been no change to fencing or access to these areas due to change of ownership and this statement was misrepresented in documents presented to council. Livestock continue to access the proposed c-zone areas. 2.2 As stated the previous owner extensively revegetated parts of the property and did not support any part of Lot 104 DP862670 being zoned for

conservation purposes. The revegetation works were only partly grant funded and ongoing plantings and maintenance were undertaken at the owners considerable extra expense to create the pockets of forest that are now being c-zoned. The previous owner was exempt from c-zones being applied to their revegetation works without consent and this was generally understood to be the outcome and conveyed to the current owners at the time of consultation with council. The 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 unethetically exploited to arrive at a conclusion in favour of applying c-zones. The uncertain repercussions of applying c-zones will directly affect and halt the current ongoing revegetation works on the property. Rezoning does not necessarily come with adequate resources for managing conservation-zoned land. Without proper funding or management frameworks 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. There are valid concerns that zoning changes will occur again and be applied to other revegetated areas if there is a sale or succession of this property in the future. 2.3 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. Cattle yards and troughs have always been positioned in the lower western area of the property for current ease of access and transport. Existing access through the proposed c-zone is continuing to be actively used by livestock to graze the paddocks and move between different sections of the property for water and shelter. The introduction of C2 (Environmental Conservation) or C3 (Environmental Management) creates potential restrictions on land use which have not been clearly communicated. 2.4 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. 4. Suggested Alternatives / Mitigation Measures 4.1 Do not implement c-zones for 54 Beacon Road and zone the whole property PUL RU1 for reasons stated above. 4.2 If C-Zones are forced on the property, 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. 4.3 Provide a voluntary conservation agreement (e.g., conservation covenants) with Council (or relevant environmental body) that clearly outlines responsibilities (weed control, fire management, access). 4.4 Consider C3 zoning for the areas proposed as C2 zones. Conclusion Because of the significant potential impacts on land use, landowner rights, land value, and the long-term ecological management burden which has not been addressed, we respectfully oppose Planning Proposal 25-010 (PP-2025-1798) in its current form. Please keep us informed of how our submission is considered. Thank you for your consideration. Yours faithfully, Seton Prettejohn & Claire Booker (Owners 54 Beacon Road, Teven)

I have read and agree with Council's Privacy Policy

Yes

Submission 2 – Letter from Seton Prettejohn and Claire Booker

Mail: Ballina Shire Council, PO Box 450, Ballina NSW 2478 Ballina Shire Council
Date: 26th November

From:
Name: Seton Prettejohn & Claire Booker
Address: 54 Beacon Road, Teven 2478
[redacted]

Subject: Submission Opposing Planning Proposal 25-010 – Conservation & Other Zones (PP-2025-1798)

---

1. Introduction / Summary

I am writing to submit my **objection** to Planning Proposal 25-010 (PP-2025-1798) "Planning Proposal – Conservation and other zones."
While I appreciate the stated intent to integrate certain deferred land into the Ballina LEP 2012, I believe the proposed rezoning raises serious concerns that outweigh any perceived benefit.

2. Key Objections / Concerns

Below are my main grounds for objection:

1) It is quoted in 8.2 LEP 2012 - Deferred Matters - Teven Test Cases and Continuation,

   "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."

   Note the 'excluded areas' which are proposed to be c-zoned originally and still currently do have gates, which are used for livestock to access the areas for shelter and water sources as needed. This was utilised by both the previous and current owners. There has been no change to fencing or access to these areas due to change of ownership and this statement was misrepresented in

documents presented to council. **Livestock continue to access the proposed c-zone areas.**

2) As stated the previous owner extensively revegetated parts of the property and did not support any part of Lot 104 DP862670 being zoned for conservation purposes. The revegetation works were only partly grant funded and ongoing plantings and maintenance were undertaken at the owners considerable extra expense to create the pockets of forest that are now being c-zoned. The previous owner was exempt from c-zones being applied to their revegetation works without consent and this was generally understood to be the outcome and conveyed to the current owners at the time of consultation with council. **The 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 unethetically exploited** to arrive at a conclusion in favour of applying c-zones. The uncertain repercussions of applying c-zones will **directly affect and halt the current ongoing revegetation works on the property.**

   Rezoning does not necessarily come with adequate resources for managing conservation-zoned land. **Without proper funding or management frameworks 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.**

   There are valid concerns that zoning changes will occur again and be applied to other revegetated areas if there is a sale or succession of this property in the future.

3) 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**. Cattle yards and troughs have always been positioned in the lower western area of the property for current ease of access and transport. Existing access through the proposed c-zone is continuing to be actively used by livestock to graze the paddocks and move between different sections of the property for water and shelter. The introduction of C2 (Environmental Conservation) or C3 (Environmental Management) **creates**

potential restrictions on land use which have not been clearly communicated.

4) 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.**

4. Suggested Alternatives / Mitigation Measures

1) **Do not implement c-zones** for 54 Beacon Road and zone the whole property PUL RU1 for reasons stated above.
2) If C-Zones are forced on the property, 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**.
3) Provide **a voluntary conservation agreement** (e.g., conservation covenants) with Council (or relevant environmental body) that clearly outlines responsibilities (weed control, fire management, access).
4) **Consider C3 zoning** for the areas proposed as C2 zones.

Conclusion

Because of the significant potential impacts on land use, landowner rights, land value, and the long-term ecological management burden which has not been addressed, we respectfully **oppose Planning Proposal 25-010 (PP-2025-1798)** in its current form.

Please keep us informed of how our submission is considered.

Thank you for your consideration.

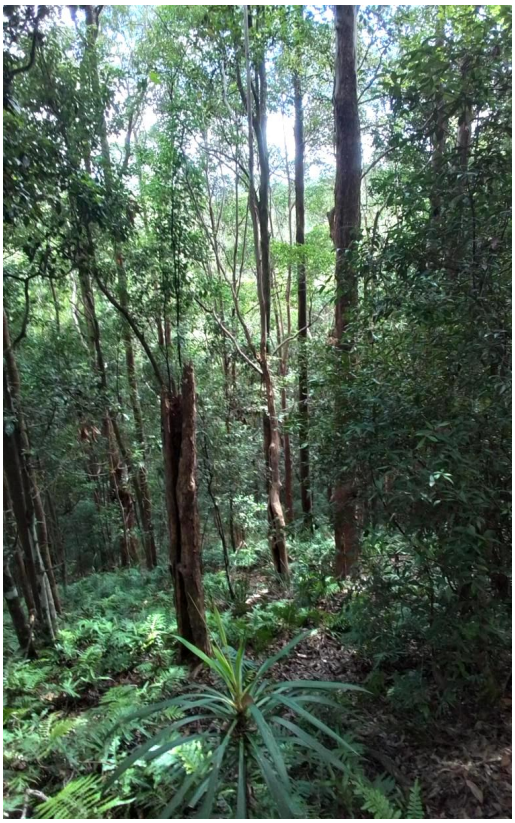
Yours faithfully,

Seton Prettejohn & Claire Booker

(Owners 54 Beacon Road, Teven)

Assessment of Conservation Zones at five properties at Teven, Ballina Shire.

February 2025



Cover photograph: Wet sclerophyll forest, Teven, Ballina Shire 2024 (Photo Credit – J. Wickers)

This report has been prepared by EarthScapes Consulting Pty Ltd

info@earthscapes.com.au
www.earthscapes.com.au

Disclaimer: While all reasonable care has been taken to ensure the information contained in this report is up to date and accurate, no warranty is given that the information contained in the report is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of the information prior to using it.

The information in this report is subject to clarification or amendment due to changes in legislation, agencies and organisations over time. It is the responsibility of the user to ensure compliance with relevant legislation.

This publication (and any material sourced from it) should be attributed as:

Wickers, J.A. and Beyer, G. (2025). Assessment of Conservation Zones at five properties at Teven, Ballina Shire. EarthScapes Consulting Pty Ltd, Mullumbimby.

First Nations People

The People of the Bundjalung Nation developed and maintained a deep and rich connection with the land of the Ballina area. The land nourished all of the person, supplying physical, spiritual, cultural and identity necessities. We wish to acknowledge the First Nations People and pay our respects to their Elders past, present and future.



Ngunya Jargoon Indigenous Protected Area, Wardell/Bagotville (Photo credit G. Beyer).

Acknowledgements

Ballina Shire Council initiated this study and Klaus Kerzinger (Ballina Shire Council) provided support throughout the project.

We would like to thank the Teven landholders who provided access to their property and supported the site visits.

Report author: Jane Wickers
Report Co-author: Georgia Beyer

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1. Study Background

Zoning land for environmental protection in the Ballina Shire has a long history.

- 2011-2012. Ballina Shire Council (BSC) proposes new environmental zones in the draft Ballina Local Environmental Plan 2011.
- 2012. The NSW Government announces a review of these lands and defers them from being included in the new LEP. Ballina LEP 2012 is made without any environmental zones.
- 2015. Northern Councils EZone Review conducted by the NSW State Government (NSW Department of Planning and Environment, 2015).
- 2021. BSC reviews all deferred matter land (excluding existing environmental protection zones under Ballina LEP 1987) and develops draft maps (Ascent Ecology, 2021).
- October 2021. Planning Proposal reported to Council's Ordinary meeting. Council resolves to submit the planning proposal to the NSW Government for review and Gateway determination.
- Feb - March 2023. Planning Proposal – *Ballina Local Environmental Plan 2012. Conservation Zone Review (Integration of certain deferred matter land) BSCPP 21/004 February 2023 (V3 Exhibition) 23/2426* placed on public exhibition.
- July 2024 the Department of Planning, Housing and Infrastructure advised that Amendment No 55 of Ballina LEP 2012 had been made. This amendment applied to 457 lots and applied zones generally consistent with the exhibited Conservation Zone Review planning proposal.
- Excluded from Amendment No 55 were 257 lots, including the lots the subject of this report, which were the subject of landowner objections. These lots still require transition from Ballina LEP 1987 to Ballina LEP 2012.

2. Objectives

Ballina Shire Council have identified five (5) properties at Teven (Figure 1) to be used as a test case to finalise unresolved zoning.

The key objectives of this study are:

- Consult with affected landholders.
- Undertake site visits to assess the ecological values present.
- Assess if the vegetation in the areas of interest meets the criteria for Conservation Zone (CZone).
- Determine the primary use of the land at the sites to inform the zoning of the land under the provisions of Ballina LEP 2012.

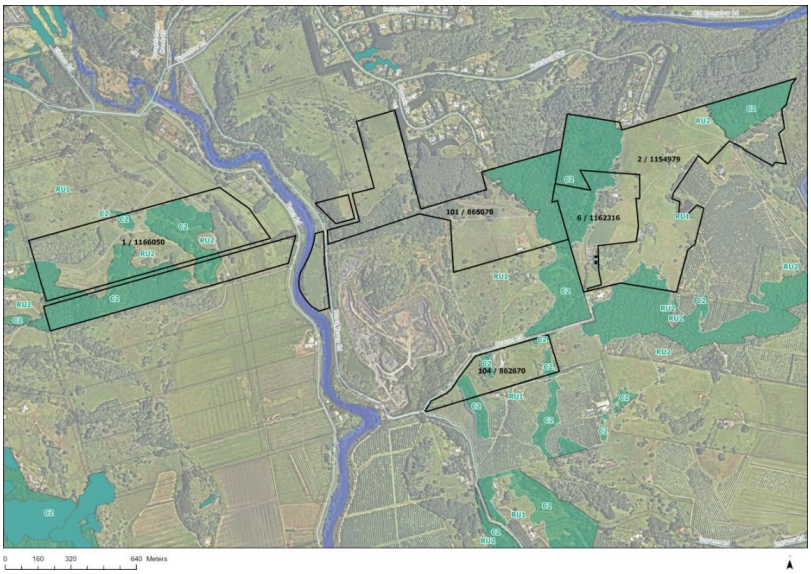


Figure 1 Properties to be assessed in study at Teven (Ballina LGA)

3. Determination of Conservation Zones

The application of CZones in Ballina Shire is required to be based on the NSW Department of Planning and Environment's 2015 *Northern Councils E Zone Review Final Recommendations Report* (NCEZR). Refer to Appendix 1 for details on the criteria for applying C2 - Environmental Conservation or C3 - Environmental Management zoning.

To-date the assessment of CZones has been based on available spatial data, including vegetation mapping and aerial photography.

This study will assess if the vegetation at the sites meets the CZone criteria by undertaking biodiversity field inspections and ground surveys.

4. Primary use of land

The 2015 NCEZR notes that where a C2 or C3 conservation zone is proposed, the primary use of the land is to be considered. The primary use may vary across a particular property depending on the characteristics of the land.

The primary use of the land is defined as the main use for which the land has been used for the last two years.

The primary land use (PLU) category Environmental applies to areas of native vegetation where natural ecological processes predominate. This category may include some agricultural uses such as grazing where these activities are of a secondary or ancillary nature. The PLU Agriculture applies to areas where agricultural activities including cropping, horticulture, pasture management, grazing or other forms of agriculture predominate.

For land that Council has verified as consistent with the vegetation criteria for a conservation zone, an Environmental Conservation (C2) or Environmental Management (C3) zone will generally be applied if the primary use of the land is confirmed to be Environmental.

5. C2 and C3 Land Use Zones

Appendix 2 is an extract from the Ballina Local Environmental Plan 2012 (2013 EPI 20) detailing the zone objectives, permitted uses without consent, permitted uses with consent and prohibited activities in a C2 and C3 zone.

BSCs *existing and continuing use rights* fact sheet notes that the NSW Environmental Planning and Assessment Act 1979 (EPA Act) protects landowners from any hardship that may result from such changes by giving them the power to continue using their land under continuing use rights. Any lawful activity being carried out on the land will continue if there is a zone change.

It should be noted that there is no requirement to fence or maintain the vegetation within a C2 or C3 zone.

6. Local Land Services Land Categories

The LLS land category mapping does not determine zoning, however it does provide additional information about current permissible uses in the proposed CZone areas.

Figure 2 is the LLS Native Vegetation Regulatory map at the Teven sites. The map designates areas of land where the clearing of native vegetation is categorised as regulated or exempt under Part 5A of the Local Land Services Act 2013. The orange shaded areas are mapped as Vulnerable regulated land. Because of the steep slopes, clearing of native vegetation may not be permitted under the Land Management (Native Vegetation) Code 2018, and a limited range of allowable activities are permitted.

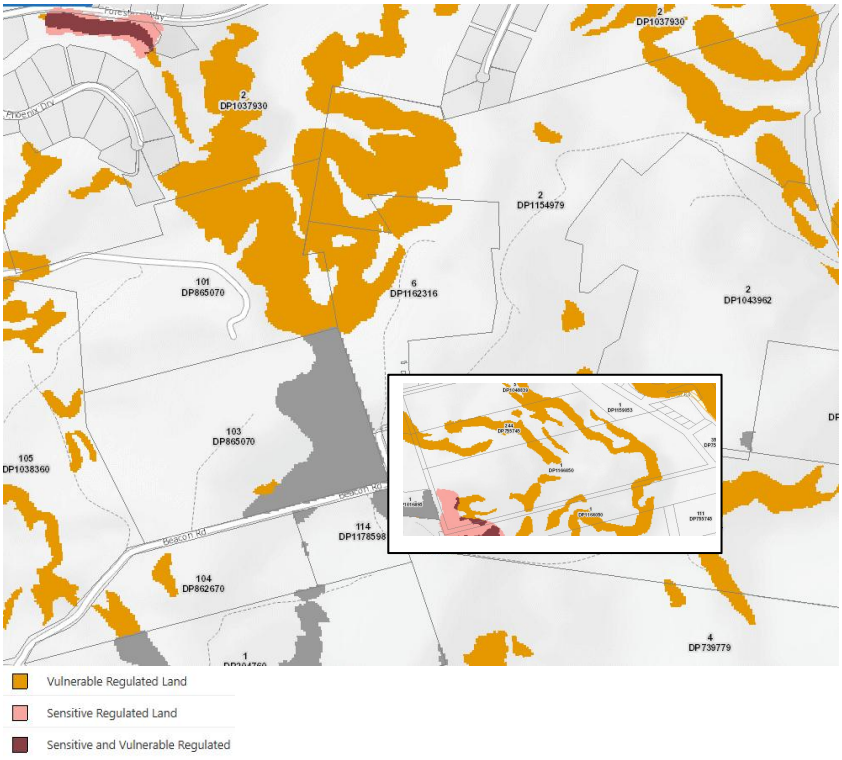


Figure 2 LLS land categories Teven (Sourced from NSW Government Transitional native vegetation regulatory map viewer)

7. Site Assessments

Site visits involved traversing the proposed CZone sites at the five properties. The path walked was recorded with a GPS device and photo points taken throughout each site.

The key information collected through notes and photographs included:

- Evidence of koala activity
- Sightings of threatened flora and fauna
- Type of vegetation community
- Vegetation community boundaries
- Condition of vegetation (eg. Extent and type of weeds)
- Growth stage of vegetation
- Primary landuse activities
- Topography of site (eg. Slope).

After each site visit the proposed CZone area was reviewed using current Nearmaps aerial photography, historical aerial photography, photo points and field notes. Homogenous areas based on vegetation type and condition were divided into different zones.

Each zone was then assessed against the CZone criteria listed in the NSW Department of Planning and Environment's 2015 *Northern Councils E Zone Review Final Recommendations Report* (NCEZR).

7.1 118 Beacon Road - Lot 6 DP 116231

Site Visit Date: February 11 2025

Assessors: Jane Wickers, Georgia Beyer (EarthScapes Consulting)

Site visit path and photo points see Figure 3.

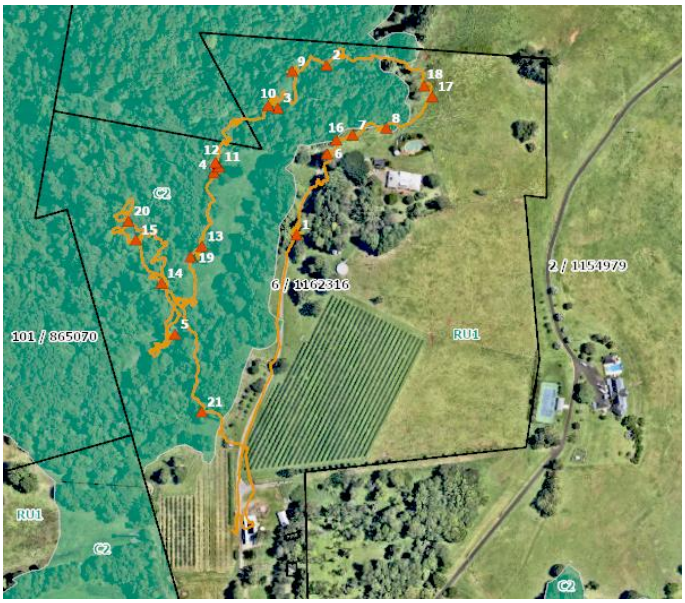


Figure 3 Site visit map - 118 Beacon Road and proposed zones as per 2023 Conservation Zone Review Planning Proposal

Site Visit Results

The C2 zone as originally proposed in 2023 (Conservation Zone Review Planning Proposal for 118 Beacon Road) has been divided into 3 main assessment zones for the purposes of this assessment as shown in Figure 4. Zone 1 has been further divided into zones 1a and 1b.

A Primary Land Use (PLU) determination has been made for each zone as indicated in Table 2 and for the reasons nominated in the zone commentaries below.

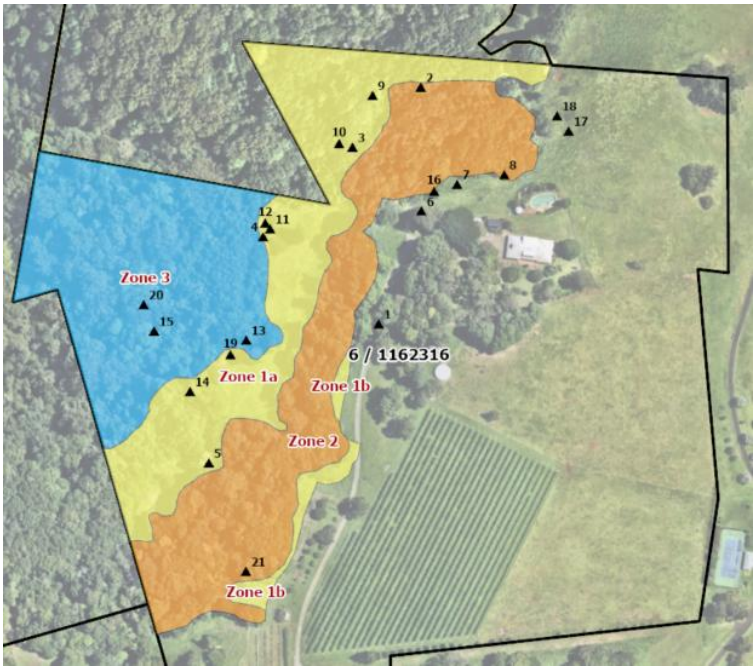


Figure 4 Zonation map 118 Beacon Road

Zone 1a

This zone is in the central part of the proposed CZone and has a total area of 15,152 sq m .

The northern part of this zone included disturbed wet sclerophyll vegetation.

Weeds throughout this zone included Camphor laurel (*Cinnamomum camphora*), Borad-leaf privet (*Ligustrum lucidum*), Small leaf privet (*Ligustrum sinense*), Tropical soda apple (*Solanum viarum*), and White passionflower (*Passiflora subpeltata*) (Plates 3 and 5).

There is evidence that zone 1a is actively used for cattle grazing. Two dams are located in the south-west of this zone (Plates 1 and 2). Water pumping infrastructure including a pump, pump house and water lines are contained within this zone. The water line runs through Zone 2 and connects with storage facilities located within the proposed RU1 zone.

Cleared areas with pasture grasses are also present in this zone (Plate 4).

Coffee plants were also observed and the owners advise they are considering planting fruits in the understorey within the proposed CZone area.

Due to the presence of agricultural infrastructure and its active use for cattle grazing a PLU of Agriculture has been assigned to this zone.



Plate 1 - PP5



Plate 2 - PP5



Plate 3 - PP10



Plate 4 - PP11



Plate 5 - PP19

Zone 1b

This zone is an adjustment to the vegetation mapping to exclude Camphor laurels (*Cinnamomum camphora*) and cleared areas (Plate 6). The total area of this zone is 1,774 sq m.

A PLU of Agriculture has been assigned to this zone as the vegetation does not meet the C zone criteria.



Plate 6 - PP1

Zone 2

This zone is Subtropical rainforest, with mixed species including Coastal tuckeroo (*Cupaniopsis anacardioides*), Guioa (*Guioa semiglauca*), Foam bark (*Jagera pseudorhus*), and Red kamala (*Malotus philippensis*) (Plates 7 to 10). The total area of this zone is 18,030 sq m .

The growth stage is a mix of advanced regrowth and old growth.

There is evidence that natural regeneration is occurring.

There is minimal weed with some scattered Camphor laurel (*Cinnamomum camphora*), and Broad-leaf privet (*Ligustrum lucidum*) along the edges of the zone.

The site fits the description of Lowland Subtropical Rainforest, listed as a threatened ecological community (TEC) under state and commonwealth legislation. Details of this TEC are available in the *Advice to the Minister for Sustainability, Environment, Water, Population and Communities from the Threatened Species Scientific Committee (the Committee) on an Amendment to the List of Threatened Ecological Communities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

Whilst cattle have access to this zone, the vegetation is Lowland Subtropical Rainforest (a TEC) and for this reason, a PLU of Environmental has been assigned to this zone.



Plate 7 - PP16



Plate 8 - PP7

one 3



Plate 9 - PP2



Plate 10 - PP21

Zone 3

This zone contains wet sclerophyll forest. Canopy trees included Brushbox (*Lophostemon confertus*) and Tallowwood (*Eucalyptus microcorys*) with a rainforest midstorey and understorey (Plates 11 to 13). The total area of this zone is 17,306 sq m .

The forest was in good condition containing trees in different growth stages. A Tallowwood was late mature and there were likely others in the late stage of growth. Some trees meet the definition of old growth. Figure 5 is an aerial photograph from 1959 which confirms the likelihood of some old growth trees.

Some weeds were present including Camphor laurel, Coffee and White passionflower.

Tallowwood is a preferred Koala (*Phascolarctos cinereus*) feed tree, and there are records of Koala to the north in adjoining forest.

Zone 3 is considered to have high environmental value with little evidence of more recent agricultural activity. For this reason a PLU of Environmental has been assigned to this zone.

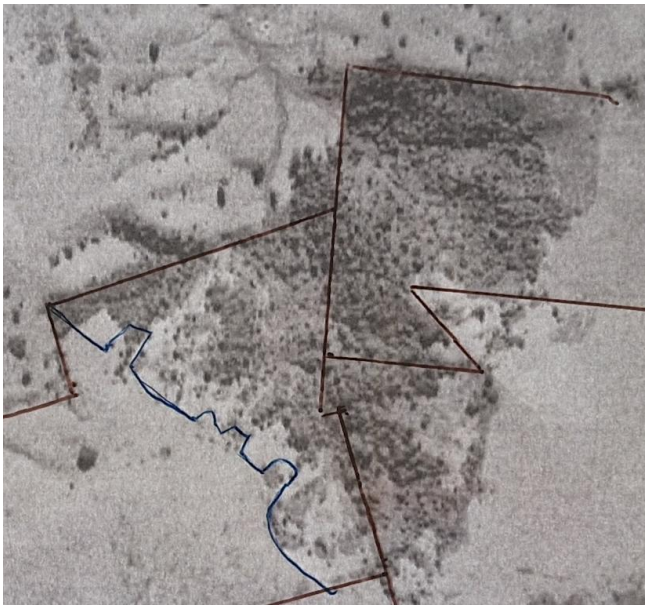


Figure 5 1958 aerial photograph, Teven (supplied by D. Perkins)



Plate 11 - PP20



Plate 12 - PP15



Plate 13 - PP4

Site Visit Assessment

Table 1 summarises each zone when the primary land use and site visit results are assessed against the NCEZR report.

Table 1 Site visit assessment 118 Beacon Road

Zone	Primary Land Use	Suitable zone	NCEZR attributes
1a	Agriculture	Rural	N/A
1b	Agriculture	Rural	N/A
2	Environmental	C2	✧ Endangered Ecological Communities (EECs) listed under the *Threatened Species Conservation Act 1995* and/or the *Environment Protection and Biodiversity Conservation Act 1999 - Lowland Rainforest* ✧ Native vegetation in over-cleared Mitchell landscapes - Rainforest ✧ Key Threatened Species Habitat
3	Environmental	C2	✧ Native vegetation in over-cleared Mitchell landscapes - Wet sclerophyll forests ✧ Key Threatened Species Habitat

7.2 444 North Teven Road - Lot 101 DP 865070

Site Visit Date: February 14 2025

Assessors: Jane Wickers, Georgia Beyer (EarthScapes Consulting)

Site visit path and photo points see Figure 7.

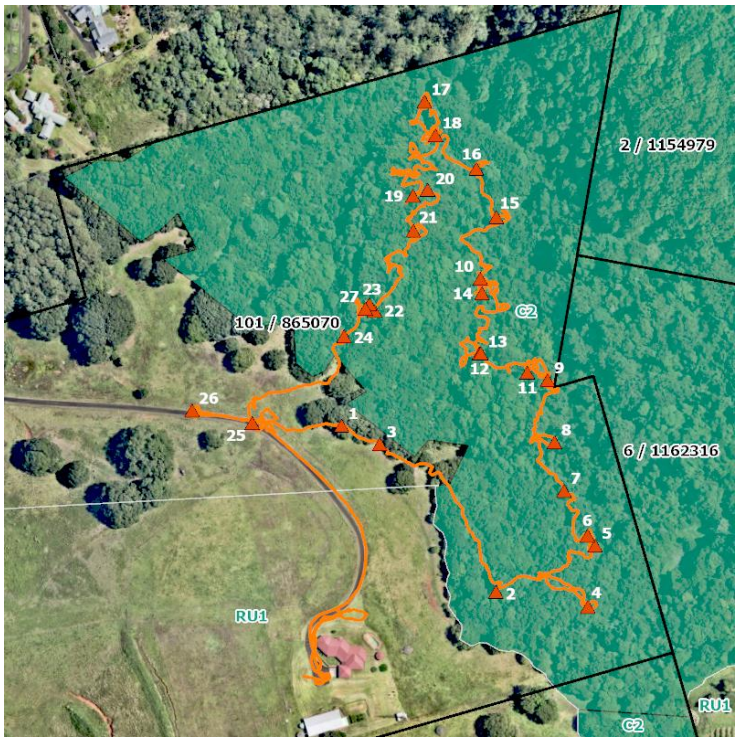


Figure 6 Site visit map - 444 Teven Road and proposed zones as per 2023 Conservation Zone Review Planning Proposal

Site Visit Results

The C2 zone as originally proposed in 2023 (Conservation Zone Review Planning Proposal for 444 Teven Road) has been divided into 2 main assessment zones for the purposes of this assessment as shown in Figure 7.

A Primary Land Use (PLU) determination has been made for each zone as indicated in Table 2 and for the reasons nominated in the zone commentaries below.

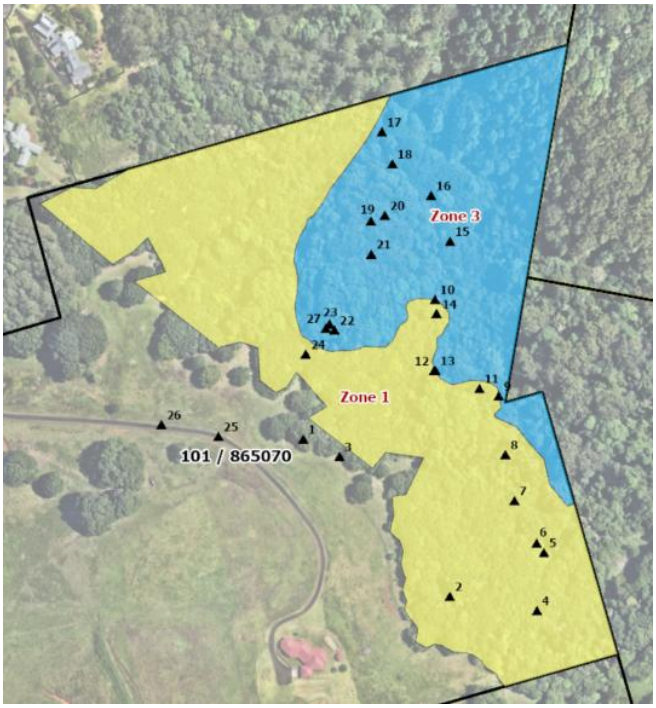


Figure 7 Zonation map 444 Teven Road

Zone 1

This zone is steep sloping land in the east of the property. Historic aerial photography (Figure 5) indicates that this area was previously farmed for bananas. The total area of this zone is 51,707 sq m .

The vegetation was mixed regrowth forest generally dominated by exotic species Camphor laurel (*Cinnamomum camphora*) and Broad-leaf privet (*Ligustrum lucidum*) (Plates 14 to 18). Native rainforest trees and scattered Brushbox (*Lophostemon confertus*).

A small area of remnant Lowland Rainforest was observed adjacent to the north-west of the zone but was not included as the zoning was nor Deferred Matter (DM).

There is evidence that this zone is used for cattle grazing and is surrounded by pasture grasses (Plate 19).

Due to the degraded condition of the vegetation and its active use for cattle grazing a PLU of Agriculture has been assigned to this zone.


Plate 14 - PP1


Plate 15 - PP3



Plate 16 - PP2



Plate 17 - PP24

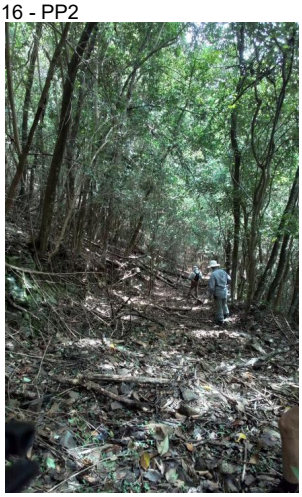


Plate 18 - PP6



Plate 19 - PP26

Zone 3

Zone 3 is in the north-east of the property. The land is very steep and includes a drainage line. The total area of this zone is 31,700 sq m .

The vegetation was wet sclerophyll forest with Brushbox (*Lophostemon confertus*) and Tallowwood (*Eucalyptus microcorys*) on the eastern edge, and Brushbox and Tallowwood mixed with Pink bloodwood (*Corymbia intermedia*) and other eucalypts in the central zone (Plates 20 to 25). The midstorey and understorey contained rainforest species and the ground layer in the central zone was dominated by native Lomandra species.

Weeds were present but in low density including Camphor laurel (*Cinnamomum camphora*) and Broad-leaf privet (*Ligustrum lucidum*).

The zone contained large old trees. These trees are visible in the 1958 historic aerial photography (Figure 5).

Tallowwood is a preferred Koala tree and there are records of Koalas to the north in adjoining vegetation.

A single Rough-shelled Bush Nut (*Macadamia tetraphylla*) was seen near PP11, the species is listed as vulnerable under state and commonwealth legislation.

Zone 3 is considered to have high environmental value with little evidence of more recent agricultural activity. For this reason a PLU of Environmental has been assigned to this zone.



Plate 20 - PP7



Plate 21 - PP11



Plate 22 - PP20



Plate 23 - PP21



Plate 24 - PP22



Plate 25 - PP18

Site Visit Assessment

Table 3 summarises each zone when the primary land use and site visit results are assessed against the NCEZR report.

Table 2 Site visit assessment 444 Teven Road

Zone	Primary Land Use	Suitable zone	NCEZR attributes
1	Agriculture	Rural	N/A
3	Environmental	C2	✧ Native vegetation in over-cleared Mitchell landscapes - Wet sclerophyll forests ✧ Key Threatened Species Habitat

13

7.3 660 Teven Road - Lot 1 DP1166050

Site Visit Date: February 14 2025

Assessors: Jane Wickers, Georgia Beyer (EarthScapes Consulting)

Site visit path and photo points see Figure 8.



Figure 8 Site visit map - 660 Teven Road and proposed zones as per 2023 Conservation Zone Review Planning Proposal

Site Visit Results

All areas assessed were dominated by Camphor laurel (*Cinnamomum camphora*) and Broad-leaf privet (*Ligustrum lucidum*) (Plates 29 to 41). There was a small number of native rainforest species spread throughout including Guioa (*Guioa semiglauca*) and Red kamala (*Mallotus philippensis*). Some areas were cleared with scattered Camphor laurel, east of PP4. The total area of proposed CZone was 191,454 sq m.

A single Rough-shelled Bush Nut (*Macadamia tetraphylla*) was seen to the south of PP17 (Plate 42), outside the proposed CZone. The species is listed as vulnerable under state and commonwealth legislation.

Cattle access all of the proposed CZone area. A range of farm infrastructure was observed, including farm sheds, fences, water tanks (Plates 26 and 27). Powerlines run along the southern boundary and the vegetation below are managed by Essential Energy (Plate 28).

Due to the degraded condition of the vegetation and the grazing of cattle in all areas, a PLU of Agriculture has been assigned to all vegetation on the property.


Plate 26 - PP14


Plate 27 - PP16


Plate 28 - PP7


Plate 29 - PP5


Plate 30 - PP3


Plate 31 - PP6


Plate 32 - PP17


Plate 33 - PP4


Plate 34 - PP19



Plate 35 - PP10



Plate 36 - PP18



Plate 37 - PP11



Plate 38 - PP12



Plate 39 - PP13



Plate 40 - PP21



Plate 41 - East of PP 4



Plate 42 - South of PP17. *Macadamia tetraphylla*

Site Visit Assessment

None of the vegetation observed meets the criteria for a C2 or C3 zone because of the dominance of weeds species.

7.4 54 Beacon Road - Lot 104 DP862670

Site Visit Date: February 17 2025

Assessors: Jane Wickers, Georgia Beyer (EarthScapes Consulting)

Site visit path and photo points see Figure 9.

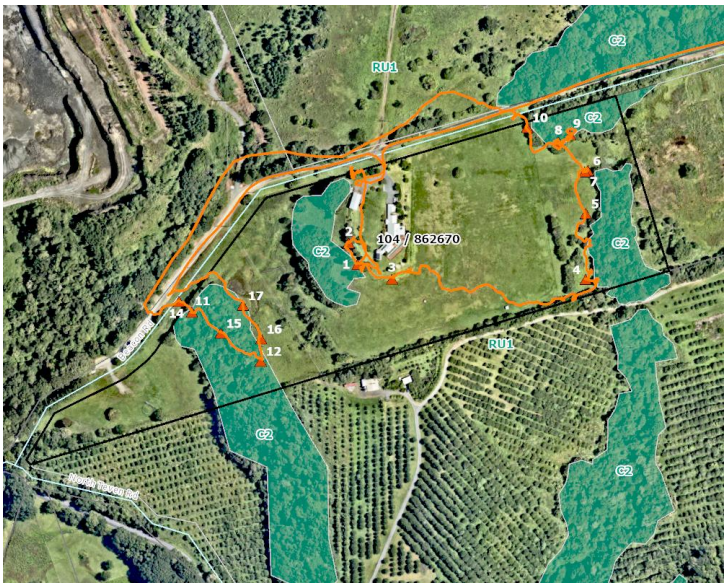


Figure 9 Site visit map - 54 Beacon Road and proposed zones as per 2023 Conservation Zone Review Planning Proposal

Site Visit Results

The C2 zone as originally proposed in 2023 (Conservation Zone Review Planning Proposal for 54 Beacon Road) has been divided into 3 main assessment zones for the purposes of this assessment as shown in Figure 10. Zone 1 has been further divided into zones 1a and 1b.

A Primary Land Use (PLU) determination has been made for each zone as indicated in Table 3 and for the reasons nominated in the zone commentaries below.



Figure 10 Zonation map 54 Beacon Road

Zone 1a

This zone is located in the central part of the property to the west of the house on a slope. The total area of this zone was 5,042 sq m.

The vegetation was dominated by exotic Camphor laurel (*Cinnamomum camphora*), with a small number of native rainforest species including Guioa (*Guioa semiglauca*) and Coastal tuckeroo (*Cupaniopsis anacardioides)* (Plates 43 to 45).

Due to the degraded condition of the vegetation and its active use for cattle grazing a PLU of Agriculture has been assigned to this zone.



Plate 43 - PP1



Plate 44 - PP2

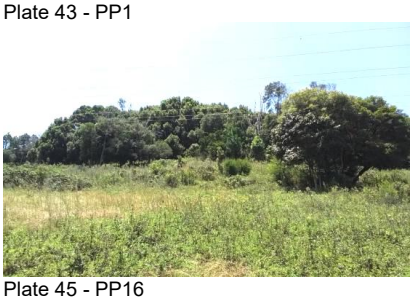


Plate 45 - PP16

Zone 1b

This is a narrow zone on the eastern edge of Zone 2, with a total area of 979 sq m .

This area has been grazed by cattle and contains pasture grasses (Plate 46) and has a PLU of Agriculture.



Plate 46 - PP12

Zone 2

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. The total area of was 6,471 sq m.

The vegetation was planted with a 2011 LLS grant and also contains regrowth (Plates 47 to 49). It may have contained remnant vegetation.

Key species include Guioa *(Guioa semiglauca),* Sandpaper fig (*Ficus* sp.), Blue quandong (*Elaeocarpus grandis*) and Macaranga (*Macaranga tanarius*). The forest was in fairly good condition with minimal weeds.

The vegetation is in good condition and would be best suited to a PLU of Environmental. It is noted however that the LLS grant funding obligations have been completed and a zoning of Environmental may only be applied with the land owners agreement.



Plate 47 - PP14



Plate 48 - PP11



Plate 49 - PP15

Zone 3

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. The dam on the creek-line is not proposed to be included in the CZone. The total area was 7,512 sq m.

The vegetation was planted with a 2011 LLS grant and also contains regrowth (Plates 50 to 53). This zone may be remnant vegetation that has been enhanced through regeneration and plantings.

Key species include Pink euodia (*Melicope elleryana*), Brown kurrajong *(Commersonia bartramia),* Bangalow palm *(Archontophoenix cunninghamiana),* Broad-leaved paperbark (*Melaleuca quinquenervia* and/or *Calistemon salignus*) and Oak (*Casuarina* sp.).

The vegetation is in very good condition with few or no weeds. The zone would be best suited to a PLU of Environmental. It is noted however that the LLS grant funding obligations have been completed and a zoning of Environmental may only be applied with the land owners agreement.



Plate 50 - PP4



Plate 51 - PP5



Plate 52 - PP6

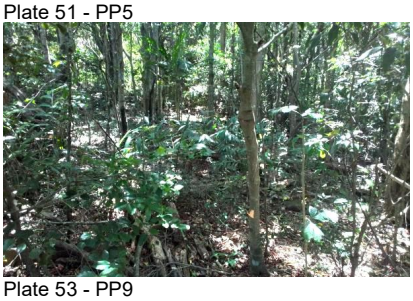


Plate 53 - PP9

Site Visit Assessment

Table 3 summarises each zone when the primary land use and site visit results are assessed against the NCEZR report.

