

# Agenda

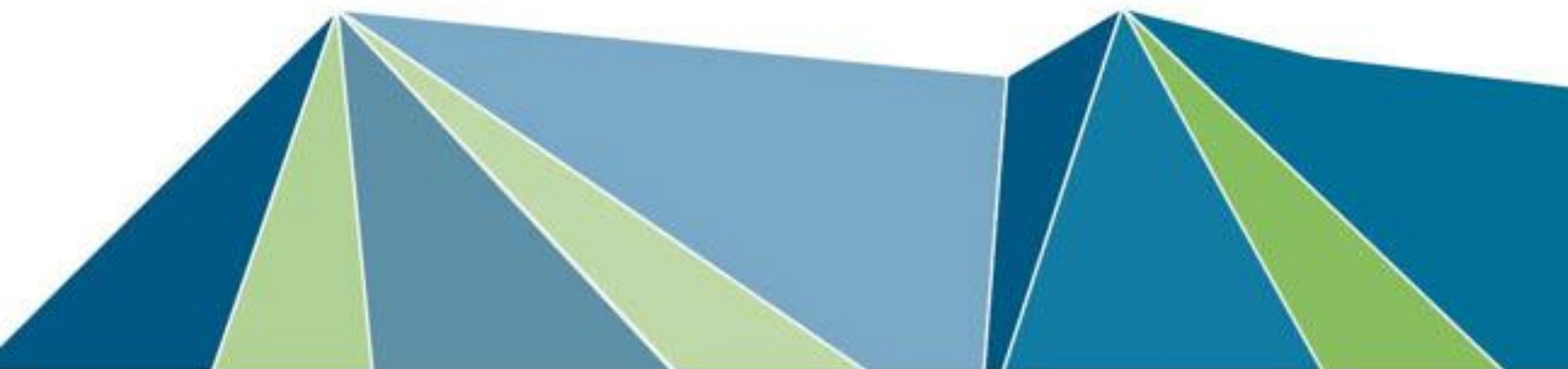
## ***Ordinary Meeting*** **26 March 2026**

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

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

Paul Hickey  
**General Manager**

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



## **Ethical Decision Making and Conflicts of Interest**

### **A guide for Councillors, Council employees and community representatives**

Ethical decision making

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

### **Conflict of Interest**

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

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

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

### **The test for a conflict of interest**

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

### **Identifying problems**

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

### **Disclosure and participation in meetings**

#### **Pecuniary Interests**

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

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

#### **Non-pecuniary Interests**

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

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (e.g. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (e.g. Relinquishing or divesting the personal interest that creates the conflict)

- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as per the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

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

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

### **Recording and Livestreaming of Council Meetings**

- The meeting (with the exception of the confidential session) is being livestreamed and recorded for on-demand viewing via Council’s website ([ballina.nsw.gov.au/agendas-and-minutes](http://ballina.nsw.gov.au/agendas-and-minutes)) and a person’s image and/or voice may be broadcast.
- Attendance at the meeting is taken as consent by a person to their image and/or voice being webcast.
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.
- A person must not livestream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

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1. Australian National Anthem
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**1. Australian National Anthem**

The National Anthem will be played.

**2. Acknowledgement of Country**

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

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

**3. Apologies**

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 February 2026 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 February 2026.

**5. Declarations of Interest and Reportable Political Donations**

**6. Mayoral Minutes**

Nil Items

## **7.1 Planning Proposal - Foresters Way and Old Tintenbar Road**

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

#### **7.1 Planning Proposal - Foresters Way and Old Tintenbar Road**

<b>Section</b>	Strategic Planning
<b>Objective</b>	To report on the public exhibition of Planning Proposal BSCPP 25/004 to amend the Ballina LEP 2012 Lot Size Map for 86 Foresters Way and 38 Old Tintenbar Road, Tintenbar.

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#### **Background**

At the 25 September 2025 Ordinary meeting, Council considered a report on a proposed amendment to the minimum subdivision lot size for 86 Foresters Way and 38 Old Tintenbar Road, Tintenbar ([Agenda of Ordinary Meeting of Ballina Shire Council - Thursday, 25 September 2025](#)).

Council resolved to endorse Planning Proposal BSCPP 25/004 to amend the minimum subdivision lot size of the subject sites, 86 Foresters Way (Lot 2 DP1037930) and 38 Old Tintenbar Road, Tintenbar (Lot 15 DP569492 and Lot 1 DP1116012), from 40 hectares to 60 hectares and seek a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI).

The main objectives of the Planning Proposal are to:

- Increase the minimum subdivision lot size applicable to the combined holding to enable a development application to create an undersized allotment (around 7.88 ha) containing existing dwellings and consolidate significant vegetation on a large lot (around 133.4ha).
- Enable compliance with Clause 4.2B of the Ballina Local Environmental Plan 2012 that provides for exceptions to the minimum subdivision lot size (40h) for boundary adjustments in specified zones, including the RU1 zone.
- Ensure the future creation of an undersized lot and a large lot would not result in an additional lot or the opportunity for an extra dwelling entitlement, or both.

The subject properties are within an Area of Regional Koala Significance (ARKS) under the NSW Koala Strategy and identified in the Northern Rivers Regional Koala Conservation Strategy as having high strategic importance to create and restore koala habitat with priority. Conservation outcomes on these properties are part of a larger strategic approach to conservation management.

A Gateway Determination was issued by the DPHI on 18 November 2025 and is included at Attachment 2. The Gateway Determination authorised Council to act as the Local Plan Making Authority (LPMA) and required the Planning Proposal to be amended prior to public exhibition. The most significant amendment was to change the minimum subdivision lot size of the subject lots

## 7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

to 50 hectares instead of 60 hectares as outlined in the Planning Proposal endorsed by Council.

The Planning Proposal was publicly exhibited from 27 January 2025 to 6 March 2025 in accordance with the Gateway Determination and the *Environmental Planning and Assessment Act 1979*. One submission in support of the proposal was received.

This report outlines the Planning Proposal and the rationale for the amendment to the minimum subdivision lot size for the subject sites and includes the one submission and staff response.

### Key Issues

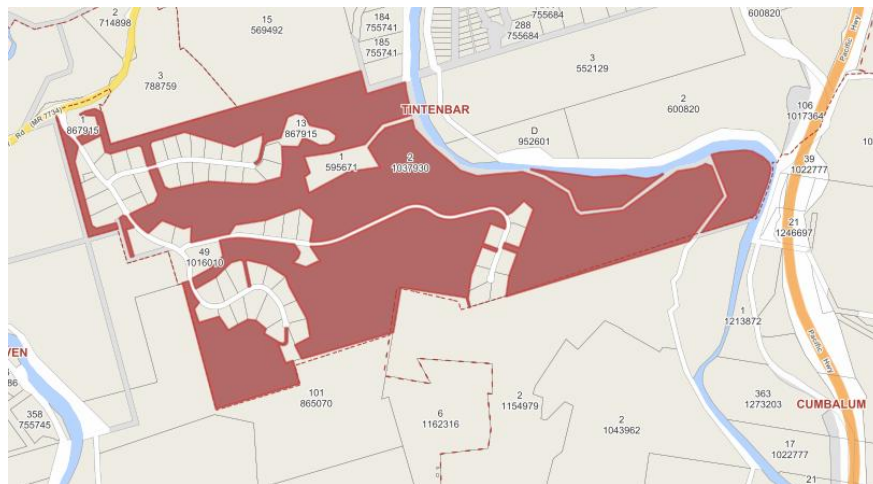
- Minimum subdivision lot size
- Potential dwelling entitlements
- Land management for environmental purposes

### Discussion

#### The subject sites

The land associated with 86 Foresters Way, Tintenbar also known as Lot 2 DP1037930 (109.91 ha), surrounds the Phoenix Park estate as shown in Figure 1. Lot 2 is the residual lot from the Phoenix Park estate, which was created in 2002, comprising 61 rural residential lots and one residual lot.

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



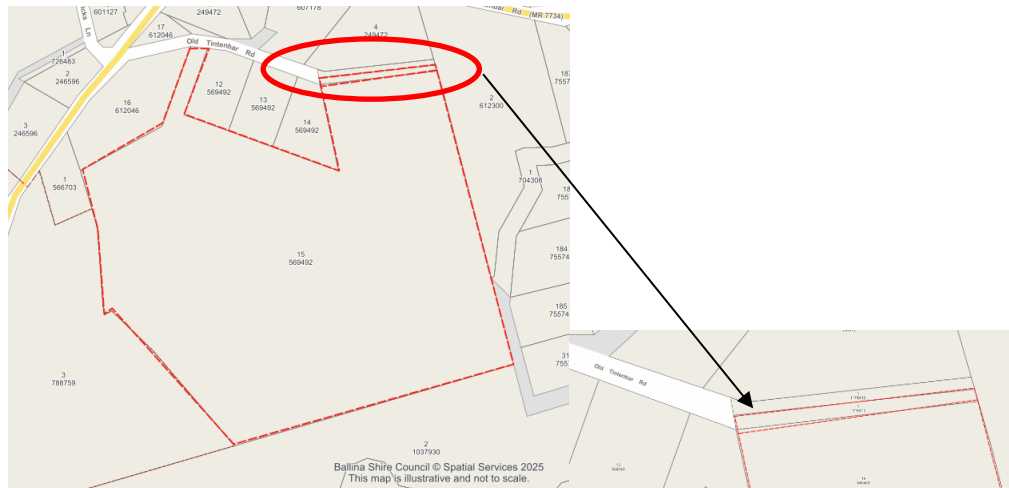
**Figure 1: 86 Foresters Way, Tintenbar**

38 Old Tintenbar Road, Tintenbar (Figure 2) is located directly north of 86 Foresters Way and comprises Lot 15 DP 569492 (30.83 ha) and Lot 1 DP116012, shown in inset below (0.209 ha).

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

The remaining land contains similar ecosystems to Lot 2.

## 7.1 Planning Proposal - Foresters Way and Old Tintenbar Road



**Figure 2: 38 Old Tintenbar Road, Tintenbar**

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

Both properties are zoned RU1 Primary Production under the Ballina Local Environmental Plan (LEP) 2012 and have a minimum subdivision lot size standard of 40ha.

### Proposed boundary adjustment

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

The intended boundary adjustment is shown indicatively in Figure 3, with the yellow shading indicating the larger proposed lot and the orange shading indicating the smaller proposed lot.



**Figure 3: Indicative Boundary Adjustment Subdivision Alignment**

## 7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

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

The boundary adjustment would reconfigure the three lots to create one lot of approximately 7.88ha (shaded orange in Figure 3), in the north-east of the site, which would contain both existing dwellings, and one lot of approximately 133.4ha (shaded yellow in Figure3) containing the remainder of the land.

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

Much of the owners' work is centred on habitat and ecological restoration of the lands. It is noted that the landowners are currently restoring and expanding koala habitat on the land with the support of Council's Koala Habitat Grant (part funded by the NSW Department of Climate Change, Energy, the Environment (DCCEE)).

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

### Current LEP Requirements

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

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

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

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

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

Gateway Determination

A copy of the Gateway Determination is available at Attachment 2. A condition of the Gateway Determination is:

*“Prior to agency and community consultation, the explanation of provisions and associated mapping is to be amended to apply a 50-hectare minimum lot size to the subject land and include an existing minimum lot size map.”*

The DPHI considered that the 60ha Minimum Lot Size endorsed by Council would change the current potential number of dwellings from three dwellings to two dwellings. The proponent would effectively lose a dwelling entitlement. By amending the minimum lot size to 50 ha the current potential dwellings for the existing lot configuration remains at three and facilitates a future boundary adjustment able to comply with Clause 4.2B of the BLEP.

The Planning Proposal and associated mapping was amended as required by the Gateway Determination. The proposed amended Minimum Lot Size Map is shown below in Figure 4.