Table 3 Site visit assessment 54 Beacon Road

Zone	Primary Land Use	Suitable zone	NCEZR attributes
1a	Agricultural	Rural	N/A
1b	Agricultural	Rural	N/A
2	Environmental	C2 *	✧ Native vegetation in over-cleared Mitchell landscapes - Rainforest ✧ Key Threatened Species Habitat
3	Environmental	C2*	✧ Native vegetation in over-cleared Mitchell landscapes - Rainforest ✧ Key Threatened Species Habitat

* *The NCEZR notes that a CZone cannot be applied to land without the land owners agreement where land has been actively revegetated by the current owner, unless the revegetation was undertaken with grant funding which required ongoing protection of the vegetation.*

7.5 225 Cumbalum Rd - Lot 2 DP1154979

Site Visit Date: February 17 2025

Assessors: Jane Wickers, Georgia Beyer (EarthScapes Consulting)

Site visit path and photo points see Figure 11.

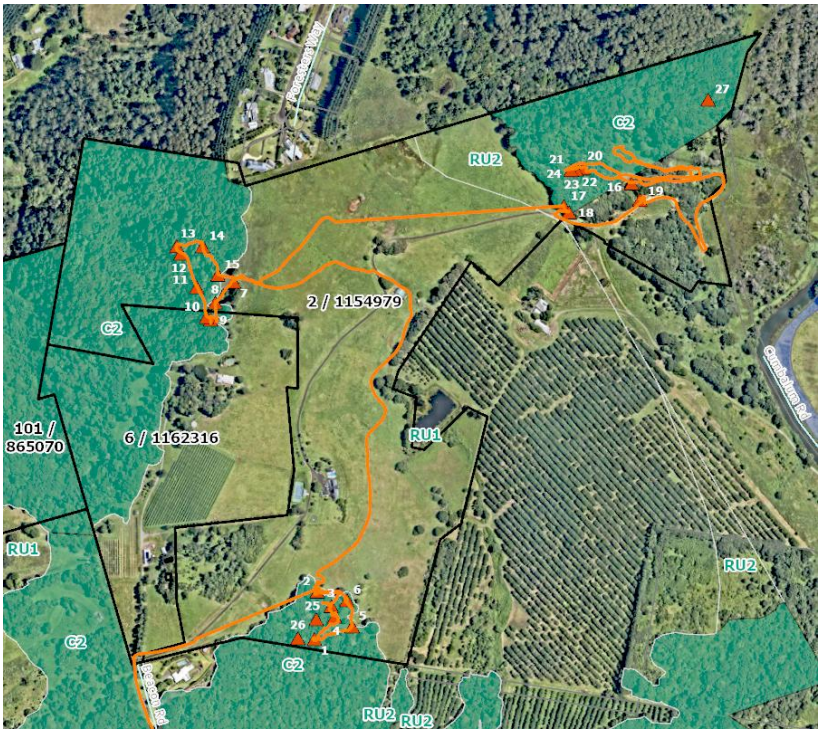


Figure 11 Site visit map - 225 Cumbalum Road and proposed zones as per 2023 Conservation Zone Review Planning Proposal

Site Visit Results

The C2 zone as originally proposed in 2023 (Conservation Zone Review Planning Proposal for 225 Cumbalum Road) is located in 3 locations at this property. At each location, the proposed CZone has been divided into zones.

A Primary Land Use (PLU) determination has been made for each zone in each section and for the reasons nominated in the zone commentaries below.

Site Visit Results

Southern patch

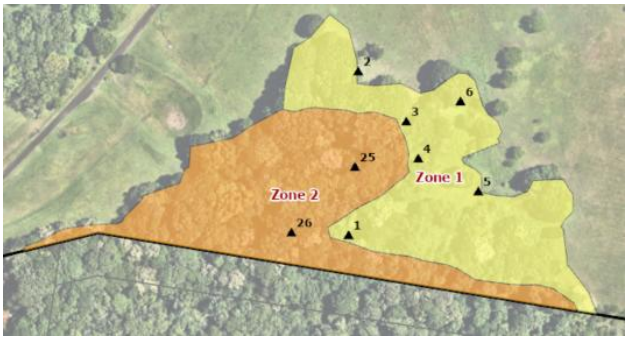


Figure 12 Zonation map 225 Cumbalum Road (Southern Patch)

Zone 1

This zone was highly disturbed and dominated by exotic species Camphor laurel (*Cinnamomum camphora*) and Broad-leaf privet (*Ligustrum lucidum*) (Plates 54 to 56). There were multiple clearings with paddock weeds including tobacco bush (*Solanum mauritianum*). The total area of this zone was 7,677 sq m.

A small numbers of rainforest regrowth trees were also present.

Due to the degraded condition of the vegetation and its active use for cattle grazing a PLU of Agriculture has been assigned to this zone.


Plate 54 - PP4


Plate 55 - PP1


Plate 56 - PP6

Zone 2

This zone was rainforest remnant with mixed species including Coastal tuckeroo (*Cupaniopsis anarcardioides*) (Plates 57 to 60). The zone had some disturbance and there were some weed species including Camphor laurel (*Cinnamomum camphora*) and ochna (*Ochna serulata*). The site contained arrow-head vine, either *Tinospora tinosporoides* or *Tinospora smilacina*, both are threatened species listed under state legislation. The site fits the description of Lowland Subtropical Rainforest, listed as a threatened ecological community under both state and commonwealth legislation. Details of this TEC are available in the *Advice to the Minister for Sustainability, Environment, Water, Population and Communities from the Threatened Species Scientific Committee (the Committee) on an Amendment to the List of Threatened Ecological Communities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. The total area of this zone was 8,077 sq m.

There is evidence that natural regeneration is occurring.

Whilst cattle have access to this zone, the vegetation is Lowland Subtropical Rainforest (a TEC) and for this reason, a PLU of Environmental has been assigned to this zone.



Plate 57 - PP26



Plate 58 - PP26

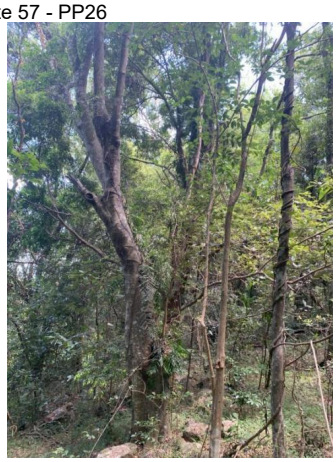


Plate 59 - PP26

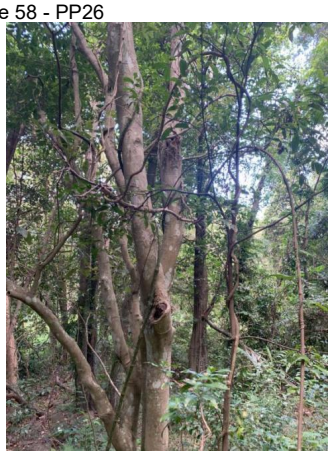


Plate 60 - PP26

Site Visit Assessment

Table 4 summarises each zone when the primary land use and site visit results are assessed against the NCEZR report.

Table 4 Site visit assessment 225 Cumbalum Road (Southern Patch)

Zone	Primary Land Use	Suitable zone	NCEZR attributes
1	Agricultural	Rural	N/A
2	Environmental	C2	✧ Endangered Ecological Communities (EECs) listed under the *Threatened Species Conservation Act 1995* and/or the *Environment Protection and Biodiversity Conservation Act 1999 - Lowland Rainforest* ✧ Native vegetation in over-cleared Mitchell landscapes - Rainforest ✧ Key Threatened Species Habitat

North-western patch

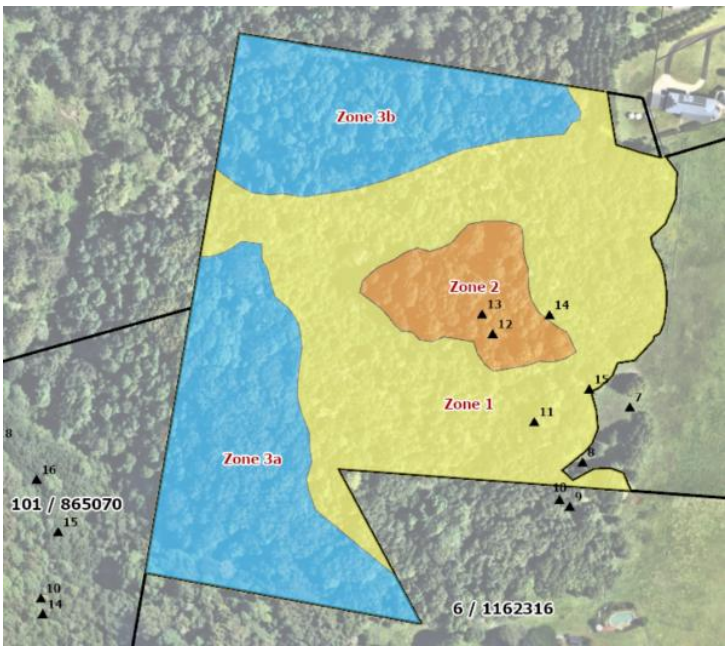


Figure 13 Zonation map 225 Cumbalum Road (North-western Patch)

Zone 1

This zone is steep sloping land in the north-west of the property.The total area of this zone was 40,684 sq m.

This zone was regrowth dominated by exotic species Camphor laurel (*Cinnamomum camphora*) and Broad-leaf privet (*Ligustrum lucidum*) (Plates 61 to 64). There were native rainforest species and small patches of forest dominated by native rainforest species amongst the weeds. There was Arrow-head vine to the east of PP14, either *Tinospora tinosporoide*s or *Tinospora smilacina*, both are threatened species listed under state legislation.

There is evidence that this zone is used for cattle grazing and is surrounded by pasture grasses.

Due to the degraded condition of the vegetation and its active use for cattle grazing a PLU of Agriculture has been assigned to this zone.



Plate 61 - PP 7



Plate 62 - PP11



Plate 63 - PP8



Plate 64 - PP15

Zone 2

This central zone was wet sclerophyll forest dominated by Brushbox (*Lophostemon confertus*), with rainforest species in the midstorey and understorey (Plates 65 to 68). The total area of this zone was 7,196 sq m.

There were some weeds including camphor laurel (*Cinnamomum camphora*).

The forest was in good condition containing trees in different growth stages.

This zone is considered to have high environmental value with little evidence of more recent agricultural activity. For this reason a PLU of Environmental has been assigned to this zone.



Plate 65 - PP12



Plate 66 - PP12

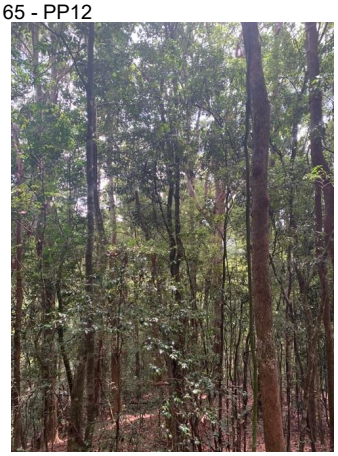


Plate 67 - PP12



Plate 68 - PP12

Zone 3a

This zone is very steep and includes a drainage line. The total area of this zone was 19,786 sq m.

Only a small part of Zone 3a was visited during the site visit but this zone was visible from neighbouring properties. The vegetation was wet sclerophyll forest containing Tallowwood (*Eucalyptus microcorys*) and Brushbox (*Lophostemon confertus*), with rainforest species in the midstorey and understorey. Tallowwood is a preferred koala feed tree and there are records of koalas in adjoining vegetation to the north.

Large trees were present in this zone that are also visible in the 1958 aerial photograph (Figure 5).

Weed species included Camphor laurel (*Cinnamomum camphora*) and Broad-leaf privet (*Ligustrum lucidum*) (Plates 69 and 70).

This zone is considered to have high environmental value with little evidence of more recent agricultural activity. For this reason a PLU of Environmental has been assigned to this zone.


Plate 69 - PP14 from 444 Teven Rd


Plate 70 - PP10 from 118 Beacon Rd

Zone 3b

This zone was not visited during the site visit but it could be seen from Zone 2. The total area of this zone was 15,089 sq m.

Zone 3b was wet sclerophyll forest dominated by Brushbox (*Lophostemon confertus*) with rainforest species in the midstorey (Plate 71).

Large trees are present in this zone that are also visible in the 1958 aerial photograph (Figure 5).

This zone is considered to have high environmental value with little evidence of more recent agricultural activity. For this reason a PLU of Environmental has been assigned to this zone.


Plate 71 - From PP 13

Site Visit Assessment

Table 5 summarises each zone when the primary land use and site visit results are assessed against the NCEZR report.

Table 5 Site visit assessment 225 Cumbalum Road (North-western Patch)

Zone	Pimary Land Use	Suitable zone	NCEZR attributes
1	Agricultural	Rural	N/A
2	Environmental	C2	✧ Native vegetation in over-cleared Mitchell landscapes - Wet sclerophyll forests
3a	Environmental	C2	✧ Native vegetation in over-cleared Mitchell landscapes - Wet sclerophyll forests ✧ Key Threatened Species Habitat
3b	Environmental	C2	✧ Native vegetation in over-cleared Mitchell landscapes - Wet sclerophyll forests ✧ Key Threatened Species Habitat

Eastern Section

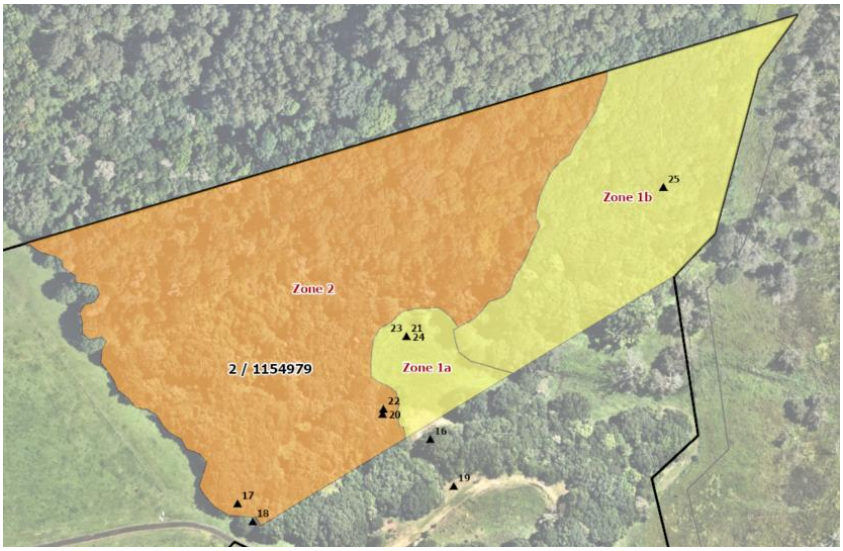


Figure 14 Zonation map 225 Cumbalum Road (North-eastern Patch)

Zone 1a

This is a small area (3,225 sq m) of cleared land, adjacent to the rainforest (Plates 72 and 73).

This area is cleared of vegetation and is actively used for cattle grazing. A PLU of Agriculture has been assigned to this zone.



Plate 72 - PP16



Plate 73 - PP24

Zone 1b

This zone was dominated by mature exotic Camphor laurel (*Cinnamomum camphora*) (Plates 74 and 75). The total area of this zone was 16,706 sq m.

There were mature native rainforest species present in the canopy, midstorey and understorey.

Due to the degraded condition of the vegetation and the access of the site to cattle, a PLU of Agriculture has been assigned to this zone.



Plate 74 - PP26



Plate 75 - PP26

Zone 2

This zone was steep and included drainage lines. The total area of this zone was 39,851 sq m.

The vegetation was rainforest, likely including remnant vegetation with regrowth (Plates 76 to 79).

There were scattered weeds including camphor laurel (*Cinnamomum camphora*), Coffee (*Coffea arabica)*, and Lantana (*Lantana camara)*.

This zone is steep and contains vegetation considered to have high environmental value. As there was little evidence of more recent agricultural activity, a PLU of Environmental has been assigned to this zone.



Plate 76 - PP18

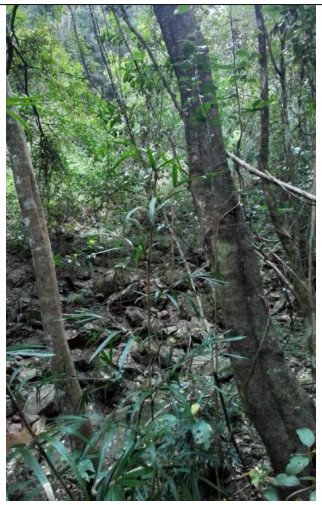


Plate 77 - PP22



Plate 78 - PP23



Plate 79 - PP21

Site Visit Assessment

Table 6 summarises each zone when the primary land use and site visit results are assessed against the NCEZR report.

Table 6 Site visit assessment 225 Cumbalum Road (North-eastern Patch)

Zone	Primary Land Use	Suitable zone	NCEZR attributes
1a	Agriculture	Rural	N/A
1b	Agriculture	Rural	N/A
2	Environmental	C2	✧ Endangered Ecological Communities (EECs) listed under the *Threatened Species Conservation Act 1995* and/or the *Environment Protection and Biodiversity Conservation Act 1999 - Lowland Rainforest* ✧ Native vegetation in over-cleared Mitchell landscapes - Rainforest ✧ Key Threatened Species Habitat

References

Ascent Ecology 2021. Identification of Proposed E2 and E3 Zones – Ballina Shire Council Integration of Certain Deferred Matters. Ascent Ecology Pty Ltd, Brunswick Heads.

Ballina Shire Council Conservation Zone Review (Integration of Certain Deferred Matter Land) Methodology Report February 2023 CM 23/2428

Ballina Shire Council 2023. Fact Sheet 5. Conservation Zone Review. Existing and continuing use rights.

NSW Department of Planning and Environment (2015). Northern Councils E Zone Review Final Recommendations Report ISBN 978-1-76039-139-3

Appendix 1 - Criteria for Application of Conservation Zones

C2 and C3 criteria from Northern Councils EZone Review Final Recommendations Report 2015.

Criteria	Description
C2 Environmental Conservation	
SEPP26 Littoral Rainforests	Land mapped as littoral rainforest in accordance with the statewide policy for littoral rainforest protection (*State Environmental Planning Policy 26 – Littoral Rainforests*).
SEPP14 Coastal Wetlands	Land mapped as coastal wetlands in accordance with the statewide policy for coastal wetland protection (*State Environmental Planning Policy 14 – Coastal Wetlands*).
Endangered Ecological Communities (EECs) listed under the *Threatened Species Conservation Act 1995* and/or the *Environment Protection and Biodiversity Conservation Act 1999.*	Land containing vegetation communities listed as Endangered Ecological Communities under the *Threatened Species Conservation Act 1995* (TSC)[1] and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC)[2]. The *Far North Coast Regional Conservation Plan*[3] lists the following vegetation communities as examples of EECs that currently exist on the Far North Coast: *Byron Bay Dwarf Graminoid Heath Community, Coastal Cypress Pine Forest, Coastal Saltmarsh, Freshwater Wetlands in Coastal Floodplains, Littoral Rainforest, Lowland Rainforest, Lowland Rainforest on Floodplains, Subtropical Coastal Floodplain Forest, Swamp Oak Floodplain Forest, Swamp Sclerophyll Forest on Coastal Floodplains, Themeda grassland on Seacliffs and Coastal Headlands, White Gum Yellow Gum Blakely's Red Gum Woodland, and White Gum Moist Forest.* Other vegetation communities may be added consistent with these Acts in the future.
Key Threatened Species Habitat	This criterion includes: • old-growth forests where the overstorey or canopy trees are in the late mature stage of growth[4]; • areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates[5]; and • habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present[6].

Over-cleared vegetation communities	Land comprising: 1. over-cleared vegetation communities, where more than 70% of the original (pre 1750) extent of the native vegetation type has been cleared[7] and 2. native vegetation in over-cleared Mitchell landscapes[8]. The *Far North Coast Regional Conservation Plan* lists the following as examples of: ▪ Over-cleared vegetation communities on the Far North Coast[9]: – Rainforests, Wet sclerophyll forests (shrubby and grassy subformations), Dry sclerophyll forests (shrubby and shrub/grass subformations), Grassy woodlands, Grasslands (Themeda australis sod tussock), Heathlands, Forested wetlands, Freshwater wetlands, Saline wetlands; and ▪ Over-cleared Mitchell landscapes[9]: – Byron–Tweed Alluvial Plains, Byron–Tweed Coastal Barriers, Clarence–Richmond Alluvial Plains and Upper Clarence Channels and Floodplains.
Culturally significant lands	Areas of culturally significant lands such as Aboriginal object sites, Aboriginal places of heritage significance and other significant objects identified by the local Aboriginal community[10].
C3 Environmental Management	
Riparian and estuarine vegetation and wetlands	Land comprising riparian and estuarine vegetation on *waterfront land*, defined under the *NSW Water Management Act 2000*, or wetland areas other than those mapped as SEPP14 Coastal Wetlands. Waterfront land is defined under the *NSW Water Management Act 2000* as the bed of any river, lake or estuary and any land within 40 metres of the river banks, lake shore or estuary mean high water mark.
Rare, Endangered and Vulnerable Forest Ecosystems	Land comprising areas of rare, endangered and vulnerable forest ecosystems as defined by the *JointANZEC/MCFFA National Forest Policy Statement Implementation sub-committee (JANIS)* (Commonwealth of Australia 1997)[11].
Native vegetation on coastal foreshores	Native vegetation on land with frontage, or adjoining or adjacent to, a beach, estuary, coastal lake, headland, cliff or rock platform.

DRAFT

[1] http://www.environment.gov.au/biodiversity/threatened/communities/nsw-act

[2] http://www.environment.nsw.gov.au/threatenedspeciesapp/default.aspx?keywords

[3] Far North Coast Regional Conservation Plan, NSW Environment Climate Change and Water, 2010, p24 [4] http://www.epa.nsw.gov.au/resources/pnf/OGRFreviewFieldIdent.pdf

[5] Scotts, D 2003, Key Habitats and Corridors for Forest Fauna: A Landscape Framework for Conservation in Northeast New South Wales, NPWS Occasional Paper no. 32, National Parks and Wildlife Service, Sydney, NSW.

[6] NSW Office of Environment and Heritage 'Threatened Species Profiles Database' http://www.bionet.nsw.gov.au

[7] Keith, DA 2006, Ocean Shores to Desert Dunes the Native Vegetation of New South Wales and the ACT, Department of Environment and Climate Change, Hurstville.

[8] Mitchell, PB 2002, 'NSW Ecosystems Study: Background and Methodology', report prepared for National Parks and Wildlife Service, Hurstville, NSW and Far North Coast Regional Conservation Plan, NSW Environment Climate Change and Water, 2010, p27.

[9] Far North Coast Regional Conservation Plan, NSW Environment Climate Change and Water, 2010, p26

[10] Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, NSW Department of Environment, Climate Change & Water (2011)

[11] Refer to Appendix 1 of the Department's Final Recommendations Report.

Appendix 2 - C2 and C3 Zone Land Use Table

CZones are designed to recognise and protect land that has important environmental value.

C2 Environmental Conservation

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

Permitted without consent
Environmental protection works.

Permitted with consent
Dwelling houses; Environmental facilities; Extensive agriculture; Oyster aquaculture; Research stations; Roads.

Prohibited
Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

C3 Environmental Management

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

Permitted without consent
Environmental protection works; Extensive agriculture.

Permitted with consent
Camping grounds; Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Farm building; Home-based child care; Information and education facilities; Intensive plant agriculture; Kiosks; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations;
Roads; Roadside stalls; Tank-based aquaculture; Tourist and visitor accommodation; Water recreation structures.

Prohibited
Backpackers accommodation; Hotel or motel accommodation; Industries; Intensive livestock agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Serviced apartment; Warehouse or distribution centres; Any other development not specified in item
2 or 3.

DRAFT

Re: Assessment of Conservation Zones Report - Earthscapes Consulting P/L Report

PB Peter Blackwood [redacted]
To Klaus Kerzinger

Reply | Reply All | Forward | ...
Sun 09/03/2025 10:29 PM

You replied to this message on 10/03/2025 9:24 AM.

Hi Klaus

Thank you for the report by EarthScapes ... subject to any comments that the new owner of 54 Beacon Road may submit I think the report by Earthscapes is fair and reasonable ... it is noted that there is a minor error in the description of Zone 2 on page 19 ... the word "eastern" (1st occurring) should be substituted with "western".

Further, subject to the views of the new owner (settlement and changes to property ownership are to occur on Thu 13 March) our view with regard to any re-zoning to "conservation" is that we do not agree to any re-zoning to "conservation" ... that is, we remain of the view as submitted to BSC in 2023 in response to the initial proposal.

Kind regards,
Peter & Paulene Blackwood

> On 4 Mar 2025, at 10:42 am, Klaus Kerzinger <Klaus.Kerzinger@ballina.nsw.gov.au> wrote:
>
> <BaSC Proposed Czones Review - EarthScapes Final.pdf>

Photo 1 – Paddock 1 southerly view showing cattle yard



Photo 2 – Open area between paddocks 1 and 2

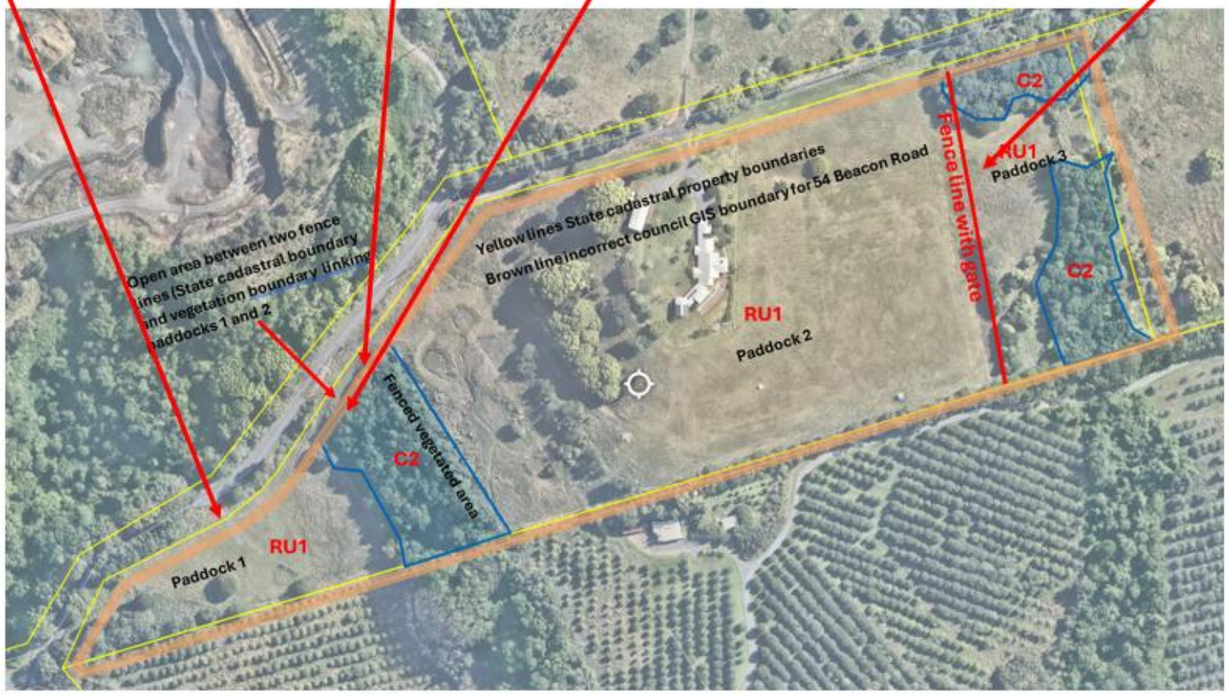


Photo 3 – Access gate and fence to vegetated area from open area between paddocks 1 & 2



Photo 4 – westerly view from Beacon Road showing grazing area in paddock 3 between vegetated areas and fence between paddocks 2 & 3





Guiding Principles for the Application of C2 and C3 Zones to Privately Owned Land

(Adopted by Council on 28 August 2025 Minute No 280825/5)

1. Primary Use of Land (PUL).

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

2. Minimum Land Area for C Zone.

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

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

3. C2 – Environmental Conservation Zone.

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

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

These areas are characterised by the absence of agriculture.

4. C3 – Environmental Management Zone.

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

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

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

5. Rural Zones.

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

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

6. Application.

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

POLICY NAME: CLIMATE CHANGE POLICY

POLICY REF: C11

MEETING ADOPTED: ~~22 July 2021~~ | Resolution ~~220721/11~~

POLICY HISTORY: 220721/11

ballina shire council

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1 OBJECTIVES

The objectives of this policy are to:

- Identify Council's approach to measurable and achievable organisational greenhouse gas emissions reduction and renewable electricity targets.
- Identify Council's approach to risk assessment and adaptation planning to identify and manage the organisation's risks from climate change, and to support adaptation and resilience strategies for the community.
- Identify Council's approach to working collaboratively with community, agencies, industry, businesses, and all levels of government to seek and advocate for local, regional, state, and national climate change mitigation and adaptation solutions that are informed by the current knowledge and best available science.
- Provide a framework to guide the preparation and implementation of plans to achieve the targets set out in this policy.

2 POLICY

2.1 Council's Role in Climate Change Action

Climate change is a global challenge that requires collaborative action and shared responsibility. All governments, industry, business, communities, and individuals have a role in responding to climate change.

As a key asset owner, service provider, and decision maker, Council has an important role to continually improve its understanding of the risks and impacts from climate change in our region.

Council is one of the largest organisations in the Ballina Shire and operation of Council assets and provision of services generates a significant amount of greenhouse gas emissions per annum. Council has the ability to directly influence and reduce its contribution to climate change with a decisive and well planned focus on operational emissions reduction.

Council also has an important role in protecting and enhancing our natural and community owned assets, and in supporting shire wide climate change strategies. Many of Council's activities assist the community to manage and adapt to climate change. Areas where Council has important climate change influence include:

- Council's organisational greenhouse gas emissions, risks, and adaption strategies.
- Developing and implementing land use planning policy frameworks and controls for climate mitigation, adaptation, and resilience.
- Providing infrastructure and services that facilitate community climate mitigation, adaptation, and resilience.
- Improving access to climate change research and information for decision making.
- Strengthening local and regional partnerships to take collaborative action on climate change.
- Encouraging community ownership of and participation in climate change action.
- Providing leadership on climate change action.

Australia has committed to climate change action by its pledge to the Paris Agreement and adopted the United Nations Sustainable Development Goals (SDG's). These commitments impart a responsibility on all levels of government to take action on climate change. The NSW Government responded to these commitments with a net zero emissions target that aligns with the international Paris Agreement.

2.2 Guiding Principles

a) Council declares we are in a state of climate emergency that requires urgent action by all levels of government.

b) Ballina Shire is likely to be affected by predicted climate impacts, particularly those relating to sea level rise, bushfires, drought and floods.

c) It is part of Council's role to reduce its organisational contributions to climate change, to identify and manage the impacts and risks to its operations, to facilitate the advancement of community climate change mitigation, adaptation, and resilience, and to support the State and Federal government's climate change commitments.

d) Council recognises that it alone does not have the resources, influence, or control to address the predicted climate change impacts as they relate to Ballina Shire and that collaboration with all levels of government, industry, and the community is required to deliver long term effective action.

e) Integration of policy and existing and new climate change related activities into the Integrated Planning and Reporting (IP&R) framework is fundamental to ensure climate change considerations are incorporated into all Council's processes and decision making.

2.3 Policy Statements

Council will aim to achieve the objectives of this policy through the following:

a) Council will reduce its organisational greenhouse gas emissions to net-zero emissions by 2030.

b) Council will utilise 100% renewable electricity for its operations by 2030.

c) Council will meet its targets by developing and implementing detailed emissions action plans and strategies that set out the short, medium, and long term pathway to reach the targets.

d) Council will undertake a Corporate Climate Change Risk Assessment process to identify, assess, and prioritise climate change risks, and the organisation's ability to manage, mitigate, and adapt to climate change risks.

e) Climate change related targets and plans will be integrated into the IP&R framework.

f) Council will progressively develop and implement internal strategies to ensure that the Climate Change Policy and associated plans are required to be considered in corporate processes across various levels of decision making.

g) Council will base its decision making regarding climate change responses on internationally recognised scientific data and continually review its understanding of the risks and impacts of climate change to Council operations and the community.

h) Council will be guided by the Sustainable Development Goals (SDGs) to help improve and facilitate climate change mitigation, adaptation, and preparedness across the community through best practice sustainable development principles.

i) Council will apply resources to implement the Policy and preparation of associated plans will be progressed through the Delivery Program and Operational Plan processes.

j) Council will track, monitor, and report on the progress towards the organisational targets and make accessible Council's emissions profiles and progress reports.

k) Council will collaborate with community, industry, agencies, and all levels of government, to build knowledge, develop partnerships, and advocate to find approaches to a changing climate that are informed by the current knowledge and best available science.

3 BACKGROUND

3.1 History

Council has a long history of taking action on climate change. In 2004 Council joined the Cities for Climate Protection program and commenced its journey in implementing emissions reduction and energy efficiency strategies and programs.

In 2010 Council engaged with the community to develop the 2012-2020 Climate Action Strategy (CAS) and Environmental Action Plan (EAP). The CAS and EAP provided direction for Council to integrate identified organisational and community climate change activities into the Community Strategic Plan.

Activities include floodplain management, coastal zone management, infrastructure management, water cycle management, emergency risk management, biodiversity and environmental management.

A number of successful emissions reduction initiatives were implemented including the organic waste collection service, energy efficient lighting projects, recycled water program, and solar PV installations.

Council resolved at the 23 May 2019 Ordinary meeting to review the 2012-20 Climate Action Strategy. Through this process it was identified that Council's ongoing response to Climate Change should:

- Provide strong action on climate change.
- Be a mix of mitigation and adaptation activities
- Be responsive to changes regarding climate science and government policy.
- Be subject to ongoing and timely review.
- Align with and inform other Council plans and documents.

Council resolved at the 28 November 2019 Ordinary meeting to declare a state of climate emergency, which requires taking urgent climate change action.

This policy responds to Council's climate change resolutions and provides a structured approach of climate change action through setting of measurable targets and policy to develop comprehensive plans with routine monitoring and reporting. This will support Council's ability to achieve practical results in climate change action, and enable review and communication of progress.

3.2 Strategic Alignment

Council's activities and operations are guided and directed by State and Federal Government policy. The Integrated Planning and Reporting (IP&R) framework provides the broader strategic direction for Council to develop the Community Strategic Plan (CSP) and Local Strategic Planning Statement (LSPS).

These Plans translate the community's future goals, aspirations, and strategic land use planning priorities into the key outcomes that the Council, other agencies, and the community will be working to achieve.

Through the Integrated Planning and Reporting (IP&R) framework Council works with the community to understand what they value, and to prioritise the issues and actions relevant to them. A strong recurring theme from Council's community engagement is the health and preservation of our natural environment.

The CSP and LSPS and associated strategies are Council's commitment to working in partnership with our residents, community groups and Governments to realise our vision: "The Ballina Shire is safe, with a connected community, a healthy environment and a thriving economy".

The policy has been prepared in line with the Delivery Program and Operational Plan ~~2020~~ - ~~2024~~ 2025-2029 strategies, specifically the following:

Direction one ~~three~~: *healthy environment*

~~**CSP OUTCOME HE1.1 WE UNDERSTAND THE ENVIRONMENT**~~
~~*HE1.1 Our planning considers past and predicted changes to the environment*~~
~~*HE2.2 Use our scarce resources wisely*~~
~~*HE2.3 Reduce resource use through innovation*~~

CSP OUTCOME HE1 - WE PROTECT, RESPECT, AND ENHANCE OUR NATURAL ENVIRONMENT
HE1.1 Our planning considers past and predicted changes to the environment: • *HE1.1d Implement Climate Change Action Plan*

The Climate Change policy also relates to implementation of the following Delivery Program and Operational Plan strategies:

~~Direction one:~~ *~~connected community~~*

~~**CC1. WE FEEL SAFE**~~
~~*CC1.3 Ensure adequate plans are in place for natural disasters and environmental changes*~~

~~Direction four:~~ *~~engaged leadership~~*

~~**HE1.1 OUR COUNCIL WORKS WITH THE COMMUNITY**~~
~~*EL1.3 Actively advocate community issues to other levels of government.*~~
~~*EL2.1 Proactively pursue revenue opportunities, costs savings and/or efficiencies.*~~

~~Direction three:~~ *~~healthy environment~~*

~~HE1.1 WE UNDERSTAND THE ENVIRONMENT~~
~~*HE3.1 Implement plans that balance the built environment with the natural environment.*~~
~~*HE3.2 Minimise negative impacts on the natural environment.*~~
~~*HE3.3 Match infrastructure with development to mitigate any impacts on the environment.*~~

Direction one: *healthy environment*

CSP OUTCOME HE2 - OUR OPERATIONAL CHOICES ARE BASED ON SUSTAINABILITY AND LIMIT OUR IMPACT ON OUR NATURAL ENVIRONMENT
HE2.2 Use our resources wisely
HE2.3 Pursue innovative technologies

Direction two: *engaged leadership*

CSP OUTCOME EL1 – DECISION-MAKING IS INCLUSIVE, TRANSPARENT, AND UNDERPINNED BY SUSTAINABILITY
EL1.3 Incorporate social, economic and environmental considerations into decision-making

CSP OUTCOME EL2 - COUNCIL'S FINANCES AND ASSETS ARE WELL MANAGED
EL2.1 Ensure a balance budget, with revenue opportunities combined with cost savings and efficiencies.

CSP OUTCOME EL3 – OUR LEADERS WORK EFFECTIVELY WITH THE COMMUNITY, OTHER LEVELS OF GOVERNMENT AND COUNCILS
EL3.1 Actively advocate community issues to other levels of government
EL3.2 Encourage a networked and adaptive approach to meeting regional challenges

Direction three: *connected community*

CSP OUTCOME CC1 - WE FEEL SAFE AND RESILIENT
CC1.2 Ensure plans are in place for public health events, natural disasters and environmental changes

3.3 International and National Context

The Paris Agreement, the Intergovernmental Panel on Climate Change, and the United Nations Sustainable Development Goals have been established to urge collaborative global action on climate change.

3.3.1 The Paris Agreement

The Paris Agreement is a global response to climate change with almost 200 government signatories worldwide.

The Agreement aims keep a global temperature rise well below 2 degrees higher than pre-industrial levels, and to pursue limiting this increase even further to only 1.5 degrees.

To achieve this, global carbon emissions should be Net Zero by 2050

3.3.2 The Intergovernmental Panel on Climate Change

The Intergovernmental Panel on Climate Change (IPCC) is the leading world body for assessing the science related to climate change, its impacts and potential future risks, and possible response options.

As part of the decision to adopt the Paris Agreement the IPCC produced a Special Report in 2018 on global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways.

The IPCC reported that the current global commitments may not be enough to reach the 1.5°C goal.

The report indicates that prospects of succeeding will require emissions to reduce rapidly in the short term, and adaptation measures at all levels including resilience through technology, as well as changing behaviour and policy.

The Intergovernmental Panel on Climate Change's Sixth Assessment Report (AR6) established cumulative historical global emissions to 2020, and the remaining carbon budget to stay within the temperature threshold goals of the 2015 Paris Agreement.

Data released since AR6 (*Global Carbon Budget 2024 (Friedlingstein et al., 2025)* and the *Indicators of Global Climate Change 2024 (Forster et al., 2025*), show there has been continued growth in global emissions. As a result, we now have a much smaller remaining carbon budget to stay within the Paris Agreement temperature limits.

3.3.3 T*he United Nations Sustainable Development Goals*

In 2015 all United Nations (UN) Member States including Australia adopted The 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDG's).

The SDG's are an urgent call for action for peace and prosperity for people and the planet, now and into the future.

The SDG's are a globally accepted framework for sustainable development that recognise the co-dependence of society, the economy and the environment.

The goals include strategies that improve health and education, reduce inequality, promote economic growth while developing ways to manage climate change.

The link between sustainable development and limiting global warming to the 1.5°C goal by 2050 is recognised by the goal 13 for climate action (SDG 13).

3.3.4 Australian and State Government Commitments

In 2015 Australia pledged to the Paris Agreement and adopted the UN Sustainable Development Goals.

~~The Australian government has committed to a staged emissions reduction approach with a target of 26–28% reduction of emissions below 2005 levels by 2030. This target will be reviewed within the first period of the policy. Australia has yet to set a 2050 target.~~

Under the Paris Agreement, Australia and all other parties must submit emissions reduction commitments through Nationally Determined Contributions (NDCs) to the UNFCCC every 5 years.

In September 2025 Australia updated its Nationally Determined Contribution (NDC) to global emissions reduction efforts as part of its Paris Agreement commitments.

Australia's 2035 emissions reduction target is consistent with requirements established under the Climate Change Act 2022. Under the Act, the Australian Government must consider advice from its independent Climate Change Authority (CCA) before setting national emissions reduction targets or communicating its NDC. The CCA provided its advice to government on 12 September and after consideration, the government adopted the CCA's recommendation to set a 2035 national emissions reduction target of 62-70%.

Australia also reaffirms its existing 2030 emissions reduction target of 43% reduction on 2005 levels and to achieve net zero by 2050.

It represents a credible contribution to global efforts to keep global warming well below 2°C and keep 1.5°C within reach.

A target for 20% renewable electricity generation by 2020 has been achieved.

All of Australian States and territories have now emissions reduction targets. Most remain aspirational and are in line with the Paris Agreement, but some are even more ambitious in line with the IPCC recommendation of rapidly reducing emissions to aim to reduce warming to only 1.5°C.

The NSW Government Climate Change Policy Framework commits the State to the objective of achieving net zero emissions by 2050. ~~which is more ambitious than the Federal Government's target.~~

~~The NSW Stage 1 Plan sets out a staged approach of a 35% reduction in emissions compared to 2005 levels by 2030.~~

The NSW Net Zero Plan Stage 1: 2020-2030 is the foundation for NSW's action on climate change and goal to reach net zero emissions by 2050. The NSW Stage 1 Plan sets out a staged approach of a 50% reduction in emissions compared to 2005 levels by 2030, 70% reduction by 2035. The Stage 1 Plan supports a fast-track of action and seeks to establish NSW as a renewable energy superpower. This will strengthen investment certainty in renewable technologies and give confidence to organisations and communities to commit to renewable energy goals.

NSW Governments Sustainability Advantage program drives the support for NSW organisations to integrate the SDG's into corporate strategies.

A growing number of councils across Australia are incorporating the SDG's into their strategies and plans as a common language and guide to sustainable development practices.

3.3.5 Local Government Commitments

Local Governments across Australia are leading the way in acting on climate change. There are a wide range of commitments from targets that align State and Territory Government commitments, to more ambitious targets which align with the lower Paris Agreement aim of limiting warming to only 1.5°C.

3.4 Climate Emergency Declaration

Council has declared that we are in a state of climate emergency and that urgent action is required by all levels of government.

Council has acknowledged that Ballina Shire is likely to be substantially affected by climate impacts, particularly those relating to sea level rise, bushfires, drought and floods. A changing climate will have impacts on Council's delivery of services and management of natural and built assets.

In the declaration Council called upon the State and Federal Governments to drive emergency action to meet the lower of the Paris Agreement aims, of maximum 1.5 degree warming.

The Intergovernmental Panel on Climate Change (IPCC) reports that achieving this target is unlikely without a rapid reduction in emissions in the short term.

The targets set within the policy align with Council's climate change declaration.

3.5 Climate Change Predictions for the North Coast

~~The NSW Government's Integrated Regional Vulnerability Assessment: North Coast of New South Wales reports that the North Coast region is projected to continue to warm compared to recent years (1990–2009).~~

~~Maximum temperatures are projected to increase in the near future (2020–39) by 0.4-1.0°C, and up to 2.4°C in the far future (2060–79).~~

The North Coast region is one of the most ecologically diverse areas of NSW. It contains world heritage rainforests, 9 major river catchments, and vast beaches. Climate change is already affecting the North Coast, particularly through increased temperatures.

The North Coast Climate Change Snapshot 2025 provides the latest Australian Regional Climate Modelling (NARCliM2.0) climate projections for the North Coast under low, medium and high emissions scenarios for the middle of the century (2050) and end of the century (2090).

It includes projections for key climate variables including temperature, average rainfall, hot days (days ≥35°C), cold nights.

Projections show temperatures are expected to keep rising. This will increase the number of hot days and decrease the cold nights. Rainfall patterns will change with less rain in winter and more rain in autumn and spring.

Average and severe fire weather is projected to increase in summer and spring.

The changes in climate will pose risks and vulnerabilities to all local systems (social, natural, and economic).

Sea level rise is expected to have impacts on estuarine and foreshore ecosystems, and will pose an increased risk of flooding and inundation of coastal plains threatening property and infrastructure. Increased chances of fire, heavy rainfall, and drought will impact land and freshwater ecosystems.

The projected warming trend in the North Coast is of a similar scale to the rate of warming projected for other regions of NSW, although it is considered large compared to the natural variability in temperature in the region.

3.6 Ballina Shire Council Climate Change Framework

The policy framework enables Council to fulfil its role in responding to climate change through targets that will reduce Council's operational contributions to climate change, and strategies to ensure that climate change considerations are part of all Council's activities and decision making.

The framework enables planning for adaptation and resilience of Council's assets and service delivery, and improving the community's preparedness for a changing climate.

The targets are considered reasonable and achievable, relative to available resources, and are in line with many other local government climate change commitments.

3.6.1 Mitigation - Organisational Emissions Reduction Targets

To align with Council's climate emergency declaration, and to support the NSW Government targets, it is considered reasonable that Council's targets are in support of the lower of the Paris Agreements aims of limiting warming to only 1.5°C, and the IPCC's recommendation to achieve this with rapid short-term emissions reduction as well as a range of adaptation strategies.

The targets will be achieved through developing and implementing a comprehensive plan which sets out the detailed short, medium, and long term pathway to reach the targets.

The focus will be on energy efficiencies to reduce electricity and fuel consumption, generation of renewable energy on council sites, low emission fleet options, sourcing of renewable energy from mid-scale plants, Power Purchase Agreements (PPA), sustainable procurement, and accredited carbon offsetting for remaining emissions.

In 2024 Council adopted a Corporate Emissions Reduction Plan. The aim of the Corporate Emissions Reduction Plan (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.

3.6.2 Climate Change Risk Assessment, Adaptation, and Resilience

Climate change adaptation and resilience is fundamental to managing the impacts of climate change. It can help to identify and manage risks, adjust economic activity, and reduce vulnerability, and can also improve long term business certainty.

Council completed a Climate Change Risk Assessment in 2009. The key risks identified were extreme heat, drought and water scarcity, sea level rise, and extreme storm and flash flood. Climate change projections show that the occurrence of these events will increase, as well as the intensity.

A changing climate has the potential to increase Council's maintenance costs for infrastructure, cause inundation of Council-owned assets due to sea level rise, lead to more

frequent disruption of transport and communication services due to more frequent extreme storm events, and increase risk of coastal erosion.

Council's existing strategic plans list a range of strategies relevant to climate change risks and adaption. For example, ensuring plans are in place for natural disasters and environmental changes, increasing resilience of our economy, ensuring planning considers changes to the environment, wise use of resources, and risk management.

Council completed a Climate Change Risk and Adaptation Plan in 2024. Councils existing controls for its climate change risks were identified, the residual risk rating with controls was analysed, and adaptation actions identified.

Key residual risks were from average temperature increases, sea level rise and fire weather. Adaptation actions include monitoring and review of relevant programs, policies, and management plans as well as review/update of relevant DCP's and LEP's.

This policy provides the framework for Council to review its climate change risks and integrate risk assessment, adaptation, and resilience planning into all Council's strategic plans.

4 DEFINITIONS

Adaptation: The process of adjustments and actions in ecological, social, or economic systems to actual or expected climate and its effects.

Carbon offsetting: An activity or process which reduces carbon from the atmosphere, typically by putting funds towards organisations that support emissions reduction projects such as renewable energy and forestry projects.

Greenhouse gas emissions: a gas that contributes to the greenhouse effect by trapping heat in the atmosphere. The four main gases are Carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), fluorinated gases. Typically reported as equivalent CO_2 emissions (CO_2e).

Net zero emissions: Achieving a balance between emissions produced, and emissions taken out of the atmosphere ie by sequestration (tree planting).

Mitigation: Actions to reduce greenhouse gas emissions and limit global warming and related effects.

Power Purchase Agreement: An agreement to purchase electricity from a renewable energy project at a fixed price and term.

Resilience: The capacity for a socio-ecological system to recover and maintain function.

Sequestration: A process of capturing and storing atmospheric carbon dioxide directly or indirectly with the goal of reducing global climate change.

5 SCOPE OF POLICY

This policy applies to all sections of Council.

6 RELATED DOCUMENTATION

Legislation, policy, and plans that relate to Council's climate change responses include:

International
The Paris Agreement
United Nations Sustainable Development Goals

Federal Government
Australia's Net Zero Plan
Australia's 2035 Nationally Determined Contribution (2025)
Australia's Net Zero Transformation: Treasury Modelling and Analysis (2025)
Australia's Renewable Energy Target (RET) Policy
Australia's Technology Investment Roadmap
Australia's National Hydrogen Strategy
Climate Change Act 2022
National Energy Transformation Partnership

NSW State Government
Climate Change (Net Zero Future) Act 2023
Climate Change Policy Framework
State Government Net Zero Plan Stage 1:2020-2030 and associated frameworks
North Coast Climate Change Snapshot (2025)
NSW Climate Change Adaptation Strategy
Adapt NSW North Coast Enabling Regional Adaptation North Coast region report
Integrated Regional Vulnerability Assessments: North Coast of New South Wales Biodiversity Conservation Act 2016
Coastal Management Act 2016
Energy and Utilities Administration Act 1987
Environmental Planning and Assessment Regulation 2000
Integrated Planning and Reporting Framework
Local Government Act 1993
Water Management Act 2000

Regional
North Coast Regional Plan 2036
~~Northern Rivers Joint Organisation of Councils – Regional Priorities 2020- 2022~~
NSW Government's Joint Organisation Net Zero Acceleration (JONZA) grant program

Council
Ballina Local Strategic Planning Statement 2020 – 2040
Ballina Shire Council Community Strategic Plan 2025-2035
Ballina Shire Council Delivery Program (4 year) and Operational Plan (1 Year)
Ballina Shire Council Corporate Emissions Reduction Plan 2023
Ballina Shire Council Climate Change Risk and Adaptation Plan 2024
~~Community Strategic Plan 2017 – 2027 Our Community Our Future~~
Ballina Shire Council Development Control Plan 2012
Ballina Local Environmental Plan 2012
Ballina Shire Local Emergency Management Plan
Coastal Zone Management Plans and Related Documents
~~Delivery Program an Operational Plan (4 year)~~
Economic Development Plan
Environmental Strategies
Land Use Controls
Place-Based Strategic Plans

Plans of Management and Master Plans
Structure and Master Plans
Tourism and other Strategies

7 REVIEW

The Climate Change Policy is to be reviewed every four years.

From: Maria Matthes
To: Oscar McMahon
Subject: Re: Public Exhibition – BSC Biodiversity Policy Review: Compensatory Habitats and Offsets
Date: Monday, 19 January 2026 6:26:18 AM
Attachments: [redacted]

Hi Oscar
Thank you for the preparation of this policy document. I am just clarifying points made on Friday and some minor additional comments for consideration.

It is noted that the policy has referred to the compensatory and offset requirements in the Ballina Koala Strategy and CKPOM.

Section 2.1
Clarify clause 2 - wording that the policy is for impacts associated with native vegetation could imply exclusion of habitat compensation specific to the fauna species losing its habitat.

2nd last para - remove comma after appropriate

Section 2.2.1 include "considered" before avoided - it is often the lack of or inadequate consideration to biodiversity and what is habitat requirements for a species that leads to requirements for habitat loss to be dismissed. It helps to understand how habitat was considered eg well or lip service.

Section 2.2.3. - specify what documents/standards are to be used to determine vegetation association or PCT, and add to section 6 if relevant.

Table 2 - add a line for threatened fauna with perhaps same ratio for koalas.

Consider putting Background, Definitions and Scope of Policy up front.

I am happy to clarify any of these comments.

Blue skies
Maria
Maria Matthes
Ballina Area Liaison
Friends of the Koala
[redacted]

On Tue, 2 Dec 2025, 4:05 pm Oscar McMahon, <Oscar.McMahon@ballina.nsw.gov.au> wrote:

> Dear Stakeholders,
>
> I am writing to advise that Ballina Shire Council's Biodiversity – Compensatory Habitats and Offsets Policy has been reviewed and is now placed on public exhibition.
>
> This review aims to ensure our approach to biodiversity conservation and habitat compensation aligns with best practice and legislative requirements. We invite you to review the proposed changes and provide feedback during the exhibition period.
>
> **Key Details:**

- **Policy:** Biodiversity – Compensatory Habitats and Offsets
- **Exhibition Period:** 2 December 2025 - 16 January 2026
- **Access the Draft Policy:** Biodiversity - Compensatory Habitat and Offsets Policy | Your Say Ballina
- **Provide Feedback:** At the link provided or by email to oscar.mcmahon@ballina.nsw.gov.au

Your input is valuable in shaping a policy that supports biodiversity outcomes and sustainable development in our shire.

If you have any questions or require further information, please contact me.

Thank you

Kind regards,
Oscar McMahon

Oscar McMahon
Environmental Scientist - Biodiversity (Graduate)

Ballina Shire Council acknowledges that we are here on the land of the Bundjalung people. The Bundjalung are the traditional owners of this land and are part of the oldest surviving continuous culture in the world.

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From: Claudia Caliari
To: Ballina Shire Council
Cc: Environment Society Ballina
Subject: BES Feedback on Ballina Council Biodiversity Offset Policy
Date: Friday, 16 January 2026 12:41:01 PM

Dear Oscar McMahon and Ballina Council,

The Ballina Environment Society (BES) would like to commend you on the recent enhancements to the Biodiversity Offset Policy, which aim to increase local environmental protection. However, we are concerned about certain aspects, particularly the understanding and measurement of cumulative impacts within the shire.

Recent developments, including the construction of the fire brigade, SES building, and pump track, have resulted in the destruction of local native species that are crucial for local fauna and ecological connectivity. It is important to note that the offsets associated with these projects will take many years to become effective, especially in light of the significant loss occurring within a brief period. This delay can have serious impacts on our urban ecosystem and its resilience. Adding to this is the loss caused to recent extreme weather events. We understand that this may be beyond councils capacity but we must work together to support and increase resilience and connectivity of our local environment.

We urge the council to consider further recommendations from Professor Samuel Graeme's report, which outlines important measures for addressing cumulative impacts. Specifically, related to our local TECs, improving data collection, monitoring biodiversity health, and developing proactive strategies to protect critical habitats are essential steps. This policy should clearly define how to balance development pressures with the immediate need for ecological preservation.

Addressing these issues can enhance the effectiveness of the policy and ensure that our local environment continues to thrive.

Thank you for considering our feedback.

Sincerely,
Ballina Environment Society
Sent from my iPhone

From: Oscar McMahon
To: [redacted]
Subject: Re: Public Exhibition - BSC Biodiversity Policy Review: Compensatory Habitats and Offsets
Date: Wednesday, 14 January 2026 4:11:00 PM
Attachments: [redacted]

Hi Mark,

Thank you for taking the time to review the policy and provide feedback. We appreciate your interest and contribution to the consultation process.

You have raised some important points which are helpful for us in considering how the policy might be further improved.

Should you have any further comments or require clarification, please feel free to contact me.

Kind regards,
Oscar

Oscar McMahon
Environmental Scientist - Biodiversity (Graduate)

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From: [redacted]
Sent: Tuesday, January 13, 2026 1:24 PM

To: Oscar McMahon <Oscar.McMahon@ballina.nsw.gov.au>
Subject: RE: Public Exhibition - BSC Biodiversity Policy Review: Compensatory Habitats and Offsets

Hi Oscar,

Thanks for the chance to provide comment on this. A couple of things that occurred to me while reviewing and might be worth considering:

- Section 2.1 (a) Seems to limit the circumstances in which the policy applies only to native vegetation whereas there is a compensatory requirement for non-native vegetation.
- Non-native. Perhaps would help to define this as it may not be clear if this applies to non-Australian or non-locally native vegetation.
- Tree. Might be helpful to define what constitutes a tree e.g. a woody stem over 10cm dbh?
- I'm not totally clear about the Koala habitat offsets. Where the policy states *Offsets relating to Koala habitat must be undertaken in accordance with the Ballina Shire Koala Management Strategy* does this only applies to areas within the Koala planning area? We would then need to consider Koala use trees outside of the Koala planning area as a 10:1 offset it seems. Based on the requirement in 2.3 (d) I could see some situations where areas of garden, roadside or fenceline vegetation that contain the odd Koala feed tree might be caught up in the need for a 15:1 or 10:1 offset due to the application of the higher ratio which may lead to a bit of a perverse outcome.
- Figs. The offset policy does not specifically address removal of mature figs should that be proposed. I guess they would be compensated for at 10:1 as a very large native tree but this may not be reflective of the conservation and habitat value of a massive mature fig.
- Not sure how the policy may apply to works such as drain-clearing or easement works where Council is undertaking vegetation clearance every 5-10 years or so or even less often. To my mind there is generally environmental benefit in letting native vegetation re-establish in these situations but it would perhaps not be fair for Council to have to compensate for this vegetation loss every time it is cleared.

Cheers, Mark.

Mark Free
Principal Ecologist/Manager
Blackwood Ecological Services
[redacted]

From: Oscar McMahon <Oscar.McMahon@ballina.nsw.gov.au>
Sent: Tuesday, 2 December 2025 4:05 PM
To: Oscar McMahon <Oscar.McMahon@ballina.nsw.gov.au>
Subject: Public Exhibition – BSC Biodiversity Policy Review: Compensatory Habitats and Offsets

Dear Stakeholders,

I am writing to advise that Ballina Shire Council's Biodiversity – Compensatory Habitats and Offsets Policy has been reviewed and is now placed on public exhibition.

This review aims to ensure our approach to biodiversity conservation and habitat compensation aligns with best practice and legislative requirements. We invite you to review the proposed changes and provide feedback during the exhibition period.

Key Details:

- **Policy:** Biodiversity – Compensatory Habitats and Offsets
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Your input is valuable in shaping a policy that supports biodiversity outcomes and sustainable development in our shire.

If you have any questions or require further information, please contact me.

Thank you

Kind regards,
Oscar McMahon

Oscar McMahon
Environmental Scientist - Biodiversity (Graduate)

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POLICY NAME: **BIODIVERSITY - COMPENSATORY HABITAT AND OFFSETS**

POLICY REF: **B08**

MEETING ADOPTED:

POLICY HISTORY: **79000/21, 5584/26**

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1. OBJECTIVE

The objectives of this policy are:

a) To promote the protection, retention, and restoration of biodiversity assets in Ballina Shire.

b) To support the identification and assessment of biodiversity impacts associated with development in Ballina Shire and the mitigation of identified impacts;

c) To encourage development that contributes to the maintenance, enhancement and/or rehabilitation of environmental values and ecologically sensitive areas;

d) To identify compensatory habitat offsetting ratios for proposals that impact biodiversity values and are subject to approval under either Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979*;

2. POLICY

2.1 Application

The Ballina Shire Biodiversity - Compensatory Habitat and Offsets Policy applies to proposals subject to Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979* in the following circumstances:

a) The proposal directly or indirectly impacts biodiversity values in Ballina Shire; and

b) The proposal does not trigger the Biodiversity Offsets Scheme (BOS), and

c) Ballina Shire Council or a local or regional planning panel is the consent or approval authority.

This policy is to be applied in association with the provisions of the Ballina Local Environmental Plan 1987, Ballina Local Environmental Plan 2012 and the Ballina Shire Development Control Plan 2012 (where provisions of these plans are applicable).

Offsets relating to Core Koala Habitat must be undertaken in accordance with the Ballina Shire Koala Management Strategy, including the Koala Habitat Compensation Policy, contained within the strategy.

Where an offset is determined to be appropriate after applying the avoid, mitigate, offset hierarchy[1], the offset ratios set out in this policy are to be applied.

This policy will also apply in instances where Council identifies that a tree or area of vegetation has been illegally damaged, vandalised, or removed. Where vandalism is proven and vegetation restoration is determined to be the appropriate remedial action through Council's compliance process, offenders will be required to provide compensatory offsets for any unauthorised vegetation removal or damage, in accordance with this policy.

2.2 Requirements for Offset Proposals

Applications for development or vegetation removal that propose a compensatory habitat offset must address the minimum requirements outlined below.

2.2.1 Impacts must be avoided first by using avoidance and mitigation measures

The proposal must clearly demonstrate how impacts to biodiversity values were first avoided, then mitigated.

As part of the consideration of avoidance, the analysis of the proposed development must demonstrate that alternative layouts or design options have been considered and that the impacts cannot reasonably be avoided.

[1] As defined by the Biodiversity Conservation Act

2.2.2 Identify and quantify all residual impacts

All residual direct and indirect impacts[2] are to be identified and quantified. The assessment of impacts in relation to compensatory habitat offsets must:

a) identify the conservation significance of the vegetation likely to be affected and the type of impacts that are likely to occur; and
b) describe the nature, extent and duration of short-term and long-term impacts

2.2.3 Map impacted biodiversity values

The locations of all biodiversity values to be impacted by the proposal, including vegetation communities, threatened species (flora and fauna) and important habitat features must be shown on a detailed map.

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).

2.2.4 Offsets must be appropriately located

a) Compensatory habitat offsets must be provided for within Ballina Shire.
b) Offsets should be located on the same property where the impact occurs. If an offset is to be provided on an alternate site, the proponent must demonstrate why:
   - it is not practical to achieve this; or
   - a suitable biodiversity outcome cannot be achieved on the site; or
   - a better outcome can be achieved on a different site.
c) Proposals for off-site offsets must demonstrate security of tenure or other appropriate mechanism suitable to enable the required offset works, and associated monitoring and management works, to be undertaken as well as long term retention of the offset works. This is best achieved through legal mechanisms that are permanent and secure.

2.2.5 Offsets should aim to result in a net improvement in biodiversity

a) A compensatory habitat offset is a replacement of habitat removed as a result of development or works. Habitat is defined as:
   - an area periodically or occasionally occupied by a species or ecological community, and;
   - the biotic and abiotic components of an area; or
   - as defined in the *Biodiversity Conservation Act* 2016
b) Offsets proposals must demonstrate a net gain in area of native vegetation and/or fauna habitat.

[2] Indirect impacts may include but are not limited to; reduced suitability of adjacent habitat or disturbance due to noise, dust or light spill, transport of weeds and pathogens, sediment runoff, loss of breeding habitat, trampling of threatened flora species, disturbance or predation by domestic animals, and impacts to local hydrology.

c) Offsets proposals must demonstrate an overall conservation outcome that improves or maintains the viability of the biodiversity values affected by the proposal.
d) Council may require that biodiversity offsets be established prior to an approved impact occurring.

2.2.6 Offset Management Plan

Where a proposed offset is accepted by Council, the proponent must prepare an Offset Management Plan for Council's approval prior to the commencement of any on-site works. Offset Management Plans shall provide for a criteria-based establishment and maintenance period and must include the following information:

- Calculation of proposed offsets in accordance with the offset ratios set out in Table 1 of this policy.
- Details of proposed offsets, including planting composition, species and spacing, proposed location/s within Ballina Shire, site suitability and tenure arrangements, timing, ongoing management and maintenance, monitoring reporting and cost of works.
- Identification of timing of offset works relative to the commencement, progression and completion of the proposed development, including key performance criteria to be met and acknowledgement that the establishment and maintenance periods are to be extended until such time as the performance criteria have been met.

2.3 Compensatory Habitat Offset Ratios

This policy sets out the offset ratios for different biodiversity values in Ballina Shire, these are outlined in Table 1. The compensatory habitat offset ratios are to be applied having regard for the following:

a) Calculation of offsets is based on the number of trees or area of habitat lost, or both. The extent to which area and/or individual trees is to be used as the basis for calculating an offset is to be determined as part of the assessment of a proposed activity. As an example for calculation purposes, if the offset ratio is 5:1, five trees must be replanted for every one lost. Or in the case of habitat, habitat restoration must be undertaken on an area five times the area of habitat lost – that is 5ha of habitat should be reinstated for every hectare cleared.
b) Area based calculations are to be rounded to the nearest square metre.
c) As a first principle, offsets are to be provided for on a like for like basis (i.e. loss of one vegetation type should be compensated for by the same vegetation type). Where it is demonstrated to Council's satisfaction that this cannot be reasonably achieved, an offset based on a different vegetation type, but of the same conservation significance, may be applied. Where such a variation is proposed, Council must be satisfied that the proposed offset is suitable (in terms of location, extent, vegetation type, etc.) to provide compensatory habitat for those entities impacted by the activity.
d) Where an area of habitat to be offset is comprised of a mixture of conservation significance, the higher offset ratio will be applied. For example, an area of mixed non-EEC native vegetation and koala habitat will have a 15:1 offset ratio applied.

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e) Where there is uncertainty around the conservation significance of a tree or vegetation, then the higher offset ratio shall be applied.
f) Indirect impacts must be considered as part of any proposal. Where a proposal is expected to, or will, create a long-term adverse indirect impact on habitat, any indirect impacts shall be offset at 50% of rates set out in Table 1 (or Table 2 for public works) in addition to any offsets required for direct impacts.
g) Public works undertaken by or on behalf of Council and development primarily for the purpose of affordable housing are subject to a reduced offset rate as outlined in Table 2.
h)

Table 1: Compensatory Habitat Offset Ratios

Conservation Significance	Biodiversity Value	Offset Ratio	Application Notes
High	Core Koala Habitat	15:1	Mapped as per the KMS or as identified on-site via field survey in accordance with SEPP (BC)
	Threatened species habitat	10:1	As identified on-site by field survey or by ecological assessment, or as advised by Council
	Threatened ecological communities (TECs) including EECs		As identified on-site by field survey or by ecological assessment, or as advised by Council
	Wetlands, waterways and riparian areas		Any vegetation located within, or forming part of, a wetland, waterway, or riparian vegetation community, excluding marine vegetation as regulated by the FM Act
	Wildlife corridors and Significant Urban Bushland		Areas included on Council's DCP Wildlife Corridors or Significant Urban Bushland Map
	Old growth vegetation		Mature vegetation representative of the pre-clearing native vegetation community of the locality
	Very large native trees (>80cm DBH)		Any locally endemic native species measuring >80cm diameter at breast height (140cm above ground)
	Koala Use Trees*		A Koala Use Tree within 300m of: • any Preferred Koala Habitat mapped under the Ballina Shire KMS, or • any Core Koala Habitat identified on-site via field survey in accordance with SEPP (BC)
	Threatened flora		To be applied on a per plant basis with the threatened species to be offset on a like for like basis in addition to any other offset requirements
	Important habitat features	3:1	Including but not limited to: Tree hollows (counted individually) and raptor nests. To be applied on a per habitat feature basis e.g. For each individual hollow removed, three (3) nesting boxes of appropriate size and target species specifications shall be installed

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Medium	Native vegetation other than high conservation significance	5:1	This applies to all native vegetation, including individual native trees (e.g. paddock trees), that is not otherwise classed as high conservation significance
	Vegetation on over-cleared Mitchell landscapes		All vegetation excluding listed weed species and exempt works
Low	Non-native tree or vegetation	1:1	Any tree or vegetation requiring a permit or approval that is not considered high or medium conservation significance. Excluding listed weed species and exempt works

*A species of tree listed in SEPP (BC) under *Schedule 3: Koala use tree species - North Coast Koala Management Area.*

2.4 Public Works

Reductions to compensatory habitat offset ratios under this policy set out in Table 1 apply to public works carried out by or on behalf of Council and for development that is primarily for the purpose of affordable housing (delivered by Government or a community housing provider).

Public works and development for the purpose of affordable housing are typically associated with substantial public benefits. These can include social benefits (such as alleviating traffic congestion, meeting basic needs, providing for meeting places or providing infrastructure for exercise and outdoor activity) and environmental benefits (such as better energy or water use by replacing inefficient or old infrastructure).

Public works do not include development undertaken by or on behalf of Council primarily for commercial purposes.

It is also recognised that public works are typically funded by the public and this involves balancing a range of considerations to achieve outcomes in the public interest within the available funding.

Table 2 sets out the rates at which the offset ratios are to be applied to public works and development primarily for the purpose of affordable housing:

Table 2: Compensatory Habitat Offset Ratio Rates for Public Works and Affordable Housing

Conservation Significance / Biodiversity Value	Offset Ratio Rate Public works undertaken by or on behalf of Council	Offset Ratio Rate Development primarily for affordable housing by Government or community housing provider	Offset Ratio Rate Maintenance works associated with public assets undertaken by or on behalf of Council
High	*8:1*	*8:1*	*5:1*
Medium	*4:1*	*4:1*	*2.5:1*

Low	*nil*	*nil*	*nil*
Core Koala Habitat	15:1	15:1	15:1
Threatened Species Habitat	*8:1*	*8:1*	*5:1*
Threatened Flora	*8:1*	*8:1*	*5:1*
Important Habitat Features	3:1	3:1	*2:1*

Note: Italics denotes reduced ratio rate.

3. BACKGROUND

This policy intends to capture proposals that pose adverse impacts to local biodiversity, which do not otherwise trigger State and Commonwealth offset requirements.

In Ballina Shire, the offset ratios are based on a recognition that relative to total land area, a large percentage of the native vegetation cover in the shire has been cleared and that Ballina Shire contains a variety of significant biodiversity assets including endangered ecological communities and various threatened flora and fauna species that are listed under State and Federal conservation instruments.

The policy recognises that Council has an established Koala Management Strategy which reflects the presence of a nationally significant koala population in the shire. Regard has also been made for the suite of public interest outcomes that are associated with public works and affordable housing developments.

Furthermore, this policy allows Ballina Shire Council to apply standard compensatory offset ratios to all proposals that trigger the policy, therefore creating an effective, efficient, and transparent framework.

4. DEFINITIONS

Council	Ballina Shire Council
BOS	Biodiversity Offsets Scheme as applied by NSW Department of Planning, Industry and Environment (DPIE) under the *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017.
BC Act	*Biodiversity Conservation Act 2016*
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
EP&A Act	*Environmental Planning and Assessment Act 1979* (EP&A Act)
FM Act	*Fisheries Management Act 1994*
SEPP (BC)	*State Environmental Planning Policy (Biodiversity & Conservation) 2021*
Part 4	Part 4 (Development Assessment) refers to the development assessment pathway for proposals which require approval under Part 4 of the EP&A Act.
Part 5	Part 5 (Environmental Assessment) refers to the development assessment pathway for activities which require approval under Part 5 of the EP&A Act.

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TEC	Threatened Ecological Community is a collective term which recognises ecological communities under threat but refrains from ranking the communities by the status at which they are threatened.
EEC	Endangered Ecological Community (EEC) refers to one of the categories which exist for listing threatened ecological communities (TECs) under the EPBC Act and the BC Act.
KMS	*Ballina Shire Koala Management Strategy (2017)*
PCT	Plant Community Types are the finest level of classification in the NSW identification hierarchy. Plant community types are defined and mapped across New South Wales. PCT data are managed as part of the Integrated BioNet Vegetation Data Program: https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/nsw-bionet/integrated-bionet-vegetation-data-for-nsw
Vegetation Formation	Vegetation Formations are broad groups distinguished by major structural and physiognomic features. There are 12 Vegetation Formations recognised for New South Wales (Keith 2004)
Koala Use Tree	A species of tree listed in *SEPP (Biodiversity and Conservation) 2021* under Schedule 3 for the North Coast KMA
Preferred Koala Habitat	Preferred koala habitat is mapped under the Ballina Shire KMS, constituting four habitat classifications across Ballina LGA, being Primary Habitat, Secondary (Class A) Habitat, and Secondary (Class B) Habitat, and Secondary (Class C) Habitat
Core Koala Habitat	Core koala habitat is defined by *SEPP (Biodiversity and Conservation) 2021* as: an area of land with a resident population of koalas, evidenced by attributes such as breeding females, being females with young, and recent sightings of and historical records of a population. Areas that have been verified to meet this definition in Ballina LGA have been mapped in the *Ballina Shire Core Koala Habitat Comprehensive Plan of Management*.
Habitat	The area occupied periodically or occasionally by a species or ecological community, including the biotic and abiotic components that support its survival and ecological processes; or as defined in the *Biodiversity Conservation Act 2016.*
Native	Species indigenous to the Ballina Shire that occurred naturally prior to European settlement and form part of the local ecological communities.
Tree	A woody perennial plant with a Diameter at Breast Height (DBH) of 100 mm or greater, measured at 1.3 m above ground level.

5. SCOPE OF POLICY

This policy applies to:

- Council employees
- Councillors
- Community members
- Consultants/Contractors

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6. RELATED DOCUMENTATION

Related documents, policies and legislation:

- *Biodiversity Conservation Act 2016*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Environmental Planning and Assessment Act 1979*
- *Fisheries Management Act 1994*
- *Ballina Local Environmental Plan 1987*
- *Ballina Local Environmental Plan 2012*
- *Ballina Shire Development Control Plan 2012*
- *Ballina Shire Koala Management Strategy 2017*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- Ocean Shores to Desert Dunes: The Native Vegetation of New South Wales and the ACT. Keith, D. A. (2004).

7. REVIEW

The Ballina Shire Biodiversity – Compensatory Habitats and Offset Policy is to be reviewed every four years.

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enquiries refer
Matthew Wood
in reply please quote
26/10804

27 February 2026

Department of Planning, Housing and Infrastructure

via online submission

Dear Sir / Madam

Re: A new approach to strategic planning discussion paper

Thank you for the opportunity to provide feedback in relation to the new approach to strategic planning discussion paper. Local Government has a central and essential role in both the strategic and statutory planning system in NSW and it is critical that the view of councils is meaningfully considered by the Department.'

The following submission has been reported to the elected Council and was endorsed on 26 February 2026.

Ballina Shire Council is supportive of the creation of a State Land Use Plan and the seven priorities identified. However, Council strongly objects to the removal of the seven existing regional planning areas and the creation of one regional plan to cover 84 local government areas (LGAs) across regional NSW.

The homogenisation of regional strategic planning is a retrograde step and is likely to reduce the effectiveness of the regional planning framework. It is difficult to see how aligning Ballina with other regional areas in the State provides for a beneficial regional planning outcome.

Fast growing coastal areas like Tweed Heads and Ballina obviously have little in common in terms of strategic planning with inland communities such as Dubbo and Broken Hill. It is difficult to understand how one regional plan could address local differences without the need for separate chapters or addendums that break the state into sub-regions to cater to the different communities of interest.

If the intent is to create sub-regions that are more closely aligned with water catchments or bioregions (as suggested on page 29), this could be achieved through a re-alignment of boundaries of the existing planning regions, rather than discarding an established planning framework altogether.

There is little justification provided within the discussion paper for the proposed change and treating 'the rest of NSW' as one single region shows a lack of understanding of the different planning issues and priorities across regional NSW. The proposed approach invites the question: what is the point of creating a plan that covers approximately 95% of the State's land mass?

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The flowchart showing how the statewide priorities will be implemented (p.34 of the discussion paper) states that "*responses will be developed through regional plans that are spatially specific to the needs of each region and community*". It is unclear how a region of 84 LGAs can identify spatially specific responses to the needs of their communities.

Ultimately, one of the key challenges in the planning system is the reconciliation of conflicting objectives and a lack of alignment between policy intentions, operation of the planning system and infrastructure planning at the State level. The proposed approach to regional planning policy outside the metropolitan areas does not support identification of the nuances and localised characteristics of areas and regions necessary to give clear direction on desired outcomes and associated delivery.

The State's approach to regional planning in NSW has consistently been a missed opportunity for the delivery of practical and beneficial planning outcomes that deliver generational benefits for the community. This latest proposed reform is unfortunately a reinforcement of this and has the distinct potential to make local planning and decision making harder rather than easier.

If the Department decides to proceed with the proposed regional planning structure then a revision of Ministerial Directions with a lens of ensuring that local planning is not stifled by a generic State wide regional plan needs to be done before plans are operational.

Simplified planning system

The stated aim of the discussion paper is to seek feedback on proposals to make the strategic planning framework "*clearer, simpler and more effective*" (p.9).

A detailed and complicated flowchart of the current system is provided on page 16, but there is no real explanation as to how reducing the overall number of regional plans in the state will make the system any simpler or more effective.

It is suggested that the complexity in the NSW planning system is fundamentally caused by successive State Government failures to properly reform the NSW planning system in entirety, with piecemeal and bolt on reforms over decades making the system ever increasingly difficult and expensive to navigate.

The current number and structure of regional planning areas is really not the problem.

Local Strategic Planning Statements

There is uncertainty within the discussion paper about the role of Local Strategic Planning Statements (LSPSs). There is a concurrent review of LSPSs underway and the 'next steps' section of (p.38) indicates there will be further advice to councils in 2027.

Providing some further clarity about the intended role and function of LSPSs within any new strategic planning framework would be useful at this preliminary stage. It would also be helpful to be clear about the Department's expectations for review of LSPSs noting many councils are currently expending resources reviewing plans.

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In Ballina's case we are nearing completion of a full LSPS review and we do not want to be in a position where we have to repeat this work in the short term. Strategic plans of this type are strongest when they have medium to long term time frames to operate and deliver stated policy outcomes.

Preferred Outcome

At a minimum, the current planning regions should be retained. There is certainly a strong case to be made for even smaller regions with stronger alignment between geographical and social communities of interest, and more detailed planning for shared regional infrastructure (such as airports, road links, seaports, hospitals, tertiary education facilities etc).

In this regard, separating the Far North Coast and the Mid North Coast regions is likely to improve planning outcomes in our region. For example, identification of employment lands by regional drive catchments, or areas of high biodiversity value based on relevant catchment areas would improve the chances of achieving specific planning goals that are important to our local communities.

Regional plans could be improved by focusing on land use planning matters and specific outcomes and not be cluttered with a range of other matters. Regional plans will work best when there is a clear focus on land use planning, clear objectives and priorities, overt links to infrastructure planning, State support through regional planning teams, and focus on like and geographically related areas in the State. A broader, State wide, generic regional plan does not seem likely to be able to encompass these necessary features to make a practical, workable and meaningful regional plan.

Thank you again for the opportunity to provide this feedback. If you have any queries please contact me on telephone 1300 864 444 or email council@ballina.nsw.gov.au.

Yours faithfully

Matthew Wood
Director
Planning and Environmental Health Division

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Attachment 1

All Development Applications under assessment for a period greater than 90 days.