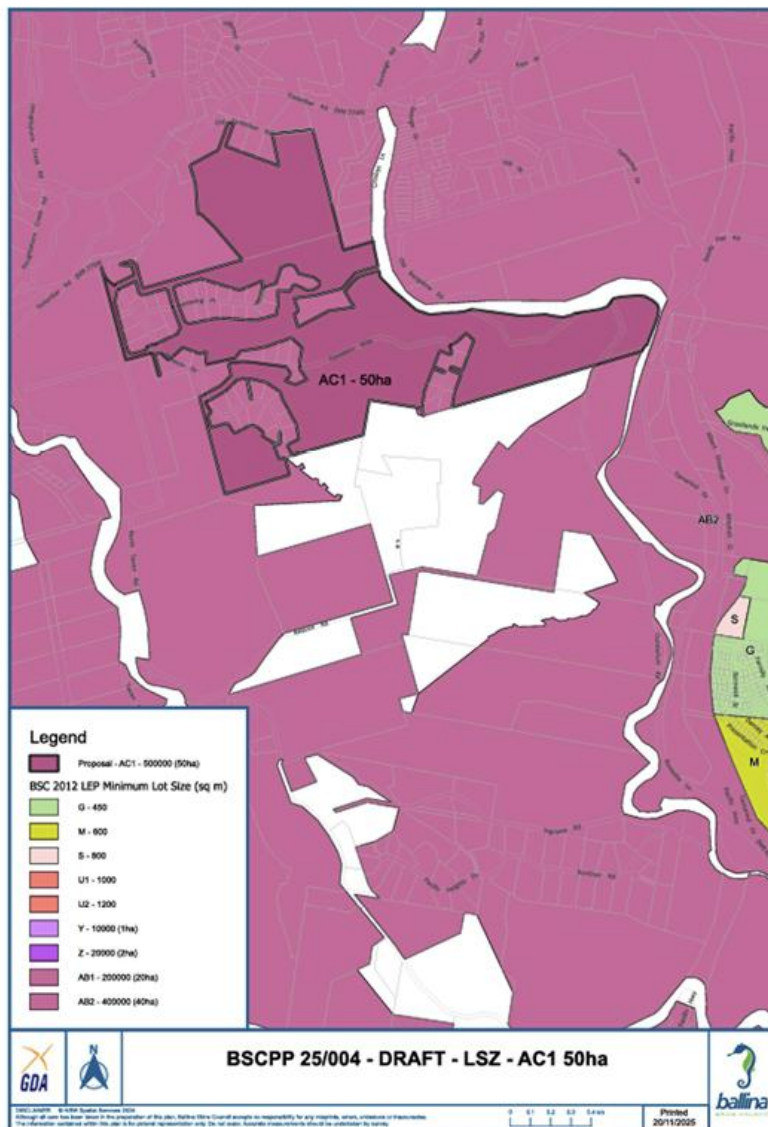


Figure 4: Draft BLEP 2012 Lot Size Map

## 7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

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### Public exhibition

The Planning Proposal was publicly exhibited from 27 January 2026 to 6 March 2026. Public exhibition comprised the following activities:

- Notice on the NSW Planning Portal.
- Notice on Council's 'YourSay' engagement website.
- Direct correspondence to adjoining and nearby landowners.

### *Community Submissions*

One submission was received during the public exhibition period.

<b>Submission</b>	<b>Staff Response</b>
I support Council decision in not allowing any amendment to lot size.	<p>Staff interpret this submission to mean there is support for the Planning Proposal and for <u>not decreasing</u> the minimum lot size for the subject site.</p> <p>The proposal does change the minimum lot size however, it increases instead of decreases it.</p> <p>It is reasonable that a reduced minimum lot size may raise concerns among neighbouring landowners, as it enables the creation of additional lots with dwelling entitlements. This, in turn, can increase the number of dwellings in the locality and the potential impacts associated with higher residential density.</p> <p>This is not the case with this proposal.</p>

The submission received is at Attachment 3 and the final Planning Proposal (Attachment 1) has been updated to reflect this.

### Agency Referral

In accordance with the Gateway Determination conditions and Section 9.1 Ministerial Direction (Planning for Bushfire Protection), the NSW Rural Fire Service was consulted during exhibition. 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 Environmental Protection & Assessment Act 1979. The NSW RFS comments are at Attachment 4 and have been updated in the final Planning Proposal available at Attachment 1.

### **Delivery Program Strategy / Operational Plan Activity**

## 7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

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This Planning Proposal relates to the Delivery Program Strategies HE3.1 – Develop and implement plans that balance the built environment with the natural environment.

### Community Engagement Strategy

The Planning Proposal was exhibited in accordance with Ballina Council's Community Participation Plan (2019) and the *Environmental Planning and Assessment Act 1979* and associated regulation. Notification was by way of direct mailout correspondence to nearby landowners, a public notice on the NSW Planning Portal, and on Council's *Your Say* engagement website.

### Financial / Risk Considerations

Assessment and legal costs are being met by the proponent in accordance with Council's adopted fees and charges.

### Options

#### *Option 1 – Endorse Planning Proposal for Finalisation*

Under this option, Council supports the Planning Proposal as exhibited and attached to this report. Council proceeds to finalise the LEP amendment with the recommendation being to do so utilising Council's delegated plan making authority. Option 1 is recommended because the amended minimum subdivision lot size results in maintaining the current development potential for the subject sites whilst allowing for lot reconfiguration to consolidate significant vegetation for conservation management purposes.

#### *Option 2 – Amend the Planning Proposal*

Council may amend the Planning Proposal, however this is not recommended. Any amendment may introduce significant delays for this proposal seeking to consolidate conservation outcomes. This approach could also necessitate re-exhibition of the Planning Proposal, without a clearly demonstrated strategic benefit to justify such an action.

#### *Option 3 – Discontinue the Planning Proposal*

Discontinuing the Planning Proposal adversely impacts a proposal which is founded in an improved environmental outcome for the land.

## RECOMMENDATIONS

1. That Council endorses Planning Proposal BSCPP 25/004 to amend the BLEP 2012 Lot Size Map for 86 Foresters Way and 38 Old Tintenbar Road, Tintenbar, as per Attachment to this report.
2. That Council proceed to finalise Planning Proposal BSCPP 25/004 under delegated plan making authority in accordance with the Environmental Planning and Assessment Act 1979.

## 7.1 Planning Proposal - Foresters Way and Old Tintenbar Road

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### Attachment(s)

1. BSCPP 25/004 - Planning Proposal - Post Exhibition [⇨](#)
2. Gateway Determination [⇨](#)
3. Public Submission [⇨](#)
4. Rural Fire Service - Referral Determination Letter [⇨](#)

## **7.2 Development Control Plan - Biodiversity and Habitat Management**

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### **7.2 Development Control Plan - Biodiversity and Habitat Management**

<b>Section</b>	Strategic Planning
<b>Objective</b>	To outline a proposed new Chapter 2C of Development Control Plan 2012 and seek direction on progression of the draft chapter to public exhibition.

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#### **Background**

This report outlines a draft new Chapter 2C - Biodiversity and Habitat Management under the Ballina Shire Development Control Plan (DCP) 2012.

Preparation of the new draft Chapter 2C addresses Delivery Program Action HE3.2j *Review biodiversity controls in the Development Control Plan* and Action 1.1.1 of Council's *Ballina Shire Biodiversity Strategy 2023-2033*, which is: *Reinforce biodiversity provisions within the Ballina Shire Development Control Plan 2012, in alignment with Council's Biodiversity Strategy objectives.*

During consultation for the Ballina Shire Community Strategic Plan 2022 – 2032, around half of respondents noted that the best thing about living in Ballina Shire is the beautiful environment, the relaxed lifestyle and access to open spaces and recreation.

In terms of features that could be improved in Ballina Shire over the next 10 years improved understanding, management and protection of biodiversity was ranked number one.

Draft Chapter 2C addresses the purpose of the NSW *Biodiversity Conservation Act 2016* (BC Act), relating to the impacts of development and land use change on biodiversity.

It also addresses the interaction between the NSW *Environmental Planning and Assessment Act 1979* and the BC Act, with the intent of providing clear guidance on the biodiversity values that should be retained in relation to development and addressing the management of ongoing impacts associated with development.

There is presently a suite of DCP provisions and Council policy that address biodiversity values in relation to development proposals.

This includes DCP Chapter 2 *General and Environmental Considerations* and Chapter 2A *Vegetation Management*, and Council's *Biodiversity – Compensatory Habitat and Offsets Policy* (Offsets Policy).

A review of the DCP has identified benefits in more specific biodiversity related development controls and clearer guidance for applicants in identifying and protecting biodiversity values.

The intent is to facilitate more efficient and effective development planning and assessment, through being more direct and comprehensive around biodiversity requirements.

## 7.2 Development Control Plan - Biodiversity and Habitat Management

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Consideration of biodiversity is often a point of conflict, complexity and differences of view, and uncertainty in this area of assessment can result in biodiversity loss, time delays and other costs.

Legislative complexity around biodiversity creates difficulties in ensuring appropriate biodiversity outcomes and clear pathways and design parameters for development.

The proposed Chapter 2C is different from Chapter 2A in that it applies to *all zones* within the shire.

It focuses on biodiversity in a broader sense, and it provides clarity on Council's expectations for development proposals with respect to biodiversity values.

Chapter 2A is specific to vegetation management, including individual tree removals, within urban areas and Conservation Zones only.

A Councillor briefing on the proposed draft Chapter 2C was held on 10 September 2025. This report outlines how the new draft Chapter 2C is proposed to apply to development and recommends that Council endorse the attached draft Chapter 2C for the purposes of public exhibition.

### Key Issues

- Assessment framework for biodiversity values.
- Consistency and clarity in ecological information and assessment requirements and methodologies relative to the legislative framework for biodiversity in NSW.
- Protection and management of specific biodiversity values and impacts.
- Strategic direction for future development.

### Discussion

#### Legislative Framework

Multiple layers of legislation are relevant to the protection of biodiversity in New South Wales as listed below.

Each plays a different role, and all are required to be addressed by development proponents when a Biodiversity Assessment Report (BAR) is submitted.

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is federal government legislation that provides for the protection of the environment and for Matters of National Environmental Significance (this includes, among other things, nationally threatened species and ecological communities).
- State Biodiversity Conservation Act 2016 (BC Act), the purpose of which is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future. Among other things, the BC Act provides for the listing of threatened species and for the implementation of the NSW Biodiversity Offset Scheme.
- State Environmental Planning and Assessment Act 1979 (EP& A Act), which establishes land use planning arrangements within NSW and

## 7.2 Development Control Plan - Biodiversity and Habitat Management

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interacts with the BC Act, particularly with regards to the assessment of threatened species and impacts to the environment. Note that the BC Act prevails over part 4 of the EP&A Act.

- State Environmental Planning Policies (SEPPs), notably the Biodiversity and Conservation SEPP.

State policies sit above Council's local environmental plan and DCP in the planning hierarchy and provide State direction and assessment requirements with respect to development, including in relation to biodiversity.

- Local Environmental Plans (LEPs), Development Control Plans (DCP) and local policies such as Council's *Biodiversity – Compensatory and Offsets Policy*.

The DCP supports controls in other planning instruments (SEPPs, LEPs) and provides guidance and detailed requirements for development to address.

Draft Chapter 2C is proposed to become part of the Ballina Shire DCP 2012.

Essentially the planning system has a multi layered structure relating to biodiversity.

One aim of Chapter 2C is to distill key elements of the framework and Council's policy into a clear set of provisions for development proponents to reference and work with.

### Purpose of a New DCP Chapter for Biodiversity

The purpose of Chapter 2C is to ensure that the planning and design of new development enhances biodiversity values and demonstrates a *nature positive outcome*.

### *Why 'nature positive' as opposed to no net loss?*

In July 2024, the NSW Government released its NSW Plan for Nature, which was a response to the statutory review of the BC Act and the NSW *Local Land Services Act 2013* (LLS Act).

The review occurred because it was recognised that traditional approaches to biodiversity protection, which looked to minimise impacts and stabilise the rate of biodiversity loss (no net loss), had not been working, and biodiversity was still being lost across the state.

The NSW Plan for Nature has an emphasis on legislation becoming '*nature positive*'.

Chapter 2C recognises this renewed focus and aims to take Ballina's planning and development biodiversity outcomes in the same direction to achieve consistency with the state legislative framework.

### Application of Chapter 2C

Chapter 2C is proposed to apply in the following situations:

1. When a development proposal fulfils all the following criteria:
  - Development consent is required from either Council, a Local Planning Panel or a Regional Planning Panel, and
  - The proposal is on private land, and
  - The area of the site is greater than 2500m<sup>2</sup> (0.25ha) in area, and
    - either native vegetation will be removed, or
    - part of the development is within 100m of any Red Flag area; or
  - Significant biodiversity impacts are likely (regardless of the size of a site)
2. When the Biodiversity Offsets Scheme (BOS) applies to a proposal.

Chapter 2C will not apply to:

- Public infrastructure development carried out by, or on behalf of, Council; or
- Development that does not meet the criteria listed in (1) or (2) above.

### *Why a Site Size Greater than 2500m<sup>2</sup>?*

The site size area of 2500m<sup>2</sup> (0.25 ha) was identified as an area that would preclude *most* smaller development proposals.

These proposals will still need to address Chapter 2 and 2A of the DCP, as well as other relevant policy and legislation.

Council also retains the ability to request applicants to address this Chapter 2C, where significant biodiversity impacts are considered likely, regardless of the size of the site.

The proposed site area is based on experiences of other councils.

One intention of the area criteria is to avoid unnecessary application of the chapter and onerous requirements for smaller scale development.

To determine a parameter that would assist in targeting those proposals with higher likelihood of having biodiversity impacts, a review of the following was undertaken:

- The biodiversity provisions of other Council DCPs
- Ballina Shire LGA lot sizes
- Previous and current development applications and various types of development proposals that impact biodiversity values.

Table 1 provides a brief comparison of the biodiversity provisions of other councils within the northern rivers and coastal areas.

**Table 1 Council biodiversity provision comparison**

<b>Byron Shire</b>	Applies to: <ul style="list-style-type: none"> <li>• Any land with natural features or</li> <li>• Areas identified under the Coastal Management SEPP 2018 or Koala Habitat Protection SEPP 2019 or the Byron Coast Comprehensive Koala Plan of Management or</li> <li>• Vegetation clearing requiring development consent where the clearing is ancillary to development or is a heritage item or located in a heritage conservation area or is an Aboriginal object or in an Aboriginal place of significance or conservation area.</li> </ul>
<b>Tweed City</b>	Applies to: <ul style="list-style-type: none"> <li>• Privately owned land holdings with an area <math>\geq</math> 2500m<sup>2</sup> containing bushland or adjoining waterways or</li> <li>• Lots containing E2, E3, E4, (C Zones) RE1, RE2, W1, W2, W3, zones (or equivalent) under the applicable LEP or</li> <li>• Lots within 100m of a flying fox camp or</li> <li>• Lots within 50m of a raptor nest or</li> <li>• Public land</li> </ul>
<b>Kyogle Shire</b>	Biodiversity protection provisions are embedded in various DCP chapters, and controls applied according to zoning / development types.
<b>Clarence Valley Shire</b>	Biodiversity protection provisions apply to land likely to have existing native vegetation in the following zones: RU1 Primary Production, RU2 Rural Landscape, R5 Large Lot Residential, IN1 General Industrial, IN4 Working Waterfront, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE1 Public Recreation, RE2 Private Recreation, E2 Environmental Conservation, E3 Environmental Management, W1 Natural Waterways, W2 Recreational Waterways, W3. Working Waterways.
<b>City of Coffs Harbour</b>	Biodiversity protection provisions apply to all land identified as 'Biodiversity' in the Coffs Harbour LEP 2013.
<b>Kempsey Shire</b>	Biodiversity protection is limited to Tree and Vegetation Management, similar to Ballina's DCP 2012 Chapter 2A. Kempsey's Biodiversity Strategy (2023) has identified the need for a review of the biodiversity protection provisions of the Kempsey DCP 2013.
<b>Lismore City</b>	Lismore DCP Vegetation Protection chapter applies whenever vegetation is proposed to be removed or disturbed, for example when the proposed vegetation removal is part of a DA on land zoned RU1 Primary Production or RU2 Rural Landscape, or for new greenfield subdivisions that require significant vegetation removal, or for any development that triggers the Biodiversity Offset Scheme. Lismore City Council also uses a red flag and setback system.

It was concluded that a site size greater than 2500m<sup>2</sup> would capture most target proposals, while excluding most minor works associated with vegetation management, including private tree removal, which is addressed by Chapters 2 and 2A of the DCP and other environmental legislation.

*Biodiversity Offsets Scheme*

The second circumstance where the chapter is proposed to apply is when the Biodiversity Offset Scheme (BOS) applies to a development.

## 7.2 Development Control Plan - Biodiversity and Habitat Management

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In this situation, the provisions of chapter 2C will need to be addressed in the Biodiversity Development Assessment Report (BDAR) submitted with the development application.

In this case the offsets devised by the BOS will take precedent over Council's offset policy.

### Chapter Objectives

The overall aim of proposed chapter 2C is to ensure that, in accordance with relevant state and commonwealth legislation, the planning and design of development in Ballina shire applies the hierarchical principle of *avoid, minimise and offset*, and demonstrates a nature positive outcome.

The specific objectives of the chapter are to:

- Retain, restore and improve vegetation and habitat.
- Provide controls to prevent degradation of ecological values.
- Ensure that all proposals apply the avoid, minimise, offset principle.
- Provide guidance to applicants on acceptable measures to avoid or minimise the impact of proposed development on biodiversity.
- Ensure that proposals compensate for any biodiversity loss in accordance with the offsets policy (or the BOS).
- Ensure offsets and retained areas are managed in perpetuity.

### *Avoid, minimise, offset hierarchy*

Chapter 2C is underpinned by the avoid, minimise, offset principle, which is inherent in State and Commonwealth biodiversity protection legislation.

This principle requires applicants to demonstrate that they have FIRST undertaken all steps to *avoid* impacts to biodiversity values. The applicant will then need to show measures taken to *minimise* any impacts that have not been avoided. Then *offsetting* of any residual impacts can be proposed. Following these steps supports a nature positive outcome.

### Biodiversity Values

The biodiversity values identified for protection in the Ballina Shire and relevant to this chapter are:

- Bushland and wetlands
- Wildlife corridors and connectivity
- Threatened species and their habitats
- Koala habitat
- Waterways and riparian areas
- Flying-fox camps and
- Other key habitats:
  - Hollow-bearing trees
  - Rocky outcrops/overhangs
  - Scattered paddock trees
  - Known nesting sites - threatened or migratory birds
  - Stepping-stone habitats

## 7.2 Development Control Plan - Biodiversity and Habitat Management

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- Non-native vegetation serving a valuable ecological purpose
- Groundwater-dependent ecosystems

The chapter sets out objectives for each value (Table 1 p4). Where a biodiversity value exists on a site, an ecological assessment report must accompany a development application.

The report is required to address the objectives for that value by demonstrating how each objective has been met by the proposal or provide justification where an objective or value is not relevant.

The biodiversity values listed above translate to 'Red Flags' and 'Amber Flags', to simplify assessment, discussion and process.

The ecological assessment that accompanies development proposals must describe how the development envelope was identified by showing Red Flag, Amber Flag and ecological setback areas on the proposal site plans and demonstrate the avoid, minimise, offset hierarchy with respect to these identified areas.

### Process for Proponents Using Chapter 2C

Chapter 2C provides a staged process for proponents to apply to a development proposal.

Applicants will need to engage an ecological consultant to undertake comprehensive ecological constraints and opportunities analysis of the site and identify any Red Flags or Amber Flags, prior to identification of a development envelope.

Two main steps are identified:

#### *Step 1 – Identify Red flags, Amber Flags and Ecological Setbacks*

Red Flags and Amber Flags are identified through site surveys.

Red Flags are those biodiversity values with high conservation value, having features that contribute to ecological diversity, connectivity or resilience to climate change and/or that are highly threatened.

Red Flags include:

- threatened ecological communities, over-cleared vegetation types or old growth forests
- natural waterways and wetlands
- habitat containing threatened species, Koala habitat or flying-fox camps
- wildlife corridors or connectivity features relied on by threatened or migratory species
- habitat that constitutes a component critical to the life cycle of a threatened species (e.g. for threatened flora pollinator habitat, hollow-bearing trees, restricted foraging habitats).

Amber flags are biodiversity values with lower conservation value than Red Flags; however, they contribute to local ecological diversity, connectivity and resilience.

## 7.2 Development Control Plan - Biodiversity and Habitat Management

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Amber flags include:

- native vegetation communities in degraded / low condition
- scattered native trees (not recorded as providing habitat for threatened species)
- drainage channels
- farm dams (Note this does not mean that a farm dam needs Council approval. It recognises that farm dams can have biodiversity values and are therefore considered in defining a development envelope).

Once Red Flags and Amber Flags are identified and mapped, the ecological setback from these areas is mapped.

The *ecological setback* is the minimum width of land required to separate the development envelope from the identified biodiversity value - Red Flag or Amber Flag. Ecological setbacks are specified for each Red Flag and Amber Flag and are based on best practice and current ecological and scientific knowledge.

### *Step 2 – Define the development envelope*

After flags and setbacks have been identified and mapped on site, the applicant will identify an appropriate development envelope, ensuring all associated constraints and impacts are addressed, such as roads, APZ management, stormwater management etc.

### *Process Summary*

The following provides a summary of the process for applicants to follow to address Chapter 2C.

This will occur in the context of analysis of all site constraints and opportunities (not just biodiversity).

1. Engage an ecological consultant to undertake site surveys and an ecological constraints and opportunities assessment.
2. Identify and map the boundaries of the Red and Amber Flags on site.
3. Map Ecological Setbacks.
4. Plan to retain Red (and Amber) Flags and ecological setbacks.
5. Demonstrate options to avoid impacts to Red and Amber Flags and setbacks.
6. Identify an appropriate development envelope including all ancillary impacts within the identified development envelope.
7. Provide an ecological assessment report with the DA that addresses all residual impacts of the proposal.

### Mitigating and Managing Impacts

Section 3.2.2 of Chapter 2C provides specific mitigation and management measures to be implemented as part of the development proposal where specific biodiversity values are at risk of being impacted by development.

## **7.2 Development Control Plan - Biodiversity and Habitat Management**

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The biodiversity values referenced above are grouped in this section, to enable efficiencies in developing and applying appropriate mitigation and management measures.

Values:

- Bushland, Waterways and Groundwater Dependent Ecosystems (GDEs) - e.g. address the protection and restoration of any bushland located within the site and identify measures on a Vegetation Management Plan
- Koala - e.g. ensure the proposal addresses the Ballina Koala Management Strategy and implements specific Koala protection measures.
- Flying-fox camps - e.g. ensure that services with potential to impact Flying-foxes are located appropriately, for example locating power lines away from known flyways or camps and prohibiting the use of barbed wire.
- Threatened species and communities - e.g. propose species-specific measures that will ensure the long-term viability of the population in a Threatened Species Management Plan.

Section 3.2.2 also provides management recommendations and requirements for specific impacts usually associated with development. The most common impacts and examples of appropriate mitigation measures are:

- Roads and fencing - e.g. no use of barbed wire.
- Noise and lighting - e.g. fauna sensitive design.
- Pest animals - e.g. management plans for potential pest species.
- Domestic animals - e.g. fencing to keep Koalas out.
- Exotic flora and landscaping - e.g. no use of priority weeds in plantings.

### **Biodiversity Offsets**

If the development is not required to enter the BOS, any native vegetation, threatened or other significant fauna habitat cleared, damaged, or degraded by the development will be required to be offset in accordance with Council's Biodiversity-Compensatory Habitat and Offsets Policy.

Chapter 2C includes the requirements for biodiversity offset land to ensure offsets are protected into the future.

### **Delivery Program Strategy / Operational Plan Activity**

Preparation of Chapter 2C aligns with Council's 2024-2028 Delivery Program and Operational Plan (DPOP), specifically:

- *Action HE3.2j Review biodiversity controls in the Development Control Plan*

Introduction of Chapter 2C also aligns with action 1.1.1 of Council's adopted Biodiversity Strategy.

### **Community Engagement Strategy**

Community engagement will occur in accordance with Council's Community Participation Plan and the *Environmental Planning and Assessment Act 1979* and associated regulations.

## **7.2 Development Control Plan - Biodiversity and Habitat Management**

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The proposed draft Chapter 2C will be placed on public exhibition for a period of at least 28 days. Ecological and planning consultants will also be notified of the consultation period.

### **Financial / Risk Considerations**

Preparation of the first draft of Chapter 2C was undertaken by external consultants with funding associated with Council's Biodiversity Strategy.

Further refinement and finalisation of the chapter can be accommodated using existing Council staff resources.

### **Options**

*Option 1 – Endorse the attached draft Chapter 2C for public exhibition.*

Under this option Council would endorse the attached draft Chapter 2C as outlined in this report and place it on public exhibition. The outcomes of public exhibition will then be reported to Council for consideration prior to adoption and implementation of the provisions.

This option is recommended as it will give the community, consultants and development proponents an opportunity to provide feedback to Council on an important policy initiative.

*Option 2 – Decline to support new draft Chapter 2C as proposed.*

Council could resolve not to support the proposed new Chapter 2C. This option is not recommended, as the proposed new chapter offers clear guidance to proponents and Council staff on identifying and assessing impacts on biodiversity values on private land within the shire.

It also sets out expectations for mitigation and management measures required to minimise risks and impacts from development on these values.

### **RECOMMENDATION**

That Council endorses the draft Development Control Plan Chapter 2C Biodiversity and Habitat Management, as per Attachment 1 to this report, for public exhibition, for a minimum period of 28 days.