DA No.	Date Rec'd	Applicant	Proposal
2023/529	22/07/2024	Intrapac Property Pty Ltd	Bulk earthworks (cut and fill), vegetation removal and associated works as relating to the amended layouts for Stage 8 of DA 2016/184, including the erection of retaining walls, road formation, temporary sediment and erosions control basins, silt fencing, temporary drainage, vehicular shakedown points and other related site works – 52 Albert Sheather Lane Cumbalum
2024/91	22/07/2024	Intrapac Property Pty Ltd	Bulk earthworks (cut and fill), vegetation removal and associated works as relating to the amended layouts for Stage 9 and 12A of DA 2016/184, including the erection of retaining walls, road formation, temporary sediment and erosions control basins, silt fencing, temporary drainage, vehicular shakedown points and other related site works – 52 Albert Sheather Lane Cumbalum
2024/202	12/08/2024	Ardill Payne & Partners	The erection of a dwelling house and installation of a swimming pool/spa, associated earthworks (including building pad), vegetation removal and infrastructure works, including upgrades to Sneesbys Lane and a new vehicular access. The majority of works are to occur on a newly consolidated allotment (involving the Consolidation of Lots 1, 2, 3 and 4 DP 1048732 and Lots 133 and 203 DP 755626), with the new vehicular access to be constructed partially over the new consolidated lot, Crown Road Reserve and Lot 5 DP 1048732 and an Asset Protection Zone for the development located partially within the new consolidated lot and Lot 5 DP 1048732. – Sneesbys Lane East Wardell
2024/303	27/09/2024	ELKN Pty Ltd	New dwelling, pool, shed, stables, horse paddock and tennis court. The proposal also seeks consent for ancillary items including earthworks, vegetation removal, the keeping of horses, gravel driveway extensions, fencing, onsite effluent disposal infrastructure and access roads – Lot 91 Empire Vale Road Empire Vale
2024/230	01/10/2024	Town Planning Studio Pty Ltd	Development Application for the construction of 2 x new dwellings to create a dual occupancy (detached) development with ancillary vehicle access and parking, swimming pools, studio, water storage tanks and on-site sewage management system and the demolition of an existing dwelling – 82 Tims Lane Broken Head

DA No.	Date Rec'd	Applicant	Proposal
2018/747	15/01/2025	Ardill Payne & Partners	To undertake a Torrens Title Subdivision and Boundary Adjustment Subdivision to create 17 x residential lots (ranging in area from 763m² to 4735m²), one x residual lot (Proposed Lot 19 – area of 2. 79ha), one x drainage reserve lot (area of 1736m²), involving bulk earthworks, the construction of a new road and the installation of infrastructure services – 17 Millbrook Terrace Wollongbar ***(Section 37)***
2025/60	05/03/2025	Planit Consulting	Two lot Torrens Title subdivision to create 1 x 6,402m2 Lot (Proposed Lot 1) and 1 x 6,649m2 Lot (Proposed Lot 2). Construction of a mixed use development (Commercial/Residential) on Proposed Lot 1 comprising 3 retail premises, 5 food and drink premises and 17 shop top housing dwellings, and associated car parking, landscaping and infrastructure works, and subsequent Stratum subdivision and Strata Title subdivision – 21 Aureus Boulevard Skennars Head
2025/82	02/04/2025	Town Planning Studio Pty Ltd	Erection of a two-storey dwelling house, paddle court and associated demolition works, earthworks and infrastructure – 238 Old Byron Bay Road Newrybar
2025/110	22/04/2025	Planit Consulting Pty Ltd	To undertake a Torrens Title subdivision to create 1 x 6,365m2 and 1 x 8.76ha allotments – 8 Byron Bay Road Lennox Head
2025/142	14/05/2025	Technical and Further Education	Additions to Educational Establishment (TAFE) comprising the construction of a 'multi trades hub' building and associated demolition, earthworks, vegetation removal, infrastructure works and landscaping – 61 Sneaths Road Wollongbar
2024/243	16/05/2025	Planzone Pty Ltd	Two-unit hardware and building supplies complex, associated infrastructure works including driveway access from River and Kalinga Streets, car parking, stormwater management and landscaping works – 31 Kalinga Road West Ballina – ***Section 37***
2025/141	21/05/2025	Ardill Payne & Partners	Three Lot Torrens Title subdivision to create 1 x 839m2 Lot, 1 x 809m2 Lot and 1 x 801m2 Lot and associated vegetation removal, earthworks, road construction and civil works – 26-30 Fitzroy Street Wardell
2022/345	03/06/2025	BRS Northern Rivers Pty Ltd	Four-Lot Community Title Subdivision of two existing Torrens Title Lots to create one x Community Association Property Lot (driveway access), three x Residential Lots (areas of 1449m², 1217m² and 1908m²) and associated infrastructure and servicing works and vegetation management works comprising the removal of 18 trees – 54 Greenfield Road Lennox Head – ***Section 37***

DA No.	Date Rec'd	Applicant	Proposal
2024/323	04/06/2025	Newton Denny Chapelle	Erection of four (4) additional sheds, civil works including driveway, carparking, earthworks, signage and stormwater management – 66 Teven Road West Ballina – ***Section 37***
2025/172	10/06/2025	L Houghton	Construction of a dwelling house to create a detached dual occupancy development and carport and ancillary earthworks and on-site sewage management system – 122 Alstonvale Road Alstonvale
2025/183	13/06/2025	Harbour Planning Pty Ltd	Removal of existing structure and construction of water recreation structure comprising concrete boat launching ramp, jetty, walkway and pier-supported pontoon – 1 Pimlico Island Pimlico Island
2025/185	13/06/2025	Harbour Planning Pty Ltd	Demolition/removal of existing structures and construction of water recreation structure comprising concrete boat launching ramp, pedestrian access walkway and ramp, and pier-supported pontoon – 1 Pimlico Island Pimlico Island
2025/160	16/06/2025	Ardill Payne & Partners	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 – 10 Stewart Street Lennox Head
2025/126	17/06/2025	K Daley	Demolition of an existing restaurant and construction of a two-storey dwelling house, and associated earthworks, retaining walls, vegetation removal (2 x tuckeroos) and ecological works – 23 Compton Drive East Ballina – ***Section 37***
2025/163	20/06/2025	Town Planning Studio Pty Ltd	Construction of a new two storey dwelling with ancillary vehicle access and parking, swimming pool, water storage tanks and on-site sewage management system; Use of alterations and additions an existing rural workers dwelling including the installation of a carport and plunge pool; Construction of a farm shed; and Decommissioning of the original dwelling – 727 Hinterland Way Newrybar
2023/252	23/06/2025	Planners North	Torrens Title Subdivision to create 10 new residential lots (ranging in area from 603m² to 1,322m²) and one drainage reserve lot (1,389m²), including earthworks, vegetation management works, construction of acoustic barrier/earth mound, infrastructure and servicing works – Greenwood Place Lennox Head – ***Section 37***
2025/209	30/06/2025	BRS Northern Rivers Pty Ltd	Strata Title Subdivision of a residential flat building, and associated building upgrades – 17 Seaview Street East Ballina

DA No.	Date Rec'd	Applicant	Proposal
2025/223	11/07/2025	Newton Denny Chapelle	Proposed construction of three new single-storey consulting rooms and a new access ramp with a covered walkway. The application includes: Stage 1 - Demolition of the existing covered outdoor area and carport and construction of the new consulting rooms; Stage 2 - Alterations and additions to the existing main building. In addition, the proposal involves associated vegetation removal works and stormwater infrastructure upgrades – 21 Grant Street Ballina
2025/229	11/07/2025	G Handford	To undertake consolidation and resubdivision of four lots to create 1 x 10.32 ha and 1 x 10.33ha allotment – 435 Ellis Road Rous
2025/234	14/07/2025	Ardill Payne & Partners	To undertake alterations and additions to an existing attached dual occupancy – 2/28 Gibbon Street Lennox Head
2025/255	25/07/2025	Newton Denny Chapelle	Demolition of an existing dwelling house and subsequent construction of a new dwelling house, carport, swimming pool and associated earthworks, retaining walls, fencing and landscaping – 21 Blue Seas Parade Lennox Head
2025/257	28/07/2025	Newton Denny Chapelle	Alterations and additions to existing Commercial Premises including two additional commercial tenancies, and associated demolition, earthworks and infrastructure works – 127-129 River Street Ballina
2025/249	28/07/2025	Ozfish Unlimited Ltd	Installation of in-water structures to support oyster reef restoration at three sites - single build of mafic extrusive quarry rock of varying sizes (spalls & gabion) with 20 Robust Oyster Baskets to be contained in the structure at each site – South Ballina Beach Road Keith Hall
2025/263	01/08/2025	Perry Homes (Aust) Pty Ltd	Erection of a two storey Dwelling house, single storey secondary dwelling (detached) with attached workshop, swimming pool, and associated earthworks and infrastructure – 26 Windrow Avenue Cumbalum
2025/261	05/08/2025	M McErlean	Construction of a single storey industrial building for the purposes of a local distribution centre, associated infrastructure works, car parking, landscaping and business identification signage – 27 Boeing Avenue Ballina
2025/276	06/08/2025	Walker Projects Pty Ltd	Additions to dwelling comprising a covered first floor deck and access stairs – 4/17-19 Anderson Street East Ballina

DA No.	Date Rec'd	Applicant	Proposal
2025/282	12/08/2025	Walker Projects Pty Ltd	Erection of secondary dwelling with covered storage area, and associated vegetation management works and infrastructure – 92 Burnet Street Ballina
2025/293	14/08/2025	The Trustee for Haven Ballina Trust	Development consent is sought for the creation of eight community title lots – 455 River Street West Ballina
2025/302	25/08/2025	Metricon Homes Pty Ltd	Erection of single storey dwelling house and associated earthworks and infrastructure works – 93 Weis Lane Rous
2025/303	25/08/2025	A Campbell	Erection of single storey dwelling house to create a detached dual occupancy, construction of a swimming pool, and associated earthworks (cut and fill and retaining walls), driveway and onsite sewage management system – 177 Humpty Back Road McLeans Ridges
2025/305	25/08/2025	E Norton-Smith	Change of use of an existing shed to a dwelling (including use of completed) alterations & additions) to form a dual occupancy (detached) and use of existing shed (garage) and on-site sewage management system – 186 Houghlahans Creek Road Tintenbar
2025/307	25/08/2025	Planit Consulting Pty Ltd	Erection of a Dual Occupancy (detached) development to be undertaken in two stages, and associated earthworks and infrastructure – Newrybar Swamp Road Kinvara
2025/310	28/08/2025	Planit Consulting Pty Ltd	Alterations and additions to caravan park comprising: • Seven short-term sites • Demolition of workshop and construction of new workshop • New car wash bay • Removal of 21 palm trees • Associated car parking and infrastructure – 35 Skennars Head Road Skennars Head
2025/317	29/8/2025	Newton Denny Chapelle	Staged development: Stage 1: Two Lot Torrens Title Subdivision (Boundary Adjustment) to create 1 x 1199m2 lot (Proposed Lot 1) and 1 x 2396m2 (Proposed Lot 2) Stage 2: Change of use of an existing pre-school building to a dwelling, including alterations and additions to the building and construction of a new car port – 50 Richmond Street Wardell
2025/315	02/09/2025	S McElroy	Conversion of dual occupancy (attached) to dwelling house, construction of dwelling to create dual occupancy (detached) and associated carport and

DA No.	Date Rec'd	Applicant	Proposal
			infrastructure – 35 Koellner Road Cumbalum
2025/321	03/09/2025	Newton Denny Chapelle	Establishment of tourist and visitor accommodation comprising four glamping tents, associated amenities and kitchen facilities, new swimming pool and driveway works – 226 Newrybar Swamp Road Lennox Head
2025/320	03/09/2025	Construction & Build Ready Pty Ltd	Erection of a new farm building, additions to an existing farm building (awning) and new fill pad site for future building/s and flood refuge involving earthworks (filling) and extension to an existing driveway – 42 Fishery Creek Road Ballina
2025/332	09/09/2025	D DeRooy	To undertake a boundary adjustment to create 1 x 637.9m2 and 1 x 455.1m2 allotments, demolition of existing dwelling and construction of two storey dwelling house and swimming pool – 3 Skinner Street Ballina
2025/350	15/09/2025	M Hamblin	Alterations and additions to multi dwelling housing development to extend first floor balconies to units 2 and 3 – 2/43 Stewart Street Lennox Head
2025/353	18/09/2025	J Alexander	Erection of Secondary Dwelling (detached) – 10 Henry Philp Avenue Ballina
2025/354	22/09/2025	Metricon Homes QLD P/L	Erection of Two Storey Dwelling & Retaining Walls – 15 Windrow Avenue Cumbalum
2025/363	23/09/2025	Ardill Payne & Partners	Alterations and Additions to the Ballina Carwash – 2-4 Piper Drive Ballina
2025/367	24/09/2025	NGP Investments (No. 2) Pty Ltd	Mixed Use Automotive Business comprising a Vehicle Sales or Hire Premises (four x showrooms), a Vehicle Repair Station, ancillary office and amenities, car parking, infrastructure works, bulk earthworks (cut and fill), landscaping and business identification signage – 14 Hercules Crescent Ballina
2025/368	24/09/2025	My Surrounds Pty Ltd	Construction of a multi-tenancy GENERAL industrial development comprising 5 general industrial tenancies, associated car parking, civil infrastructure works, signage and landscaping – 6 Hercules Crescent Ballina
2025/377	30/09/2025	J Pickford	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 – Whytes Lane Pimlico

DA No.	Date Rec'd	Applicant	Proposal
2025/382	30/09/2025	G Meineke	Change of use of an existing building to a dwelling (including use of completed alterations & additions) to form a dual occupancy development (detached), the use of an existing building (shed and garage) and earthworks, and infrastructure works including an on-site sewage management system – 268 Ellis Road Alstonville

enquiries refer
Andrew Smith
in reply please quote
CM 25/76853

27 November 2025

«Applicant»
Email: «F2»

Dear «Title»

Re: Development Application Adequacy Review Phase – Ballina Shire Council Feedback

Council engaged consultancy Two Things to undertake an independent review of our development assessment processes. The outcomes of the review and an associated action plan were reported to the elected Council in July 2025.

Council's Development Services Section is now implementing the action plan. One recommendation from the review is for Council to set clear expectations for all participants in the DA process and adopt clear procedures for rejecting non-compliant applications.

Council is carrying out its adequacy review process having regard for the above recommendation and the Minister's Statement of Expectations. At present, Council's average timeframe for completion of the submit to lodge phase of the DA process is five days (seven days being the Minister's published expectation).

To achieve this, Council is not able to hold applications that are assessed as incomplete to enable applicant's to address outstanding issues. Where additional information is requested in the adequacy phase we have short timeframes for the provision of a response.

In addition to Council's internal review and implementation of processes to meet the Minister's expectations around the submit to lodge phase, the review also identified the publication of common reasons for return of DAs at the adequacy phase and provision of direct feedback to applicants in relation to the reasons for return as actions.

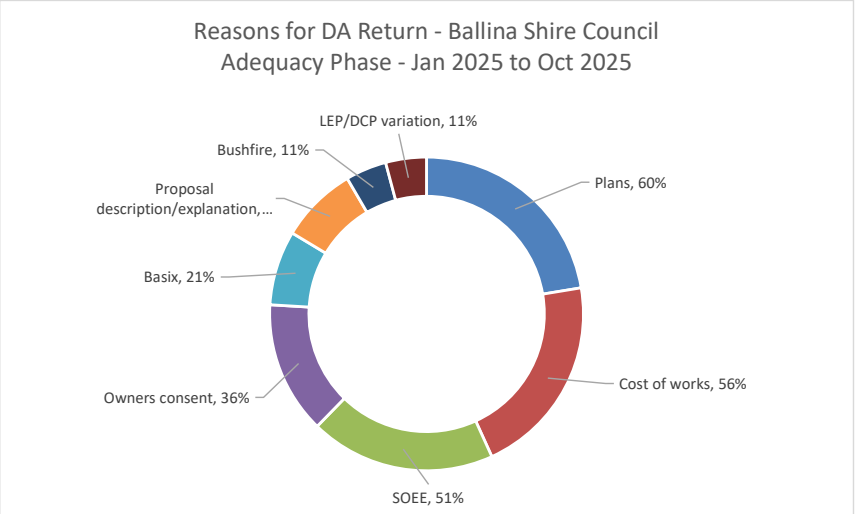
We have completed an analysis of the reasons for return of DAs at the adequacy phase for the period January 2025 to October 2025. In line with the Two Things recommendations, I am writing to you as a consultant or firm that regularly submits DAs to Ballina Shire Council to share the information we have collated on reasons for return of applications pre lodgement.

There are four reasons for the return of applications at the adequacy phase that stand out for the reporting period. These are inaccuracies or deficiencies in plans submitted, incorrect documentation of costs of works, obvious deficiencies in the Statement of Environmental Effects and lack of, or incorrect, owner's consent documentation.

Some of the other common reasons for return of applications are misalignment with BASIX requirements, problems with the description and explanation of the proposed development, incorrect or missing bushfire reporting and LEP and DCP variation documentation not being submitted or being deficient.

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The pie chart below provides a breakdown of the most common reasons for return, with the reasons expressed as a proportion of the returned applications where the matter was listed in the return correspondence. The data is based on 151 applications returned in the reporting period, noting that some applications were returned for multiple reasons and some applications were returned more than once.



The key reasons for returns are addressed in more detail below with suggestions on what can be done to avoid the return of applications.

Plans

- Ensure all plans are clearly dated, versioned, and initialled.
- Submit legible and scaled drawings.
- Include all relevant views: elevations, sections, demolition plans, and site plans.
- Ensure plans are accurate, complete and consistent across all documents and address Council's Development Application Lodgement checklist requirements.

Estimated Cost of Works

- Use the latest version of Council's Estimated Cost of Development form.
- Provide a genuine estimate that includes all costs: construction, demolition, materials, labour, subdivision, professional fees, and GST.
- For larger developments, a qualified quantity surveyor may be required to complete the estimate. Refer to the form for specific requirements and comply with the requirements.

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Statement of Environmental Effects (SOEE)

- Describe the site thoroughly, including vegetation removal, slope, demolition details, adjoining lands and other relevant features.
- Address compliance with all relevant statutory planning controls and clearly identify environmental impacts including soil and water management and other applicable considerations identified and addressed in supporting technical documents and reports.
- Ensure site zoning is correctly identified.

Owner's Consent

- Ensure all owners have signed the Owner's Consent Declaration. Always use the latest version available on Council's website.
- Provide evidence of ownership, such as recent rates notice or corporation documentation, to confirm all required signatories are included.
- When submitting the document, ensure all pages are included and properly saved in a format that is readable for the recipient.

BASIX Certificate

- Address all commitments and provisions outlined in BASIX certificate and ensure document is current for the development.

Development Proposal Description and Explanation

- Correctly and consistently describe the development relative to the land use terms under the applicable planning instrument.
- Provide a comprehensive description of the proposed development including all components of the proposed development identified in supporting technical documents.
- Provide historical site development and past approvals.
- Select the correct development type/s in the NSW Planning Portal.

Bushfire Reports

- Ensure bushfire reporting that meets the requirements of Planning for Bushfire Protection is submitted in relation to bushfire prone land.
- Ensure bushfire reporting is prepared by a suitably qualified person.

Variations to Development Standards and DCP Controls

- Identify elements of a development proposal where a variation to a development standard or a DCP control provision is being sought
- Document the rationale for the variation on Council's variation request form

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In addition to the above, prompt payment of DA fees is required to progress an application to lodgement and is a key factor in meeting the Minister's expectations. Council requires payment to be made within three days of the issue of a fee quote.

At times we see situations where customers are not ready to pay or don't know about the need to make a payment post issue of a fee quote (often owners who are not the applicant) and this results in the return of DAs. For the January to October reporting period, 6% of DA returns were because fee payments were not made.

We are providing this information to you to consider in the preparation of DA documentation. Ultimately addressing these common reasons for return prior to submission of a DA for adequacy review will improve the submit to lodge process for you, your clients, and Council staff. This in turn will reduce repeat work for you and us.

To assist in the preparation of applications, Council has an extensive suite of guidance documents, including Council's DA checklist available at da-lodgement-checklist-factsheet.pdf. There is also a range of other tools and information sources provided by Council which can be accessed via the links below.

- Forms A-Z | Ballina Shire Council
- NSW Planning Portal Planning Proposal Viewer
- Ballina Shire Council - Application Tracker
- Planning circular – PS 24-002 Changes to how development costs are calculated for planning purposes
- View historical DA and BA files | Ballina Shire Council
- Online Mapping | Ballina Shire Council
- The DA process | Ballina Shire Council

Thank you for your consideration of the above and we look forward to continuing to work with you. Please share this information within your organisation with those involved in the DA process in Ballina Shire

If you have any queries about our adequacy review process or the reasons for return of applications, please contact Andrew Smith, Manager Development Services, on telephone 6686 1254 or email pehd@ballina.nsw.gov.au

Yours faithfully

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Department of Planning, Housing and Infrastructure

Expert Final Report

1. Executive Summary

Ballina Shire Council is committed to improving its development assessment systems leading to better assessment times for residential development ranking from 120 on the League table in 24/25 to 47 in 25/26 financial year periods.

Council commissioned an independent consultant (2 Things) to undertake a comprehensive review of its Development Assessment systems. This review resulted in an *External Review Action Plan* dated July 2025 with numerous recommendations to improve Council's systems.

Council staff recognise issues and are receptive to a collaborative approach to identify strategies to improve assessment timeframes. Our review identifies the following 4 key factors:

- Council has already commenced on a comprehensive review of its DA processes through a detailed and lengthy independent review and has demonstrated a commitment to implementing key recommendations of the review
- Council's DA timeframes have been significantly decreasing and show clear improvement in recent months
- Council faces similar issues to other regional councils such as dealing with natural disasters, staffing and quality of DA applications
- Council is committed to a range of KPIs, which are considered acceptable. We note that Council will continue to work on system improvements with additional review of KPIs in Q1/Q2 2026.

We have tailored our findings to amend the current External Review Action Plan rather than a new separate Action Plan.

Our review concludes that Council's development assessment timeframes have shown improvement and are expected to continue to improve subject to the recommendations in this report.

1. Summary of Activities

Keylan undertook a comprehensive review of Council's development assessment systems informed by the following key actions:

- inception meeting with the DPHI's Director, Hunter and Northern Regions
- background/inception meeting with senior staff from Ballina Council
- detailed review of DPHI and Council documentation, including the *External Review Action Plan* and supporting reports
- Council workshop with senior staff at Council offices

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2. Key Findings or Observations

Summary

Council is in a good position to deliver sustainable development approvals for new residential development through best practice development assessment systems within consistent with the Minister's Expectations. They have been pro-active in the review and demonstrated implementation of actions in the Plan leading to system improvements.

Our findings are informed by our review of all documentation, meetings and the Action Plan. We have aligned our findings to the 4 themes of this Plan for ease of reference.

Strengthening the Organisation's Development Assessment Framework

The independent review provides sufficient checks and balances on development assessment reforms to ensure that the strategic vision of the Council is not disregarded when focusing on reducing DA timeframes.

Process Improvements

Council has undertaken a comprehensive review and has identified a number of actions to undertake to make meaningful improvements to the processes that are currently in place. Improving communication with applicants may lead to reduced timeframes. However excessive reporting and written protocols may take resources away from assessment tasks and should be avoided in the short to medium term.

The introduction of specialist teams, dedicated development assessment events and other systems to organise applications will help to streamline processes by categorizing applications and allowing the relevant teams to deal with each application.

Cultural Investment

The efficiency of DA assessment times is likely to increase by supporting a team culture that fosters innovation and collaboration. The suggested actions to improve the office culture are low-resource actions which are expected to have a positive impact on staff morale leading to better development outcomes. Enabling mentoring of junior staff by senior staff, providing logical/practical and regular triage systems and clear planning controls will enable better development outcomes and timeframes.

This should promote simple systems that allow junior planners to learn on the job through experience, mentoring and duty planner roles.

Resource Enhancement

The suggested improvements to technology will simplify processes and ultimately reduce timeframes. Creating a unified platform to interact with other commonly used software reduces the time that assessment officers and applicants spend navigating the planning system.

Council can integrate AI as a tool into their processes that can save time on simple tasks in a resourceful manner. We note that this creates challenges for resourcing, notwithstanding, given the rapid pace of AI development. This issue should be further investigated by council.

Recommendations

1. CONSIDER and ADOPT the *External Review Action Plan* dated 25 July 2025 prepared by 2 Things as amended by the recommendations in this Report.
2. NOTE the following amendments to the External Review Action Plan to strengthen existing and introduce new Actions as follows:
    a. amend and review Action timeframes by adopting Low, Medium and High Priority timeframes and deleted actions to be confirmed with Council
    b. adopt KPI's for the DA process with further review in Q1/Q2 2026 for low density residential and ancillary development
    c. expand the current fast track assessment team to include qualified planning assessment staff
    d. review assessment report templates to simplify, within legislative requirements
    e. trial and update DA triage system to include a Fast Track Assessment program for a 6 month period as follows:
        i. Manager of DA assessment chair regular meetings (weekly, fortnightly or on demand) with other technical staff to review fast track DAs, with support/not support and provide conditions on the spot
        ii. allocate fast track DAs to dedicated fast track team and/or planning and technical staff for fast determination informed by Triage meeting outcomes
    f. prioritise a Legacy DA program – including a single blitz day and ongoing scheduled timetable for legacy DAs (as needed)
    g. ensure requests for information (RFIs) are reasonable and avoided where issues can be dealt with during the assessment or unnecessary
    h. ensure RFIs are primarily limited to a single request only and applicants requested to withdraw and re-submit the DA or continue to determine based on information available
    i. Council provides draft conditions to applicants for major and complex DAs only for limited comment prior to determination
    j. invest in existing and new DA Assessment staff through weekly team meetings , mentoring by senior staff, training and collaborative approach with other specialist council staff
    k. reinstate the Duty Planner system in conjunction with Customer Service Officers to make planning assessment staff available in person, via Microsoft teams (or similar) and phone for all general planning enquiries (set times to be further considered by council)
    l. continue the multi- tier pre-lodgement process for simple development proposals and more complex development proposals. Fees and staff in attendance to be reviewed accordingly
    m. adopt contemporary organisational KPIs for internal planning/technical assessment including internal technical referrals, assessment timeframes, determinations, monitoring and reporting systems.

n. investigate the use of AI in the DA process in consultation with the Department of Planning, Housing and Infrastructure.

o. investigate a pilot program for intra-state council planning assessment group to share resources, build planning practical assessment key issue knowledge, outsource staff for DA assessment in other LGAs in consultation with the Department of Planning, Housing and Infrastructure.

3. continue to improve monitoring, data tracking for planning assessment staff to ensure planning assessment timeframes meets Ministers expectations (as published)

3. Action Plan

The Action Plan amendments is provided in Attachment 1. This should be read in conjunction with Updated Council Action Plan with amended priority timeframes and deleted actions (Attachment 2)

4. Attachments

1. Action Plan amendments, October 2025
2. Updated Action Plan, October 2025
3. Detailed Expert Planner Report Ballina Council, October 2025

Department of Planning, Housing and Infrastructure

NSW GOVERNMENT

Attachment 1: Action Plan Amendments

DA Process	Key factors impacting performance	Proposed measures (Keylan)	Expected outcome	Responsibility	Timeframe/priority[1]
Strategic planning documents, Local Environmental Plan and Development Control Plan	• Existing LSPS and Housing Strategy have limited incentives and objectives/actions for faster housing approvals • Ensure revised LSPS will address these issues following public exhibition in late 2025 • Council has recently amended DCP to clarify areas where planning controls do not align	• ensure all DA staff understand key areas amended in the DCP to enable consistent application in DA assessment	• staff resources can be concentrated on assessment of more complex DAs • faster and consistent DA approvals	Council / DPHI (LSPS) Strategic planning staff	LOW Q3/Q4 2026
Policies, guidelines and checklists	• Council has updated its website to provide a wide range of DA guidelines on different stages of the process across different development types • Council has a number of internal guides for assessment staff, including standard reports and templates	• maintain website and update as needed • prepare simple internal guidelines for development assessment staff	• improved DAs • better understanding of the DA process by professional/non-professional applicants and general public • increase efficiency and consistency of assessment/application of planning controls	Development assessment staff	HIGH Q1/Q2 2026

[1] HIGH PRIORITY – 1-3 MONTHS (Q1/Q2 2026)
MEDIUM PRIORITY – 3-6 MONTHS (Q2/Q3 2026)
LOW PRIORITY - 6-12 MONTHS (Q3/Q4 2026)

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DA Process	Key factors impacting performance	Proposed measures (Keylan)	Expected outcome	Responsibility	Timeframe/priority[1]
Pre-lodgement Stage	• Since June 2025, Council no longer provides duty planner services with planning enquiries handled by Customer Services Officers only • DA staff focussing on assessment issues as no longer on duty planning, however this is a significant missed opportunity for training and identification of common issues • building enquiries are still handled by Trainee Building Surveyor. • Council provides detailed pre-lodgement guidelines, form, meeting with relevant council experts and written meeting notes • Although it is designed to improve quality of DAs and early issue identification it can also be lengthy and resource heavy exercise	• re-instate Duty Planner system in conjunction with Customer Service Officers to make planning assessment staff available in person, via Microsoft teams (or similar) and phone for all general planning enquiries (set times to be further considered by council) • investigate a multi-tier pre-lodgement process for simple and more complex DAs (ie shorter meetings/notes/reduced fees for less complex DAs)	• improved customer service • better quality of DAs lodged with council • early issue identification • likely reduced timeframes for simple and compliant DAs • experience and increased knowledge for assessment staff on controls, understanding of common key issues, improved negotiation, people and assessment skills • better understanding of issues with council planning and development controls across planning (LEP/DCP) and other technical controls (eg flooding, landscape, engineering), DCP issues • may lead to faster timeframes, if applicants reasonably respond to pre-Da issues raised by Council staff	Development assessment staff	HIGH Q1/Q2 2026

DA Process	Key factors impacting performance	Proposed measures (Keylan)	Expected outcome	Responsibility	Timeframe/priority[1]
DA lodgement	• Council reported initial issues with portal lodgement in line with broader council/industry experience • Council requires info for DA adequacy within 3 days and then 3 days for DA payment of fees	**Relevant KPI** • DAs to be processed and lodged within 7 days (average) • DAs to lodgement to be paid within 3 days (average)	• Council maintain process subject to any recommendations in Action Plan	Development assessment staff	LOW Q3/Q4 2026
Notification	Council has 4 levels of notification: • No notification • Targeted notification (adjoining residents) 14 days • 3 step notification (letters, sign and online advertisement) -14 days • Legislative notification as required by the EP&A Act Regs	• notification policy to be fully aligned with triage system	• Council maintain process subject to any recommendations in Action Plan	Development assessment staff	LOW Q3/Q4 2026
Internal Allocation of DAs	• Council has recently completed a full review of DA adequacy phase • monthly DA adequacy timeframes ranging between 10 and 16 days per month for the period October 2024 to May 2025 • DA co-ordinator reviews occur post adequacy phase and this incorporates triage and allocates based on workload and skill • 2 day target for allocation of adequacy reviews to officers implemented • fast track DAs (low risk) mostly allocated to Building Surveyors	Council prioritises a DA triage system, including: • build on existing system by building team to create a broader fast track team to deal with minor and compliant DAs (including planners where needed) • technical conditions provided at Triage where possible for fast track DAs • staff allocation of DAs • identification of required referrals • key issues identification • ensure professional development of assessment staff	• appropriate allocation of DAs to staff to ensure suitable DAs are allocated based on experience and knowledge as well as providing mix of DAs for all staff to ensure staff satisfaction and professional growth • correct allocation will lead to reduced assessment timeframes	Development assessment leadership team	HIGH Q1/Q2 2026

DA Process	Key factors impacting performance	Proposed measures (Keylan)	Expected outcome	Responsibility	Timeframe/priority[1]
	• no formal group to identify and discuss major DAs across council disciplines	• see DA Assessment measures below			
Internal Referrals	• difficultly in internal referrals subject to council wide KPIs • Council categorises internal referrals based on development type • all DAs requiring referrals (internal and external) referred immediately after DA lodgement • Development assessment staff manage internal referrals where required • referrals tracked through Council corporate management system (Altitude) • external referrals low percentage 10%	• Council adopt contemporary KPIs across the organisation for all internal planning and technical assessment processes including internal technical referrals, assessment timeframes, determinations, monitoring and report systems • All KPIs for internal referrals to technical experts meet or exceed DA timeframes to meet legislative requirements and Minister's expectations • Conditions applied at Triage for fast track team at meetings for internal experts. For example - building surveyor, engineer, landscape officer all attend triage meeting and provide standard conditions at the meeting. **Relevant KPI** • DA internal referrals to be completed within 28 days – to be reduced to 21 days (average) in Q2 2026	• improved monitoring • early issue identification from technical staff input • clear visibility of DA timeframes across the organsiation • faster development assessment timeframes	Management Technical and development assessment staff	HIGH Q1/Q2 2026
DA Assessment	• Council has categorised DAs: • Building Team - Fast Track Team (40%) – Building Team, alts/adds	• Council trial an updated a DA fast track system where technical staff and assessment	• improved collaboration between council technical staff and assessment staff	Development assessment leadership team	HIGH

DA Process	Key factors impacting performance	Proposed measures (Keylan)	Expected outcome	Responsibility	Timeframe/priority[1]
	to dwellings, ancillary residential DAs, outbuildings and related MODs • Planning Team – all other DAs • The definition of ancillary DAs will expanded to include: • pools, fences, patios, pontoons, garages, carports, fences, sheds and alterations and additions to existing dwelling houses and secondary dwelling	officers attend regularly (weekly, fortnightly, demand) to review fast track DAs and recommend support/not support, standard conditions (if applicable) for fast determination • prioritise a Legacy DA program – including a single blitz day and ongoing scheduled timetable for legacy DAs as needed **Relevant KPI** • Average DA assessment period for low density residential DAs is under 105 days in accordance with Ministerial Direction. This is to be reviewed by Q2 2026 with a view to reduce to around 86 days. • Average DA assessment period for ancillary al DAs is under 30 days	• meeting community expectations with simple/compliant DAs approved within 40 days • improved assessment timeframes for complex developments (less likely for legal challenges) • allows assessment staff to focus on more complex DAs for better planning outcomes and staff satisfaction and professional experience • Improved assessment times • better planning outcomes in a timely manner • Target to support focus on prompt decision making on small scale development classes		Q1/Q2 2026
Request for information	• Council has prepared templates for RFIs • DA assessment staff may request unnecessary or irrelevant information that may unnecessarily delay determination • Multiple RFIs may also frustrate DA process and extend timeframes	• Council to refuse DAs that do not meet relevant standard and do not demonstrate planning merit with consideration to statutory timeframes/Council KPIs and consistent with Ministerial timeframe expectations • Ensure RFIs are reasonable and avoided where issues can	• greater certainty for applicants • more efficient assessment timeframes • allows planning assessment staff to focus on key issues and applications which lead to good, fast planning outcomes	Development assessment staff	HIGH Q1/Q2 2026

DA Process	Key factors impacting performance	Proposed measures (Keylan)	Expected outcome	Responsibility	Timeframe/priority[1]
		be dealt with during the assessment • RFIs are limited to a single request only and applicants requested to withdraw and re-submit or continue to determine based on information available • Avoid multiple RFIs • Council encourage withdrawal with a reasonable proportionate fee refund if limited assessment undertaken	• creates culture of improved DA applications and improved timeframes		
Determinations	Council has system in place including: • extensive review of all conditions, particularly building conditions • identified staff only authorised to edit and update standard conditions • all internal technical staff to apply conditions • extensive delegations for council staff to approve DAs • standard conditions may require review and poor application by inexperienced staff may lead to major issues and unnecessary modifications	• no additional recommendations for majority of local and regional DAs • Council provides draft conditions to applicants only for major DAs for limited comment prior to determination **Relevant KPI** • DAs to be determined under delegated authority are to by within 95% of all DAs assessed by Council	• Council maintain process subject to any recommendations in Action Plan • limited liaison with applicants on draft conditions for major DAs may avoid multiple modification applications and unintended outcomes	Development assessment staff	HIGH Q1/Q2 2026
Applicant communication	• Council currently contacts all applicants prior to a detailed RFI • Council holds meeting after receipt of RFI • Staffing shortages and workloads have led to recent lower service levels with applicants	• No additional recommendations	• Council maintain process subject to any recommendations in Action Plan	Development assessment staff	MEDIUM Q2/Q3 2026

DA Process	Key factors impacting performance	Proposed measures (Keylan)	Expected outcome	Responsibility	Timeframe/priority[1]
Community consultation	• Lack of availability of DA Assessment Staff to public enquiries and concerns can lead to longer DA timeframes	• Clarify role of Customer Service Officer and DA planner for DA related enquires • See recommendations above on duty planner • Align with notification policy and tirage system	• improved community experience and customer service • likely to lead to fewer objections through access to information and advice form council staff on DAs	Customer Service Officers Planning assessment staff	HIGH Q1/Q2 2026
Report templates	• Council templates may over-complicate DA Assessment • Council has 2 templates (fast track and more complex DAs)	• Council undertakes annual review of its templates and ensure they are being used by development assessment staff	• allows assessment staff to focus on more complex DAs for better planning outcomes and staff satisfaction and professional experience • improved assessment times • better planning outcomes in a timely manner	Development assessment leadership team	MEDIUM Q2/Q3 2026
Staff moral and culture	• High workloads and limited resources / vacant assessment planner positions • lack of senior staff – limited mentoring, decision making, maintain DA timeframes, oversight of major projects/court • loss of staff leading to fatigue, high workloads and below market salary • previous levels of dissatisfaction with staff structure	• invest in existing and new DA Assessment staff through weekly team meetings, mentoring by senior staff, training and collaborative approach with other specialist council staff • Actively and flexibly recruit vacant positions within Development Services having regard for industry standards and conditions, and innovative recruitment methods • investigate opportunities for intra-state council planning assessment group to share resources, build planning	• better planning outcomes in a timely manner • reduced DA timeframes	Development assessment leadership team	HIGH Q1/Q2 2026

DA Process	Key factors impacting performance	Proposed measures (Keylan)	Expected outcome	Responsibility	Timeframe/priority[1]
		practical assessment key issue knowledge, outsource staff for DA assessment in other LGAs in consultation with the Department of Planning, Housing and Infrastructure			
Council information systems	• Require council wide KPIs • Issues with portal • Need for improved internal monitoring of DA assessment timeframes and workloads/allocations	• continue to improve monitoring, data tracking for planning assessment staff to ensure planning assessment timeframes meets Ministers expectations as published. • Council adopts contemporary organisation wide KPIs for all internal planning and technical assessment processes including internal technical referrals, assessment timeframes, determinations, monitoring and report systems	• improved assessment times • better planning outcomes in a timely manner • efficient assessment	Council management	HIGH Q1/Q2 2026
AI	• Significant advances in AI technology must be investigated for application to planning assessment systems • Requires staff training to ensure efficient and legal application	• Investigate the use of AI in the Development Assessment process in consultation with the Department of Planning, Housing and Infrastructure	• improved assessment timeframes • allows Development assessment staff to focus on key issues • significantly reduced time spent on administration and reports	Development assessment leadership team	HIGH Q1/Q2 2026

POLICY NAME:	**COMMUNITY PROPERTY LEASING AND LICENSING**
POLICY REF:	**C02**
MEETING ADOPTED:	**23 May 2024** **Resolution No. 230524/8**
POLICY HISTORY:	**240920/16; 280716/32**

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OBJECTIVE

The objective of this policy is to provide a process and criteria to assess the granting of leases and licences of Council owned or managed properties to Not for Profit Community Groups which are to be predominantly used for sporting, recreation or other community purposes.

POLICY

The purpose of this policy is to:

- provide guidelines for the leasing and licencing of the properties covered by this policy to Not for Profit Community Groups;
- provide assessment criteria to assist in assessing the suitability of tenants;
- encourage better utilisation of the properties;
- set out some of the general terms and conditions for leases and licences, and the general leasing process;
- ensure that demonstrated benefits are being provided to the community to warrant the Council receiving less than market rent for the properties.

This policy does not alter the terms of any existing leases or licences.

1. APPLICATION

Leases and licences to which this policy applies

This policy applies to leases or licences of the properties listed in Attachment 1 to Not for Profit Community Groups, where the properties are to be predominantly used for sporting, recreation or other community purposes.

This policy does not apply to:

- leases or licences of a property listed in Attachment 1 for commercial purposes; or
- leases or licences of a property listed in Attachment 1 to an entity that is not a Not for Profit Community Group.

2. PLAN OF MANAGEMENT

Under the *Local Government Act*, Council's land is categorised as either Operational Land or Community Land. Classification of land as Community Land reflects the importance of those properties to the community. Community Land needs to be managed according to special requirements in the *Local Government Act* and *Crown Land Management Act*.

Under the *Local Government Act*, Council may only grant a lease or licence over Community Land if:

- the Plan of Management expressly authorises the lease or licence; and
- the purpose of the lease or licence is consistent with the core objectives for the category of land. The categories include sportsground, general community use, park, an area of cultural significance and natural area. For example, if the Plan of Management categorises a property as sportsground, any lease or licence for that property must be for a purpose consistent with the core objectives for sportsgrounds; and
- the lease or licence is for a purpose listed in section 46(1)(b) of the *Local Government Act*.

There are only very limited exceptions to the above in s46 of the *Local Government Act*.

Crown Land classified as Community Land – Plan of Management
As part of the implementation of the *Crown Land Management Act*, Crown Land managed by Council is categorised as either Community Land or Operational Land. Properties classified as Community Land are further categorised as either sportsground, general community use, park, an area of cultural significance or natural area. Those properties are listed in a Plan of Management. Leases or licences granted by Council for Crown Land categorised as Community Land must be in accordance with the express authorisation in the Plan of Management, for purposes consistent with the core objectives of the category of land.

3. PUBLIC NOTIFICATION OF PROPOSED LEASE

The *Local Government Act* (s47 and s47A) sets out a public notification process that Council is required to follow for proposed leases or licences of Community Land. The public notification process generally involves:

- giving notice to adjoining landowners, putting a sign on the property and publishing certain details on Council's website;
- members of the public may make written submissions within the timeframe prescribed in the notice;
- Council considers those submissions when making a final decision on the proposed lease or licence; and
- if the submissions include an objection and the lease term is over 5 years, the matter must be referred to the Minister for Local Government for consent.

4. OTHER LEGISLATIVE REQUIREMENTS

For proposed new leases or licences, there may be various legislative requirements that need to be met before a lease or licence can be granted, or before a tenant can commence a particular use of the property. For example:

- for Crown Land:
  - depending on the term of the proposed lease or licence, Council may need to obtain the Minister's prior consent to the granting of the lease or licence;
  - the proposed lease or licence is subject to obtaining Native Title Manager Advice under the *Crown Land Management Act* before the lease or licence can be granted by Council;
  - any undetermined Aboriginal land claims under the *Aboriginal Land Rights Act* will also need to be considered;
- in some circumstances, the tenant's proposed use of the property may require the tenant to obtain a development approval. The tenant would be required to obtain the development approval and comply with any development approval conditions at the tenant's cost.

5. ELIGIBLE TENANTS

A lease or licence under this policy may be granted to a Not for Profit Community Group. Council does not enter into leases or licences with individuals representing a group, such as committee members.

As Community Land is intended to provide benefits to the broader community, it is appropriate that occupation of Community Land listed in Attachment 1 is often by Not for Profit Community Groups, who will use the properties for predominantly sporting, recreation or other community purposes.

If Council decides to:

- lease or licence a property listed in Attachment 1 for commercial purposes; or
- lease or licence a property listed in Attachment 1 to an entity that is not a Not for Profit Community Group,

the terms of this policy will not apply to that lease or licence and Council may impose such commercial terms and conditions as Council determines.

6. ASSESSMENT CRITERIA FOR ELIGIBLE TENANTS

Attachment 4 sets out the general process for leasing or licensing the properties in Attachment 1 to Not for Profit Community Groups. As part of that process, the proposed tenant is assessed against the Assessment Criteria in Attachment 2.

Council recognises that many existing tenants of properties in Attachment 1 have strong historical, social and recreational ties to the properties they use. Although an existing tenant may have contributed to the development of a particular property over time, that does not convey permanent or preferential access to that property. However, the length of time the tenant has occupied the property and any improvements the tenant has made to the property are taken into account as part of the Assessment Criteria in Attachment 2.

There is increasing demand by Not for Profit Community Groups seeking to use Council owned and managed properties. When a Council property listed in Attachment 1 becomes available for lease or an existing tenant's lease is due to expire, Council may consider the existing usage of the property, the potential future usage for the property, the potential for the property to be used on a multi-user basis and changing community needs. As demographics and local needs change over time, Council may re-assess the demands of the community and the best possible uses of properties. It is important to continue to look for ways to ensure that properties covered by this policy are as fully utilised as possible, to increase the benefit provided to the community.

Where:

- Council acquires a new property classified as Community Land; or
- a property listed in Attachment 1 becomes vacant,

and Council intends to lease or licence that property to a Not for Profit Community Group for sporting, recreation or other community purposes, Council may elect to conduct an expression of interest process or tender process.

In the event an offer of tenure is made to a proposed tenant which is not accepted by the tenant within one month of the date of the offer, Council may withdraw the offer and seek to find another tenant for the property.

7. GENERAL TERMS AND CONDITIONS OF LEASES AND LICENCES

Standard Lease and Licence Agreements

Council has developed standard lease and licence agreements however, these documents vary over time and may be tailored to suit each property and the proposed usage by a tenant. Additional clauses will be included in the lease or licence when necessary to meet specific requirements of Council or the proposed tenant.