### **Attachment(s)**

1. Ballina Shire Development Control Plan 2012 Chapter 2C - Biodiversity and Habitat Management - Draft [↔](#)

### **7.3 DA 2023/343 - Gallans Road and Tamarind Drive Intersection**

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### **7.3 DA 2023/343 - Gallans Road and Tamarind Drive Intersection**

**Section** Development Services

**Objective** To outline an alternative approach to the treatment of the Gallans Road and Tamarind Drive intersection relative to DA 2023/343.

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#### **Background**

The elected Council granted consent to DA 2023/343 relating to land at 57 Gallans Road on 22 August 2024. The land is owned by Rous County Council (Rous). A copy of the reporting can be viewed at [Agenda of Ordinary Meeting of Ballina Shire Council - Thursday, 22 August 2024](#) (item 8.2).

The development involves a change of use from a Rural Industry to a Public Administration Building and Depot with associated demolition, building and civil works, earthworks and retaining walls, fencing, car parking and vegetation management works, being the Rous administration building and associated infrastructure.

The development consent was modified in January 2025 and July 2025 in relation to the timing of required intersection works and bushfire management.

As part of the development approval (including as modified), the beneficiary of the consent (Rous) has a requirement to undertake improvement works at the intersection of Gallans Road and Tamarind Drive in the form of construction of a seagull intersection.

The development consent as modified is included as Attachment 1 to this report.

The improvement works were required under conditions of consent because traffic analysis for the intersection undertaken by Modus, on behalf of the proponent, identified that the intersection is expected to operate above capacity limits during morning and afternoon peak period.

Having regard to this and Council's assessment of the application, intersection treatment works were incorporated into the development consent.

The current intersection is shown in Figure 1 and an indicative layout of the preferred seagull design is shown in Figure 2.



Figure 1 - Gallans Road and Tamarind Drive intersection (aerial image)

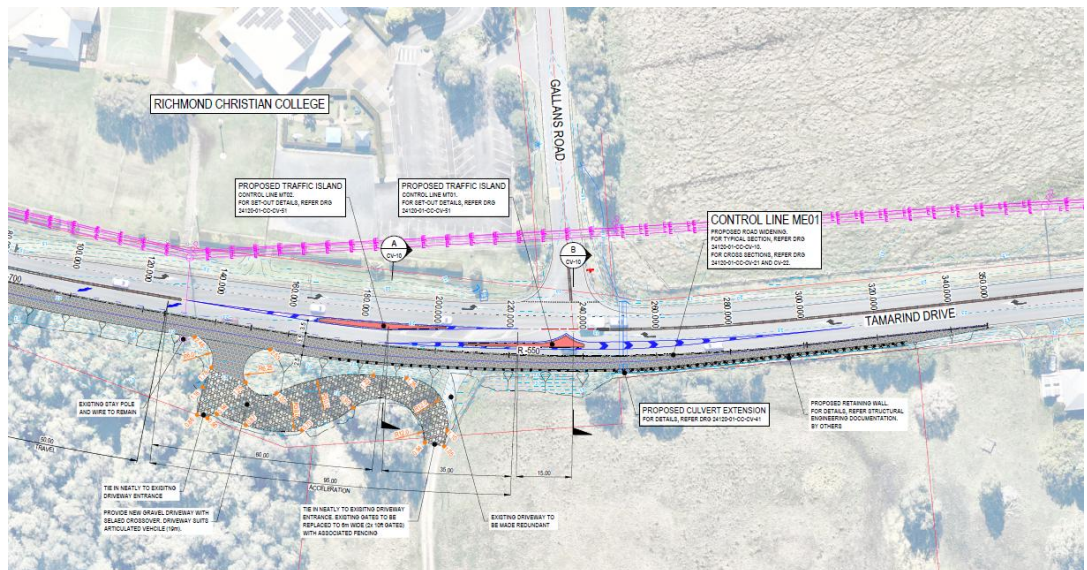


Figure 2 - Indicative seagull intersection design – Gallans Road and Tamarind Drive (extract from Terania Consulting Plan 29 October 2025)

As detailed design for the intersection treatment has progressed, the option of a dual lane roundabout has been explored.

A dual lane roundabout is the best long-term outcome for the intersection, particularly having regard for potential increased traffic arising from Richmond Christian College and potential urban development south of the intersection at some point in the future.

### **7.3 DA 2023/343 - Gallans Road and Tamarind Drive Intersection**

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The purpose of this report is to outline the option of a roundabout, including how this relates to Rous's obligations under the development approval.

The timing with respect to a decision on the nature of the required intersection works is sensitive, as Rous has now progressed to the point where the new building can be occupied.

At present Rous cannot receive an occupation certificate because conditions relating to the intersection treatment have not been met.

This report is accompanied by a confidential report that incorporates a draft legal agreement and costing for the seagull intersection.

#### **Key Issues**

- Compliance with conditions of consent under DA 2023/343
- Occupation of the new Rous administration building
- Preferred Gallans Road and Tamarind Drive intersection treatment
- Involvement of other stakeholders in intersection works and funding.

#### **Discussion**

The key issue from a road network perspective is that whilst a seagull intersection delivers an intersection improvement, it is not the best overall intersection outcome for the long term.

This is because, as traffic loads increase over time, and potentially due to nearby development activity at the Richmond Christian College and in relation to land to the south (being a strategic urban growth area), a roundabout is likely to deliver the best long term traffic management outcome.

However, the Rous development does not trigger the need for a roundabout.

The situation at present is that Rous has an obligation to construct a seagull intersection, which is better than the current intersection but not the overall preferred outcome.

Given this, it may be that the next development that causes additional traffic to load to the intersection, or perhaps Council at some point, may need to remove the seagull and build a roundabout.

A question arising is whether the seagull is the best spend of funds at this point, and if a seagull is not built now, are there suitable interim measures to manage traffic that can be put in place.

#### *Seagull Intersection Status*

In accordance with the conditions of consent, Rous has submitted a detailed design for the seagull intersection and association application for approval under Section 138 of the Roads Act.

This design is presently in the assessment process.

### 7.3 DA 2023/343 - Gallans Road and Tamarind Drive Intersection

It has been identified that driveway access and the design interface with land to the south are matters that require further consideration prior to determination of the 138 application.

The assessment process has been paused pending the outcome of this report with respect to the roundabout option.

#### *Roundabout Alternative*

Very preliminary design work has been done with respect to the provision of a roundabout at the intersection.

Figure 3 provides a high-level indication of design for a single lane roundabout (ideally two lanes on Tamarind Drive would be optimal).



**Figure 3 - Indicative single land roundabout design – Gallans Road and Tamarind Drive**

Estimated cost for a single land roundabout at present is in the order of \$3.2 to \$3.5m, reliant on land needs primarily being met within Council owned holdings to the north east of the current intersection. A roundabout with dual lanes on Tamarind Drive has a cost estimate of \$4.5m.

The benefit of a roundabout is that it would likely serve the needs of future anticipated development in the locality, whereas a seagull treatment is likely to have a short life span.

As part of the consideration of the potential for a roundabout, Council has engaged with representatives of the Richmond Christian College, Rous and Nordic Debenham Pty Ltd (being the landowner immediately south of the intersection).

The intent of the engagement was to see if there was potential to come to a funding arrangement between the parties to advance construction of a roundabout.

### **7.3 DA 2023/343 - Gallans Road and Tamarind Drive Intersection**

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Whilst there was interest from all parties in how a roundabout might work, as this type of intersection has benefits for all the parties, uncertainty around timing for future works means it is difficult for stakeholders to commit funds ahead of development works.

Rather than build a roundabout short term, another option is for Council to accept a monetary payment for intersection improvements from (with future works to be done by Council), along with implementation of interim intersection safety works.

If this is the approach taken, Council would then engage with future development proponents (where traffic at the intersection is a factor) as development proposals are put forward with respect to arrangements regarding intersection upgrade and/or proportionate contribution to a future roundabout.

The associated confidential report provides further detail of the legal arrangements and approaches to a monetary payment towards a roundabout.

#### *Intersection Safety Works*

Regardless of the preferred intersection configuration (seagull or roundabout), there is a need to implement road safety measures in association with the Rous occupation of the new administration premises.

Rous engaged PPT Traffic and Transport Engineering to assess potential interim traffic arrangements for the intersection having regard for road safety. A copy of the report is included as Attachment 2.

The key recommendation regarding interim measures is the introduction of a no right turn, out of Gallans Road, between 8am and 9.30am and 2.30pm and 4pm, to align with school start and finish periods.

Attachment 3 contains a plan of a wider suite of interim intersection safety works that incorporates the PPT recommendation as well as consideration of road safety audit work done in relation to the intersection.

Measures in addition to the right-hand turn restriction include signage improvements, vegetation removal, line marking, sealing of driveway for property to the south of the intersection and guidepost replacement.

One thing to consider when contemplating a roundabout is that these interim works may be in place for an undefined period, as construction of a roundabout is not planned at present (and a roundabout is not currently included as planned works within Council's Roads Contributions Plan).

#### *Rous Administration Building Occupation*

A decision on the preferred approach is required as this will determine the timing for Rous to occupy what is now a complete administration building.

Conditions 75A and 76 require works plans for a seagull intersection to be completed and approved, and for the works to be completed, prior to issue of an occupation certificate. Condition 2 of the consent enables other arrangements to be put in place, with the condition stating:

### **7.3 DA 2023/343 - Gallans Road and Tamarind Drive Intersection**

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*Occupation or use of the (premises/site) for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and an Occupation Certificate has been issued by the Principal Certifier, unless alternative arrangements have been made with Council.*

The operation of this condition in this circumstance is further discussed in the confidential report.

#### **Delivery Program Strategy / Operational Plan Activity**

This matter relates to Council's development assessment program and road strategy and planning initiatives.

#### **Community Engagement Strategy**

Council has engaged with Rous, the landowner south of the intersection and representatives of Richmond Christian College with respect to intersection design options. Feedback from the parties has been considered in the preparation of this report.

#### **Financial / Risk Considerations**

A key financial consideration is the weighing of the benefit of receiving funds towards a preferred intersection treatment (being a roundabout) relative to the works not being funded, with Council having to take on the risk and management of future intersection works.

#### **Options**

Council has options requiring Rous to comply with the consent conditions requiring construction of a seagull intersection, or to enable an alternate arrangement where funds are collected towards a roundabout that will be constructed in the future.

With the progression of a seagull intersection, Council could progress arrangements to enable occupation of the Rous building prior to construction of the intersection, based on interim works being in place and timeframes for works being set by agreement.

Alternatively, Council could require compliance with the conditions to construct the seagull intersection without another arrangement in place, meaning that construction would need to be complete before Rous can occupy the premises approved under DA 2023/343.

Where a roundabout is preferred, Council could similarly progress arrangements to enable occupation of the Rous building prior to construction of the intersection based on interim works being in place (such interim works would be in place for a presently undefined period).

The mechanisms to advance these options are addressed in the confidential report.

This report is provided for the information of the community, noting there is an associated confidential report addressing legal and costing information.

**RECOMMENDATION**

That Council notes the contents of this report relating to options for improvements to the Gallans Road and Tamarind Drive intersection.

**Attachment(s)**

1. DA 2023/343 - Notice of Determination (as modified July 2025) [⇒](#)
2. DA 2023/343 - Traffic Engineering Assessment Temporary Arrangements [⇒](#)
3. DA 2023/343 - Interim Intersection Improvements Plan [⇒](#)

## **7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions**

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### **7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions**

**Section** Open Spaces

**Objective** To provide an overview of the submissions received in response to the exhibition of the revised Urban Vegetation on Public Land Policy and seek direction on finalisation of the policy.

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#### **Background**

At the 27 November 2025 Ordinary meeting Council considered a review of the Urban Vegetation on Public Land Policy.

Council endorsed the revised policy and resolved to place the revised version on public exhibition, with seven submissions received.

The purpose of this report is to provide an overview of the submissions and determine the final form of the policy for implementation.

#### **Key Issues**

- Address submissions
- Ensure policy is consistent with Council resource allocation

#### **Discussion**

The draft policy document was exhibited for a period of 28 days. The exhibition was notified via Council's website and by way of community notices.

Copies of the document were made available at Council's Community Access Points.

Seven submissions were received, as per Attachment 1 to this report.

A summary of the submissions and responses is included as Attachment 2.

Five submissions raised issues with the Poinciana trees planted along River Street, Ballina, primarily around selection, pruning, maintenance and liability.

One submission provided a selection of policy recommendations with process improvements, and one submission requested mulching and bollards on a local reserve.

#### **Poinciana Submissions**

The Poinciana tree issues were extensively discussed in the November 2025 Ordinary meeting report.

The Poinciana trees were originally selected and planted based on reports to Council when commencing the town centre beautification program.

## 7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions

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Poincianas provide an attractive landscape in an urban environment for the Ballina CBD, with the trees growing within root barriers to negate root management impacts.

Council undertakes a cyclical maintenance regime on all the trees in the CBD with programmed and reactive pruning as required for clearances from buildings and pedestrians/vehicles.

The species provide many benefits including sunlight filtering to the street in winter and more canopy cover in summer, assisting in reducing heat and direct sun to pavement areas.

Pruning is primarily scheduled after flowering and when the foliage flushes, which can result in clearance issues through seasonal growth.

The most recent pruning was completed on 22 February 2026, with works undertaken at night to assist mitigating business impacts and provide for operational efficiencies.

Tree risk management is undertaken in line with Council policy settings utilising suitably qualified and experienced arborists based on best practice quantitative and qualitative tree risk assessments as required.

Council's policy setting is founded in NSW Land and Environment Court case law in relation to the Tree (Disputes Between Neighbours) Act 2006 in *Barker v Kyriades* (2007) NSWLEC292.

As previously reported:

*"For people who live in urban environments, it is appropriate to expect that some degree of house exterior and grounds maintenance will be required in order to appreciate and retain the aesthetic and environmental benefits of having trees in such an urban environment. In particular, it is reasonable to expect people living in such an environment might need to clean the gutters and the surrounds of their houses on a regular basis.*

*The dropping of leaves, flowers, fruit, seeds or small elements of deadwood by urban trees ordinarily will not provide the basis for ordering removal of or intervention with an urban tree."*

It is important that residents and business owners are aware of the policy settings and their individual responsibilities for their properties. This includes provision for resident funded tree pruning and removals within the guidelines of the policy.

Of note is the private benefit that can be derived from a high-quality public domain, with trees and other landscaping often adding significant value to the attraction of places.

### Other Submissions

One submission outlined some recommendations with many already embedded in the policy and operations. Council staff continue to progress tree inventory capabilities that in turn will help in monitoring and measuring of tree canopy and health and other factors and priorities.

## **7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions**

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Council's Trees and Vegetation webpage expands considerably on the policy providing further information on the environmental, economic, social and psychological benefits of trees, with the link to that site as follows:

[Trees and Vegetation | Ballina Shire Council](#)

The recently adopted Place and Public Realm Framework 2025 also addresses aspirations for connection of walkable areas and street tree provision.

Unfortunately, constraints such as overhead powerlines and underground services remain restrictive on tree planting locations.

This strategy provides a policy and decision-making platform for urban tree planting initiatives over time.

The request for mulch and bollard works will be reviewed under Council's general maintenance program having regard to the available resources.

### Summary

Based on the contents of the submissions, no changes are recommended to the exhibited policy.

A copy of the policy with the original updates and changes, as per the November 2025 Ordinary meeting report, is included as Attachment 3.

### **Delivery Program Strategy / Operational Plan Activity**

The policy aligns with the following delivery program strategies:

- HE1.3a Implement a Proactive Street Tree Planting Program
- EL3.3f Monitor operating budgets within 5% of approved budget

### **Community Engagement Strategy**

The policy was placed on public exhibition in accordance with Council's November 2025 resolution.

### **Financial / Risk Considerations**

This policy aims to manage risk in accordance with best practice arboricultural practices, legislation and Council's insurer requirements.

Proactive processes and clear policy aid reducing financial and risk implications.

Council has established structures such as its Internal Risk Management Group, Audit, Risk and Improvement Committee and insurer engagements to enable ongoing consideration of emerging vegetation management issues and changes in risk profiles.

## **7.4 Policy (Review) - Urban Vegetation on Public Land - Submissions**

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Leaf drop is a concern arising in submissions. This has previously been considered as to its suitability as an acceptable reason for Council tree management intervention under the policy.

Leaf drop is not identified as a suitable reason for tree management interventions by Council, having regard for industry, legal, financial and operational factors and expert advice provided by Tree Wise Men Australia Pty Ltd during the 2018 review of the policy.

### **Options**

The policy provides for a balanced urban vegetation management outcome.

This includes consideration of risk, legal responsibilities, funding and resources, the environment and amenity.

The submission issues have largely been addressed within the policy settings and legal framework as outlined in this report.

Whilst this does mean that on occasion some residents do not see a particular outcome that they desire in their individual circumstance, it sets a strong operational platform to consistently manage and respond to requests (and to undertake Council's own vegetation management program).

It is recommended that the policy, as per Attachment 3, be adopted for implementation.

Alternatively, Council could make changes to the policy as deemed appropriate.

### **RECOMMENDATION**

That Council adopts the updated Urban Vegetation on Public Land Policy, as per Attachment 3 to this report.

### **Attachment(s)**

1. Policy (Review) - Urban Vegetation on Public Land - Submissions - February 2026 [⇒](#)
2. Policy (Review) - Urban Vegetation on Public Land - Submissions Summary - February 2026 [⇒](#)
3. Policy (Review) - Urban Vegetation on Public Land [⇒](#)

**8.1 Use of Council Seal**

**8. Corporate and Community Division Reports**

**8.1 Use of Council Seal**

**RECOMMENDATION**

That Council affix the Common Seal to the following documents.

US2026/4	<p>Ballina Shire Council Licence to Ballina &amp; District Equestrian Club Inc (INC9891286) over part of Lot 114 DP755684, 70 Gallans Road, Ballina known as Ballina Equestrian Grounds for a term of three years, at a licence fee equal to the statutory minimum rent charged for Community Organisations, currently \$622 per annum (plus GST).</p> <p><b>Explanation:</b> This is a renewal of a licence to the current occupant of the property. The permitted use is for community equestrian activities and related ancillary uses. The property is Council owned operational land, so public advertising of the proposed licence is not required.</p>															
US2026/5	<p>1. That Council, in accordance with the relevant provisions of the Local Government Act 1993 and the Crown Land Management Act 2016, enters into the following leases of <i>community land</i>:</p> <table border="1" data-bbox="571 1025 1493 1998"> <thead> <tr> <th data-bbox="571 1025 912 1061">Property</th> <th data-bbox="919 1025 1136 1061">Tenant</th> <th data-bbox="1142 1025 1493 1061">Tenure / Comment</th> </tr> </thead> <tbody> <tr> <td data-bbox="571 1070 912 1406">CWA Hall building Ballina, located on Part Crown Reserve 71612 (Captain Cook Park and RSL Memorial Park), Part lot 8 Section 5A DP758047 (Council is Crown Land Manager of Reserve 71612)</td> <td data-bbox="919 1070 1136 1406">Country Women's Association of New South Wales Incorporated</td> <td data-bbox="1142 1070 1493 1406">Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$625 per annum plus GST)</td> </tr> <tr> <td data-bbox="571 1415 912 1617">Newrybar Hall building and part of grounds located at 13-15 Old Pacific Highway, Newrybar being part of Lot 10 DP 1202765</td> <td data-bbox="919 1415 1136 1617">Newrybar Community Hall Inc</td> <td data-bbox="1142 1415 1493 1617">Four-year lease at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)</td> </tr> <tr> <td data-bbox="571 1626 912 1863">Quays Reserve Clubhouse 'Ballina Rugby Union Club' being part of Lot 62 DP263861 known as 96-98 Kalinga Street, West Ballina</td> <td data-bbox="919 1626 1136 1863">Ballina Rugby Club Inc</td> <td data-bbox="1142 1626 1493 1863">Four-year lease at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)</td> </tr> <tr> <td data-bbox="571 1872 912 1998">Clubhouse at Wollongbar Sports Fields being part of Lot 2 DP1168781 known</td> <td data-bbox="919 1872 1136 1998">Wollongbar-Alstonville Rugby Club Inc</td> <td data-bbox="1142 1872 1493 1998">Four-year lease at a rent equal to the statutory minimum rent charged by Crown</td> </tr> </tbody> </table>	Property	Tenant	Tenure / Comment	CWA Hall building Ballina, located on Part Crown Reserve 71612 (Captain Cook Park and RSL Memorial Park), Part lot 8 Section 5A DP758047 (Council is Crown Land Manager of Reserve 71612)	Country Women's Association of New South Wales Incorporated	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$625 per annum plus GST)	Newrybar Hall building and part of grounds located at 13-15 Old Pacific Highway, Newrybar being part of Lot 10 DP 1202765	Newrybar Community Hall Inc	Four-year lease at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)	Quays Reserve Clubhouse 'Ballina Rugby Union Club' being part of Lot 62 DP263861 known as 96-98 Kalinga Street, West Ballina	Ballina Rugby Club Inc	Four-year lease at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)	Clubhouse at Wollongbar Sports Fields being part of Lot 2 DP1168781 known	Wollongbar-Alstonville Rugby Club Inc	Four-year lease at a rent equal to the statutory minimum rent charged by Crown
Property	Tenant	Tenure / Comment														
CWA Hall building Ballina, located on Part Crown Reserve 71612 (Captain Cook Park and RSL Memorial Park), Part lot 8 Section 5A DP758047 (Council is Crown Land Manager of Reserve 71612)	Country Women's Association of New South Wales Incorporated	Three-year lease at a rent equal to the statutory minimum charged by Crown Lands (currently \$625 per annum plus GST)														
Newrybar Hall building and part of grounds located at 13-15 Old Pacific Highway, Newrybar being part of Lot 10 DP 1202765	Newrybar Community Hall Inc	Four-year lease at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)														
Quays Reserve Clubhouse 'Ballina Rugby Union Club' being part of Lot 62 DP263861 known as 96-98 Kalinga Street, West Ballina	Ballina Rugby Club Inc	Four-year lease at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)														
Clubhouse at Wollongbar Sports Fields being part of Lot 2 DP1168781 known	Wollongbar-Alstonville Rugby Club Inc	Four-year lease at a rent equal to the statutory minimum rent charged by Crown														

**8.1 Use of Council Seal**

	as 80 Elvery Lane, Wollongbar		Lands (currently \$625 per annum plus GST)									
<p>2. Council authorises the General Manager to affix the seal to the lease documents in point one and any other documents required to allow tenure to be granted in accordance with point one.</p> <p>3. That prior to points one and two being actioned, statutory public notification relating to the proposed lease of community land be undertaken, with a report to be presented to Council in the event that an objection of a substantive nature is received to the grant of the proposed lease.</p> <p><b>Background:</b> Leases of Council owned land are generally 4 years. Leases of Crown Land are generally 3 years otherwise Crown Lands will require them to be registered on the title of the land, which creates additional costs for tenants (registration fees, legal fees, survey fees etc).</p>												
US2026/6	<p>1. That Council, in accordance with the relevant provisions of the Local Government Act 1993 and the Crown Land Management Act 2016, enters into the following sublease/licence of community land:</p>											
<table border="1"> <thead> <tr> <th data-bbox="555 929 911 969">Property</th> <th data-bbox="911 929 1139 969">Tenant</th> <th data-bbox="1139 929 1500 969">Tenure</th> </tr> </thead> <tbody> <tr> <td data-bbox="555 969 911 1182">Sports building at Part of Williams Reserve (Number 82927) being part of Lot 473 DP729088</td> <td data-bbox="911 969 1139 1182">Lennox Head Combined Sports Association Incorporated</td> <td data-bbox="1139 969 1500 1182">12 month licence at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)</td> </tr> <tr> <td data-bbox="555 1182 911 1496">Sublease of part of the land and building known as 'Ballina River Street Preschool' located at 12 River Street, Ballina being part of Lot 5 Sec 1 DP758047 and Lot 6 Sec 1 DP758047</td> <td data-bbox="911 1182 1139 1496">Ballina River Street Children's Centre Incorporated (Y0148835)</td> <td data-bbox="1139 1182 1500 1496">Three-year sublease at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)</td> </tr> </tbody> </table>				Property	Tenant	Tenure	Sports building at Part of Williams Reserve (Number 82927) being part of Lot 473 DP729088	Lennox Head Combined Sports Association Incorporated	12 month licence at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)	Sublease of part of the land and building known as 'Ballina River Street Preschool' located at 12 River Street, Ballina being part of Lot 5 Sec 1 DP758047 and Lot 6 Sec 1 DP758047	Ballina River Street Children's Centre Incorporated (Y0148835)	Three-year sublease at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)
Property	Tenant	Tenure										
Sports building at Part of Williams Reserve (Number 82927) being part of Lot 473 DP729088	Lennox Head Combined Sports Association Incorporated	12 month licence at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)										
Sublease of part of the land and building known as 'Ballina River Street Preschool' located at 12 River Street, Ballina being part of Lot 5 Sec 1 DP758047 and Lot 6 Sec 1 DP758047	Ballina River Street Children's Centre Incorporated (Y0148835)	Three-year sublease at a rent equal to the statutory minimum rent charged by Crown Lands (currently \$625 per annum plus GST)										
<p>2. Council authorises the General Manager to affix the seal to the licence/sublease document in point one and any other documents required to allow tenure to be granted in accordance with point one.</p> <p><b>Background:</b> Williams Reserve has not been included in a Plan of Management under the Crown Land Management Act yet. So, the licence term remains 12 months until the Plan of Management for Williams Reserve is completed.</p>												