The terms of the lease or licence document entered into by the Council and the tenant will prevail over any inconsistent provisions in this policy. However, generally:

Rent	The rent charged for the property will be determined in accordance with the guide in Attachment 3. The rent or licence fee sought by Council for properties covered by this policy is generally less than the market rent for the property. The difference between the market rent Council could obtain for the property and the amount payable by a tenant, is a rental rebate provided by Council to the tenant. Council's provision of this rental rebate is to assist Not for Profit Community Groups in their day to day operations, and is recognition of the benefits they provide to the local community.
Rates, charges, services	**Rates**: if the property is rateable, tenants are to pay the rates (or a proportion of the rates, if the property leased/licenced to the tenant is part of a larger property); **Charges**: tenants are to pay the charges for all services provided to the property – including both access charges and consumption/usage charges (water, sewerage, stormwater, waste, septic etc); **Services**: tenants are to pay for their own services, such as electricity, gas, telephone etc. Given the Council has provided a rental rebate, it is expected that tenants leasing properties covered by this policy will generate sufficient income to pay for rates, charges and services. A tenant's demonstrated capacity to pay these amounts forms part of the Assessment Criteria in Attachment 2. Some tenants may be eligible for a donation of some rates and charges. Tenants are referred to Council's "Donations – Rates and Charges" Policy on Council's website to determine if they are eligible.
Permitted use	The tenant must only use the property for the permitted use listed in the lease or licence. The tenant must seek the Council's prior written consent to any new or additional proposed uses. The lease or licence document would have been prepared and tailored to the particular use listed in the document. If a tenant proposes to introduce any new or additional uses, that may require a variation of the lease or licence document. It may also trigger the requirement for other approvals, such as development approvals, that the tenant would be required to apply for and obtain at the tenant's cost.

	For Community Land, the property must only be used for a purpose consistent with the requirements of the Plan of Management.
Repair and maintenance	Generally: • the tenant will be required to keep the property, the services, and the tenant's own items in good repair and condition during the term. This would include, for example, arranging and paying for day to day repair and maintenance of the property, and the servicing of equipment; • the Council will usually be required to attend to structural repairs, except where required because of the acts or default of the tenant or where the tenant carried out the original structural work/improvements. The repair and maintenance obligations of particular tenants may differ because of previous arrangements. For example, tenants may have procured building works themselves or may have historically been responsible for structural repairs/maintenance. Tenants may have also sought approval to carry out extensions or alteration works, and Council may have approved those works on the basis that the tenant agrees to be responsible for the ongoing structural repair, maintenance and replacement of those items.
Tenant alterations	The tenant must seek Council's prior approval of: • any proposed extensions, alterations, additions or structural work to the property, or to the installation of items on the outside the existing building (such as solar panels, cement pads for split system air conditioning systems, fencing etc) (Alteration Works); and • any proposed application for grant funding for Alteration Works. If the proposed Alteration Works are approved in principal, the tenant must seek and obtain at the tenant's cost any authority approvals required for the Alteration Works, which may include for example building approvals and/or development approvals. If the work is on Crown Land, there will be Native Title considerations to be addressed before any work can commence. All work must be carried out by licensed tradespeople holding the insurances required by Council, and must be carried out and completed in accordance with the authority approvals and in compliance with all laws. A site induction may be required with Council staff.
Insurance	Generally the tenant must take out and maintain: • Public liability Insurance - in the amount required in the lease or licence. The certificate of currency provided to Council must note Ballina Shire Council as an interested party; • Contents Insurance – for any contents, chattels and other items stored in or on the premises; • Workers Compensation Insurance – appropriate workers compensation insurance as required by relevant legislation to provide protection for employees or volunteers; • Plate Glass Insurance – for the full replacement value of plate glass in the premises;

	• Products Liability Insurance – as required by relevant legislation for any goods or products made by the tenant (if applicable to the tenant's particular operations from the property). A certificate of currency for each insurance must be provided by the tenant to Council annually. Any claims, excess or deductions payable under the terms and conditions of the tenant's insurance policies are to be paid by the tenant.
Subletting	Depending on the type of property and the particular use of the property, the lease may allow a tenant to sublease part of the property. If the lease allows a tenant to sublease, the tenant may not sublease without Council's prior written consent (which may be given subject to conditions or may be withheld). If consent is granted to a sublease, Council may impose conditions on the consent. For example, if the sublease arrangement will generate income for the tenant 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), it is reasonable for the Council to consider whether the tenant should remain eligible for the same level of rental rebate the tenant is at that time receiving from Council.
Casual use by other community groups	Council wishes to encourage existing tenants to allow the casual use of the property by other community groups whose use is permitted at that location and is consistent with the category of the property in the Plan of Management. This is to assist in having the property as fully utilised as possible. The introduction of other community group users is one of the criteria taken into account in the Assessment Criteria in Annexure 2. This will not be practical for all properties covered by this policy. For example, if the building is a simple, small storage shed, it may be impractical to allow the casual use of the shed by other community groups. However, some tenants occupy larger buildings with multiple rooms and facilities, and only use the property on a seasonal basis, or only for a number of hours per week. While there are other new or growing community groups seeking premises for their meetings and other activities. Any tenant wishing to introduce other users are encouraged to contact Council to discuss those opportunities. Lease documents can be drafted to accommodate these types of arrangements, provided the use by the other users is permitted in the Plan of Management and would not require a development approval or building works.
Term	The general position is that a term of 4 years for Council owned property and 3 years for Council managed Crown Land will be offered. To minimise costs, the general position is that leases of 4 years and under will not be registered on the title of the land, unless the tenant requests that it be registered. If a tenant requests that it be registered and Council agrees, the tenant must arrange the registration and pay all costs associated with registering the lease (which may include for example the cost of preparing lease plans and obtaining consents/approvals of any third parties).

	Under exceptional circumstances, Council may grant tenure of longer than 4 years. If a lease of 5 years or more is granted, the lease should be registered on the title of the land. In addition to the usual registration costs, tenants must also pay the costs of obtaining the Minister's consent (if required), the costs of preparing any required subdivision plans, and the costs of obtaining a development approval (noting that a lease of part of a parcel of land for more than 5 years requires a development approval to be obtained - *Conveyancing Act* and *Environmental Planning and Assessment Act*). If Council engages external lawyers to assist in the preparation, negotiation and registration of leases, the tenant must pay Council's reasonable legal costs.
Tenant reporting	As Council is providing a rental rebate on the basis that the tenant's use is providing community benefit, tenants are expected to report to Council: • the annual financial statements, detailing the tenant's income and expenditure (including any grants/sponsorships etc); • any changes in the committee members or office bearers of the tenant organisation and updated contact information; • membership numbers (if applicable); • details of any repair and maintenance works carried out by the tenant, and any proposed works; • information on usage of the property, to demonstrate ongoing community benefit. The above reporting is important to ensure that the rental rebate provided by Council is warranted, as there is demonstrated ongoing benefit to the community by the tenant continuing to operate from the property.

POLICY IMPLEMENTATION AND PROCEDURAL MATTERS

This policy is administered by Council's Community Property Officers.

The general leasing process is outlined in the flowchart in Attachment 4.

DEFINITIONS

Community Land	Land classified as community land under the *Local Government Act* or *Crown Land Management Act*. Classification as community land reflects the importance of the land to the community because of its use or special features and must be managed according to special requirements in the *Local Government Act* and *Crown Land Management Act*.
Community Preschool	Means a Not for Profit Community Group operating a preschool from a property listed in this policy.
Crown Land	Land owned by the State Government, where Council has been appointed as Crown Land Manager.

Large NFP	Means a Not for Profit Community Group that has an annual revenue of more than $1 million dollars (averaged over 3 years) as reported to NSW Fair Trading or The Australian Charities and Not for profits Commission, not including Community Preschools.
Not for Profit Community Group	Means an organisation meeting each of the following requirements: (a) an association incorporated under the *Associations Incorporation Act* or a company limited by guarantee registered under the *Corporations Act*; and (b) involved in the promotion, arranging and managing of sporting, recreation or other activities for community purposes; and (c) a not for profit organisation included on the Australian Charities and Not-for-Profit Commission Register or registered with the NSW Department of Fair Trading as a Not for Profit Incorporated Association.
Operational Land	Council owned land or Crown Land classified as operational land under either the *Local Government Act* or *Crown Land Management Act*. Land classified as operational land is usually not intended for use by the general public. Operational land would ordinarily comprise of land held as a temporary asset or as an investment, land which facilitates the carrying out of Council's functions, or land which may not be open to the general public, such as a works depot, wastewater facility, waste centre, quarry, office building etc. Council is able to deal with operational land in a similar manner that a person may deal with their private freehold land, and the special requirements applying to Community Land under the *Local Government Act* do not apply to Operational Land.
Small NFP	Means a Not for Profit Community Group that has an annual revenue of less than $1 million dollars (averaged over 3 years) as reported to NSW Fair Trading or The Australian Charities and Not for profits Commission (as required), not including Community Preschools.
Statutory minimum rent	Means the minimum base rent under clause 38(1) of the *Crown Land Management Regulation* as adjusted by CPI in accordance with section 6.4 of the *Crown Land Management Act* and published online by the New South Wales government Crown land website.

SCOPE OF POLICY

This policy applies to:

- Council staff
- Councillors
- Existing tenants and proposed tenants of property covered by this policy

RELATED DOCUMENTATION

Related legislation, policies and document:

- *Aboriginal Land Rights Act 1983 (NSW)*
- *Associations Incorporation Act 2009 (NSW)*
- *Charities Act 2013 (Cth)*
- *Conveyancing Act 1919 (NSW)*
- *Corporations Act 2001 (Cth)*
- *Crown Land Management Act 2016 (NSW)*
- *Crown Land Management Regulation 2018 (NSW)*
- *Crown Land Management Rules, Policies and Guidelines*
- *Environmental Planning and Assessment Act 1979 (NSW)*
- ~~*Hampton Park Plan of Management 2005*~~
- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2005 (NSW)*
- *Native Title Act 1993 (Cth)*
- *Plan of Management for Community Land 2025 ~~2023~~*
- *Plan of Management for Williams Reserve 2007*
- *Real Property Act 1900 (NSW)*
- *Sports Facility Management Plan*
- *Any Plan of Management adopted after the date of this policy which covers properties listed in Table 1*

REVIEW

The Community Property Leasing and Licensing Policy will be reviewed every four years.

ATTACHMENT 1 – PROPERTIES TO WHICH POLICY APPLIES

1A – Council owned properties to which this policy applies

#	Property – Community Land
1.	Crawford Park Clubhouse, Lot 2 DP1205880, Alston Avenue, Alstonville
2.	Community Preschool, Lot 1 DP1205880, Freeborn Place, Alstonville
3.	Ballina Community Youth Centre, Lots 12, 13 & 14 DP1714, 32 Swift Street, Ballina (known as Wigmore Park)
4.	Community Preschool, Lot 1 DP781710, Fox Street, Ballina
5.	Ballina Players Theatre, Lot 7 DP668267 & Part Lot 70 DP1005100, 24 Swift Street, Ballina
6.	Quays Reserve Clubhouse, Lot 62 DP263861, 96-98 Kalinga Street, West Ballina
7.	Wigmore Hall, Lots 9 and 10 DP1714 and Lot 70 DP1005100, 26-28 Swift Street, Ballina
8.	Prospect Lake Boat Shed, Lot 105 DP871675, Links Avenue, East Ballina
9.	Lennox Head Preschool, Lot 415 DP 1244339 21 Mackney Lane, Lennox Head (note: part of yard is on Crown Land Reserve 97839. See separate entry in Crown Land Attachment 1B)
10.	Skennars Head Sports Fields Clubhouse and storage areas, Lot 13 DP1245669, 54 Skennars Head Road, Skennars Head
11.	Newrybar Hall, Lot 10 DP1202765, 13-15 Old Pacific Highway, Newrybar
12.	Power Drive Sports Clubhouse, Lot 99 in DP1196589, 33 Power Drive, Cumbalum
13.	Wardell and District War Memorial Hall, Lot 1 DP312334, Richmond Street Wardell
14.	Wardell Tennis Courts, Fitzroy Park, Lot 18 DP1129974, 32 Bridge Drive, Wardell
15.	Lyle Park Clubhouse, Lot 106 DP807798, Lyle Park, Cerreto Circuit, Wollongbar
16.	Community Preschool, Lot 266 DP1209571, 5 Hall Court, Wollongbar
17.	Wollongbar Community Hall, Lot 267 DP1209571, Hall Court, Wollongbar
18.	Cawarra Park Buildings, Cawarra Street, Ballina, Lots 2 and 3, Section 37 DP758047
19.	Lennox Community Gardens, Lot 31 DP787876, Ocean Breeze Park, Ocean Breeze Drive, Lennox Head
20.	Chickiba Sports Clubhouse, Lot 207 DP851318, Chickiba Drive, East Ballina
21.	Ballina Aboriginal Child and Family Centre, Lot 1 DP1181025, 10 Hayman Street, West Ballina
22.	Geoff Watt Sports Clubhouse, Lot 85 DP239781, 2 Deegan Drive, Alstonville
23.	20 Megan Crescent Sports Clubhouse, Lot 74 DP774896, 20 Megan Crescent, Lennox Head

#	Property – Community Land
24.	Tennis Court Facility, Lot 2 DP1168781 Elvery Lane, Wollongbar
25.	Wollongbar Sportsfield Clubhouse, Lot 2 DP1168781, Elvery Lane, Wollongbar
#	**Property – Operational Land**
26.	Equestrian Centre, Lot 114 DP 755684, 70 Gallans Road, Ballina
27.	Pimlico Hall, Lot 3 DP561944, 580 Pimlico Road, Pimlico
28.	Mountain Bike Track Facility, Lot 12 DP814359, 240 Bruxner Highway, Alstonville
29.	Gap Road Alstonville Sporting Clubhouses, Lot 4 DP1130300, 486 Gap Road, Alstonville
30.	Gap Road Alstonville Storage Sheds, Lot 4 DP1130300, 486 Gap Road Alstonville
31.	Shed Facility, Lot 100 DP1281698, 44 Fishery Creek Road, Ballina
32.	Childrens Centre, Lot 210 DP735156, 4 John Sharpe Street, East Ballina
33.	Crawford House, Lot 6 DP235088, 10 Wardell Road, Alstonville

1B – Crown Land managed by Council to which this policy applies

#	Property
34.	Lumley Park Tennis Courts, part Reserve 575670 for Public Recreation notified 12 December 1924 being part of Lot 333 DP755745 and whole of Lot 7004 DP92641, 2 Pearces Creek Road, Alstonville
35.	Croquet Clubhouse and croquet field, Part Reserve 540004 for the purpose of Public Recreation, notified 20 August 1886 being part Lot 5611 DP1282979
36.	Ballina Community Garden, Reserve No. R83963 for Public Recreation notified on 24 August 1962, Lot 4 DP1153430, Canal Road, Ballina
37.	Kingsford Smith Park Sports Complex, Part Reserve No. 82164 for purpose of Public Recreation notified on 20 November 1959 being part Lot 7064 DP1118403 and Lot 153 DP1098090
38.	Naval and Maritime Museum (incorporating Richmond-Tweed Family History Research Centre), Part Reserve 97786 for Public Recreation and Museum notified 10 May 1985, being part Lot 502 DP 729388, Regatta Avenue, Ballina
39.	Netball Clubhouse, part Reserve 82164 for Public Recreation notified 20 November 1959, being part Lot 7064 DP1118403, Owen Street, Ballina
40.	Saunders Oval Clubhouse, part Reserve 83963 for Public Recreation notified 24th August 1962 being part of Lot 495 DP 729297 known as Saunders Oval, Canal Road, Ballina
41.	Tennis Clubhouse and Tennis Courts, part Dedication (D540004) for Public Recreation notified 20 August 1886, being part Lot 5612 DP1282979, known as Hampton Park, Burnet Street, Ballina
42.	Fripp Oval Clubhouse and Storage, Lot 1 DP1153430, Canal Road, Ballina
43.	Williams Reserve Clubhouse, Reserve No. Part 82927, Part Lot 473 DP 729088, Park Lane Lennox Head

#	Property
44.	Community Preschool Yard Area, Reserve 97839 for Kindergarten notified 12 July 1985 being Lot 466 DP 729058, Mackney Lane, Lennox Head NSW (note: Part of Preschool is on Council owned land. See separate entry in Attachment 1A)
45.	Sailing Clubhouse, part reserve 87280 for Public Recreation notified 25 July 1969, being part Lot 1 DP 1051004, River Street Ballina
46.	Tintenbar Oval Clubhouse & Tennis Courts, Lot 371 DP729061, 56 Fernleigh Road, Tintenbar
47.	Hall, Lot 8, Sec 5A, DP758047, part Captain Cook Park, River Street Ballina

Note: Council may update the tables in Attachment 1 over time.

ATTACHMENT 2 – ASSESSMENT CRITERIA

An assessment will be conducted to determine the eligibility and suitability of a tenant by considering the objectives of this policy. The following factors will be considered as part of the assessment of the tenant and the tenant's proposed use of the property.

A	**Community benefit** Community benefit that will be provided by the tenant's activities. This includes consideration of the tenant's existing membership base (if the tenant is an organisation with members), and the likely extent of social, cultural, physical, or intellectual benefit from the activities of the tenant conducted from the property.
B	**Best utilisation of the property** The proposed frequency of use of the property by the tenant (number of days per week, estimated hours per week, any months when the property will not be used, for example, if the tenant's proposed use is seasonal). This includes consideration of whether the tenant proposes to allow use of the property by other community groups (whose use is permitted at that location and is consistent with the category of the property in the Plan of Management), to ensure the property is as fully utilised as possible. These criteria will not be relevant to small storage shed style buildings but may be relevant to other larger properties.
C	**Eligible tenant** Whether the tenant is an eligible tenant (see part 5 of this policy).
D	**Tenant's capacity to comply with lease obligations** The tenant's capacity to pay, including whether the tenant has demonstrated it has the capacity to pay: • rent; • rates and charges; • the cost of services (electricity, gas, water, waste etc); • insurance premiums to ensure the insurances required under the proposed lease are maintained throughout the term; • ongoing costs of complying with legislative requirements relevant to the tenant's proposed use; • the costs of obtaining any development approvals or other approvals required for the tenant's proposed use or required in order for a lease to be granted; • the costs of carrying out routine repair and maintenance, to ensure the property is kept in good repair and condition
E	**Tenant's previous occupancy of the property** For renewals: • the length of time the tenant has occupied the property; • any improvements the tenant has made to the property; • the tenant's compliance with the terms of the previous lease, including, but not limited to, compliance with the repair and maintenance obligations, payment of all amounts under the lease or licence, and keeping the required insurances current during the full term; • if the tenant has had any previous issues with neighbours, whether the tenant has demonstrated a proactive approach to resolving issues

F	**Suitability of the property for the proposed use** Consideration of: • the impact of the tenant's use on the property • suitability of the property for the proposed use: o whether the proposed use is consistent with the core objectives for the category of the property in the Plan of Management, and the type of lease to be granted is authorised in the Plan of Management o planning requirements o building requirements o other statutory requirements
G	**Any works required or approvals to be obtained** Consideration of: • whether Council would need to do work to the property prior to any occupation, and if so, whether Council agrees to do such work (taking into account Council financial plans/budgets and the Delivery Program and Operational Plan) • whether the tenant would need to do work to the property prior to any occupation, and if so, whether Council agrees to that work being carried out • any development approvals or other approvals that would be required in relation to the grant of the proposed lease, in relation to the tenant's proposed use, or in relation to any proposed works. Note that the Plan of Management may restrict the types of further development work that may take place on particular parcels of land.
H	**Financial return to Council** Consideration of the financial return to Council and any future uses of the property that should be considered.

ATTACHMENT 3 – GUIDE FOR RENT ASSESSMENT

~~**Minimum rent**~~

3.1 Rent for Small NFPs and Community Preschools

To create equity between tenants occupying Council owned properties and Crown Land managed by Council, Council adopts the statutory minimum rent ~~set by the NSW Government~~ as the minimum rent for all leases and licences to Small NFPs and Community Preschools covered by this policy. Importantly, the statutory minimum rent will in most cases still be well below the market rent that could be obtained for the property, so a tenant paying the statutory minimum rent will still be receiving a rental rebate. Council has the discretion to resolve to charge a higher rent under Section 3.3.

3.2 Rent for Large NFPs

The minimum rent to be charged to Large NFPs for all leases and licences covered by this policy is:

Large NFP leasing storage shed only	
Large NFP leasing storage shed or container structure 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 3 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 3 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 3 years **over $2m**	Pay 100% of market rent for the first year of the lease term, then annual CPI adjustment

Council has the discretion to resolve to charge a higher rent under Section 3.3.

3.3 Discretionary higher rents

~~**Some properties to attract rent higher than statutory minimum rent**~~
~~The statutory minimum rent will be applied to the majority of leases and licences covered by this policy. However, there will occasionally be some leases and licences for which Council resolves to charge a rent higher than the statutory minimum rent.~~

Sections 3.1 and 3.2 set out the minimum rent that may be charged. Council may resolve to charge a rent higher than the minimum rent set out in Sections 3.1 and 3.2. Some examples of when Council may consider charging a higher rent include:

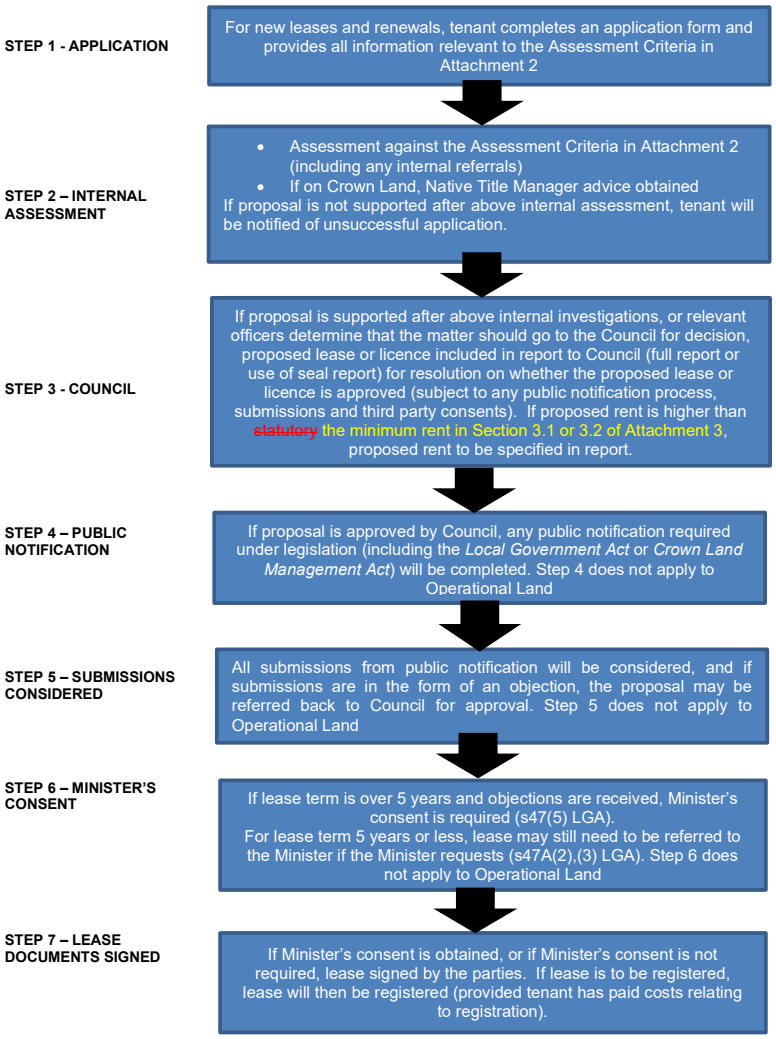
~~For example:~~

- 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.

If it is proposed that a tenant will be charged a rent higher than the ~~statutory~~ minimum rent in Sections 3.1 or 3.2 for a lease or licence covered by this policy, the higher rent will be included in the report to Council for resolution under Step 3 of the General Leasing Process in Attachment 4.

ATTACHMENT 4 – GENERAL LEASING PROCESS



Note: The above is the general process that will apply to the majority of leases and licences covered by this policy. However, there may be property specific issues or particular tenant proposed uses that trigger additional steps in the process.

QBRS FINANCIAL OVERVIEW

Select Council Name

Budget review for the quarter ended 31/12/25

DESCRIPTION		Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
Net Operating Result before grants and contributions provided for capital purposes	General Fund	3,713	-4,533	-1,319	0	0	-5,852	-494	-6,346	-1,813	13,278
	Water Fund	-263	818	-107	0	0	711	-38	673	-145	-14
	Sewer Fund	5,274	4,807	1,962	0	0	6,769	1,020	7,789	2,982	14,124
	Consolidated	9,245	1,092	536	0	0	1,628	488	2,116	1,024	27,387
Operating Result from continuing operations (with capital grants and contributions) excluding depreciation, amortisation and impairment of non financial assets	**Consolidated**	**62,110**	**99,331**	**-3,312**	**0**	**0**	**96,019**	**-14,542**	**81,477**	**-17,854**	**62,016**
Borrowings	Total borrowings	71,331	68,574				68,574	-1,250	67,324	-1,250	68,521
Liquidity	External restrictions	78,220	51,157	9,551	0	0	60,708	2,960	63,668	12,511	71,358
	Internal Allocations	33,796	40,289	-295	0	0	39,994	211	40,205	-84	39,073
	Unallocated	4,577	7,251	-3,330	0	0	3,921	-1,600	2,321	-4,930	21,754
	Total Cash, Cash Equivalents and Inve	**116,593**	**98,697**	**5,926**	**0**	**0**	**104,623**	**1,571**	**106,194**	**7,497**	**132,185**
Capital	Capital Funding	53,104	115,015	-12,444	0	0	102,571	-18,886	83,685	-31,330	21,055
	Capital Expenditure	53,104	115,015	-12,444	0	0	102,571	-18,886	83,685	-31,330	21,055
	Net Capital	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

		Opening Balance As at 1 July 2025 $000's	Total Cash Contributions Received As at this Q $000's	Total Interest Earned As at this Q $000's	Total Expended As at this Q $000's	Total Internal Borrowings (to)/from As at this Q $000's	Held as Restricted Asset As at this Q $000's	Cumulative balance of internal borrowings (to)/from As at this Q $000's
Developer Contribution	Total Developer Contributions	46,168	1,500	0	3,146	0	44,522	0

Income and Expenses Budget Review Statement

Select Council Name

Budget review for the quarter ended 31/12/2025

Consolidated Fund

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
INCOME										
Rates and Annual Charges	65,020	67,750	92			67,842	625	68,467	717	66,537
User Charges and Fees	34,210	48,170	253			48,423	-1,523	46,900	-1,270	18,285
Other Revenue	3,431	3,346	-22			3,324	0	3,324	-22	3,057
Grants and Contributions - Operating	11,690	12,102	432			12,534	100	12,634	532	3,317
Grants and Contributions - Capital	22,255	67,819	-3,848			63,971	-15,030	48,941	-18,878	19,419
Interest and Investment Income	5,410	4,422				4,422	464	4,886	464	1,099
Other Income	5,784	5,294	1,798			7,092	-3	7,089	1,795	4,885
Net gain from disposal of assets	9,849	2,330				2,330		2,330	0	997
Total Income from continuing operations	**157,649**	**211,233**	**-1,295**	**0**	**0**	**209,938**	**-15,367**	**194,571**	**-16,662**	**117,597**
EXPENSES										
Employee benefits and on-costs	38,505	40,239				40,239	149	40,388	149	20,304
Materials & Services	49,690	61,183	1,990			63,173	-934	62,239	1,056	32,288
Borrowing Costs	4,067	3,475				3,475	-40	3,435	-40	1,583
Other Expenses	3,277	3,955	27			3,982		3,982	27	1,406
Net Loss from Disposal of Assets		3,050				3,050		3,050	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**95,539**	**111,902**	**2,017**	**0**	**0**	**113,919**	**-825**	**113,094**	**1,192**	**55,581**
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**62,110**	**99,331**	**-3,312**	**0**	**0**	**96,019**	**-14,542**	**81,477**	**-17,854**	**62,016**
Depreciation, amortisation and impairment of non financial assets	30,610	30,420				30,420		30,420	0	15,210
Operating result from continuing Operations	**31,500**	**68,911**	**-3,312**	**0**	**0**	**65,599**	**-14,542**	**51,057**	**-17,854**	**46,806**
Net Operating Result before grants and contributions provided for capital purposes	**9,245**	**1,092**	**536**	**0**	**0**	**1,628**	**488**	**2,116**	**1,024**	**27,387**

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
2) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.
The narrative is important in understanding why budget changes are necessary.

Income and Expenses Budget Review Statement

Select Council Name

Budget review for the quarter ended 31/12/2025

General Fund

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
INCOME										
Rates and Annual Charges	39,191	41,126	92			41,218	45	41,263	137	41,644
User Charges and Fees	22,791	35,553	253			35,806	-1,623	34,183	-1,370	14,376
Other Revenue	2,127	2,103	-22			2,081	0	2,081	-22	3,057
Grants and Contributions - Operating	11,379	11,685	432			12,117	100	12,217	532	2,808
Grants and Contributions - Capital	17,713	62,319	-3,848			58,471	-14,180	44,291	-18,028	18,992
Interest and Investment Income	3,061	3,003				3,003	72	3,075	72	602
Other Income	5,784	4,952	-202			4,750	-3	4,747	-205	2,507
Net gain from disposal of assets	10,838	2,330				2,330		2,330	0	997
Total Income from continuing operations	**112,884**	**163,071**	**-3,295**	**0**	**0**	**159,776**	**-15,589**	**144,187**	**-18,884**	**84,984**
EXPENSES										
Employee benefits and on-costs	30,581	32,037				32,037	149	32,186	149	17,889
Materials & Services	31,922	42,536	1,883			44,419	-1,024	43,395	859	20,747
Borrowing Costs	2,160	1,777				1,777	-40	1,737	-40	750
Other Expenses	2,700	3,015	-11			3,004		3,004	-11	1,368
Net Loss from Disposal of Assets	0	2,000				2,000		2,000	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**67,363**	**81,365**	**1,872**	**0**	**0**	**83,237**	**-915**	**82,322**	**957**	**40,754**
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**45,521**	**81,706**	**-5,167**	**0**	**0**	**76,539**	**-14,674**	**61,865**	**-19,841**	**44,230**
Depreciation, amortisation and impairment of non financial assets	24,095	23,920				23,920		23,920	0	11,960
Operating result from continuing Operations	**21,426**	**57,786**	**-5,167**	**0**	**0**	**52,619**	**-14,674**	**37,945**	**-19,841**	**32,270**
Net Operating Result before grants and contributions provided for capital purposes	**3,713**	**-4,533**	**-1,319**	**0**	**0**	**-5,852**	**-494**	**-6,346**	**-1,813**	**13,278**

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Income and Expenses Budget Review Statement

Select Council Name

Budget review for the quarter ended 31/12/2025

Water Fund

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
INCOME										
harges	5,121	5,507				5,507	80	5,587	80	4,914
ges	9,113	10,520				10,520		10,520	0	2,896
	819	678				678		678	0	333
Contributions - Operating	156	156				156		156	0	174
d Investment Income	1,065	901				901	-28	873	-28	220
me						0		0	0	
om disposal of assets						0		0	0	
me from continuing operations	**16,274**	**17,762**	**0**	**0**	**0**	**17,762**	**52**	**17,814**	**52**	**8,537**
ES										
benefits and on-costs	2,879	2,980				2,980		2,980	0	766
& Services	2,036	2,072	29			2,101	90	2,191	119	2,011
Costs	0					0		0	0	
chase charges	8,799	9,415	78			9,493		9,493	78	4,862
l taxaxtion equivalents	78					0		0	0	
antee fee	0					0		0	0	
enses	212	227				227		227	0	12
rom Disposal of Assets	759	450				450		450	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**14,763**	**15,144**	**107**	**0**	**0**	**15,251**	**90**	**15,341**	**197**	**7,651**
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**1,511**	**2,618**	**-107**	**0**	**0**	**2,511**	**-38**	**2,473**	**-145**	**886**	
on, amortisation and impairment of non financial assets	1,774	1,800				1,800		1,800	0	900
Surplus / (Deficit) from continuing operations before capital amounts	**-263**	**818**	**-107**	**0**	**0**	**711**	**-38**	**673**	**-145**	**-14**
d Contributions - Capital	490	1,500				1,500	-350	1,150	-350	48
Surplus / (Deficit) from continuing operations after capital amounts	**227**	**2,318**	**-107**	**0**	**0**	**2,211**	**-388**	**1,823**	**-495**	**34**

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Income and Expenses Budget Review Statement

Select Council Name

Budget review for the quarter ended 31/12/2025

Sewer Fund

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
INCOME										
Access charges	20,708	21,117				21,117	500	21,617	500	19,979
User charges	1,487	1,755				1,755	100	1,855	100	1,013
Liquid trade-waste charges						0		0	0	
Fees						0		0	0	
Grants and contributions - Operating	155	261				261		261	0	335
Interest and Investment Income	1,284	518				518	420	938	420	277
Other Income	1,304	1,249	2,000			3,249		3,249	2,000	2,045
Net gain from disposal of assets						0		0	0	
Total Income from continuing operations	**24,938**	**24,900**	**2,000**	**0**	**0**	**26,900**	**1,020**	**27,920**	**3,020**	**23,649**
EXPENSES										
Employee benefits and on-costs	5,045	5,222				5,222		5,222	0	1,649
Materials & Services	6,933	7,160				7,160		7,160	0	4,667
Borrowing Costs	1,907	1,698				1,698		1,698	0	833
Calculated taxation equivalents	74					0		0	0	
Debt Guarantee fee	369					0		0	0	
Other Expenses	365	713	38			751		751	38	26
Net Loss from Disposal of Assets	230	600				600		600	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**14,923**	**15,393**	**38**	**0**	**0**	**15,431**	**0**	**15,431**	**38**	**7,175**
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	**10,015**	**9,507**	**1,962**	**0**	**0**	**11,469**	**1,020**	**12,489**	**2,982**	**16,474**
Depreciation, amortisation and impairment of non financial assets	4,741	4,700				4,700		4,700	0	2,350
Surplus / (Deficit) from continuing operations before capital amounts	**5,274**	**4,807**	**1,962**	**0**	**0**	**6,769**	**1,020**	**7,789**	**2,982**	**14,124**
Grants and Contributions - Capital	4,052	4,000				4,000	-500	3,500	-500	379
Surplus /(Deficit) from continuing operations after capital amounts	**9,326**	**8,807**	**1,962**	**0**	**0**	**10,769**	**520**	**11,289**	**2,482**	**14,503**

Notes

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Capital Budget Review Statement

Select Council Name

Budget review for the quarter ended 31/12/2025

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
CAPITAL FUNDING										
Rates & other untied funding	7,524	10,519				10,519		10,519	0	2,280
Capital Grants & Contributions	12,489	49,927	-3,848			46,079	-12,680	33,399	-16,528	7,374
Reserves - External Restrictions	19,196	34,209	-7,634			26,575	-4,296	22,279	-11,930	6,977
Reserves - Internally Allocated	9,895	19,110	-962			18,148	-660	17,488	-1,622	4,424
New Loans	4,000	1,250				1,250	-1,250	0	-1,250	
Proceeds from sale of assets						0		0	0	
Other						0		0	0	
Total Capital Funding	**53,104**	**115,015**	**-12,444**	**0**	**0**	**102,571**	**-18,886**	**83,685**	**-31,330**	**21,055**
CAPITAL EXPENDITURE										
WIP	53,104	115,015	-12,444			102,571	-18,886	83,685	-31,330	20,816
New Assets						0		0	0	239
Asset Renewal						0		0	0	
Other						0		0	0	
Total Capital Expenditure	**53,104**	**115,015**	**-12,444**	**0**	**0**	**102,571**	**-18,886**	**83,685**	**-31,330**	**21,055**
Net Capital Funding - Surplus /(Deficit)	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Notes

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Where the **Total Capital Funding** and the **Total Capital Expenditure** values do not match an explanation is to be provided.

Carry over funding from previous year should be identified and any proposed carry forwards into next financial year are to be explained.

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Cash and Investments Budget Review Statement

Select Council Name

Budget review for the quarter ended 31/12/2025

Description	Previous Year Actual 2024/25 $000's	Current Year Original Budget 2025/26 $000's	Approved Changes Review Q 1 $000's	Approved Changes Review Q 2 $000's	Approved Changes Review Q 3 $000's	Revised Budget $000's	Recommended changes for council resolution $000's	Projected Year End (PYE) Result 2025/26 $000's	VARIANCE ORIGINAL budget v PYE 2025/26 $000's	ACTUAL YTD 2025/26 $000's
Total Cash, Cash Equivalents & Inves	116,593	98,697	5,926			104,623	2,291	106,914	8,217	132,185
EXTERNALLY RESTRICTED										
Water Fund	7,370	7,465	-299			7,166	688	7,854	389	5,106
Sewer Fund	12,676	10,024	-335			9,690	3,137	12,826	2,802	15,266
Developer contributions - *General*	25,500	11,435	10,396			21,831	-980	20,851	9,416	23,755
Developer contributions - *Water*	11,205	12,302	0			12,302	-237	12,065	-237	11,251
Developer contributions - *Sewer*	9,499	8,977	-274			8,704	321	9,024	47	9,552
Transport for NSW Contributions						0		0	0	
Domestic waste management	1,604	954	62			1,016	32	1,048	94	6,428
Stormwater management						0		0	0	
Other	10,366		0			0		0	0	
Total Externally Restricted	**78,220**	**51,157**	**9,551**	**0**	**0**	**60,708**	**2,960**	**63,668**	**12,511**	**71,358**
Cash, cash equivalents & investments not subject to external restrictions	**38,373**	**47,540**	**-3,625**	**0**	**0**	**43,915**	**-669**	**43,246**	**-4,294**	**60,827**
INTERNAL ALLOCATIONS										
Employee entitlements	2,994	2,994	0			2,994		2,994	0	2,994
Insert nature of allocation						0		0	0	
Insert nature of allocation						0		0	0	
Insert nature of allocation						0		0	0	
Insert nature of allocation						0		0	0	
Insert nature of allocation						0		0	0	
Other	30,802	37,295	-295			37,000	211	37,211	-84	36,079
Total Internally Allocated	**33,796**	**40,289**	**-295**	**0**	**0**	**39,994**	**211**	**40,205**	**-84**	**39,073**
Unallocated	**4,577**	**7,251**	**-3,330**	**0**	**0**	**3,921**	**-880**	**3,041**	**-4,210**	**21,754**

External Restrictions - must be used for a specific purpose and are not to be used for general operations. The funds are bound by legislation or third party agreement that

Internal Allocations - Council have allocated by resolution or policy to identified programs of work and any forward plans identified by Council. These allocations are at

Developer Contributions Summary

Select Council Name

Budget review for the quarter ended 31/12/2025

Purpose	Opening Balance	Developer Contributions Received									Interest Earned	Interest Earned	Interest Earned	Monetary Amounts Expended	Monetary Amounts Expended	Monetary Amounts Expended	Internal Borrowings (to)/from	Internal Borrowings (to)/from	Internal Borrowings (to)/from	Held as Restricted Asset	Cumulative balance of internal borrowings (to)/from
		Cash	Cash	Cash	Non-Cash Land	Non-Cash Land	Non-Cash Land	Non-Cash Other	Non-Cash Other	Non-Cash Other											
	As at 1 July 2025	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3	As at this Q	As at this Q
	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's	$000's
Drainage																				0	
Roads	16,043	250	170											288	255					15,920	
Traffic facilities	1,187	66	74																	1,327	
Parking	1,176	366	0																	1,542	
Open space	5,225	101	46											1,038	1,237					3,097	
Community facilities																				0	
Other	1,833	0	0																	1,833	
›tal S7.11 Under plans	**25,464**	**783**	**290**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1,326**	**1,492**	**0**	**0**	**0**	**0**	**23,719**	**0**
⁾.11 Not under plans																				0	
⁾.12 Levies																				0	
⁾.4 Planning agreements																				0	
⁵4 Contributions	20,704	313	114											268	60					20,803	
:her																				0	
Total Developer Contributi	**46,168**	**1,096**	**404**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1,594**	**1,552**	**0**	**0**	**0**	**0**	**44,522**	**0**

Notes

All developer contributions received are to be disclosed, and distinguished as cash or non cash. Recognition occures when council gains control over the asset (cash or non cash).

›uncils have obligations to provide facilities from contribution revenue levied on developers under the provisions of s7.4,s7.11 and s7.12 of the *Environmental Planning and Assessment Act 1979*.

Developer contributions may only be expended for the purpose for which the contributions were required, however council may apply contributions according to the priorities established in work schedules for the contribution plan.

Monetary Amounts Expended" should only include monetary expenditure. Enter positive value when expended. The amounts recorded under "Non-cash Land" and "Non-cash Other" are not included in "Monetary Amounts Expended", as thes

Delivery Program / Operational Plan Review
Program Actions
to 31 December 2025

Corporate and Community Division

Commercial Services (Property)

Code	Program Action	Comments	On Target?
LP1.2a	Progress development of Wollongbar Residential Land Holding	A public auction was scheduled for Wednesday 26 November 2025 for Lots 7 to 12, Avalon Avenue in Council's Wollongbar Urban Expansion Area - Stage 3. Due to a lack of prospective buyers registering to bid at auction, and in discussions with local real estate agents, it was decided to postpone the auction and report back to Council to determine the future method of sale. In December 2025, Council resolved to sell these lots by private treaty. Eight lots have been sold to date, with four on the market and six still to be placed on the market.	
LP1.2b	Progress development of Lennox Head Residential Land Holding - Investigate the feasibility of medium density	Report being prepared for March 2026 Finance and Facilities Committee meeting or Ordinary meeting.	