US2026/7	1. That Council, in accordance with the relevant provisions of the Local Government Act 1993, enters into the following two Hire Agreements of community land:		
	<b>Property</b>	<b>Tenant</b>	<b>Tenure</b>
	Part of Wollongbar Community Hall being part of Lot 267 DP1209571	Wollongbar Community Action Network Incorporated (Y0546527)	Two Hire Agreements as follows: <ul style="list-style-type: none"> <li>• Hire Agreement One: Hire Agreement one is for Council to hire the hall from Wollongbar Community Action Network Incorporated for use of library services up to 30 June 2026 at a hire fee payable by Council of \$2,100 per month plus GST.</li> <li>• Hire Agreement Two: Hire Agreement two is for Wollongbar Community Action Network Incorporated to hire Wollongbar Community Hall from Council for use outside the hours of operation of the library services, commencing on 1 July 2026 up to a date as notified by Council.</li> </ul>
	2. Council authorises the General Manager to affix the seal to the Hire Agreement documents in point one and any other documents required to allow tenure to be granted in accordance with point one.		
	<p><b>Background:</b> Council owns the Wollongbar Community Hall (the Hall), located at Part lot 267 DP1209571, and proposes to operate library services from the Hall on weekdays from 8.30am to 3.30pm while the Alstonville Cultural Centre project is being completed.</p> <p>Council currently leases part of the Hall to Wollongbar Community Action Network Incorporated (WCAN) and the current lease expires on 30 June 2026.</p> <p>Hire Agreement one is proposed for Council's use of the Hall during the remaining term of the current lease to WCAN, ending on 30 June 2026.</p> <p>Hire Agreement two is proposed to WCAN to use part of the Hall from 1 July 2026 following their current lease expiring, outside of the operating hours of library services (being weekdays from 8.30am to 3.30pm).</p> <p>Both hire agreements allow for WCAN to sub-hire the hall outside library services hours.</p>		

**8.1 Use of Council Seal**

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**Attachment(s)**

Nil

## 8.2 Investment Summary - February 2026

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### 8.2 Investment Summary - February 2026

<b>Section</b>	Financial Services
<b>Objective</b>	To provide details of Council's cash and investments portfolio breakup and performance

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#### **Background**

In accordance with the Local Government (General) Regulation 2021, the Responsible Accounting Officer of a council must provide a monthly investment report setting out the council's cash and investments.

The report is to be presented at the Ordinary Council meeting immediately following the end of the respective month.

This report provides details of the total funds invested, where the investments are held and other related matters, to confirm that Council is complying with Council's Investment Policy and to ensure transparency.

The Responsible Accounting Officer certifies that the investments made during February 2026, have been made in accordance with the Act, the Regulations and Council's Investment Policy.

#### **Key Issues**

- Compliance with Investment Policy
- Return on investments

#### **Discussion**

Council's investments are in accordance with Council's Investment Policy, Section 625 of the Local Government Act 1993, and the Local Government (General) Regulation 2021. A copy of the [Investment Policy](#), adopted 27 June 2024, is available on Council's website and linked above.

The total balance of investments, as at 28 February 2026 was \$116.6m compared to a balance as at 31 January 2026 of \$113.9m.

Council's investments, as at 28 February 2026, were invested at a weighted average interest rate of 4.428%, which was 0.737% higher than the weighted average 90 Day Bank Bill Index (BBSW) to 28 February 2026 of 3.691%.

The balance of Council's Commonwealth Bank business account, as at 28 February 2026 was \$15,427,398, compared to a balance of \$15,221,211 as at 31 January 2026.

Total combined cash and investments, as at 28 February 2026 was \$132,027,398 compared to a balance of \$129,121,211 as at 31 January 2026.

The net increase of \$2.9m in cash and investments from January to February is mainly the result of grant funds received for the Evacuation Route Raising Projects and the quarterly Financial Assistance Grant along with rates instalments due at the end of the month, offset by regular creditor payments.

## 8.2 Investment Summary - February 2026

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

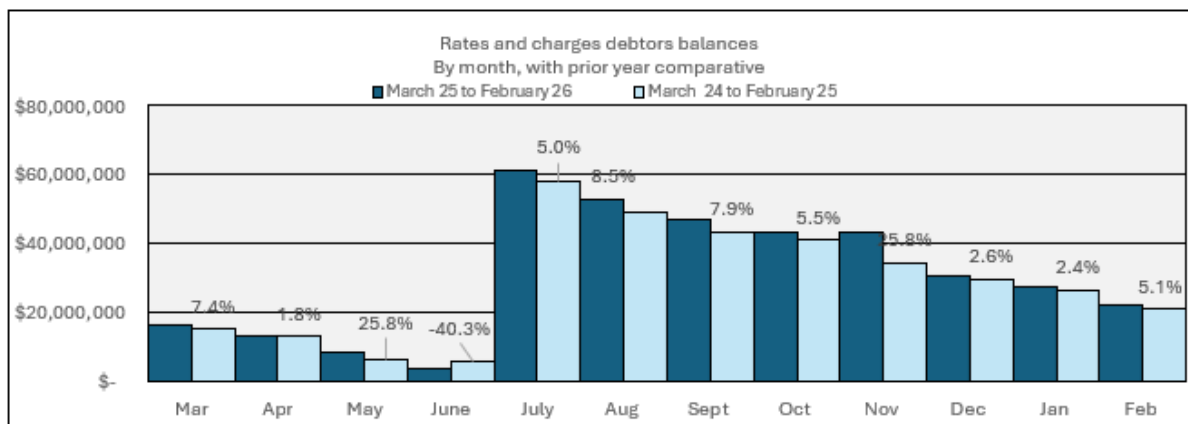
### Restricted Reserves

The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for specific purposes. The following table reflects the portfolio percentages based on 30 June 2025 balances.

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

### Debtors

As per the following chart, the balance, as at 28 February 2026, was 5.1% higher than 28 February 2025.



## 8.2 Investment Summary - February 2026

This increase is predominantly due to the rate peg increase for 2025/26 of 3.8% and growth in the rating base. Staff continue to monitor balances and implement timely debt recovery procedures.

### A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green Investment	Rating S&P	31 January \$'000	28 February \$'000	Quota %	% of Total
AMP Bank	Yes	BBB+	2,000	1,000	20%	0.86%
Bank Australia Ltd (was Australian Unity Bank)	Yes	BBB+	16,000	14,000	20%	12.00%
Bank of Queensland	Yes	A-	10,000	10,000	20%	8.58%
BankVic	n/a	BBB+	7,000	5,000	20%	4.29%
Bendigo & Adelaide Bank	Yes	BBB+	1,000	1,000	20%	0.86%
Commonwealth Bank	No	AA-	1,000	1,000	20%	0.86%
Great Southern Bank	Yes	BBB+	4,000	8,000	20%	6.86%
Heartlands Bank Australia	n/a	BBB	-	8,000	20%	6.86%
Judo Bank	Yes	BBB	6,000	8,000	20%	6.86%
Macquarie Bank	No	A+	1,600	1,600	20%	1.37%
MyState Bank Ltd *	Yes	BBB+	14,000	10,000	20%	8.58%
National Australia Bank	No	AA-	8,000	8,000	20%	6.86%
Newcastle Greater Mutual Group Ltd	Yes	BBB+	1,000	1,000	20%	0.86%
Rabobank Australia Ltd	No	A	18,000	18,000	20%	15.44%
Suncorp Limited	No	A+	8,300	4,000	20%	3.43%
Unity Bank Ltd	Yes	BBB+	2,000	4,000	20%	3.43%
Westpac Bank Corp	No**	AA-	14,000	14,000	20%	12.00%
<b>Total</b>			<b>113,900</b>	<b>116,600</b>		<b>100.0%</b>

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

\*\* All investments held with Westpac Bank are combined for reporting by institution – this total includes some Green Investments

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value 31 January \$'000	Value 28 February \$'000	%	%
	%	Value \$'000				
A- or Higher	100%	116,600	60,900	56,600	53.5%	48.5%
BBB	60%	69,960	53,000	60,000	46.5%	51.5%
<b>Total</b>			<b>113,900</b>	<b>116,600</b>	<b>100.0%</b>	<b>100.0%</b>

Liquidity Risk Parameters as per the Investment Policy	Maximum Allowed		Value 31 January \$'000	Value 28 February \$'000	%	%
	%	Value \$'000				
Term equal to 1 year or less	100%	116,600	93,000	97,000	81.6%	83.2%
Term > 1 year and < 3 years	40%	46,640	6,600	6,600	5.8%	5.7%
Term > 3 years	20%	23,320	14,300	13,000	12.6%	11.1%
<b>Total</b>			<b>113,900</b>	<b>116,600</b>	<b>100.0%</b>	<b>100.0%</b>

### Fossil Fuel Free and Green Investments

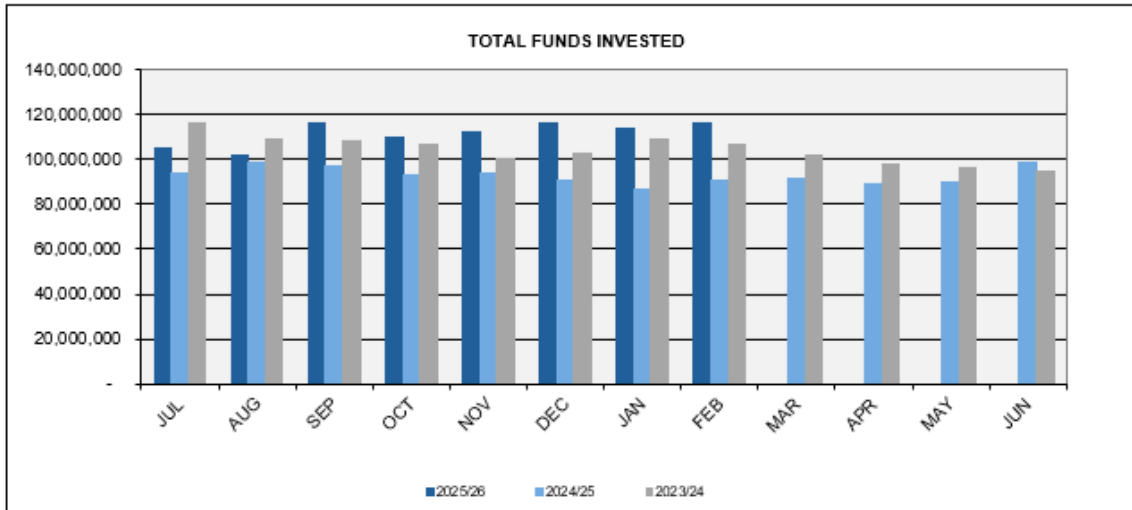
Environmental Classification	31 January		28 February	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned Investments	38,900	34.2	34,600	29.7
Non-Fossil Fuel and Green Aligned Investments	68,000	59.7	69,000	59.2
Not Classified	7,000	6.1	13,000	11.1
<b>Total</b>	<b>113,900</b>	<b>100.0</b>	<b>116,600</b>	<b>100.0</b>

## 8.2 Investment Summary - February 2026

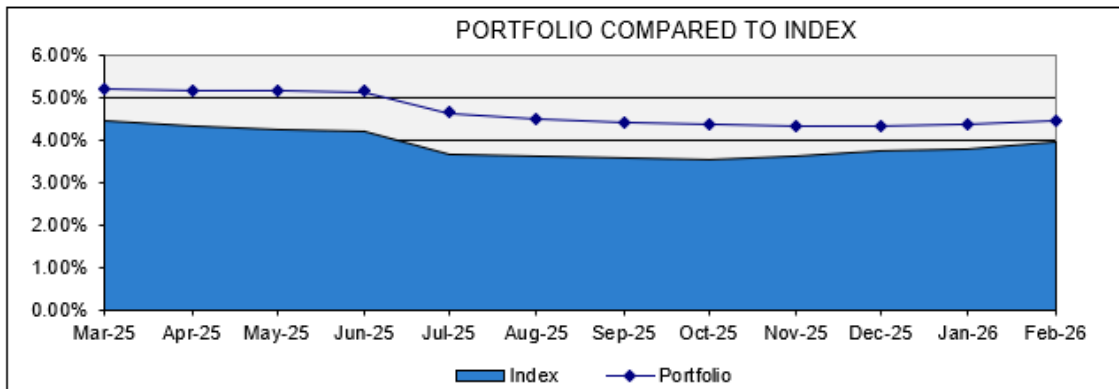
In February 2026, eleven investments matured totalling \$17.3m. Five of these investments were held with non-fossil fuel aligned institutions totalling \$7m and two investments totalling \$3m were not classified.

Eleven new investments, totalling \$20m, were placed. Four of these investments were with non-fossil fuel aligned institutions totalling \$8m and five investments were non classified totalling \$9m.

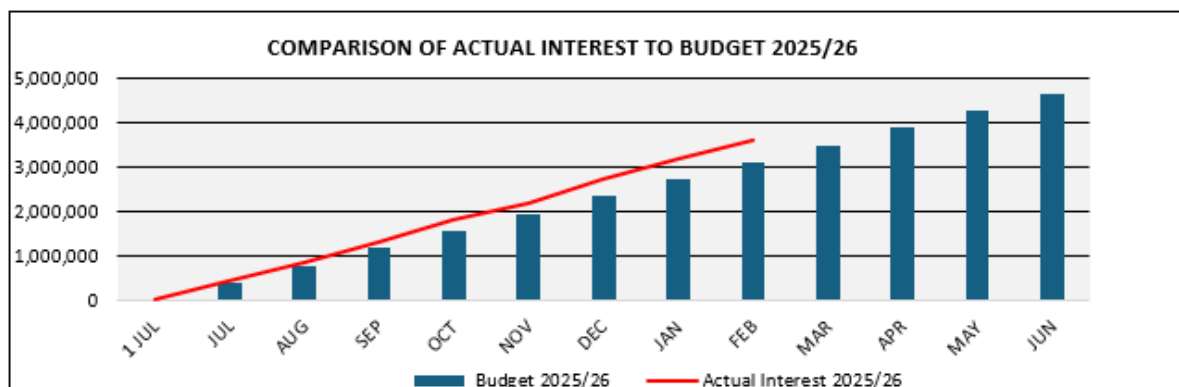
### B. Monthly Comparison of Total Funds Invested



### C. Comparison of Portfolio Investment Rate to 90 Day BBSW



### D. Progressive Total of Interest Earned to Budget



## 8.2 Investment Summary - February 2026

### E. Investments held as of 31 January 2026 and 28 February 2026

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 January \$'000	28 February \$'000
24/02/21	Suncorp-Metway Limited	FRN	4.10%	24/02/26	1,300	-
04/03/21	Newcastle Greater Mutual Group Ltd	FRN	4.30%	04/03/26	1,000	1,000
18/06/21	Bendigo & Adelaide Bank	FRN	4.37%	18/06/26	1,000	1,000
29/06/23	AMP Bank	FRN	5.38%	29/06/26	1,000	1,000
14/09/23	Macquarie Bank Limited	FRN	4.56%	14/09/26	1,600	1,600
20/02/24	Westpac Banking Corporation	FRN	3.64%	20/02/29	2,000	2,000
19/03/24	Suncorp-Metway Limited	FRN	4.71%	19/03/29	1,000	1,000
22/08/24	Commonwealth Bank of Australia	FRN	4.52%	22/08/29	1,000	1,000
27/02/25	Auswide Bank	TD	4.76%	17/02/26	2,000	-
27/02/25	Auswide Bank	TD	4.76%	24/02/26	2,000	-
30/05/25	National Australia Bank	TD	4.20%	03/03/26	2,000	2,000
03/06/25	Australian Unity Bank Ltd	TD	4.35%	06/02/26	2,000	-
03/06/25	Australian Unity Bank Ltd	TD	4.35%	03/03/26	2,000	2,000
03/06/25	Australian Unity Bank Ltd	TD	4.35%	02/04/26	2,000	2,000
03/06/25	Australian Unity Bank Ltd	TD	4.35%	03/06/26	2,000	2,000
10/06/25	Rabobank Bank Australia Ltd.	TD	4.31%	17/03/26	2,000	2,000
08/07/25	Suncorp-Metway Limited	TD	4.12%	03/02/26	2,000	-
08/07/25	Suncorp-Metway Limited	TD	4.12%	10/02/26	1,000	-
24/07/25	Westpac Banking Corp - Green	TD	4.19%	23/07/26	2,000	2,000
24/07/25	Westpac Banking Corp - Green	TD	4.17%	21/04/26	2,000	2,000
29/07/25	Rabobank Australia Ltd.	TD	4.28%	21/07/26	2,000	2,000
29/07/25	Rabobank Australia Ltd.	TD	4.20%	28/07/26	2,000	2,000
29/07/25	Rabobank Australia Ltd.	TD	4.20%	31/03/26	2,000	2,000
05/08/25	Bank Vic	TD	4.25%	03/02/26	1,000	-
13/08/25	AMP Bank	TD	4.25%	10/02/26	1,000	-
13/08/25	BankVic	TD	4.25%	10/02/26	2,000	-
02/09/25	National Australia Bank	TD	4.15%	01/06/26	2,000	2,000
03/09/25	Rabobank Australia Ltd.	TD	4.14%	03/03/26	2,000	2,000
03/09/25	Unity Bank	TD	5.00%	03/06/26	2,000	2,000
09/09/25	Suncorp-Metway Limited	TD	4.11%	09/06/26	2,000	2,000
16/09/25	National Australia Bank	TD	4.15%	12/05/26	2,000	2,000
23/09/25	National Australia Bank	TD	4.20%	21/05/26	2,000	2,000
25/09/25	Rabobank Australia Ltd.	TD	4.64%	24/09/30	4,000	4,000
25/09/25	Bank of Queensland	TD	4.20%	24/03/26	2,000	2,000
25/09/25	Westpac Banking Corp - Green	TD	4.12%	22/09/28	4,000	4,000
25/09/25	Westpac Banking Corp - Green	TD	4.19%	25/05/26	2,000	2,000
25/09/25	Westpac Banking Corp - Green	TD	4.18%	26/06/26	2,000	2,000
30/09/25	Bank of Queensland	TD	4.28%	30/09/30	3,000	3,000
07/10/25	Suncorp-Metway Limited	TD	4.30%	05/05/26	1,000	1,000
07/10/25	BankVic	TD	4.25%	04/08/26	2,000	2,000
13/10/25	Bank of Queensland	TD	4.35%	13/04/26	1,000	1,000
14/10/25	Unity Bank	TD	4.25%	14/07/26	2,000	2,000
11/11/25	Australian Unity Bank Ltd	TD	4.37%	09/06/26	1,000	1,000
11/11/25	Australian Unity Bank Ltd	TD	4.37%	12/05/26	1,000	1,000
11/11/25	Australian Unity Bank Ltd	TD	4.35%	11/11/26	2,000	2,000
19/11/25	BankVic	TD	4.40%	17/11/26	2,000	2,000
09/12/25	Rabobank Australia Ltd.	TD	4.52%	09/12/26	2,000	2,000

## 8.2 Investment Summary - February 2026

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 January \$'000	28 February \$'000
09/12/25	MyState Bank Ltd	TD	4.60%	17/06/26	2,000	2,000
09/12/25	MyState Bank Ltd	TD	4.60%	11/06/26	2,000	2,000
09/12/25	MyState Bank Ltd	TD	4.60%	16/07/26	2,000	2,000
16/12/25	Rabobank Australia Ltd.	TD	4.52%	16/12/25	2,000	2,000
16/12/25	Judo bank Pty Ltd	TD	4.60%	16/12/25	2,000	2,000
17/12/25	Great Southern Bank	TD	4.60%	17/12/25	2,000	2,000
17/12/25	Great Southern Bank	TD	4.61%	17/12/25	2,000	2,000
17/12/25	MyState Bank Ltd	TD	4.60%	17/12/25	2,000	2,000
17/12/25	MyState Bank Ltd	TD	4.65%	17/12/25	2,000	2,000
05/01/26	Bank Australia Ltd	TD	4.50%	05/01/27	2,000	2,000
06/01/26	Judo bank Pty Ltd	TD	4.70%	05/01/27	2,000	2,000
13/01/26	Judo bank Pty Ltd	TD	4.70%	12/01/27	2,000	2,000
13/01/26	Bank of Queensland	TD	4.50%	13/07/26	2,000	2,000
20/01/26	Bank of Queensland	TD	4.50%	20/10/26	2,000	2,000
03/02/26	BankVic	TD	4.75%	02/02/27	-	1,000
05/02/26	Heartland Bank Australia	TD	4.95%	02/02/27	-	2,000
05/02/26	Heartland Bank Australia	TD	4.85%	03/11/26	-	2,000
11/02/26	Heartland Bank Australia	TD	4.95%	27/01/27	-	2,000
11/02/26	Judo bank Pty Ltd	TD	4.95%	10/02/27	-	2,000
11/02/26	Great Southern Bank	TD	4.85%	09/12/26	-	2,000
26/02/26	Heartland Bank Australia	TD	5.00%	02/03/27	-	2,000
26/02/26	Great Southern Bank	TD	4.91%	24/02/27	-	2,000
26/02/26	Unity Bank Ltd	TD	4.85%	24/11/26	-	2,000
	<b>Total</b>				<b>113,900</b>	<b>116,600</b>
	TD=Term Deposit; FRN=Floating Rate Note					

### RECOMMENDATION

That Council notes the record of banking and investments for February 2026.

### Attachment(s)

Nil

### 8.3 Ward Committee - Membership

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### 8.3 Ward Committee - Membership

**Section** Governance

**Objective** To consider membership of Wollongbar Community Preschool to Council's C Ward Committee.

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#### **Background**

At the October 2024 Ordinary meeting, Council resolved to retain the existing structure and membership of the three Ward Committees, with expressions of interest to be called for any additional membership.

An expression of interest (EOI) process calling for Ward Committee membership opened in January 2025 and closed in February 2025 with applications reported to and adopted at the February 2025 Council meeting.

A further application has now been received from the Wollongbar Community Preschool to have representation on the C Ward Committee.

#### **Key Issues**

- Community representation

#### **Discussion**

Wollongbar Community Preschool is seeking membership of Council's C Ward Committee (refer Attachment 1).

The application states that Wollongbar Community Preschool is a community preschool that provides education and care for children.

The application from Wollongbar Community Preschool is consistent with the membership requirements for the Ward Committees.

Council's Ward Committees have no delegated authority, and membership is limited to representatives from locally based not for profit community groups, with one member representing each group.

Current membership of the Ward Committees is as follows:

#### **A Ward**

#	Organisation
1	Ballina Bears Cricket Club
2	Ballina Cancer Advocacy Network (BCAN)
3	Ballina Chamber of Commerce
4	Ballina Coastcare
5	Ballina Croquet Club Incorporated
6	Ballina CWA
7	Ballina East Lions Club Incorporated
8	Ballina Environment Society

### 8.3 Ward Committee - Membership

#	Organisation
9	Ballina Evening View Club
10	Ballina Lighthouse and Lismore Surf Lifesaving Club
11	Ballina Naval and Maritime Museum
12	Ballina Peninsular Residents Association
13	Cumbalum Residents Association Incorporated
14	Dementia Inclusive Ballina Alliance
15	Heritage Advisory Ballina
16	Northern Rivers Disc Club
17	NSW Police Force/Ballina Police Station/Richmond Police District
18	Rainbow Region Dragon Boat Club
19	Rotary Club of Ballina-on-Richmond
20	Screenworks
21	St Vincent de Paul
22	U3A Ballina/Byron
23	West Ballina Residents Association Incorporated

#### **B Ward**

#	Organisation
1	Lennox Head Residents Association
2	Ballina Environment Society
3	Lennox Head Chamber of Commerce
4	Lennox Head Combined Sports Association
5	Lennox Head-Alstonville Surf Life Saving Club
6	NSW Sport & Recreation (Lennox Head) (State Government)
7	Lennox Head Landcare
8	Lennox Community Gardens Incorporated
9	Marine Rescue Ballina
10	Lennox Head Chess Club Incorporated
11	Tuckombil Landcare

#### **C Ward**

#	Organisation
1	Alstonville Agricultural Society Incorporated
2	Alstonville and District Cricket Association
3	Alstonville Community Preschool
4	Alstonville Football Club
5	Alstonville Plateau Historical Society
6	Alstonville/Wollongbar Chamber of Commerce
7	Ballina Environment Society
8	Heritage Advisory Alstonville
9	LinC Alstonville
10	Pearce Creek Hall
11	Rous Mill Ratepayers Association
12	Tuckombil Landcare (including Bulwinkel Landcare)
13	Wardell & District Progress Association
14	WardellCORE
15	Wollongbar Community Action Network

#### **Delivery Program Strategy / Operational Plan Activity**

This report is linked to Delivery Program Strategy EI1.2 Involve our community in our planning and decision-making processes.