Communications and Customer Service

Code	Program Action	Comments	On Target?
CC2.1a	Support Council initiated volunteer programs	Hosted a Volunteer Christmas celebration at Summerland Farm, including morning tea and a guided farm tour, recognising the contribution of volunteers and strengthening connection and retention across the program. Continued weekly volunteer communications via email to provide regular updates, share opportunities and maintain strong, consistent engagement and information flow with the volunteer network.	

Code	Program Action	Comments	On Target?
LP2.1a	Participate in and leverage opportunities to market the Ballina Coast and Hinterland	The Discover Ballina destination website continued to perform strongly this quarter, recording 34,488 website sessions, with ongoing content updates and optimisation supporting visitation planning and destination discovery. Work continued on the next Visitor Guide, including advertising coordination and content planning, alongside the continued distribution of existing visitor guides, maps and promotional collateral through visitor servicing, conferences and events. Across social media, Discover Ballina Facebook recorded 541,300 views and reached 115,300 users, generating 6,800 content interactions and 766 link clicks, with link clicks increasing significantly quarter on quarter. Instagram achieved 365,400 views, 49,500 reach and 10,300 content interactions, supporting destination inspiration and engagement, with continued focus on driving traffic to owned channels. Organic content spikes aligned with key campaign moments, including water-based storytelling and seasonal content, reinforcing the role of social platforms in supporting awareness and conversion for the destination.	

Code	Program Action	Comments	On Target?
LP2.2a	Implement Economic Development Strategy and Destination Management Plan	Economic Development: C1, C2, D1, A5 and aligned strategy initiatives (business engagement, networking, digital capability). Recruited the Industry Liaison Officer to strengthen Council's capacity to engage directly with local businesses and support delivery of the economic development program (C1, C2). Delivered the first Innovate and Connect industry event, providing networking and practical cyber and tech skills to lift local capability and support business resilience and innovation. Supported local business networks by hosting the Ballina Chamber of Commerce Christmas Party. Prepared new content for the Industry Portal on the Discover Ballina website, with additional economic development content ready to be updated on Council's corporate site, supporting clearer online business information and improved digital channels (D1). Continued Community Connect and Councillor communications to maintain proactive local community engagement (COM07, MGT06). Delivered the Water Stories promotional campaign, including a new video and refreshed imagery (COM10, COM14). Progressed branding work for the Ballina Public Art Trail, contributing to ongoing destination brand development and raising the profile of experiences (COM12). Maintained momentum on the new destination website and Discover Ballina social media accounts, supporting the continued digitisation of itineraries and strengthening in house content and visual communication capability (COM11, COM15). Produced and distributed the School Holiday activity sheet to support family engagement and targeted promotion of family friendly experiences (COM13, MGT11).	

Financial Services

Code	Program Action	Comments	On Target?
EL2.1d	Pursue financial sustainability	The Long-Term Financial Plan (LTFP) was adopted by Council at the June 2025 Ordinary meeting. The LTFP outlines the forecast operating results of the General Fund for a 10-year timeframe, with a preferred scenario (inclusive of a future Special Rate Variation (SRV) for a four-year period from 2026/27) and an alternate scenario (without a future SRV). The LTFP which includes a proposed future SRV forecasts the General Fund to reach a break-even operating result in 2029/30. Council completed a second consultation phase through October and November 2025 and the matter was considered further at the December 2025 Ordinary meeting, where Council formally resolved to apply to IPART for the SRV. Application now lodged with IPART.	

Governance

Code	Program Action	Comments	On Target?
CC1.2b	Complete Emergency Evacuation Exercises	Work Health and Safety have register of all Emergency and Evacuation Plan for Council facilities. The register identifies when each Plan was last reviewed, and when it is next due for review. It identifies the evacuation exercises were completed last at Council facilities and the period for the next evacuation drill. Emergency Evacuation Drill Observer Reports for evacuation exercises across various Council facilities.	
CC1.2c	Ensure Business Continuity Plans are contemporary	Grant Thornton Internal Audit of Business Continuity Plans conducted quarter two.	
EL1.3a	Integrate social, economic, and environmental considerations into Council's operations	Reports to Council include information on social, economic and environmental considerations. Proposed changes to the use of public reserves generally include a master planning process, which includes public feedback on social, economic and environmental matters. Major projects include consideration of environmental matters, such as through the Review of Environmental Factors (REF) or Conservation Risk Assessment (CRA) process. REFs and CRAs include comprehensive consideration of environmental factors for Council projects.	

Code	Program Action	Comments	On Target?
EL2.3d	Implement Risk Management Framework	Risk Management Framework Report reported to December 2025 ARIC, identifying ongoing actions and reviews.	
EL2.3e	Implement pro-active internal audit program	Business Continuity and Disaster Recovery Planning internal audit occurred in November 2025, with outcomes to be reported to the ARIC meeting in March 2026. Future audits planned include Asset Management Maturity (Water and Sewer) and Development Application Process.	
EL3.1a	Approach State and Federal Governments on local issues	Letter to NSW DPI Secretary - Recruitment and Retention of Planning and Building Staff. Letters to NSW Premier Minns, Minister Saffin - Minister for the North Coast & Minister Kamper - Minister for Lands and Property - Mayoral Minute Item 7.1 - September 2025 - Wardell Recreation Grounds. Letter to Minister McBain - Federal Minister for Emergency Management & Minister Dib - Minister for Emergency Services - Northern Rivers Recovery and Resilience Program (NRRRP). Letter to NSW Premier Minns & Minister Saffin - Minister for the North Coast - Ballina Marina Master Plan. Letter to NSW Premier Minns, Minister Saffin & NSWRA - Minister for the North Coast - Replacement Generator at Ballina Wastewater Treatment Plant. Letter to Minister Scully - Minister for Planning & Tamara Smith MP & LGNSW - NSW Planning Systems Reform Bill 2025. Minister Hoenig visit to Ballina Shire. Letter to DCCEEW - Far North Coast Regional Water Supply Business Case. Letter Minister Graham - Minister for the Arts - Create NSW Reduction in Funding.	
EL3.2a	Promote regional initiatives with representative organisations	Council continues to be involved in various groups and representative organisations promoting regional initiatives, examples including Northern Rivers Joint Organisation (NRJO), NRJO Planners Group, Northern Rivers Risk Management Group, Local Government NSW Annual Conference, Waterways Advisory Group, Regional Emergency Management Committee, Far North Coast Bush Fire Management Committee and Rous County Council Regional Liaison Committee.	

Information Services

Code	Program Action	Comments	On Target?
EL2.2a	Continuous improvement of Council's cyber security	Council continues to enhance its cyber awareness program by introducing additional security measures. These include stricter controls on remote access and enforced password requirements for individuals who have not yet met Council's minimum cyber training standards. In addition, Council completed an IT expo during Cyber Security month, which raised the profile of Cyber awareness. In December 2025, Council staff participated in Exercise Waratah, a specific local government cyber security discussion and exercise across NSW coordinated by the Australian Cyber Security Centre.	
LP3.2c	Progress availability of land at the Russellton Industrial Estate	The plan of subdivision has now been registered for 21 lots. Council resolved to auction Lots, 19, 21, 22, 23, 24, 25 and 26 in DP 1321815. There is still some residual work left to do including a boundary modification for lots 1 to 4 to ensure compliance with the planning consent and additional drainage works are required for Lots 14 and 15.	

People and Culture

Code	Program Action	Comments	On Target?
CC2.2a	Implement Equal Employment Opportunity Management Plan	Highlights for this quarter include:- Consulting with Ungooroo Aboriginal Corporation around aboriginal employment strategy.- Two Fresh start Apprentices commenced employment.- Attendance at careers advisers employment program meetings (Norther Rivers high schools) - Culture working group meetings- Attending two high schools to discuss a career development program - Media event for first fresh start funded cadet in NSW, first to complete qualification and gain full time graduate role in Finance -- Starting to record cultural linguistic metrics - Continuing to connect with schools - Hosted a number of work experience opportunities	
CC3.2f	Implement NSW Child Safe Standards across Council	Highlights for this quarter include - Child safe training scheduled for all staff -- Consultation with Office of the Children's Guardian	
EL2.2f	Implement strategies that increase female participation in the workforce	Held information session for women in civil construction pre-employment program in partnership with DEEWR, TAFE and Complete Staff Solutions	

Planning and Environmental Health Division

Development Services

Code	Program Action	Comments	On Target?
CC1.1a	Implement State Government Pool Barrier Inspection Program	103 or 87% of mandatory pools on Council's pool register have a current compliance certificate.	
CC1.3d	Implement fire safety certificate compliance program	479 or 70% of premises on the register have a current compliant Annual Fire Safety Statement	
LP3.3i	Implement Independent Report on the Development Assessment Process Review	Two-year delivery plan on the actions has been prepared. Target KPIs for assessment staff established with consultation underway for KPIs for technical referral staff.	

Open Spaces

Code	Program Action	Comments	On Target?
CC2.2d	Assess accessible entrance options for Seven Mile Beach	Draft review into coastal hazards received and currently being assessed to inform the next stage of this project	
CC3.2c	Implement the Sport and Recreation Plan	Major improvement works have now been completed at Williams Reserve, Saunders Oval and Crawford Park. Topdressing program completed, with additional works undertaken to facilitate the usage of Wollongbar Sporting Fields this for upcoming winter season,	
CC3.2e	Implement Playground Upgrade and Management Plan (PUMP)	Safety improvement works completed at Ross Park, with works also completed on fully fencing the playground at Geoff Watt Oval. Procurement program finalised for Meldrum Park, with procurement processes commenced for additional playgrounds within the program.	
CC3.3o	Investigate feasibility of second croquet court at Gap Road, Alstonville	Preliminary design works following stakeholder consultation have identified that a second croquet court is not suitable for construction at the existing location due to space constraints. Progressing a broader master plan of the Gap Road facility to identify suitable locations for an expanded croquet facility as well as consideration for other sporting needs.	

Code	Program Action	Comments	On Target?
EL1.2c	Prepare management plan for Lumley Park (consider inclusion of skate park)	Stakeholder meeting scheduled for February to commence project	
HE1.3a	Implement a proactive street tree planting program	Larger spring program completed, which included street tree requests, infill planting and replacement tree plantings	
HE1.3b	Support Local Environmental Groups	Support continued through existing policies, including insurance assistance. Previous stakeholder meeting held November, with next meeting scheduled for May 2026.	
HE3.1i	Update Vegetation Management Plan for Tosha Falls	Plan being updated as part of Alstonville Reserves VMP review	
LP1.3g	New Niche Wall at East Ballina	Design completed, which includes additional improvements to existing walls. Further review required to finalise the current scope of works.	

Public and Environment Health

Code	Program Action	Comments	On Target?
CC1.1b	Implement Companion Animals Management Plan	Routine patrols, education and compliance action continue to be a priority. Bike patrols across coastal reserves and beaches increased this quarter, given this is the lead into our busiest summer period. Good community feedback received on these patrols and the high visibility of the Rangers. Companion Animal Management Plan is now under reviewed and it is planned to report to Council in the next quarter and then be placed on public exhibition. Companion animal related matters for the quarter are as follows. Dog - Attack / Behaviour - 19 Dog - Barking - 20 Dog - Collections - 32 Dog - Defecation - 1 Dog - Roaming - 46 Dog - Nuisance - 3 Dog - Dangerous -2 Dog - Menacing - 2 Cat - Nuisance - 3 24 fines were issued in relation to companion animals being - most common being 7 x for owner of dog not under control in public place, total value $14, 585.	
CC1.1i	Ensure all food premises are regularly inspected	57 routine food inspections completed in last quarter and program is behind schedule due to resourcing limitations. An officer has been on extended leave.	

Code	Program Action	Comments	On Target?
CC1.3c	Implement a responsive compliance program	Following a recent restructure all land use compliance related matters and complaints have now been referred to the Health and Environment Section. There has been a significant transition of unactioned customer requests from other sections, and these are now being worked through and actioned accordingly by Health and Environment staff. As part of the overall Compliance process improvement the website has been updated, and factsheets have been developed to provide guidance and education and new specific compliance templates created. All these process improvement actions continue and will assist in the compliance activities being undertaken and will enable us to implement a more responsive and effective compliance program across the Shire. For this quarter there were 23 new customer requests relating to illegal works, not complying with development consent and failing to obtain relevant consents. There are also several notices and orders active relating to matters of non-compliance.	
CC1.3g	Implement Proactive Parking Program	Parking patrols continue to be conducted by licence plate recognition (Aero Ranger) and routine patrols including foot patrols, The use of smart technology has improved coverage in the Shire. The Fines Amendment (Parking Fines) Act 2024 commenced 1 July 2025 and Council implementing measures to ensure compliance with requirements of the amendments. Council website updated to reflect changes to legislation and requirement to place a notification on a vehicle if a fine is to be issued after the fact. Reporting statistics as per Act also now available on website regarding number of fines and notifications and compliance with Act errors. 77 general parking and 102 unattended vehicles on public land customer requests/complaints received during the quarter, along with routine parking patrols, resulting in 431 fines with a combined value of $90,195. Other offences, such as illegal camping and illegal land use, resulted in 10 fines with a combined value of $13,430. In total, 465 fines were issued by the Ranger team last quarter, with a total value of $118, 210 across a range of non-compliance.	

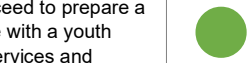
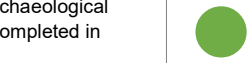
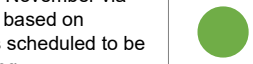
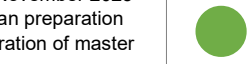
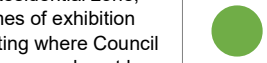
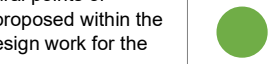
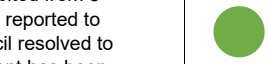
Code	Program Action	Comments	On Target?
CC2.1b	Invite State agencies and non-government providers to a round-table discussion on homelessness in Ballina Shire	A successful round-table discussion was held on Thursday 21 August. Participates from all key stakeholders were present. Actions from discussions are currently being worked through.	
CC2.1c	Approach State agencies and local service providers in the delivery of an assertive outreach program, funding opportunities, and coordinated action on homelessness in Ballina Shire.	Council officers have now been trained and form part of the local Northern Rivers Zero Project. Communication and checking in with known homelessness people occurring on a weekly basis by Rangers and Council still working with the Assertive Outreach Team to relocation people to temporary accommodation where suitable. Council recently designed a social media post and an ad for the community connect to promote Orangesky and being a volunteer. A community services directory and action plan is still be worked and discussed with relevant stakeholders.	
HE1.1a	Implement the Coastline Management Plan Ballina	Nearing completion and on track for budget and quality, planned completion date is June 2026. Draft Stage 2 assessments are currently with Council staff for review. The tender process to fund Stages 3 and 4 has commenced, and Stage 3 is planned to commence in July 2026. The internal Coast and Estuary Working Group (meeting quarterly) was established in August 2025, and participants are fully engaged and supporting the CMP development.	
HE1.1d	Implement a Climate Change Action Plan	The Climate Change Policy is currently being reviewed and updated and to be reported to the February 2026 Ordinary meeting. The Climate Change Action Group nearing completion of installation of meters on existing solar sites which will provide live generation data. Open spaces participated in a Foton Electric Tip truck trial and staff participated in a KIA Electric Vehicle passenger vehicle trial through the NRJO Net Zero Accelerator program.	

Code	Program Action	Comments	On Target?
HE1.2a	Implement Healthy Waterways Strategy	A report was provided to Council in September 2025 summarising the works undertaken under the Healthy Waterways Program. This highlighted the considerable success in leveraging grant funding to undertake works given there is dedicated budget. The update also highlighted the proposed works to continue under the strategy over the next four years which include development of the Ballina Coast and Estuary CMP, supporting Rous County Council on the development of the Richmond River CMP, continued riparian restoration and bank stabilisation projects, continuing to work with State Government agencies regarding pathways for the acquisition and restoration of parts of the Tuckean Swamp, and development of a small grants program to support private landholders to undertake restoration works on their properties. The Waterways Advisory Group had a successful meeting in October 2025, including presentations from Transport for NSW - Maritime Infrastructure Division Office (MIDO) and Richmond River Cane Growers Association. North Rivers Regional Watershed Initiative works are in progress and on-track at Council's three NR Regional Watershed Initiative funded riparian restoration project sites.	
HE1.2b	Implement Shaws Bay Coastal Management Plan	The CMP development currently on hold, as will now be combined as a chapter into a shire wide Ballina Coast and Estuary CMP. However, planning and design work is continuing for the pedestrian pathway/boardwalk on the western foreshore behind the hotel and reflections caravan park to complete connectivity with the north walk pathway. Discussions are also continuing with NSW Crown Land as to land ownership and management on the western foreshore. Rectification and design plans being discussed for erosion at East Arm area off Fenwick Drive, planning to do works in winter 2026.	
HE1.2c	Implement Lake Ainsworth Coastal Management Plan	Significant works have occurred at the lake with 14 of the 28 actions implemented and another two in progress. A variation was recently approved by the NSW Coast and Estuary Grants team to amend the methodology for the aquatic weed management program. Further design work to commence to progress the connectivity between Lennox Head CBD and Lake Ainsworth, which is an action under CMP, consultation to commence with key stakeholders in next quarter. The Program was certified in 2021 and has a 10-year implementation phase.	

Code	Program Action	Comments	On Target?
HE1.2d	Complete and Implement North Creek Coastal Management Plan	Due to delays with this project and information now known about the priorities of various sub-catchments within the Richmond River Catchment regarding water quality we are now seeking a variation to close out this grant funded project and secure final reports about all works and assessment (including data sets) completed so far in North Creek Catchment. Going forward, the scope of the North Creek CMP will be incorporated into the Shire wide Ballina Coast and Estuary CMP.	
HE3.1e	Pursue design of sand levee and access improvements at Seven Mile Beach	This project is currently on hold until the hazard and coastal risk assessment is completed as part of the Coast and Estuary CMP, which Council has now received the stage 2 studies to review and will be finalised in early 2026.	
HE3.1j	Implement Illegal Dumping Strategy	Council has been implementing the strategy and monitoring progress against the targets. Illegal dumping remains a significant problem across the shire and Council has been able to establish a good benchmark of data using the state governments RIDonline platform. 98 reports of illegal dumping on public land were reported last quarter. Council is currently actioning the litter prevention aspect of the strategy through an EPA grant which will enable us to develop our litter roadmap which develops an understanding of our cost of litter and establishes a benchmark of data to monitor our success in preventing litter with various projects and actions. This may result in further grant application to further litter prevention initiatives.	
HE3.2n	Monitor Seven Mile Beach 4WD usage	Weekly monitoring occurring and non-compliance generally consistent, with 2890 vehicles accessing the site. Of this total vehicle movements for the quarter there were 580 new permits issue (482 x 6 month permits and 98 x yearly - 12 month permits), and overall, there was only a 5.59% non-compliance rate.	

Strategic Planning

Code	Program Action	Comments	On Target?
CC1.3h	Prepare Place and Public Realm Strategy	The Place and Public Realm Framework was adopted at the November 2025 Ordinary meeting. Initial project team meetings for the second phase of the Strategy (the Design Manual) have been scheduled for quarter three of this financial year.	
CC2.1a	Support Council initiated volunteer programs	The gallery volunteer program remains strong, with two new applications and a successful end of year event and celebration.	
CC2.2b	Implement Disability Inclusion Action Plan	The new accessible toilets and access improvements at Sharpes Beach are in the final stages of construction and will be operational by the early part of quarter three this financial year.	
CC2.2c	Develop an Aboriginal partnership agreement	The Partnership Agreement was endorsed by Council at the October 2025 Ordinary meeting and formalised by Council and Jali Local Aboriginal Land Council on 1 December 2025.	
CC2.3a	Implement the Northern Rivers Community Gallery Creative Action Plan	This quarter, the NRCG Creative Action Plan was advanced through confirmation of the 2026-27 exhibition program and design of the 2026 Annual Program; delivery of public programs (drawing, weaving, sound events) with all 2026 programs live and booked; and strong performance at Ignite Studios with long-term tenancies, artist residencies, and consistent kiln firings. New ceramics services remain on schedule for 2026.	
CC3.1a	Implement Active Ageing Plan	Upgrades to the Ballina Library were completed in early November, with improvements made to accessibility for older and disabled people. The Sharpes Beach car park upgrade is near completion and will include new accessible toilets and improvements to general access which will benefit older residents.	
CC3.2a	Conduct Annual Youth Forum	Staff are investigating an option for the 2026 Youth Forum to be presented as a two-day workshop where students design practical solutions for youth issues within the shire.	

Code	Program Action	Comments	On Target?
CC3.2b	Investigate potential Youth Centre Facility options	A report on Youth Centre location options was presented at Council's November ordinary meeting where Council resolved to proceed to prepare a master plan for Treelands Reserve and the Kentwell Centre with a youth services focus. Further consideration of options for youth services and facilities will be undertaken through this master planning process.	
EL1.2a	Prepare management plan for Serpentine/Pioneer Park/Shaws Bay	Consultants have been engaged to prepare heritage and archaeological studies for the precinct. It is anticipated the studies will be completed in quarter three of this financial year.	
EL1.2b	Prepare a management plan for Spoonbill Reserve	Community engagement occurred from mid-October to mid-November via online engagement and drop-in events. A draft masterplan, based on community engagement feedback, is being prepared and is scheduled to be reported to the March or April 2026 Ordinary Council meeting.	
HE3.1a	Develop a Master Plan for Treelands Reserve and the Kentwell Centre	Preliminary options report was presented to Council at the November 2025 Ordinary meeting. Council resolved to proceed to master plan preparation based on the precinct having a youth services focus. Preparation of master plan has commenced.	
HE3.1b	Implement Wollongbar Strategic Plan - Rezone 5 Smiths Lane to medium density	The planning proposal which included an amendment to change the zoning at 5 Smiths Lane, Wollongbar to an R3 Medium Density Residential zone, was exhibited from 8 October to 5 November. The outcomes of exhibition were reported to Council's December 2026 Ordinary meeting where Council resolved to finalise the LEP amendment. Finalisation of the amendment has been arranged with the NSW Parliamentary Counsel.	
HE3.1c	Implement Wardell Strategic Plan	Interpretive signage identifying cultural, heritage and natural points of interests is being considered as part of a waterfront trail proposed within the Wardell Village Centre Revitalisation Plan. Preliminary design work for the waterfront trail has commenced.	
HE3.1d	Implement Alstonville Strategic Plan - Investigate height increase for town centre	The LEP amendment which included increase maximum building height controls in the Alstonville E1 Local Centre Zone was exhibited from 8 October to 5 November. The outcomes of exhibition were reported to Council's December 2026 Ordinary meeting where Council resolved to finalise the LEP amendment. Finalisation of the amendment has been arranged with the NSW Parliamentary Counsel.	

Code	Program Action	Comments	On Target?
HE3.1f	Implement Lennox Head Strategic Plan - Progress strategic Urban Growth Area at Ross Lane	Landowner responses to correspondence and the October 2025 meeting with landowners are positive. Discussions are ongoing.	
HE3.1g	Implement Lennox Head Strategic Plan - Investigate minimum dwelling numbers for medium density sites	The draft DCP amendment to ensure no net loss of dwellings and an increase in density for lots proposed for consolidation on medium density zoned sites in Lennox Head Village was exhibited from 29 September to 8 November 2025. The outcomes of the exhibition were reported to Council's November 2025 Ordinary meeting where Council resolved to adopt the amendment.	
HE3.1h	Review local Strategic Planning Statement to incorporate updated Local Growth Management Strategy	The draft LSPS was exhibited from 8 October to 5 November 2025. A report is scheduled for Council's February 2026 Ordinary meeting to present the outcomes of public exhibition and seek adoption of the strategy.	
HE3.2h	Implement Biodiversity Strategy	A draft of the Biodiversity DCP Chapter has been completed. The chapter will be presented to Council's February 2026 Ordinary meeting for endorsement to publicly exhibit. Mapping of Threatened Ecological communities is expected to be completed in quarter 3 of this financial year.	
HE3.2i	Update Vegetation Mapping against State Government classifications	Consultants delivered the Stage 2 draft final report and mapping to Council in December 2025. Staff are reviewing the draft report and mapping and expect the project to be finalised by the end of January 2026.	
HE3.2j	Review Biodiversity Controls in the Development Control Plan	A draft Biodiversity DCP chapter has been prepared and will be reported to Council's February Ordinary meeting.	
HE3.2k	Identify and map Koala habitat	This project is anticipated to commence in Quarter three of this financial year.	
HE3.2l	Develop guidelines for Groundwater and Hydrological Monitoring Reports required for development proposals	Quotations being sought consultant who is a specialist in the field and in Ballina Shire.	
HE3.2m	Review Koala Management Strategy	The review is schedule to commence in quarter three of this financial year.	

Code	Program Action	Comments	On Target?
LP1.1a	Implement Housing Strategy including local affordable housing framework	The Hutley Drive Feasibility Study was completed in December 2026 and will be reported to Council, along with recommendations for the next steps to enable future housing on the subject land, in quarter three of this financial year.	
LP1.1b	Collaborate with Homes NSW to activate social housing in Ballina Shire	In late October, Homes NSW reported they are liaising with Ballina Central shopping centre representatives regarding a proposed potential expansion of the shopping centre directly adjacent to the Treelands Crescent residential precinct, with the aim of achieving an improved precinct design.	
LP1.3e	Engage with developer of Cumbalum Urban Release Area B (Kinvara) in development of the precinct	A Development Application for Stage 1 development of the CURA B precinct has been lodged. Development Services staff continue to engage with the developers in assessing their application.	
LP1.3f	Investigate permissibility of dual occupancies on environmental purpose zoned land	The Planning Proposal to amend the 1987 LEP to enable dual occupancies (detached) on 7(c) zoned land was public exhibited from 8 October to 5 November. The outcomes of exhibition were reported to Council's December 2026 Ordinary meeting where Council resolved to finalise the LEP amendment. Finalisation has been arranged with the NSW Parliamentary Counsel and the amendment to the LEP is anticipated to be made early in 2026.	
LP2.2b	Advocate for the Ballina Marina Master Plan	Homes NSW provided an update on discussions with TfNSW regarding the relocation of their depot, where they indicated no suitable sites for depot relocation had so far been identified and that TfNSW are not actively looking for alternative sites to relocate their depot, TFNSW indicate the site is part of an upgrade program that is currently in its early stages. Homes NSW will check-in with TfNSW on this matter bi-annually.	
LP2.3a	Investigate feasibility of high-density housing in Ballina CBD	An addendum to the study is being prepared by the consultants to consider how Council can capture some inherent uplift value of the development resulting from planning control changes to the LEP / DCP that encourage higher density development. The addendum is expected to be finalised in January 2026, and staff will aim to report the study and addendum to Council in quarter 3 of this financial year.	

Code	Program Action	Comments	On Target?
LP2.3b	Implement Lennox Head Strategic Plan - Review underground carparking on commercial sites	This action was part of the LEP General Amendments Planning Proposal, which Council resolved to finalise at its Ordinary meeting on 11 December 2025. The Planning Proposal is currently proceeding through the finalisation process. It is anticipated this will be completed in the first quarter of 2026. Subsequent DCP amendments to car parking requirements withing the commercial centre will be considered as part of Council's next general DCP amendments process.	
LP2.3c	Implement Lennox Head Strategic Plan - review floor area and maximum building height for Local Centre zone	The LEP amendment which included increase maximum building height controls in the Lennox Head E1 area was exhibited from 8 October to 5 November. The outcomes of exhibition were reported to Council's December 2026 Ordinary meeting where Council resolved to finalise the LEP amendment. Finalisation of the amendment has been arranged with the NSW Parliamentary Counsel. Subsequent DCP amendments to floor area provision within the Local Centre zone will be considered as part of Council's next general DCP amendments process.	
LP2.3d	Implement Wardell Town Centre Revitalisation Master Plan	Detailed design for the "Connecting the River" stage of the Wardell Village Centre Revitalisation Plan has commenced.	

Civil Services Division

Assets Management

Code	Program Action	Comments	On Target?
CC1.2a	Review Emergency Management Plan	The Ballina Emergency Management Plan was reviewed in May 2024 and does not require further review for another three years unless triggered by a change in relevant legislation or if required following the response to an incident or exercise. No triggers have occurred to date this financial year.	

Resource Recovery

Code	Program Action	Comments	On Target?
HE2.2e	Eliminate single use plastic packaging and materials across Council operations.	The resource recovery team have commenced the preparation of an implementation plan to eliminate single-use plastic packaging and materials across all Council operations. A further report will be provided to Council in March to confirm the desired scope and reach of the plan. This will inform the final implementation which will be provided for the 2025/26 financial year.	

Engineering Works

Code	Program Action	Comments	On Target?
CC3.3p	Progress pathway from Lennox Head to Byron Bay Road	Council has reached agreement with Byron Shire Council to progress the concept design of the pathway that will link the two shires. This project is currently unfunded. A grant application (prepared by Council with a letter of support from Byron Council) under the Get NSW Active program for this project was unsuccessful. We sought feedback on our application and the response from TfNSW indicates applications from each Shire would be preferred if they demonstrate connectivity. We have suggested to Byron Council that both councils make an application in the next round of the program. Council has submitted another application in December 2025 to the Get Active program.	

Code	Program Action	Comments	On Target?
CC3.3q	Progress pathway from Pearces Creek Road to Wollongbar Sports Fields	The concept design of a pathway along Pearces Creek Road to link the remaining section of the pathways to the Wollongbar sports fields was completed in the previous financial year. Cost estimates for the project are completed, and Council will continue to look for funding opportunities.	
CC3.3r	Review Pedestrian Access and Mobility Plan (PAMP) and Bike Plan	Preferred approach is to include the PAMP and bike plan review process into a wider Transport Network Plan. The Transport Network Plan will include two main components of a Road Network and an Active Transport Plan. The Road Network Plan supports the safe and efficient movement of people and goods including the development of a road classification system. It typically encompasses traffic data analysis, infrastructure improvements (intersections, capacity), safety upgrades, and alignment with regional transport strategies. A road network plan informs active transport plans by providing the structural framework, safety parameters, and, increasingly, the funding priorities necessary to integrate walking and cycling into the broader transport system. The Transport Network Plan is planned to be completed by February 2027 to help inform the 2027/28 DPOP review.	
CC3.3s	Implement Pedestrian Access and Mobility Plan (PAMP) and Bike Plan	Works are completed on the northern end of the shared path along Cooper Close. This grant project is required to be completed by March 2026.To meet the time frames the project is being delivered by both internal teams and contractors.	
EL3.3d	Provide road maintenance intervention actions	During the quarter, a total of 4,229 pothole defects were repaired, representing nearly double the long-term quarterly average of approximately 2,150 repairs. This decrease of defects from the 1st Quarter reflects the improved weather pattern for the period, allowing the road pavements to dry out. Additionally, 25 Category 2 potholes were repaired, which aligns with expectations given the lower volume of overall pothole incidents. A small percentage of the Category 1 potholes went beyond the 21 -day response.	
EL3.3e	Deliver annual unsealed rural road maintenance program	During the quarter, approximately 71,000 m² of gravel road pavement was graded, representing around 22% of the total unsealed road network. While this is just below our quarterly maintenance target, two unsealed roads were prepared for bitumen sealing. Owens Lane and Carneys Lane were sealed and funded through the Marine Estate Management Strategy (MEMS) grant.	

Code	Program Action	Comments	On Target?
HE1.1b	Implement Floodplain Management Plans and undertake Community Education	Council has received confirmation that our applications were successful for the next stage of the floodplain management process. The project had three components: • Update of the Ballina Floodplain Risk Management Plan • Development of a flood Education Program • Development of a Flash Flood Forecast System - Council has received a letter of support from SES	
HE1.1c	Implement Overland Flood Studies in Urban Areas	Overland flood studies for Alstonville, Lennox Head and Wardell are nearing completion. The flood models for the Alstonville and Wardell overland flood studies have been configured, calibrated and verified. The study has now progressed to the third and final stage: identifying flooding issues and proposing and testing mitigation measures. The Lennox Head component of the project has finalised its calibration and is now also progressing to stage 3. The flood model for the Ballina Island and West Ballina Stormwater Master Plan has been configured, calibrated and verified. The study has completed impacts and mitigation measures for potential road raising options. The project is now in the fourth and final stage: identifying flooding issues and proposing and testing mitigation measures. Council has submitted funding grant applications for Overland Flood studies in East Ballina, Skennars Head and Wollongbar to complete the urban areas. Funding announcements will be in the fourth quarter.	
HE1.2e	Implement Urban Stormwater Management Plan	As part of the Local Government recovery fund, storm water projects at Alstonville and West Ballina designs have been undertaken. Several Alstonville projects have been completed in the first half of the 2025/26 financial year. A package of works for the remaining projects has been sent to the market with works to commence in 3rd quarter. Storm water works have recently been completed on Deadmans Creek Road and Owen Street. Design briefs and investigations are being prepared for key sites at Daintree Drive and Rutherford street. These works will be completed once the Lennox Head Overland flood study is complete.	

Code	Program Action	Comments	On Target?
LP1.3h	Develop Car Park Upgrade Program	Council has collected all necessary data for the car park program. Similar to our road reconstruction program these car parks are being ranked on a multi criteria analysis. The team are just in the process of completing cost estimates for the range of car park types. The program will be reported to March finance committee meeting.	

Infrastructure Planning

Code	Program Action	Comments	On Target?
CC1.3e	Implement Council's Road Safety Plan	At the end of November, Council received funding approval from Transport for NSW for the 2025-26 Local Government Road Safety projects for 'Bike Safety' (including e-bikes), 'Caravan Safety' and 'Older Road Users/On the Road 65+'. As the funding was expected in June 2025 and has a project completion date of May/June 2026, the project implementation timeline is considerably reduced. Work has commenced on project implementation, pending confirmation of availability of contractors and community partners including bike safety workshop presenters, caravan safety workshop presenters, community transport and police.	
HE3.3a	Review Car Parking Developer Contributions Plan	The review and update are currently in progress.	
HE3.3b	Review Roads Developer Contributions Plan	The Ballina Strategic Road Network Study 2046 is undertaking final calibration and modelling various scenarios to inform the works priority in the updated roads contribution plan.	
HE3.3c	Review Open Spaces and Community Facilities Developer Contributions Plan	The review and update are currently in progress.	
HE3.3e	Review Cumbalum Urban Release Area Precent A Contributions Plan	The CURA A precinct plan is operating satisfactorily but will require review to update infrastructure costs. This is linked to other contribution plan reviews.	

Project Management Office

Code	Program Action	Comments	On Target?
LP1.3a	Progress delivery of Hutley Drive - Middle to southern section	Concurrence approval provided by NSW Planning, Fisheries and NSW Heritage. Office of Environment & Heritage response outstanding. Landscape plan finalised and response to BSC Planning RFIs submitted. Offset planting on hold awaiting updated Ballina Shire Road Contributions Plan due later 2026.	
LP1.3b	Progress River Street Dual Laning	Letter of Award issued to contractor in October 2025. Land acquisition complete in December 2025. Contractor provided site access December 2026. Major construction to commence in February 2026 and conclude late-2027. Boat ramp carpark to be temporarily closed for construction from February 2026. Contractor completing design and mobilising to site January and February.	
LP1.3c	Progress Tamarind Drive Dual Laning	Letter of Award issued to contractor in October 2025. Land acquisition with Crown is awaiting finalisation. Additional geotechnical investigations completed in December. Major construction to commence in March 2026 and conclude late-2027. Contractor completing design and mobilising to site in February / March. Electrical design submitted to Essential Energy.	
LP1.3d	Progress design and approvals for North Creek Road Bridge reinstatement	Results of the public exhibition and proposed actions were reported to December Council meeting. Council endorsed the exhibited concept design, subject to adopting the changes to the concept design as per the "Proposed Action" column. Council also deferred the decision to retain or discard the project, until an update to the Ballina Shire Roads Contribution Plan is reported to Council later in 2026. Latest cost estimate $72.5m.	

Water and Wastewater

Code	Program Action	Comments	On Target?
HE2.1a	Improve water and wastewater quality data	Two GPS units have been purchased so that internal water and wastewater projects can be captured in the standardised ADAC format with high confidence in the data quality. Existing GIS data is also being mapped to the new format as an ongoing activity.	

Code	Program Action	Comments	On Target?
HE2.1b	Provide recycled water to dual reticulated properties	There were 21 new properties connected to the dual reticulation network during the quarter, taking the total number of properties with recycled water to 3,020.	
HE2.1h	Achieve strategic planning assurance	The Lennox Head WWTP master plan project has reviewed service needs, existing assets and operational issues. Draft plan now in progress. Quotations will be called for the Alstonville WWTP master plan review in quarter three.	
HE2.1i	Implement Water Loss Reduction Program	The non-revenue water calculation for the quarter is 11.9%. This is an annualised result to mitigate the impacts of seasonal variation and timing of water meter reading. Leak detection program - 67 of 83 leaks on council infrastructure repaired (80%). With an estimated 3.308 L/s of water saved or 104 ML annually.	
HE2.1k	Recycled Water Master Plan review	Historical consumption and production of recycled water data is being assessed to estimate future needs for the resource.	
HE2.1l	Supply recycled water from the Ballina Wastewater Treatment Plant	Following replacement of the membranes in the first quarter performance monitoring is now in progress. There have been operational issues with several items of plant that are critical to the performance of the plant overall. These are being progressively addressed with major services to be carried out including replacement of aeration blades in the aeration tanks. Replacement of the pumps in the biosolids digestor is also due with this project now in the planning/investigation stage.	
HE3.2f	Implement Trade Waste Management Program	There are currently 387 active trade waste businesses in the register of trade waste customers. 327 (84%) of these businesses are currently operating with a valid approval; 13 (3%) businesses have an expired approval or an approval that is currently being reviewed, and the remaining 33 businesses (9%) are operating with no approval.	

Service Delivery Indicators to 31 December 2025

Corporate and Community Division

Commercial Services (Airport)

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Number of passengers for Ballina Byron Airport (# pa)	527,600	632,500	620,400	611,000	> 600,000	577,800		Availability of seats from airlines has decreased 14% from January 2024,
Operating revenue for Airport ($ pa)	$7,025,000	$8,822,000	$8,887,000	$9,438,000	>$10,000,000	$5,312,000		On track to meet annual target.
Operating surplus for Ballina Byron Airport (>30% of revenue)	44%	29%	24%	25%	> 30%	30%		On track for financial year, with first few months including several annual expense payments.

Commercial Services (Property)

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Maximise revenue generated from Councils commercial properties ($ pa)	$2,488,500	$2,573,500	$2,576,000	$2,649,000	> $2,500,000	$1,615,000		
Minimise vacancy rate for Council owned commercial properties (%)	0%	0%	0%	0%	< 10%	35%		89-91 Tamar Street vacated representing 35% of portfolio.
Monitor capital works to ensure they are completed on time and within budget (within 20% of budget)	121%	50%	92%	60%	≤ 120% ≥ 80%	21%		Developer contributions for the Russellton Industrial Estate will bring the expenditure result back on target.
Operating revenue for Flat Rock Tent Park ($ pa)	$369,000	$555,000	$571,000	$538,000	> $600,000	$298,000		On track to meet budget for the year, with January being a busy month.

Communications and Customer Service

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Comply with customer service standards for management of complaints within 15 days (%)	82%	81%	85%	88%	> 80%	95%		19 complaints received in second quarter, with 95% responded to within the timeframe.
Enquiries to Visitor Information Centre (# pa)	33,000	33,000	41,000	35,000	> 35,000	18,000		
Lennox Head Community Hall (Hutley Drive) (Target 15% > 800 hrs p.a.)	N/A	N/A	N/A	733	> 800	365		Still promoting and building interest in this space.
Minimise operating deficit for Community Facilities (excluding depreciation) ($ pa)	($420,000)	($77,000)	($293,000)	($259,000)	< ($380,000)	($121,000)		Continuing efforts to reduce expenditure.
Northlakes Community Centre Use (Target 20% > 1,000hrs p.a.)	N/A	N/A	N/A	1,308	> 1,000	547		.
Number of attendees at library programs (# pa)	8,500	12,100	20,400	18,800	> 20,000	8,400		Below target as Ballina Library was operating in a pop-up location with reduced hours.
Number of bookings for the Ballina Indoor Sports Centre Courts (57% = 4,000hrs p.a.)	2,500	3,800	4,100	4,700	> 4,000	2,600		Sporting association bookings and BCHS bookings are saturating the daily availability. Casual players would love more court availability as casual play is reduced due to the high volume of sport bookings.
Number of bookings for the Ballina Indoor Sports Centre Meeting Rooms (55% = 2,400hrs p.a.)	1,500	2,600	1,900	2,200	> 2,400	1,450		High usage with NDIS programs and community groups.

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Number of bookings for the Ballina Surf Club (40% = 2,500hrs pa)	5,100	3,500	2,600	2,500	> 2,500	1,670		.
Number of bookings for the Kentwell Centre (25% =5,000 hrs pa)	5,500	6,900	6,800	5,000	> 5,000	1,800		Bookings decreased following the removal of the 50% discount for government agencies
Number of bookings for the Lennox Head Cultural Centre - Auditorium (25% =700 hrs pa)	590	1,400	700	630	≥ 700	319		Almost on target due to end of year dance concerts and the weekly booking by Horizon Church
Number of bookings for the Lennox Head Cultural Centre Meeting Rooms (45% = 6,500hrs pa)	5,400	9,400	8,300	7,700	> 6,500	3,600		All regular hirers discontinue classes in the December and January school break. Strong promise of long-term hire with consistent hire of Activities Room by Byron Respite Group.
Number of bookings for the Richmond Room (30% >1,400hrs pa)	2,100	2,800	1,500	2,000	> 1,400	684		Bookings tracking well, with regular hirers such as the Blood Bank and RSL Lighthouse Day Club.
Number of enquiries at the library (door count # pa)	N/A	N/A	187,800	170,000	> 170,000	68,200		Ballina Library operating in a pop-up location with reduced hours.
Number of grant applications submitted (total Council) (#)	23	30	29	31	> 30	9		Six less applications submitted than the same quarter in the previous year. Applications included Public Library Priority Grant, Public Library Infrastructure Grant, Strengthening Community Safety, Crown Reserve Improvement Fund, Get NSW Active, NSW Take-Off Fund, Clubgrants - Infrastructure. Grant opportunities trending downwards.

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Number of visits to Council website (#)	660,200	489,007	521,000	619,300	> 550,000	320,000		Visits to Council website increased 2.5% on quarter one. There was a significant spike in active users in mid-October, as residents utilised resources supporting the changes to rural landfill bin collection, with daily active users spiking from an expected 700 to over 2000 during the transition period.
Number of visits to tourism website (# pa)	105,000	120,000	135,000	142,700	> 120,000	60,300		.
Percentage of customer requests dealt with effectively and promptly (% within allocated timeframe)	N/A	N/A	91%	89%	> 90%	93%		Received 7,447 with 7,043 actioned within the target time frames.
Proportion of satisfied visitors to Ballina Visitor Information Centre (%)	98%	100%	99%	100%	> 98%	98%		Reviews include knowledgeable helpful staff, great merchandise and produce range.
Total library loans (# pa)	238,000	333,000	353,000	356,000	> 330,000	148,500		Ballina Library operating in a pop-up location with reduced hours.
Total library membership for Ballina Shire (excluding inactive for three years) (#)	21,300	19,700	19,400	19,500	> 19,300	24,200		

Facilities Management

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Increase renewable energy generated on Council sites (kW pa)	956	1,120	1,153	1,153	> 1,200	1,191		Same as previous quarter and aiming to increase during next six months.
Maximise operating surplus from fleet operations (excluding depreciation) ($ p.a.)	$2,300,000	$1,997,200	$1,532,000	$2,156,600	> $2,100,000	$1,062,000		On track to make budget due to high level of expenses in first quarter and plant hire income trending above budget.
Minimise light fleet greenhouse gas (CO2) emissions (av. grams per km)	192	191	197	195	< 200	195		
Minimise operating deficit for the swimming pools (excluding depreciation and loan interest) ($ pa)	($308,000)	($287,000)	($259,000)	($488,000)	< ($510,000)	($204,000)		Ballina trending well above in respect to income, as compared to previous yeas and Alstonville slightly under.
Number of swimming pool patrons (# per annum)	228,000	272,495	279,000	263,100	> 260,000	113,000		On track to reach target with January being a very busy month.
Reduce CO2 emissions from Council's built assets (# tonnes)	8,428	7,385	9,450	7,630	< 9,000	2,290		Slightly lower than 2024/25
Reduce the energy consumption from Council's built assets (MWh)	9,915	9,348	9,675	9,572	< 10,000	5,022		Slightly higher than 2024/25

Financial Services

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Investment returns greater than 90-day bank bill rate (# basis points above benchmark)	31	5	76	92	> 50	80		
Minimise the value of store stock control bin errors ($)	$5,860	$(4,167)	$(9,121)	$(677)	< $500	$37		Cyclical stocktake completed during December 2025, with net write-on of $37.

Governance

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Number of insurance claims (# pa)	24	19	31	28	< 30	10		Four new claims this quarter.

Information Services

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Percentage of employee requests for technology assistance addressed within one working day (%)	81%	81%	80%	77%	> 85%	77%		Total requests back to normal following 34% increase last quarter.

People and Culture

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Average number of days sick leave per employee (# days pa)	10	9	10	9	< 20	9		Cumulative result
Hours of lost time due to workers' compensation claims (# hours pa)	781	593	389	2,704	< 1,000	1,714		Seven claims with one claim a significant contributor.
Number of workers' compensation claims (# pa)	18	15	23	21	< 20	14		Peaks and troughs and still aiming for the target for the year.
Percentage of staff turnover per year (%)	12%	17%	13%	13%	< 15%	13%		
Percentage of staff undertaking formal training per year (%)	94%	96%	89%	97%	> 80%	82%		

Planning and Environmental Health Division

Development Services

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Determine Development Applications within 105 days (including modifications)	108	172	177	138	≤ 105	77		Significant improvement.
Development application reviews completed within 7 days to comply with Ministerial Expectation Order	N/A	N/A	N/A	N/A	≤ 7	5		88% of adequacy reviews completed within seven days, with an average time of five days to complete
Number of Section 68 Approvals issued for plumbing and drainage work (# pa)	464	498	320	288	> 450	159		This figure reflects a reduction in the number of new dwelling houses being built at present.
Percentage of building information certificates determined within 30 working days (%)	77%	43%	34%	34%	> 90%	18%		Reflects increased volume of unauthorised development and construction work
Percentage of complying development certificates issued within 10 working days	40%	0%	87%	42%	> 80%	33%		Focus remains with the Minister's Order of Expectations
Percentage of construction certificates issued by Council (% of market)	42%	30%	31%	26%	> 30%	25%		38 construction certificates out of a total of 152.
Percentage of DA applications determined under delegated authority (%)	99%	99%	98%	98%	> 95%	96%		
Percentage of Section 10.7 certificates issued within seven days of receipt (%)	95%	94%	96%	94%	> 90%	98%		988 planning certificates prepared and issued to date

Open Spaces

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Monitor capital works to ensure they are completed on time and within budget (within 20% of budget)	89%	70%	71%	82%	≤ 120% ≥ 80%	43%		Major projects finalised include Ballina Pump Track and key sports field upgrades. Sharpes Beach car park approaching completion,
Monitor operating budgets to comply with approved funding (within 5% of budget)	96%	108%	107%	108%	≤ 105% ≥ 95%	55%		Trending continues higher across all areas of Open Spaces operations and budget adjustments are recommended.
Number of events approved by Council (#)	15	22	80	89	> 40	55		High number of events continue to be held
Number of filming approvals in accordance with NSW Filming Protocol (# pa)	4	10	43	48	> 20	9		Minor, small scale filing events undertaken this quarter. Expected to achieve target by end of financial year.

Public and Environment Health

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Seven Mile Beah 4WD permits and trip numbers monitored	N/Aa	N/A	N/A	N/A	<1,700	580		2,890 vehicles accessing the site in this quarter and 580 new permits issued (482 x 6 month permits and 98 x yearly - 12 month permits). 5.59% non-compliance rate.
High risk commercial premises audited (> 2 p.a.)	25	21	22	5	≥ 2	0		These inspections due to be undertaken in last two quarters.

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Non-compliance with National Health and Medical Research Council drinking water standards (#)	1	0	0	0	= 0	0		
Number of high-risk school zones patrolled (# pa)	70	68	60	298	> 36	62		
Number of On-Site Sewage Mgmt (OSSM) Systems - Approvals to Install issued (# pa)	69	72	65	52	> 50	9		Low level of installations. Demand can quickly increase.
Number of On-Site Sewage Mgmt (OSSM) Systems - Approvals to Operate issued (# pa)	299	202	135	163	> 150	53		19 approvals issued in quarter.
Number of On-Site Sewage Mgmt (OSSM) Systems inspected per annum (# pa)	109	298	304	123	> 200	25		. Off target due to extended period of leave. Aim will be to increase next quarter.
Percentage of barking dog complaints responded to within seven days (%)	98%	96%	97%	99%	= 100%	99%		
Percentage of drinking water sites monitored per week (%)	100%	100%	100%	100%	= 100%	100%		
Percentage of food premises audited per year (%)	79%	100%	100%	80%	= 100%	22%		57 routine food inspections completed in last quarter and program is behind schedule due to resourcing limitations.
Percentage of public pools (as defined in the Public Health Act) monitored for water quality (% pa)	80%	100%	100%	100%	= 100%	60%		

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Percentage of reported dog attacks responded to within 48 hours (%)	96%	98%	99%	98%	= 100%	99%		
Percentage of semi-public pools monitored for water quality (% pa)	60%	100%	100%	100%	≥ 33%	46%		

Strategic Planning

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Level of engagement to Northern Rivers Community Gallery online platforms (# pa)	23,371	33,971	373,000	514,000	> 340,000	362,200		
Minimise operating deficit for the Community Gallery (excluding depreciation) ($ pa)	$264,000	($270,000)	($310,000)	($371,000)	< ($370,000)	($164,000)		
Number of visitors to the Northern Rivers Community Gallery (# pa)	8,010	11,677	15,100	13,300	> 15,000	6,900		Gallery visits slowed a little compared to last quarter. Still anticipated to reach target for the year.

Civil Services Division

Assets Management and Resource Recovery

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Increase kerbside recycling diversion rates (%)	60%	58%	57%	55%	> 59%	60%		Improvement following change in rural service.
Reduce missed kerbside bin services (# per month)	17	8	8	9	< 27	11		

Resource Recovery

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
100% compliance licence reports for waste submitted within 30 days of quarter (%)	100%	100%	100%	100%	= 100%	100%		

Engineering Works

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Minimise operating deficit for the Burns Point Ferry (excluding depreciation) ($ pa)	($460,000)	($442,000)	($532,000)	($429,000)	< ($510,000)	($382,000)		The off-site ferry slip has resulted in high operational costs., with a significant amount of expenditure to be capitalised

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Monitor capital works to ensure they are completed on time (within 20% of budget)	80%	95%	82%	75%	≤ 120% ≥ 80%	20%		Capital works program is heavily back ended due to the bridge duplication projects.
Monitor operating budgets to comply with approved funding (within 5% of budget)					≤ 105% ≥ 95%	57%		Operational costs are slightly above target budgets due to high rural road costs. Expenditure will be reduced during second six months.

Infrastructure Planning

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Percentage of development application referrals completed within 21 days (%)	70%	76%	64%	65%	> 70%	63%		Quarter result just below target, but year to date is trending upwards and the objective is to meet the benchmark for the year. Target of 83% met in first quarter.

Water and Wastewater

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
100% compliance licence reports for water and wastewater submitted within 30 days of quarter (%)	100%	100%	100%	100%	= 100%	100%		

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Average water consumption per residential connection (# kl/pa)	148	139	153	136	< 160	143		
Level of compliance with Environmental Protection Licence Concentration Limits (%)	98%	97%	100%	99%	= 100%	100%		
Maximise percentage of Recycled Water Reticulation Monitoring Compliance in Ballina and Lennox Head (Chemical and Physical) (% with AGWR)	100%	98%	100%	98%	= 100%	100%		
Maximise percentage of Recycled Water Reticulation Monitoring Compliance in Ballina and Lennox Head (Microbial) (% with AGWR)	99%	100%	100%	100%	= 100%	100%		
Minimise number of notifiable pollution incidents triggering formal regulatory response (#)	6	0	6	1	= 0	0		
Minimise number of notifiable Recycled Water Health Incidents at the Wastewater Treatment Plants (#)	1	0	0	0	= 0	0		
Minimise the Volume of Unaccounted Water by replacing old Water Meters	N/A	N/A	N/A	N/A	> 4%	3%		Actual result 2.76%. This is a cumulative total year to date. Ahead of schedule currently.

Service Delivery Indicator	21/22	22/23	23/24	24/25	2025/26 Indicator	2025/26 December	On Target Y/N	Comments
Monitor capital works to ensure they are completed on time and within budget (within 20% of budget)	62%	79%	80%	81%	≤ 120% ≥ 80%	31%		Water operations at 37% and wastewater at 30% for a combined result of 31%.
Monitor operating budgets to comply with approved funding (within 5% of budget)	95%	95%	90%	99%	≤ 105% ≥ 95%	50%		Wastewater Operations is 48% and Water Operations is 52% for a combined result of 50%.
Number of unplanned water supply interruptions greater than four hours in duration (#)	4	0	0	0	= 0	0		
Percentage of drinking water reticulation monitoring compliance with ADWG (Chemical and Physical) (%)	100%	100%	100%	100%	= 100%	100%		
Percentage of drinking water reticulation monitoring compliance with ADWG (Microbial) (%)	100%	100%	100%	100%	= 100%	100%		
Percentage of fire hydrants inspected per annum (%)	42%	44%	36%	40%	> 50%	23%		Actual result 23.21% cumulative to 31 December. Slightly behind target of 25%. To be addressed in next quarter.
Recycled water during dry weather (% ADWF)	13%	9%	3%	4%	> 10%	7%		Use of recycled water is highly dependent on the weather and number of customers connected. Actual result 7.1%.
Reduce water main breaks (# per 30km of main)	1	0	1	0	< 1	1		Actual result 0.57.

Operational Plan Review
Capital Expenditure - Planning and Environmental Health Division - 2025/26
31-December-2025

Reference	Project Description	Project Value	Original 2025/26 Estimate	Carry Forwards	Approved Variations	New Variations	2025/26 Estimate	Expended This Year	% Expended	Design / Consent	Construction		Status
											Commence	Complete	
	Open Spaces - Equipment and Embellishment												
746	Crown Reserve Improvements	0	54,000			(54,000)	0	0	100	Complete	Complete	Complete	Transfer to Williams Reserve
940	Meldrum Park, Ballina	170,000	170,000				170,000	0	0	Feb-26	Apr-26	Jun-26	
1722	Ballina Pump Track	1,800,000	1,200,000	(9,000)	180,000	(150,000)	1,221,000	1,177,700	96	Complete	Complete	Complete	Stronger Country Communities Fund - Round 5 - $734,000 - Transfer to Car Park
1729	Sharpes Beach Master Plan	2,350,000	1,300,000	(35,000)	1,000,000		2,265,000	1,915,300	85	Complete	Aug-25	Feb-26	Regional Tourism Activation Fund Grant - $1,050,000
1843	Park Shelters and Playground - Improvements	65,000	65,000				65,000	10,600	16	N/A	Jul-25	Jun-26	
1896	Kingsford Smith Crown Reserve - Revetment	940,000		0			0	21,200	100	Complete	Complete	Complete	Grant funded - Seeking additional grant funds
1943	Prospect Park, Ballina	150,000	150,000				150,000	0	0	Feb-26	Apr-26	Jun-26	
1947	Alstonville Creek Restoration	1,100,000	516,000	268,000			784,000	23,500	3	Complete	Apr-25	Dec-28	Grant - Urban Rivers and Catchment Program - Funded over Three Years
2085	Campbell Park, Alstonville	155,000	155,000				155,000	0	0	Feb-26	Apr-26	Jun-26	
2087	Missingham Park, Ballina	420,000	420,000				420,000	300	0	Feb-26	Apr-26	Jun-26	
2088	Montwood Park / Caloola, Lennox Head	180,000	180,000				180,000	0	0	Feb-26	Apr-26	Jun-26	
2273	Hutley Drive - Sports Court	116,000	116,000				116,000	0	0	Feb-26	Apr-26	Jun-26	Grant funded project
2351	Water Fountain Priority Program	40,000	40,000				40,000	400	1	N/A	Ongoing	Ongoing	
2352	Safety Fencing Program	60,000	60,000				60,000	2,200	4	N/A	Ongoing	Ongoing	
2353	Ross Park, Lennox Head	35,000	60,000			(25,000)	35,000	32,500	93	Complete	Complete	Complete	Transfer to Pedestrian Refuge
2354	Outdoor Fitness Equipment	58,000	58,000				58,000	0	0	Feb-26	Apr-26	Jun-26	
2355	EA Brown Park, Alstonville	300,000	300,000				300,000	0	0	Feb-26	Apr-26	Jun-26	
2356	Westland Park, Ballina	165,000	165,000				165,000	0	0	Feb-26	Apr-26	Jun-26	
2401	Kingsford Smith Reserve - Car Park	350,000	0		200,000	150,000	350,000	0	0	Mar-26	Apr-26	Jun-26	Transfer from Pump Track
2402	Kingsford Smith Reserve - Pedestrian Refuge	60,000	0		35,000	25,000	60,000	50,300	84	Complete	Complete	Complete	Transfer from Ross Park
2404	Boat Ramp, Sailing Club	10,000	0		10,000		10,000	0	0	Dec-25	Feb-26	May-26	
2414	Cawarra Park Boating Infrastructure	2,000,000	0		50,000		50,000	0	0	Jun-26	Jan-27	Mar-28	50% Grant Funded - Procurement by December 2026 - completion by March 2028
	Sub Total	**10,524,000**	**5,009,000**	**224,000**	**1,475,000**	**(54,000)**	**6,654,000**	**3,234,000**	**49**				
	Sports Fields												
945	Sports Fields - Fencing Upgrades	40,000	40,000				40,000	5,400	14	N/A	Ongoing	Ongoing	
1491	Top Dressing - Various	115,000	85,000			30,000	115,000	110,400	96	Complete	Complete	Complete	Urgent Works Wollongbar - Transfer from Rental Reserve
1846	Williams Reserve, Lennox Head - Irrigation	350,000	0	9,000		54,000	63,000	35,000	56	Complete	Complete	Complete	Transfer from Crown Reserve Improvements - Final payment outstanding
2357	Saunders Oval Cricket Pitch	30,000	30,000			(30,000)	0	0	100	N/A	Jul-26	Oct-26	Defer to 2026/27 - Revised implementation program
2358	Building Design - Kingsford Smith Reserve	35,000	35,000				35,000	0	0	Jun-26	N/A	N/A	
2358	Building Design - Saunders Oval	30,000	30,000				30,000	0	0	Jun-26	N/A	N/A	
2374	Walsh Park, Wardell	20,000	20,000				20,000	0	0	Feb-26	Apr-26	Jun-26	Minimal works planned
2383	Fripp Oval - Remediation	1,000,000	1,000,000				1,000,000	48,900	5	Complete	Dec-25	Jun-26	
	Sub Total	**1,620,000**	**1,240,000**	**9,000**	**0**	**54,000**	**1,303,000**	**199,700**	**15**				
	Total - Open Spaces	**12,144,000**	**6,249,000**	**233,000**	**1,475,000**	**0**	**7,957,000**	**3,433,700**	**43%**				
	Health and Environmental												
2390	Lake Ainsworth - Aerator and Foreshore	80,000	80,000				80,000	27,500	34	Complete	Oct-25	Jun-26	REF approved. Works to be completed post summer and Easter.
1517	Off Leash Exercise Area - Gap Road	6,000	6,000				6,000	200	3	Complete	Complete	Complete	
1742	Teven Reserve	940,000	0			8,000	8,000	7,600	95	Complete	Jul-24	Jun-26	Project delayed due to a review of cultural heritage - Transfer from Environment Reserve
	Total - Health and Environment	**1,026,000**	**86,000**	**0**	**0**	**8,000**	**94,000**	**35,300**	**38%**				
	Total - Planning and Environmental Health	**13,170,000**	**6,335,000**	**233,000**	**1,475,000**	**8,000**	**8,051,000**	**3,469,000**	**43%**				

8.10 Capital Expenditure - 31 December 2025 Review

Operational Plan Review
Capital Expenditure - Corporate and Community Division - 2025/26
31-December-2025

Reference	Project Description	Project Value	Original 2025/26 Estimate	Carry Forwards	Approved Variations	New Variations	2025/26 Estimate	Expended This Year	% Expended	Design / Consent	Construction		Status
											Commence	Complete	
	Commercial Services												
	Airport												
730	Terminal - Expansion	7,500,000	260,000	0		(260,000)	0	0	100	Jun-27	Uncertain	Uncertain	Terminal master plan being updated - Defer balance of expenditure
734	Runway Strengthening and Overlay and Lights	20,000,000	0	45,000			45,000	47,600	106	Complete	Complete	Complete	
1834	Controlled Air Space	50,000	0	38,000			38,000	15,000	39	Complete	Apr-25	Jun-26	
2045	Terminal - CBS and Air-Conditioning	600,000	600,000				600,000	300,800	50	Complete	Jul-25	Feb-26	
2135	Ground Transport Master Plan	4,450,000	4,450,000	55,000	(4,000,000)		505,000	35,400	7	Jun-26	Sep-26	Dec-27	
2235	Hangar Site Preparation	200,000	90,000			(65,000)	25,000	1,600	6	Complete	Dec-25	Mar-26	Transfer to Maintenance
	Sub Total	**32,800,000**	**5,400,000**	**138,000**	**(4,000,000)**	**(325,000)**	**1,213,000**	**400,400**	**33**				
	Commercial Property												
724	Wollongbar Urban Expansion Area - Stage 3	3,000,000	0	294,000			294,000	309,800	105	Complete	Complete	Complete	Tender closed for housing development
725	Southern Cross Industrial - Boeing Avenue - Lot 3	8,400,000	0	381,000			381,000	17,400	5	Complete	Complete	Complete	Approval needed for improving land on lots 10, 11 and 12
728	Flat Rock - Improvements	380,000	20,000			360,000	380,000	0	0	Ongoing	Ongoing	Ongoing	Brong forward capital works - Transfer from Reserve
1756	Russellton Industrial Estate - Final Stage	7,000,000	50,000	1,360,000			1,410,000	110,500	8	Complete	Complete	Dec-25	Developer contributions, registration and revegetation outstanding
2242	Wigmore Arcade Tenant Car Park	32,000	0	4,000			4,000	1,100	28	Complete	Complete	Complete	
3210	Stokers Quarry - Rehabilitation	455,000	250,000	119,000			369,000	8,800	2	Complete	Jul-24	Jun-26	
	Sub Total	**19,267,000**	**320,000**	**2,158,000**	**0**	**360,000**	**2,838,000**	**447,600**	**16**				
	Total - Commercial Services	**52,067,000**	**5,720,000**	**2,296,000**	**(4,000,000)**	**35,000**	**4,051,000**	**848,000**	**21%**				
	Facilities Management												
	Community Buildings												
1514	Kentwell Centre - Renewal works	45,000	45,000		0	(45,000)	0	0	100	N/A	N/A	N/A	Transfer to Marine Rescue
1878	Alstonville Cultural Centre - Refurbishment	17,000,000	7,460,000	86,000	(5,000,000)		2,546,000	233,900	9	Complete	Apr-26	Jun-27	Tender accepted
2050	Lennox Head Cultural Centre - Roof Foyer	195,000	0	112,000	65,000		177,000	192,000	108	Complete	Complete	Complete	
2051	Lennox Head Cultural Centre - Roof CWA Hall	70,000	0	69,000		(68,000)	1,000	1,500	150	Complete	Complete	Complete	Expenditure included in WO 2050 - Transfer saving to Reserve
2052	Lennox Head Cultural Centre - Carpet / Paint	60,000	0	59,000			59,000	0	0	Complete	Feb-26	May-26	
2053	Ballina Library / VIC - Internal Paint	36,000	0	94,000		(58,000)	36,000	36,700	102	Complete	Complete	Complete	Transfer $8,000 to Foyer and Balance to Reserve
2115	Ballina Library / VIC - Security Upgrade	79,000	0	78,000	(78,000)		0	0	100	Complete	Complete	Complete	
2166	Ballina Library - Foyer and Refurbishment	200,000	0	168,000		8,000	176,000	175,600	100	Complete	Complete	Complete	Library Grant
2056	Gallery - Deck	125,000	125,000				125,000	3,800	3	Jun-26	Uncertain	Uncertain	Needs heritage approval and development consent
2281	Ballina Indoor Sports Centre - Court Lighting	20,000	0	20,000	(20,000)		0	0	100	N/A	N/A	N/A	
2322	Ballina CWA - Re-roof	50,000	50,000				50,000	1,300	3	Dec-25	Feb-26	Apr-26	
2323	Ballina Library/Richmond Room/VIC - Eaves	120,000	120,000				120,000	0	0	Dec-25	Feb-26	Apr-26	
2324	Ballina Library/Richmond Room/VIC - Re-roof	220,000	220,000				220,000	0	0	Dec-25	Feb-26	Apr-26	
2325	Marine Rescue Tower - Windows	115,000	70,000			45,000	115,000	0	0	Oct-25	Nov-25	Dec-25	Transfer from Kentwell Centre
2368	Crawford House - Roof, Paint and Miscellaneous	51,000	51,000				51,000	700	1	Dec-25	Feb-26	Apr-26	
2373	Naval Museum Expansion	450,000	450,000				450,000	0	0	Jun-26	Aug-26	Jun-27	Needs crown land approval and development consent
New	Wollongbar Hall	59,000	0			59,000	59,000	0	0	Feb-26	Mar-26	Jun-26	Retrofit for Library - Transfer from Reserve
	Sub Total	**18,895,000**	**8,591,000**	**686,000**	**(5,033,000)**	**(59,000)**	**4,185,000**	**645,500**	**15**				

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Capital Expenditure - Corporate and Community Division - 2025/26 (continued)
31-December-2025

Reference	Project Description	Project Value	Original 2025/26 Estimate	Carry Forwards	Approved Variations	New Variations	2025/26 Estimate	Expended This Year	% Expended	Design / Consent	Construction		Status
	Administration Centre and Depot Facilities												
1481	Depot - Administration Building	7,300,000	0	13,000			13,000	29,400	226	Complete	Complete	Complete	
1763	Depot - Fuel System	885,000	885,000		(165,000)		720,000	600	0	Complete	Mar-26	Jun-26	Part 5 approval obtained
2057	Depot - Internal Car Park	315,000	0	190,000	125,000		315,000	304,600	97	Complete	Complete	Complete	Internal delivery
2058	Depot - Store Roof	165,000	0	143,000	20,000		163,000	165,300	101	Complete	Complete	Complete	
2059	Depot - Water / Wastewater Roof	130,000	0	270,000	(140,000)		130,000	128,100	99	Complete	Complete	Complete	
2207	Depot - Open Spaces Roof	145,000	0	129,000	15,000		144,000	144,000	100	Complete	Complete	Complete	
2326	Depot - Compound (Store and Small Plant)	187,000	187,000	0		(187,000)	0	0	100	Jul-26	Sep-26	Dec-26	Defer to 2026/27
2411	Depot - Relocations	100,000	0		100,000		100,000	0	0	Complete	Jan-26	Mar-26	
	Sub Total	**9,227,000**	**1,072,000**	**745,000**	**(45,000)**	**(187,000)**	**1,585,000**	**772,000**	**49**				
	Public Amenities												
2139	Bulwinkel Park	80,000	0	71,000			71,000	12,800	18	Complete	Feb-26	Jun-26	REF approval obtained
2140	Cawarra Park	80,000	79,000			(73,000)	6,000	6,100	102	Defer	Defer	Defer	Defer based on Cawarra Park grant - Transfer budget to Amenities
2142	Freeborn Park	150,000	148,000				148,000	27,700	19	Complete	Feb-26	Jun-26	
New	North Missingham Park	120,000				120,000	120,000		0	Mar-26	Apr-26	Jun-26	Urgent works due to deterioration of facility
	Sub Total	**430,000**	**227,000**	**71,000**	**0**	**47,000**	**345,000**	**46,600**	**14**				
	Plant and Fleet												
740	Light Vehicles and Heavy Plant (Net)	2,000,000	2,000,000				2,000,000	513,800	26	N/A	On-going	On-going	
	Swimming Pools												
1963	Alstonville Swimming Pool - Energy Efficiency	0	47,000			(47,000)	0	0	100	N/A	N/A	N/A	Transfer to Public Amenities - No capacity to expand
1963	Alstonville Swimming Pool - Power Correction	17,000			17,000		17,000	0	0	Jan-26	Mar-26	Jun-26	
1963	Ballina Swimming Pool - Power Correction	23,000			23,000		23,000	0	0	Jan-26	Mar-26	Jun-26	
	Sub Total	**23,000**	**47,000**	**0**	**40,000**	**(47,000)**	**40,000**	**0**	**0**				
	Total - Facilities Management	**30,575,000**	**11,937,000**	**1,502,000**	**(5,038,000)**	**(246,000)**	**8,155,000**	**1,977,900**	**24%**				
	Destination and Economy												
1959	Historical Riverfront Walk - Signage	180,000	0	90,000			90,000	76,500	85	Complete	Complete	Complete	Grant funded project
	Information Services												
New	CCTV Installation	1,000,000	0			500,000	500,000	0	0	Jun-26	Jun-26	Dec-26	Grant funded project
	Total - Corporate and Community	**83,822,000**	**17,657,000**	**3,888,000**	**(9,038,000)**	**289,000**	**12,796,000**	**2,902,400**	**23%**				

Operational Plan Review
Capital Expenditure - Emergency Services and NEWLOG - 2025/26
31-December-2025

Reference	Project Description	Project Value	Original 2025/26 Estimate	Carry Forwards	Approved Variations	New Variations	2025/26 Estimate	Expended This Year	% Expended	Design / Consent	Construction		Status
											Commence	Complete	
	Emergency Services												
756	SES Building, Ballina	7,100,000	2,700,000	19,000	1,850,000		4,569,000	1,564,100	34	Complete	Sep-25	Sep-26	Construction underway
	Sub Total	**7,100,000**	**2,700,000**	**19,000**	**1,850,000**	**0**	**4,569,000**	**1,564,100**	**34**				
	Infrastructure												
748	Surveying Equipment	43,000	43,000		(43,000)		0	0	100	N/A	N/A	N/A	
	Sub Total	**43,000**	**43,000**	**0**	**(43,000)**	**0**	**0**	**0**	**100**				
	NEWLOG												
1235	Plant Replacement	0	0				0	0	100	N/A	N/A	N/A	No purchases planned for 2025/26
	Sub Total	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**100**				
	Total - Emergency Services and NEWLOG	**7,143,000**	**2,743,000**	**19,000**	**1,807,000**	**0**	**4,569,000**	**1,564,100**	**34%**				

Operational Plan Review
Capital Expenditure - Resource Recovery - 2025/26
31-December-2025

Reference	Project Description	Total Project Value	Original 2025/26 Estimate	Carry Forwards	Approved Variations	New Variations	2025/26 Estimate	Expended This Year	% Expended	Design / Consent Complete	Construction		Status
											Commence	Complete	
1265	Resource Recovery - Front of House	3,500,000	1,250,000	208,000		(858,000)	600,000	174,600	29	Jun-26	Sep-26	Jun-27	Detailed design and planning approval process underway - Defer part to 2026/27
1513	Resource Recovery - Bulk Loadout Area	3,750,000	0	50,000			50,000	0	0	Mar-26	Mar-26	Jun-27	Planning underway
2048	Resource Recovery - Leachate and Scada	130,000	0	32,000			32,000	8,000	25	Complete	Feb-26	Jun-26	Design complete
	Total - Resource Recovery	**7,380,000**	**1,250,000**	**290,000**	**0**	**(858,000)**	**682,000**	**182,600**	**27%**				

8.10 Capital Expenditure - 31 December 2025 Review

Operational Plan Review
Capital Expenditure - Water Operations - 2025/26
31-December-2025

Reference	Project Description	Project Value	Original 2025/26 Estimate	Carry Forwards	Approved Variations	New Variations	2025/26 Estimate	Expended This Year	% Expended	Design / Consent	Construction		Status
											Commence	Complete	
	Trunk Mains and Main Renewals												
991	Reticulation Valve Replacement	50,000	50,000				50,000	0	0	N/A	On-going	On-going	Reactive program - as required
1005	Meters - New	250,000	250,000				250,000	122,600	49	N/A	On-going	On-going	
1006	Meters - Replacements	210,000	210,000				210,000	112,100	53	N/A	On-going	On-going	
2095	Norton Street, Ballina	500,000	500,000			(100,000)	400,000	32,800	8	Complete	May-26	Dec-26	Design complete - Defer part to 2026/27
2101	Stonehenge Place, Lennox Head	300,000	400,000			(100,000)	300,000	24,400	8	Complete	Mar-26	Jun-26	Estimated saving - Transfer to Reserve
2103	Sunrise Crescent, Lennox Head	265,000	370,000		100,000	(205,000)	265,000	262,400	99	Complete	Complete	Complete	Saving - Transfer to Reserve
2105	Basalt Court Gravity Main Augmentation	50,000	50,000			(40,000)	10,000	1,700	17	Jun-26	Jul-26	Jun-27	Design and investigation only. Defer part as construction in 2026/27
2297	Kings Court, Lennox Head	216,000	530,000			(314,000)	216,000	214,300	99	Complete	Complete	Complete	Saving - Transfer to Reserve
2298	Coast Road (Pinnacle Row), Lennox Head	90,000	110,000			(20,000)	90,000	4,200	5	Complete	Jan-26	Jun-26	Estimated saving - Transfer to Reserve
2299	Winton Lane, Ballina	300,000	300,000				300,000	1,000	0	Complete	Mar-26	Jun-26	Project dependent on Engineering Works
2300	Fox Street (Meldrum Park/Martin St), Ballina	300,000	300,000				300,000	173,000	58	Complete	Nov-25	Mar-26	
2301	Williams Street, Lennox Head	10,000	10,000			(7,000)	3,000	2,100	70	Complete	Jul-26	Jun-27	Design only. Transfer to Reserve as saving in 2026/27
	Sub Total	**2,541,000**	**3,080,000**	**0**	**100,000**	**(786,000)**	**2,394,000**	**950,600**	**40**				
	Miscellaneous												
987	Telemetry	20,000	20,000				20,000	6,600	33	N/A	On-going	On-going	
992	Water Loss Reduction Program	93,000	50,000	43,000			93,000	0	0	N/A	On-going	On-going	Actions identified in demand management assessment report
1004	Plant and Equipment	100,000	100,000				100,000	10,400	10	N/A	On-going	On-going	
2108	Depot - Administration Building	7,300,000	112,000	(96,000)			16,000	11,000	69	Complete	Complete	Complete	
2391	Depot - Administration Building - Fit Out	35,000	0	35,000			35,000	58,400	167	Complete	Complete	Complete	
	Sub Total	**7,548,000**	**282,000**	**(18,000)**	**0**	**0**	**264,000**	**86,400**	**33**				
	Reservoirs												
982	Reservoir - EPIQ Estate	2,000,000		64,000			64,000	1,800	3	Complete	Complete	Complete	Contractor resolving defects
985	Reservoir - Lennox Head	150,000	14,000				14,000	0	0	Complete	Mar-26	Jun-26	
986	Reservoir - Pine Avenue	185,000	60,000	36,000		(93,000)	3,000	2,400	80	Jun-26	Jul-26	Dec-26	Defer to 2026/27
2106	Reservoir - Painting	50,000	0	10,000		40,000	50,000	1,500	3	Complete	Feb-26	Jun-26	Preferred artist identified - Transfer from Reserve
2302	Reservoirs - Rectification / Sealing	50,000	50,000				50,000	0	0	Complete	Mar-26	Jun-26	
	Sub Total	**2,435,000**	**124,000**	**110,000**	**0**	**(53,000)**	**181,000**	**5,700**	**3**				
	Total - Water Operations	**12,524,000**	**3,486,000**	**92,000**	**100,000**	**(839,000)**	**2,839,000**	**1,042,700**	**37%**				

Operational Plan Review
Capital Expenditure - Wastewater Operations - 2025/26
31-December-2025

Reference	Project Description	Project Value	Original 2025/26 Estimate	Carry Forwards	Approved Variations	New Variations	2025/26 Estimate	Expended This Year	% Expended	Design / Consent	Construction		Status
											Commence	Complete	
	Main Renewals including Recycled Water (RW)												
1071	Seamist Place, Lennox Head	524,000	500,000	24,000	(200,000)	(200,000)	124,000	0	0	Jun-26	Aug-26	Dec-26	Design still under review - Defer construction to 2026/27
1094	RW Meter Connections	50,000	50,000				50,000	9,900	20	Ongoing	Ongoing	Ongoing	
1228	Relining Works	750,000	750,000				750,000	127,700	17	Complete	Nov-25	Jun-26	
1236	Rising Main - Swift Street, Ballina	20,000	20,000				20,000	0	0	Jun-26	Jul-26	Jun-27	Design and investigation only. Construction in 2026/27
1861	Transfer Main - Alstonville / Wollongbar	1,150,000	0	253,000			253,000	168,800	67	Complete	Complete	Complete	Awaiting final contractor payment
1862	Rising Main - Skinners Street / Crowley	50,000	50,000			(27,000)	23,000	22,600	98	Dec-25	Jul-26	Jun-27	Design only. Construction in 2026/27 - Defer budget
1873	Main Extension - Palm Lake	300,000	300,000			(100,000)	200,000	5,000	3	Complete	Feb-26	Apr-26	
1874	RW Connection - Convair Ave to Airport	510,000	0	509,000			509,000	483,800	95	Complete	Complete	Complete	
1875	RW Main - Ferngrove to Ballina	290,000	240,000	50,000			290,000	9,800	3	Complete	Complete	Complete	Awaiting final contractor payment
2034	RW Prospect Bridge to Links Avenue	590,000	590,000				590,000	494,800	84	Complete	Complete	Complete	Awaiting final contractor payment
2130	Rising Main - Serpentine	320,000	20,000		550,000	(250,000)	320,000	0	0	Complete	Feb-26	Jun-26	Revised budget for 2025/26 - Transfer to Reserve
2133	RW Bulk Filling Point	50,000	0	50,000	(40,000)		10,000	0	0	Complete	Complete	Complete	
2315	Links Ave to Chickiba RW Main	402,000	400,000			2,000	402,000	401,900	100	Complete	Complete	Complete	Transfer from Reserve
2318	Recycled Canal Bridge to Ferngrove	550,000	650,000			(100,000)	550,000	8,200	1	Nov-25	Jan-26	Jun-26	Revised budget for 2025/26 - Transfer to Reserve
2369	Gravity Main - SP2402 Liffey Avenue	20,000	40,000			(20,000)	20,000	0	0	Mar-26	Jul-26	Jun-27	Design and investigation only. Construction in 2026/27 - Saving
2370	Gravity Main - SP2402 Lindsay Avenue	10,000	20,000			(10,000)	10,000	0	0	Mar-26	Jul-26	Jun-27	Design and investigation only. Construction in 2026/27 - Saving
2384	Distribution Main - Lennox Head	350,000	350,000				350,000	0	0	N/A	Uncertain	Uncertain	Developer dependent
2409	Rising Main - Alstonville High	250,000	100,000			150,000	250,000	7,200	3	Dec-25	Jan-26	Mar-26	Land acquisition costs unknown
	Sub Total - Mains	**6,186,000**	**4,080,000**	**886,000**	**310,000**	**(555,000)**	**4,721,000**	**1,739,700**	**37**				
	Pumping Stations												
1009	Wet Well Relining Program	310,000	200,000				200,000	107,600	54	Complete	Oct-25	Dec-25	
1067	Pumping Station - Lindsay Ave SP2402	1,100,000	80,000	17,000			97,000	34,400	35	Dec-25	Apr-26	Dec-26	Concept designs in progress
Various	Renewal Works	1,500,000	700,000	378,000		422,000	1,500,000	233,200	16	On-going	On-going	On-going	Increased based on forecast expenditure
2116	Pumping Station - SPS 2101 Rebuild	150,000	150,000		(50,000)	(50,000)	50,000	0	0	Jun-26	Sep-26	Dec-26	Defer to 2026/27
2117	Pumping Station - Odour Control	100,000	100,000		(50,000)	(50,000)	0	0	100	Jun-26	Sep-26	Dec-26	Defer to 2026/27
	Sub Total - Pumping Stations	**3,160,000**	**1,230,000**	**395,000**	**(100,000)**	**322,000**	**1,847,000**	**375,200**	**20**				
	Miscellaneous												
1238	Plant Changeovers	200,000	200,000				200,000	47,000	24	N/A	On-going	On-going	
1128	Telemetry	500,000	500,000				500,000	50,600	10	N/A	On-going	On-going	
2132	Depot - Administration Building	7,300,000	113,000	(96,000)			17,000	11,000	65	Complete	Complete	Complete	
2132	Depot - Administration Building - Fit Out	35,000	0	35,000			35,000	49,400	141	Complete	Complete	Complete	
	Sub Total - Miscellaneous	**8,035,000**	**813,000**	**(61,000)**	**0**	**0**	**752,000**	**158,000**	**21**				

continued on following page

Capital Expenditure - Wastewater Operations - 2024/25 (continued)
31-December-2025

Reference	Project Description	Project Value	Original 2025/26 Estimate	Carry Forwards	Approved Variations	New Variations	2025/26 Estimate	Expended This Year	% Expended	Design / Consent	Construction		Status
											Commence	Complete	
	Treatment Plants												
1015	Lennox Head - Minor	20,000	20,000				20,000	0	0	N/A	On-going	On-going	
1016	Alstonville - Minor	30,000	10,000			20,000	30,000	21,300	71	N/A	On-going	On-going	
1017	Wardell - Minor	10,000	10,000				10,000	0	0	N/A	On-going	On-going	
1226	Ballina - Minor	20,000	20,000				20,000	12,000	60	N/A	On-going	On-going	
1019	Ballina - Post Completion - Rectification	9,000,000	0	825,000	(290,000)	(200,000)	335,000	335,800	100	Complete	Complete	Complete	Post completion retention held - Will be paid in 2026/27 - Defer par
1024	Ballina - Solar	1,200,000	630,000			(500,000)	130,000	0	0	Complete	Jul-26	Dec-26	Ready to go to tender - Defer part to 2026/27
2118	Ballina - Hypo Dosing	100,000	0	100,000		(100,000)	0	0	100	Jun-26	Jul-26	Dec-26	Design in progress - Defer construction to 2026/27
2120	Ballina - Sludge Digestor Aeration Upgrade	900,000	800,000	95,000			895,000	9,700	1	Feb-26	May-26	Sep-26	
2208	Ballina - Access Road	140,000	0	10,000			10,000	0	0	Complete	Apr-25	Dec-25	Final treatment and seal still to be applied
2304	Ballina - Roof Replacement	250,000	250,000			(250,000)	0	0	100	Dec-25	Mar-26	Jun-26	Considered in conjunction with solar project - Defer to 2026/27
2305	Ballina - Foul Water Pump	0	50,000			(50,000)	0	0	100	Complete	Complete	Complete	Saving - Completed as maintenance - Transfer to Reserve
2413	Ballina - Back-up Generator	50,000			50,000		50,000	0	0	Feb-26	Apr-26	Jun-26	
1029	Lennox Head - Solar	610,000	0	10,000		(10,000)	0	0	100	Jun-26	Oct-26	Jun-27	Options under review as part of Master Plan process - Defer 2026/27
1031	Lennox Head - Chlorination Renewal	825,000		59,000		(59,000)	0	0	100	Complete	Complete	Complete	Defects period in progress - Saving - Transfer to Reserve
1860	Lennox Head - Sludge Return	150,000		150,000		(70,000)	80,000	0	0	Jun-26	Jul-26	Dec-26	Project currently in feasibility phase - Defer part to 2026/27
2121	Lennox Head - Belt Press	435,000	590,000	100,000		(255,000)	435,000	384,200	88	Complete	Nov-25	Feb-26	Contract awarded
2122	Lennox Head - WAS Pump Upgrade	150,000		150,000			150,000	5,500	4	Dec-25	Uncertain	Uncertain	Design in progress
2123	Lennox Head - Hydrochloric Acid Upgrade	50,000	30,000	13,000			43,000	0	0	Complete	Apr-25	Dec-25	Unit has been delivered and is operational
1028	Lennox Head - Aeration Optimisation	200,000	200,000			(200,000)	0	0	100	Uncertain	Uncertain	Uncertain	To be considered as part of Master Plan preparation - Saving
1505	Lennox Head - Catch Pond Floor lining	50,000	50,000				50,000	0	0	Jun-26	Uncertain	Uncertain	Desing in progress
2306	Lennox Head - Low Lift Pumps	150,000	200,000			(50,000)	150,000	80,900	54	Complete	Feb-26	Mar-26	
2375	Lennox Head - UV Rectification	50,000	50,000				50,000	0	0	Jun-26	Uncertain	Uncertain	Desing in progress
2307	Lennox Head - Weir Board Optimisation	50,000	50,000			(50,000)	0	0	100	Uncertain	Uncertain	Uncertain	To be considered as part of Master Plan preparation - Saving
2308	Lennox Head - Alum Plus Caustic Dosing	50,000	50,000			(50,000)	0	0	100	Uncertain	Uncertain	Uncertain	To be considered as part of Master Plan preparation - Saving
2309	Lennox Head - Pall Upgrade	50,000	50,000			(50,000)	0	0	100	Uncertain	Uncertain	Uncertain	To be considered as part of Master Plan preparation - Saving
2310	Lennox Head - Sludge Pontoon	100,000	100,000				100,000	0	0	Mar-26	Jun-26	Dec-26	Design investigation in progress
1032	Alstonville - Inlet Works	1,600,000	300,000	158,000			458,000	44,500	10	Complete	Complete	Complete	Contractor resolving defects
1033	Alstonville - Biosolids	200,000	100,000	20,000		(120,000)	0	0	100	Jun-26	Jul-26	Dec-26	Defer to 2026/27
2124	Alstonville - WAS Pump Upgrade	150,000	0	150,000			150,000	6,400	4	Complete	Mar-26	Jun-26	
2125	Alstonville - Dosing Upgrade	850,000	200,000	50,000		(200,000)	50,000	0	0	Jun-26	Jan-27	Jun-27	Defer to 2026/27
2311	Alstonville - Staff Facilities	1,300,000	200,000			(50,000)	150,000	15,000	10	Jun-26	Jan-27	Jun-27	Defer to 2026/27
2313	Wardell - Low Lift Pump	400,000	100,000			(80,000)	20,000	0	0	Complete	Jul-26	Dec-26	Defer to 2026/27
2314	Wardell - Grit Lift Blower	0	50,000			(50,000)	0	0	100	Complete	Complete	Complete	Completed as maintenance - Saving
2126	Wardell - Ultra Violet Replacement	400,000	300,000	30,000		(330,000)	0	0	100	Jun-26	Jul-26	Mar-27	Design in progress - Defer to 2026/27
	Sub Total - Treatment Plants	**19,540,000**	**4,410,000**	**1,920,000**	**(240,000)**	**(2,704,000)**	**3,386,000**	**915,300**	**27**				
	Total - Wastewater Operations	**36,921,000**	**10,533,000**	**3,140,000**	**(30,000)**	**(2,937,000)**	**10,706,000**	**3,188,200**	**30%**				

Operational Plan Review
Capital Expenditure - Engineering Works - 2025/26
31-December-2025

Reference	Project Description	Project Value	Original 2025/26 Estimate	Carry Forwards	Approved Variations	New Variations	2025/26 Estimate	Expended This Year	% Expended	Design / Consent	Construction		Status
											Commence	Complete	
	Urban Roads												
807	Urban Roads Heavy Patching	689,000	689,000				689,000	457,000	66	N/A	On-going	On-going	
810	Alstonville Bypass	100,000	100,000				100,000	1,200	1	N/A	Apr-26	Jun-26	Heavy patching and linemarking for quarter three
811	Ballina Bypass	180,000	180,000				180,000	36,700	20	N/A	Apr-26	Jun-26	Kerr Street and Tamarind Drive in quarter three
834	River St - 4 Lanes - Stage 3 - Fishery Creek	40,000,000	18,750,000	29,000	(7,779,000)	(750,000)	10,250,000	1,448,100	14	Complete	Jul-25	Apr-27	Transfer to Sandpit Airport - Road Access
836	Tamarind Drive Canal Bridge - 4 Lanes	40,000,000	22,535,000	(128,000)	(6,407,000)	(5,000,000)	11,000,000	1,794,400	16	Complete	Jul-25	Apr-27	Based on forecast cash flow defer to 2026/27
838	North Creek Road and Bridge	90,000,000	200,000			(180,000)	20,000	0	0	Jun-26	Uncertain	Uncertain	Work complete until review of Road Network - Transfer to Reserve
1150	Hutley Drive, Lennox Head - Middle Section	350,000	350,000			(340,000)	10,000	10,600	106	Jun-26	Uncertain	Uncertain	Section 7.11 Project - Design and Approvals - Transfer to Reserve
1156	Reseals Urban	610,000	568,000	102,000		(60,000)	610,000	47,500	8	N/A	On-going	On-going	Transfer to Rural Roads Heavy Patching
1438	Wardell Town Centre	1,676,000	0	283,000			283,000	243,700	86	Complete	Complete	Complete	
1521	Roads to Recovery	150,000	0	150,000			150,000	65,200	43	N/A	Jul-25	Mar-26	Teven Bridge Guard Rail installed. Two further rails to be completed.
1969	Byron Street / Byron Bay Road - Roundabout	1,600,000	0	300,000			300,000	253,700	85	Complete	Complete	Complete	Australian Government Blackspot Funding
2007	Evacuation Route Raising	2,400,000	2,165,000	166,000	(2,301,000)		30,000	39,600	132	Complete	N/A	N/A	Northern Rivers Recovery and Resilience Grant - Project not funded
2064	North Ck Rd - Tamarind Drv to Sthn X - 4 Lanes	2,500,000	2,200,000	138,000	(2,328,000)		10,000	9,900	99	Complete	Deferred	Deferred	Section 7.11 Project
2067	Fox Street, Ballina segment 90	325,000	0	79,000		(50,000)	29,000	28,800	99	Complete	Complete	Complete	Transfer to Sandpit Airport - Road Access
2068	Helen Court, Ballina segment 10	105,000	0	6,000			6,000	6,200	103	Complete	Complete	Complete	
2070	Winton Lane, Ballina Segment 20	290,000	290,000				290,000	0	0	Complete	Mar-26	Apr-26	
2222	Landslip - The Coast Road - Lennox Point	3,000,000	2,000,000	66,000		(1,500,000)	566,000	37,200	7	Feb-26	May-26	Sep-26	EPAR - Based on forecast cash flow defer to 2026/27
2247	North Creek Road, Ballina	130,000	120,000	10,000		(130,000)	0	0	100	Complete	N/A	N/A	Transfer to Reserve - Will assist in funding North Creek Road Four Lanes
2248	Tamar Street, Ballina	40,000	30,000	10,000			40,000	1,200	3	Complete	Jan-26	Jun-26	EPAR
2249	Owen Street, Ballina	185,000	0	10,000			10,000	5,000	50	Feb-26	Jul-26	Dec-26	EPAR
2250	Bagot Street, Ballina	297,000	287,000	10,000		(280,000)	17,000	4,100	24	Feb-26	Jul-26	Dec-26	EPAR - Based on forecast cash flow defer to 2026/27
2332	Temple Street, Ballina Segment 10 and 20	678,000	678,000			(205,000)	473,000	3,800	1	Complete	Oct-25	Jan-26	Transfer 80K Sandpit, 25K Cooks Lane Dust Seal, 100k Ferry Gates
2333	Preliminary Designs (2026/27 program)	150,000	150,000				150,000	10,800	7	Feb-26	On-going	On-going	
2334	Mary Street, Ballina Segment 10	215,000	215,000			(60,000)	155,000	3,200	2	Jan-26	May-26	May-26	Transfer to Sandpit Airport - Access
2335	Kalinga Street, Ballina Segment 30	776,000	776,000			(160,000)	616,000	12,200	2	Complete	May-26	May-26	Transfer 60k Sandpit Airport - Access, 100k Ferry Gates
2337	Valley Drive, Alstonville Segment 30	170,000	170,000				170,000	8,600	5	Feb-26	May-26	May-26	External delivery - Dependent on contractor availability
2365	Balina CBD - River St / Martin St Roundabout	1,310,000	470,000			(400,000)	70,000	2,700	4	Mar-26	Apr-26	Dec-26	Defer to 2026/27
2366	Wardell CBD - To the River Stage	1,050,000	150,000			(100,000)	50,000	4,200	8	Jan-26	May-26	Dec-26	Defer to 2026/27
2433	Sandpit Airport - Road Access	1,000,000	0			1,000,000	1,000,000	0	0	Complete	Jan-26	Jun-26	Sourced from projects outlined above
	Sub Total	**189,976,000**	**53,073,000**	**1,231,000**	**(18,815,000)**	**(8,215,000)**	**27,274,000**	**4,535,600**	**17**				
	Rural Roads												
808	Reseals Rural	506,000	556,000			(50,000)	506,000	494,700	98	N/A	On-going	On-going	Transfer to Heavy Patching
809	Rural Roads Heavy Patching	540,000	430,000			110,000	540,000	539,000	100	N/A	On-going	On-going	Transfer from Reseals Rural and Reseals Urban
812	Tintenbar to Ewingsdale Highway Bypass	0	100,000			(100,000)	0	0	100	N/A	N/A	N/A	Transfer to Reserve
1154	Reseals and Heavy Patching - Section 7.11	200,000	200,000				200,000	72,600	36	N/A	On-going	On-going	Section 7.11 Project
1883	Ross Lane - Betterment	3,800,000	2,900,000	96,000		(2,500,000)	496,000	151,600	31	Feb-26	Nov-26	Mar-27	Based on forecast cash flow defer to 2026/27
2014	River Bank Road segment 10-50	280,000	0	356,000		(76,000)	280,000	11,200	4	Complete	Complete	Complete	Regional Emergency Road Repair Fund (RERRF)
2060	Hermans Lane segment 30	566,000	0	490,000		76,000	566,000	8,700	2	Complete	Complete	Complete	Regional Emergency Road Repair Fund (RERRF)
2061	Humpty Back Road segment 20	263,000	0	343,000		(80,000)	263,000	6,500	2	Complete	Feb-26	Mar-26	Regional Emergency Road Repair Fund (RERRF)
2062	Reedy Creek Road, Segment 10	281,000	300,000	(19,000)			281,000	9,400	3	Complete	Jan-26	Jan-26	Part of Stabilisation Tender Package
2063	Empire Vale Road segment 30	418,000	0	338,000		80,000	418,000	14,600	3	Complete	Jan-26	Jan-26	Regional Emergency Road Repair Fund (RERRF)
2075	Pimlico Road segment 100	300,000	0		5,000		5,000	4,600	92	Complete	Complete	Complete	
2076	Houghlahans Creek Road segment 150	586,000	0	501,000	(5,000)	90,000	586,000	588,000	100	Complete	Complete	Complete	Transfer from The Coast Road
2136	Teven Road segment 60	275,000	0	269,000			269,000	47,500	18	Complete	Mar-26	Jun-26	
2180	Landslip - Tintenbar Road	29,000	0	29,000			29,000	100	0	Complete	Feb-26	Feb-26	EPAR
2181	Landslip - Sneaths Road	837,000	812,000	14,000		(500,000)	326,000	19,800	6	Mar-26	Jun-26	Jul-26	EPAR - Based on forecast cash flow defer to 2026/27
2182	Landslip - Marom Creek Road	733,000	232,000	24,000		(100,000)	156,000	17,700	11	May-26	Jul-26	Aug-26	EPAR - Based on forecast cash flow defer to 2026/27
2183	Landslip - Tamarind Drive	1,648,000	1,000,000	45,000		(600,000)	445,000	40,800	9	Feb-26	May-26	Aug-26	EPAR - Based on forecast cash flow defer to 2026/27

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Capital Expenditure - Engineering Works - 2024/25 (continued)
31-December-2025

Reference	Project Description	Project Value	Original 2025/26 Estimate	Carry Forwards	Approved Variations	New Variations	2025/26 Estimate	Expended This Year	% Expended	Design / Consent Complete	Construction		Status
											Commence	Complete	
	Rural Roads (continued)												
2202	Landslip - Teven Road	7,450,000	80,000	45,000			125,000	35,900	29	May-26	Oct-26	Feb-27	EPAR
2203	Landslip - Duck Creek Mountain	66,000	0	66,000			66,000	1,100	2	Complete	Jan-26	Feb-26	EPAR
2204	Landslip - Towalbyn Place, Uralba	228,000	200,000	21,000			221,000	8,100	4	Mar-26	Apr-26	Apr-26	EPAR
2219	Landslip - Forest Road, Uralba	180,000	145,000	35,000			180,000	700	0	Apr-26	Apr-26	May-26	EPAR
2220	Landslip - Hinterland Way	263,000	246,000	17,000		(200,000)	63,000	14,000	22	Complete	Complete	Complete	EPAR - Construction complete - Seeking approval to reallocate funds
2221	Landslip - Uralba Cutting	704,000	684,000	20,000		(650,000)	54,000	12,700	24	Jun-26	Sep-26	Sep-26	EPAR - Based on forecast cash flow defer to 2026/27
2246	Safer Roads - Rifle Range road	592,000	562,000	19,000			581,000	3,800	1	Complete	Feb-26	Apr-26	Rifle Range Road and Pearces Creek Intersection
2330	Landslip - Old Byron Bay Road	400,000	400,000				400,000	0	0	Complete	Mar-26	Jun-26	
2331	Cumbalum Road - Rock Revetment Wall	200,000	200,000				200,000	0	0	Feb-26	Mar-26	May-26	
2339	The Coast Road, Segment 200	272,000	362,000			(90,000)	272,000	13,000	5	Feb-26	May-26	May-26	Transfer to Houghlahans Creek Road
2340	Marom Creek Road, Segment 60	227,000	227,000				227,000	5,400	2	Jan-26	May-26	Jun-26	
2341	Dalwood Road, Segment 80	420,000	432,000			(420,000)	12,000	4,600	38	Jun-26	Defer	Defer	Defer to 2026/27
2342	Kirklands Road, Segment 20	725,000	725,000				725,000	351,600	48	Complete	Oct-25	Feb-26	
2343	Teven Road, Segments 50-52-54	286,000	286,000			(280,000)	6,000	300	5	Jun-26	Defer	Defer	Defer to 2026/27
	Sub Total	**23,275,000**	**11,079,000**	**2,709,000**	**0**	**(5,290,000)**	**8,498,000**	**2,478,000**	**29**				
	Dust Seal												
1804	Cooks Lane	190,000	88,000	61,000	15,000	25,000	189,000	189,300	100	N/A	Complete	Complete	Transfer from Urban Roads - Temple Street
2042	Behs Lane	140,000	0	95,000	45,000		140,000	140,200	100	N/A	Complete	Complete	MEMs projects
2260	Emigrant Creek	100,000	0		10,000		10,000	9,500	95	N/A	Complete	Complete	
2261	Perrys Lane	20,000	0	20,000		(10,000)	10,000	9,300	93	N/A	Complete	Complete	
2344	Carneys Lane	105,000	95,000			10,000	105,000	106,100	101	N/A	Complete	Complete	MEMs projects
2345	Owens Lane	95,000	95,000				95,000	65,000	68	N/A	Dec-25	Mar-26	MEMs projects
2346	Bartletts Lane	154,000	154,000		(70,000)		84,000	83,800	100	N/A	Complete	Complete	
	Sub Total	**804,000**	**432,000**	**176,000**	**0**	**25,000**	**633,000**	**603,200**	**95**				
	Bridges												
2184	Bridge Scour - Eltham Road	164,000	0	164,000			164,000	4,400	3	Oct-25	Nov-25	Jun-26	EPAR
1157	Bridges - Other	168,000	100,000	68,000			168,000	18,700	11	N/A	On-going	On-going	Minor works
	Sub Total	**332,000**	**100,000**	**232,000**	**0**	**0**	**332,000**	**23,100**	**7**				
	Total - Roads and Bridges	**214,387,000**	**64,684,000**	**4,348,000**	**(18,815,000)**	**(13,480,000)**	**36,737,000**	**7,639,900**	**21**				
	Footpaths and Shared Paths												
1458	Ross Lane / Byron Bay Road - Design	45,000	0				0	8,400	100	Uncertain	Uncertain	u	TfNSW Active Transport Grant - Design and Approval Stage
1460	Camoola Avenue, Ballina	35,000	0	12,000			12,000	0	0	Complete	Uncertain	Uncertain	Adjoining kerb and gutter and road edge to be investigated
1694	Rail Trail Design	5,000	0				0	0	100	Uncertain	Uncertain	Uncertain	Council resolution 281021/11
1775	Fig Tree Hill, Ross Lane	170,000		17,000			17,000	17,800	105	Complete	Complete	Complete	
1810	Westland Drive, Ballina	95,000	95,000				95,000	0	0	N/A	Apr-26	Apr-26	Potential external delivery
2082	Stewart Street, Lennox Head	114,000	0	96,000	(22,000)	40,000	114,000	115,800	102	Complete	Complete	Complete	Transfer from Renewals
2084	Horizon Drive, Ballina	81,000	0	47,000	22,000		69,000	72,900	106	Complete	Complete	Complete	
2280	Lennox Head - Byron Street to Cooper Close	2,100,000	3,547,000	10,000		(1,500,000)	2,057,000	465,800	23	Complete	Oct-25	May-26	Transfer to Reserve or Reduce Grant - Subsantial Saving
2349	Teven Road, Alstonville	135,000	135,000				135,000	0	0	Dec-25	Apr-26	Apr-26	Potential external delivery
2350	Footpaths and Shared Paths - Renewals	290,000	330,000			(40,000)	290,000	57,300	20	N/A	Aug-25	Jun-26	Transfer to Stewart Street
	Sub Total	**3,070,000**	**4,107,000**	**182,000**	**0**	**(1,500,000)**	**2,789,000**	**738,000**	**26**				

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Capital Expenditure - Engineering Works - 2025/26 (continued)
31-December-2025

Reference	Project Description	Project Value	Original 2025/26 Estimate	Carry Forwards	Approved Variations	New Variations	2025/26 Estimate	Expended This Year	% Expended	Design / Consent	Construction		Status
	Bus Shelters and Car Parks												
2047	Ancillary - Parklet	25,000	0	23,000			23,000	24,800	108	Complete	Complete	Complete	
2320	Roundabout - North Creek Road - Retaining Wall	25,000	25,000				25,000	0	0	Dec-25	Feb-26	May-26	
2077	Car Park - Meldrum Park	100,000	0	44,000			44,000	56,700	129	Complete	Complete	Complete	
2078	Car Park - Pop Denison	530,000	530,000				530,000	0	0	Complete	Apr-26	May-26	
2321	Car Park - Pat Morton	900,000	900,000				900,000	300	0	Feb-26	Apr-26	Jun-26	Change to design proposed
	Car Park - Minor Improvement Program												
1816	Pat Morton - Line Marking	3,000	3,000				3,000	0	0	N/A	Apr-26	Jun-26	Align in with Pat Morton Car Park Reconstruction
1817	Flat Rock - Line Marking	2,000	2,000				2,000	0	0	N/A	Feb-26	Mar-26	
1818	King Street - Line Marking	4,000	4,000				4,000	0	0	N/A	Feb-26	Mar-26	
1819	Alstonville Pre School - Lighting	36,000	12,000		24,000		36,000	0	0	Feb-26	May-26	Jun-26	
1820	Wollongbar Pre School - Lighting	27,000	7,000		20,000		27,000	0	0	Feb-26	May-26	Jun-26	
1821	Marine Rescue - Lighting	7,000	7,000				7,000	0	0	Feb-26	May-26	Jun-26	
1822	Improvements - Ballina Skate Park - Lighting	0	20,000		(20,000)		0	0	100	N/A	N/A	N/A	
1823	Ross Street - Lighting	0	24,000		(24,000)		0	0	100	N/A	N/A	N/A	
2348	Shelly Beach - Lighting	25,000	25,000				25,000	0	0	Feb-26	May-26	Jun-26	
	Sub Total - Minor Improvements	*104,000*	*104,000*	*0*	*0*	*0*	*104,000*	*0*	*0*				
	Sub Total - Bus Shelters and Car Parks	**1,684,000**	**1,559,000**	**67,000**	**0**	**0**	**1,626,000**	**81,800**	**5**				
	Total - Ancillary Transport Services	**4,754,000**	**5,666,000**	**249,000**	**0**	**(1,500,000)**	**4,415,000**	**819,800**	**19**				
	Water Transport												
2440	Ferry Gates	242,000				242,000	242,000	0	0	Complete	Complete	Complete	100k from Temple and 100k from Kalinga Streets and $42,000 Reserve
2416	Brunswick Street Small Craft Facilities	100,000			20,000		20,000	0	0	Jun-26	Jan-27	Mar-28	50% Grant - Procurement Dec 2026 - Completion by March 2028
	Sub Total	**342,000**	**0**	**0**	**20,000**	**242,000**	**262,000**	**0**	**0**				
	Stormwater												
779	Urban Lanes	110,000	75,000	35,000		(100,000)	10,000	3,000	30	N/A	On-going	On-going	Transfer to Cliff Murray and Lems Lanes
780	Kerr Street (Tamar to Richmond River), Ballina	210,000	210,000			(100,000)	110,000	0	0	Complete	Feb-26	Apr-26	Revised scope - Transfer to other Stormwater Projects
782	Asset Data Collection	72,000	25,000				25,000	10,100	40	N/A	On-going	On-going	Contractor has been scheduled again for end of January 2026
783	Tidal Gates to Urban Streets	248,000	185,000	63,000			248,000	0	0	Complete	Jan-26	Feb-26	Two quotations being assessed
789	Martin Street, Ballina	150,000	108,000			40,000	148,000	34,500	23	Complete	Feb-26	Apr-26	Transfer from other Stormwater Projects
791	Ballina Fair, Ballina	190,000	0	20,000		(20,000)	0	0	100	Complete	Complete	Complete	Transfer to other Stormwater Projects
793	Grant Street, Ballina	185,000	185,000				185,000	0	0	Feb-26	Mar-26	May-26	
795	Lems Lane and Cliff Murray Lane, Lennox Head	148,000	0	78,000		70,000	148,000	4,600	3	Complete	Feb-26	Apr-26	Transfer from other Stormwater Projects
1293	Flood Recovery - Lindsay Crescent, Wardell	381,000	0	20,000			20,000		0	Complete	Complete	Complete	
1686	Greenfield Dve, Tallow Wood Pl, Lennox Head	230,000	190,000	40,000			230,000	0	0	Nov-25	Apr-26	Jun-26	
1785	Park Lane and Ballina Street, Lennox Head	130,000	130,000			(130,000)	0	0	100	Uncertain	Jan-26	Apr-26	Transfer to Martin Street and Deadmans Creek Road
1786	Williams Reserve, Lennox Head	19,000	0	19,000		(19,000)	0	100	100	Uncertain	Jan-26	Apr-26	Transfer to other Stormwater Projects
1974	Flood Recovery - Coral Street, Alstonville	80,000	40,000	13,000		20,000	73,000	76,300	105	Complete	Nov-25	Complete	Retaining Wall completed
1975	Flood Recovery - Rossmore Park, Alstonville	112,000	50,000	38,000			88,000	300	0	Nov-25	Jan-26	Apr-26	
1976	Flood Recovery - West Ballina	443,000	300,000	26,000		117,000	443,000	10,300	2	Complete	Jan-26	Mar-26	Quotations excessive. Alternate delivery methods being investigated
1977	Flood Recovery - Mellis Circuit , Alstonville	270,000	240,000	9,000			249,000	3,900	2	Complete	Jan-26	Mar-26	Pipes ordered. Part of larger stormwater package
1978	Flood Recovery - Kawana Street, Alstonville	120,000	90,000	28,000			118,000	300	0	Nov-25	Jan-26	Mar-26	
2286	Owen Street, Ballina	86,000	0	64,000		22,000	86,000	86,700	101	Complete	Complete	Complete	
2329	Daintree Detention Basin, Lennox Head	25,000	25,000				25,000	0	0	Jun-26	Uncertain	Uncertain	Designs being issued - design only
2364	Rutherford Street, Lennox Head	50,000	50,000				50,000	0	0	Jun-26	Uncertain	Uncertain	Dependent on Lennox Head Overland Flow Study
2385	Lems Lane, Lennox Head	107,000	77,000			30,000	107,000	0	0	Complete	Feb-26	Apr-26	
2412	Deadmans Creek Road Culvert	70,000	0			70,000	70,000	69,700	100	Complete	Complete	Complete	
	Sub Total	**3,436,000**	**1,980,000**	**453,000**	**0**	**0**	**2,433,000**	**299,800**	**12**				
	Transport for NSW (TfNSW)												
751	Regional Roads Reseals	216,000	296,000				296,000	88,900	30	N/A	On-going	On-going	
	Sub Total	**216,000**	**296,000**	**0**	**0**	**0**	**296,000**	**88,900**	**30**				
	Total - Engineering Works	**223,135,000**	**72,626,000**	**5,050,000**	**(18,795,000)**	**(14,738,000)**	**44,143,000**	**8,848,400**	**20%**				

POLICY NAME:	**(*REVIEW*) ASSET MANAGEMENT**
POLICY REF:	**A01**
MEETING ADOPTED:	**22 June 2023 Resolution No. 220623/25**
POLICY HISTORY:	**220218/26; 270214/37; 280110/27**

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OBJECTIVE

General Purpose

The Asset Management Policy aims to set guidelines for implementing consistent asset management processes throughout Ballina Shire Council.

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 adopting a framework that includes an Asset Management Policy, Asset Management Strategy, and Asset Management Plans.

Intention

It is Council's intention to ensure adequate provision is made for the long-term replacement of major assets by:

- Ensuring that Council's services and infrastructure are provided sustainably with the appropriate levels of service to residents, visitors and the environment.
- Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating an environment where all Council employees take an integral part in the overall management of Council assets by creating and sustaining asset management awareness throughout the Council.
- Meet legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with best practice.
- Providing directly or on behalf of other levels of Government, after due consultation, adequate, equitable and appropriate services and facilities for the community and ensuring that those services and facilities are managed efficiently and effectively
- Having regard to the long term and cumulative effects of its decisions
- Ensuring Council bears in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- To facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of local government
- Council keeping the local community and the State Government (and through it, the wider community) informed about its activities

POLICY

- A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all Departments of Council.
- All relevant legislative requirements together with political, social and economic environments are to be considered in asset management.
- Asset management principles will be integrated within existing planning and operational processes.
- An inspection regime will be used as part of asset management to maintain agreed service levels, and identify asset renewal priorities.
- Asset renewals required to meet agreed service levels and identified in infrastructure and asset management plans and long term financial plans will be fully funded in the annual budget estimates.
- Service levels agreed upon through the budget process and defined in Infrastructure and Asset Management Plans will be considered for funds in the annual budget estimates.
- Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practices and applicable Australian Standards.
- Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.
- Future service levels will be determined in consultation with the community.
- Asset and financial management training will be made available as required for councillors and relevant staff.

BACKGROUND

Council is committed to implementing a systematic asset management methodology in order to apply best practice asset management across all areas of Council. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.

Council owns and uses approximately ~~$1.4 billion~~ $1.9 billion of non-current assets to support its core business of delivery of service to the community.

Council recognises Asset management practices impact directly on the core business of Council and appropriate asset management is required to achieve Council's strategic service delivery objectives.

Council considers that a strategic approach to asset management will ensure that the Council delivers the highest appropriate level of service through its assets. This will provide a positive impact on;

- Members of the public and staff;
- Council's financial position;
- The ability of Council to deliver the expected level of service and infrastructure;
- The political environment in which Council operates; and
- The legal liabilities of Council.

Council recognises Asset Management Plans provide key information directly to Council's Community Strategic Plan and our Delivery Program. Specifically, our asset management planning forms part of our Resourcing Strategy. A Resourcing Strategy is a requirement of the NSW Government's Integrated and Reporting Framework.

SCOPE OF POLICY

This policy applies to all Council activities.

AREAS OF RESPONSIBILITY

Councillors are responsible for adopting the policy and ensuring that sufficient resources are applied to manage the assets.

The ***General Manager*** is responsible for developing an asset management strategy, plans and procedures and reporting on the status and effectiveness of asset management within Council.

RELATED DOCUMENTATION

As a minimum, this Asset Management Policy should be read in conjunction with:

- NSW Local Government Act 1993.
- Regulations under this Act.
- Integrated Planning & Reporting Framework
- Strategic Asset Management Plan
- International Infrastructure Management Manual(IIMM) latest edition
- Associated Infrastructure and Asset Management Plans
- ~~IIMM 2015 and Asset Management Strategy~~.

REVIEW

This policy is to be reviewed every four years.


URBIS
NORTH COAST CONVENTION CENTRE
Evaluation of the Viability of a North Coast Convention and Exhibition Centre
Prepared for Destination North Coast NSW

STUDY BACKGROUND AND OBJECTIVES

Destination North Coast NSW (DNC) is a tourism agency representing the North Coast region of New South Wales. Responsibilities of DNC include the management and development of sustainable tourism practices that contribute to sustainably growing the North Coast's visitor economy, and by doing so support the NSW Government's Visitor Economy Strategy 2030

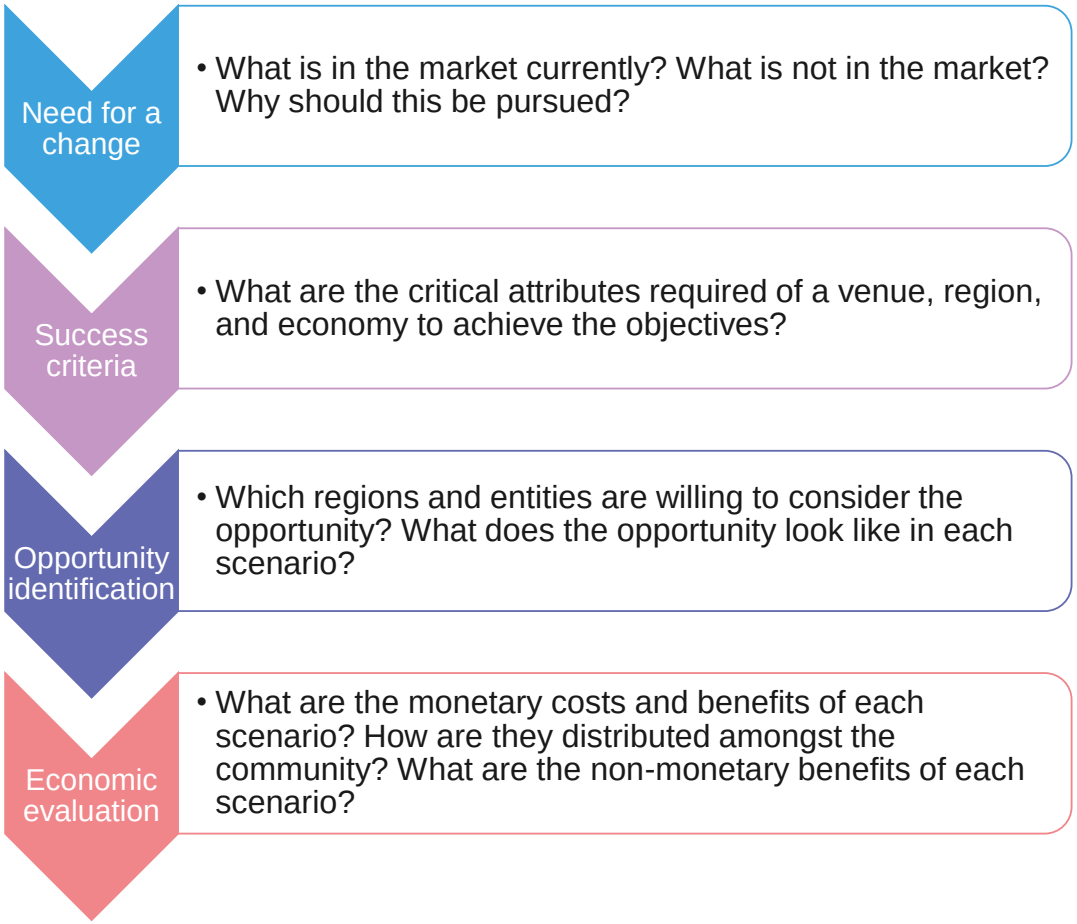
Business events have been identified as a key growth opportunity for the North Coast region, providing benefits such as off-peak (weekday) accommodation demand, above-average visitor spending, and significant economic value add to local economies.

DNC has engaged Urbis to undertake a study to assess the economic viability of a notional business conference and convention centre somewhere within the North Coast region.

Core outcomes of the study include:

- Identifying the market opportunity, including optimal capacity, for such a facility
- Determining which Local Government Areas have willingness and subsequently the optimal capacity to host a conference centre
- Selecting a short-list of potential sites that could be viable
- Assessing the marginal net economic benefit derived from a notional conference centre in each of the short-listed sites
- Undertaking analysis of the non-monetary benefits, and distribution of costs and benefits for each scenario
- Recommendations concluding if the notional conference centre would likely be economically viable and, if so, which scenario provides the greatest economic return.

Decision Framework



CASE STUDY SUCCESS FACTORS

Having consideration of the key metrics observed across the case studies over the previous page, we have identified the following six success factors which influence utilisation and size of event venues:

- **Airport accessibility** – across all case studies there was a correlation between the number of annual domestic flights at the nearest airport and the scale/utilisation of venues.
- **Proximity to higher order education** – all five case studies were within 10km of university campuses
- **Visitor Drawcards and industry synergy** – across all case studies, venues surrounded with a diverse range of visitor drawcards and strong accommodation and food service industries tend to be larger and attract more events.
- **Integrated accommodation** – in cases that recorded lower market depth of Business Class Hotel rooms (The NEX, HCEC), integrated or partnered accommodation was a notable feature. Typically, these partnered venues provide 200 or more guest rooms.
- **Business class hotel supply** – there is a close correlation between the capacity of venue and the number of business class hotel rooms in the surrounding area for four of five case studies. Typically, there is a ratio of .85 to 1.2 persons capacity for each business class hotel room in the surrounding region.
- **Local businesses** – four of five case studies recorded over 200 local businesses employing 20 or more people. The NEX is an example of a larger local business market (552) allowing the venue to succeed despite less market depth in airport capacity and business class hotel supply.
- **Flexible layouts** – four of five case studies comprised layouts that could be combined or separated into at least 5 distinct rooms. This flexibility allows for venues to cater to functions of various sizes, and hosting multiple functions at once.



INDICATIVE LOCATION OPTION 1 – BALLINA CBD URBAN RENEWAL, BALLINA

In preliminary discussions with Ballina Shire Council, publicly owned land in the Ballina CBD was identified as a potential venue location with potential to contribute to CBD urban renewal.

The site is **~6,300 sq.m** and currently utilised as an on-grade carpark catering to the Wigmore Arcade retail centre, comprising a mix of commercial, retail, and service uses. Situated 4.7km from the Ballina airport, the site is well positioned within the region's CBD, three blocks north of Richmond River.

It is envisioned that the potential conference centre would form part of a larger mixed-use precinct which would deliver additional complementary retail, commercial, food and beverage, community, and short-stay floor space.

As the site is currently owned by Ballina Council, it is assumed that there would be no acquisition costs applicable to the delivery of the project.

Loss of CBD parking, and the ability to provide parking for a new venue are key issues that would require resolution.

Summary

Potential Governance Model	Public / PPP
Site Address	78-84 Tamar Street, Ballina
Current Adjoining Use/s	Parking, Retail, Commercial
Proposed Adjoining uses	Retail, Short-stay
Assumptions	Land provided for free
Proximity to Airport	4.7km
Partner Accommodation	Potential for incorporation
Delivery Risk	High – complex CBD site, multiple stakeholders, timing unknown. Loss of / demand for parking

Site Context



CONSTRUCTION COST ESTIMATES

Construction estimates for each location have been provided by Rider Levett Bucknall (RLB). These estimates are based on an equivalent size and built form between scenarios, and only accounts for the regional and site-specific variance in current $2023 construction costs.

Different starting times have also been included to account for the nature and complexity of each potential site. Pacific Bay would likely be able to start the soonest, with most other regions having a longer lead in time. Timing is a significant factor due to the future discounting used in cost-benefit analysis frameworks.

Based on the exclusions outlined previously (i.e. excluding parking), RLB's analysis indicates:

- **The Ballina option could theoretically be constructed for the lowest cost of $58.6 million**, due assumed lower site works expenditure.
- However, the **addition of carparking facilities would likely see the greatest increases in the Ballina and Coffs Harbour scenarios** given basement levels would likely be required.

Pacific Bay costs elate to a notional site area and assumes a new build development rather than extension to existing (for comparative purposes). It does not reflect the intent of existing development plans for the site.

A copy of the detailed cost estimates is included in Appendix E.

Construction Details

	Pacific Bay	Coffs Harbour	Ballina	Port Macquarie
Assumed Venue Capacity (Patrons)	1,200			
Assumed Venue Size (sq.m)	**5,347**			
Building configuration	• Single story	• Double story	• Single story	• Single story
Assumed Parking configuration (excluded from cost)	• At-grade	• Provided off site	• Basement, on-site	• Multi-level, on-site
Total Capital Expenditure ($ Millions, ex parking)	**$59.6**	**$63.3**	**$58.6**	**$59.1**
Construction Period (Years)	3			
Construction Start Year	2025	2028	2027	2026

BENEFITS SUMMARY

Construction, which comes as an expense to the funder of the project, also **benefits** the local economy through any spending that occurs within the region. This value is captured **by construction gross value added (GVA)**. This has been estimated using the REMPLAN construction estimate for non-residential construction.

A portion of operation costs are returned to the economy through local employment and resource purchases. This is included as a **benefit** as **operational GVA**. This has been estimated based on REMPLAN values for arts and recreation services.

Visitor revenue is the most significant **benefit** in the long run for all scenarios. This is the additional spending brought to the economy by large new national business events that are not already captured within the local economy. This additional revenue comes from the expenditure of the actual attendees on items such as accommodation, food and retail during their trip. Details of this measure are further broken down on page 59.

Event revenue is the fees that are paid to the venue to host an event. This is the next largest ongoing **benefit** as this fee is the key driver of revenue for the venue.

Benefit Breakdown

Benefits	Description
Construction GVA	This is the portion of construction costs which benefit the local economy such as locally sourced materials and local employment creation.
Operational GVA	The portion of operating expenses returned to the economy through operational employment generation and resource acquisition.
Visitor Revenue	The additional revenue generated by new national business event attendees spending in the local economy.
Event Revenue	The revenue generated from event hosts from outside of the local economy paying to host events in the area. Based on large scale national events being attracted to the area.

COST-BENEFIT ANALYSIS – OPTIONS COMPARISON

	PACIFIC BAY	COFFS HARBOUR	BALLINA	PORT MACQUARIE
Discount Rate	**5%**	**5%**	**5%**	**5%**
Costs				
Construction Expenditure ($ million)	$56.0	$51.4	$49.9	$52.9
Operational Costs ($ million)	$22.0	$17.9	$17.3	$19.6
Substitution ($ million)	$22.7	$18.3	$18.0	$15.2
Total Costs ($ million)	**$100.7**	**$87.6**	**$85.3**	**$87.6**
Benefits				
Construction GVA ($ million)	$36.9	$33.9	$32.9	$34.8
Visitor Revenue ($ million)	$226.6	$183.4	$180.5	$152.1
Operational Revenue ($ million)	$23.5	$19.0	$18.4	$20.9
Operational GVA ($ million)	$16.7	$13.6	$13.1	$14.8
Total Benefits ($ million)	**$303.8**	**$249.9**	**$244.9**	**$222.7**
Key Indicators				
Net Benefit ($ million)	**$203.1**	**$162.2**	**$159.7**	**$135.0**
Benefit-Cost Ratio (BCR)	**3.0**	**2.9**	**2.9**	**2.5**
Qualitative Factor Score	**14**	**10**	**8**	**9**


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