## **8.3 Ward Committee - Membership**

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### **Community Engagement Strategy**

Ward Committees are one component of Council's community engagement and play a significant role in Council's interaction with the community.

### **Financial / Risk Considerations**

There are no financial or risk considerations involved in increasing the membership of Ward Committees.

### **Options**

The options are to approve or not approve the nominations for membership.

The recommendation is for approval.

### **RECOMMENDATION**

That Council approves the Wollongbar Community Preschool as a member of Council's C Ward Committee.

### **Attachment(s)**

1. Ward C Committee Application Form - Wollongbar Community Preschool  
[⇒](#)

## 8.4 Australia Day - Design Concepts and Budget

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### 8.4 Australia Day - Design Concepts and Budget

**Section** Communications

**Objective** To provide design concepts for Australia Day themed signs, flags and banners across Ballina, Lennox Head and Alstonville, and a breakdown of the 2026 Australia Day event budget.

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#### **Background**

At the 26 February 2026 Ordinary Meeting, Council resolved as follows:

*That Council receive a report on the provision of Australia themed banners to be flown in the central part of River Street, Ballina as well as in Alstonville and Lennox Head village centres in planning for the 2027 Australia Day.*

*Council also resolved that a breakdown of the event costings for the 2026 Australia Day event be provided.*

This report outlines existing banner infrastructure, concept designs and indicative costs associated with producing Australia Day themed banners. It also provides a summary of the operating expenditure associated with delivery of the 2026 Australia Day event.

#### **Key Issues**

- Existing banner infrastructure and permitted use
- Alignment with Council policies, branding guidelines and national flag protocols

#### **Discussion**

Council permits banners to be displayed at designated locations across the shire where appropriate infrastructure has been installed. The use of these locations is guided by the following policies and guidelines:

- Banner Pole Policy
- Community Event Signage Policy
- Community Event Signage and Banner Pole Guidelines

Under these policies, banner infrastructure is intended for destination marketing for the Ballina Coast and Hinterland and provides a promotional medium for community messaging and events.

There are currently three types of banner infrastructure across the shire:

1. River Street Flagpoles  
Six vertical flagpoles located in the Ballina CBD designed to display flag-style fabric banners.
2. Community Event Signage  
Horizontal signage is located at designated locations across the Ballina Shire to promote community events.

### 3. Banner Poles

Vertical static banner infrastructure is located at key entry points to towns and villages in the Ballina Shire.

#### *Policy Framework*

Council policies permit banners at designated locations where infrastructure exists and where the display aligns with the intended purpose of the infrastructure.

Community event signage must promote an upcoming community event within Ballina Shire that provides clear community benefit and encourages participation. Events may be cultural, social or recreational in nature.

The Community Event Signage and Banner Pole Guidelines establish timeframes for banner display to ensure fair access and maintain infrastructure condition.

Community event banners may be displayed:

- up to 14 days prior to an event, or
- for up to four weeks where the banner promotes a broader initiative or campaign.

Council coordinated events or messaging may remain for longer periods where appropriate.

#### *Designs*

All banners are designed in accordance with Council's signage guidelines.

Design should align with relevant branding guidelines where applicable. In the case of Australia Day events, this includes branding guidance provided by the National Australia Day Council (NADC).

Aligning with NADC branding supports consistency with national Australia Day messaging and may strengthen eligibility for future grant funding.

National flag protocol must also be considered.

The Australian National Flag cannot be displayed as a vertical banner, meaning banners must incorporate appropriate colours, messaging or event branding rather than reproducing the flag itself.

Where new banners are produced, environmentally responsible materials should be used wherever possible.

Two concept designs are provided as follows.

## 8.4 Australia Day - Design Concepts and Budget

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### *Concept Design 1*

This design is provided by the (NADC and reflects the national Australia Day messaging and presents a consistent visual identity. It also reinforces that any local celebrations form part of a broader national event.

The purpose of the banners is to create a broader Australia Day presence across the shire, promoting community spirit and recognition of the day beyond the Council-hosted ceremony. Minor refinement may be required to ensure text remains legible when displayed at height and visible from a distance.



Image 1: River Street Flags



Image 2: Community Event Signage

## 8.4 Australia Day - Design Concepts and Budget

### *Concept Design 2*

This design aligns with the current Ballina Shire Australia Day event branding, which has been in use for over 10 years.

While this branding reflects the Council-hosted ceremony, the event itself has limited capacity and represents only one component of Australia Day activities across the shire. It may also have a limited lifespan should the event branding be updated.

For this reason, an approach aligned with the broader National Australia Day Council campaign is considered more appropriate for public banner displays that aim to promote Australia Day more broadly across the community and reinforce the connection to a national celebration.



## 8.4 Australia Day - Design Concepts and Budget

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### *Existing banner infrastructure across the shire*

The existing infrastructure differs in orientation, installation requirements and intended purpose, which influences their suitability for short-term Australia Day displays.

#### 1. River Street Flag Poles

Six flagpoles are located along the central CBD section of River Street, Ballina.

These poles are typically used for ANZAC Day, NAIDOC Week, Christmas/New Year holiday period, and destination marketing.

Estimated costs associated with producing Australia Day flags for these poles include:

- New artwork setup – \$1,200
- Production of six flags – \$1,500
- Installation by staff – \$600

Total estimated cost is \$3,300.

#### 2. Community Event Signage (horizontal banners)

Horizontal banner infrastructure is available at nine locations:

- Bangalow Road and Angels Beach Drive, Ballina
- Missingham Park, Ballina
- Barlow's Road and River Street, Ballina
- Bicentennial Park, Tamarind Drive, Ballina
- Byron Street and Byron Bay Road, Lennox Head
- Ballina Road, Alstonville (Geoff Watt Oval)
- Lismore Road and Smiths Lane, Wollongbar
- Sinclair Street, Wardell
- Tintenbar Road and George Street, Tintenbar

Community event signage infrastructure in Alstonville and Lennox Head provides the most practical opportunity to display Australia Day themed banners within these village centres, while also offering greater scope to extend banner displays to additional locations across the shire.

Council currently holds three horizontal Australia Day banners, typically displayed four weeks leading up to Australia Day. The design is as per Concept 1 (Image 2 on the previous pages).

Priority for banner placement is generally given to:

- events funded through Council's Festival and Event Support Program
- approved regular markets
- events approved under the Events on Public Land Policy
- community events organised by not-for-profit organisations.

Estimated costs associated with producing banners for these poles include:

## 8.4 Australia Day - Design Concepts and Budget

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- Artwork modification – \$200
- Production of six additional banners – \$1,500
- Installation – \$600

Total estimated cost is \$2,300.

The estimated costs outlined above represent indicative costs only and may vary depending on final design specifications, material selection and production variances.

### 3. Banner Poles (vertical entry banners)

Vertical banner infrastructure is currently available at:

- Coast Road (northern approach) x 2
- Angels Beach Roundabout x 2
- Alstonville x 7
- Wardell x 2

Estimated costs associated with producing banners include:

- New artwork setup – \$1,200
- Production of 13 banners – \$2,100
- Installation per site (\$600) – \$7,800

Total estimated cost is \$11,100.

The Canal Bridge and Fishery Creek Bridge locations are expected to be impacted by the Bridges Duplication Project and these locations have been excluded from the locations above.

These banners are typically used for longer-term destination marketing campaigns or community safety messaging.

Installation at some locations requires specialised equipment such as a cherry picker, as well as road closures and traffic control.

As a result, banners are generally installed for longer periods to maximise value given the production and installation costs.

Due to the installation requirements and the timing of Australia Day during the Christmas holiday period, these locations are considered less practical for short-term Australia Day messaging.

Reduced staffing levels during this period may also limit capacity to organise road closures, traffic control and installation.

### *2026 Australia Day event budget*

Council also requested a breakdown of the operating costs associated with the 2026 Australia Day event.

## 8.4 Australia Day - Design Concepts and Budget

Operating expenditure and revenue are outlined in the following table.

Item	Amount (\$)
<b>Operating Expenditure</b>	
Event Production (Audio Visual, Sound, Lighting, Performances, MC)	16,073
Photography	1,800
Promotion, Printing, Certificates and Gifts	2,941
Catering	1,500
Incidentals	1,324
Venue Hire (includes cleaning, with entire venue hired for four days)	10,164
Council Employees – Salaries and Oncosts – Normal Time	2,030
Council Employees – Salaries and Oncosts - Overtime	2,664
<b>Total Expenses</b>	<b>38,496</b>
Council Revenue Budget	34,000
Grant Funds	10,000
<b>Toal Revenue</b>	<b>44,000</b>
<b>Budget Saving</b>	<b>5,504</b>

For the 2026 event, the Lennox Head Cultural Centre venue was required for four days to allow for setup, event delivery and pack-down.

As the event was held on the Monday public holiday, staff and sound, lighting and audio technicians completed the initial setup on the preceding Friday, with the auditorium remaining set up over the weekend to allow for the early start required on the Monday.

The public holidays and after-hours work also result in penalty time payments.

There will be savings for 2027, as there will be only two days of venue hire, with Australia Day on the Tuesday and the preceding Monday being a normal workday. The grant funding significantly reduces the cost to Council, with the grant subject to annual applications.

### Delivery Program / Operational Plan

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

### Community Engagement Strategy

Event surveys are undertaken at the Australia Day event, and these results inform planning for future events.

### Financial / Risk Considerations

Any introduction of Australia Day themed banners would require funding for design, production and installation. Ongoing costs may also arise in future years, where banners require replacement due to wear and tear. Banner designs must comply with national flag protocol and Council policies to avoid reputational risk.

As Australia Day falls on Tuesday in 2027, the reduced venue hire period provides some cost savings. However, most other event costs are expected to

## **8.4 Australia Day - Design Concepts and Budget**

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remain consistent, with audio visual production remaining the largest component of event expenditure.

### **Options**

#### **Option 1**

That Council notes the information provided in this report regarding Australia Day themed concepts and does not proceed with any additional flags, banners or signs.

#### **Option 2**

That Council support the design and installation of six Australia Day themed flags located on River Street, Ballina and an additional six Community Event Banner Signs for the 2027 Australia Day period. Estimated costs for this option are \$5,600. Designs would be based on Concept Design 1 to align with National Australia Day Council (NADC) branding.

This is a viable option, however it is subject to the allocation of further funding for Australia Day and potentially dependent on the grant funding. The recommendation is to consider this as part of the development of the Long-Term Financial Plan for the General Fund, which will be reported to the 13 April 2026 Finance and Facilities Committee meeting.

#### **Option 3**

That Council support the installation of Australia Day themed flags located on River Street, Ballina, additional Community Event Banner Signage, installation of 13 Banner Poles for the 2027 Australia Day period with funding for design, production and installation to be met by additional funding to be allocated to the Australia Day budget, as the estimated costs are in the order of \$16,700. Designs will be based on Concept Design 1 to align with National Australia Day Council (NADC) branding.

This option is not recommended as the Banner Poles cost a significant amount more and are not suited to short term event-based installation.

### **RECOMMENDATIONS**

1. That Council notes the contents of this report in respect to the design concepts and operating budget associated with the Australia Day event.
2. That Council supports Option 2, as per the contents of this report, in respect to Australia Day themed flags located in River Street, Ballina and additional Community Event Banner Signage, based on the preferred design (Concept Design 1).
3. That the implementation of Point 2, is subject to adequate funding being included in the adopted 2026/27 Australia Day event budget, with this request for funding to be considered at the 13 April 2026 Finance and Facilities Committee meeting, as part of the development of the Long-Term Financial Plan for the General Fund.

### **Attachment(s)**

Nil

## 8.5 Tender - CCTV Infrastructure Supply and Installation

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### 8.5 Tender - CCTV Infrastructure Supply and Installation

**Section** Information Services

**Objective** To report the outcomes of the tender evaluation for the Tender - CCTV Infrastructure Supply and Installation

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#### **Background**

The work to be undertaken under this contract is the supply and installation of CCTV infrastructure at various locations within the Ballina Shire. Tenders opened on 12 February 2026 and at the close of tenders on 5 March 2026, ten tender submissions were received. This report outlines the results of the public tender process.

#### **Key Issues**

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

#### **Discussion**

One hundred and twenty-five companies accessed the request with tenders received from:

- AirBridge Networks Pty Ltd
- Cube4 Security Pty Ltd
- Dash Group Australia
- Fortis Security Pty Ltd
- Johnson Controls Australia Pty Ltd
- Link Enterprise Solutions Pty Ltd
- Red Handed Security Pty Limited
- Securcom Pty Ltd
- Stowe Australia Pty Ltd
- Telstra Limited

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

- Insurance
- Work Health and Safety
- Required registrations or accreditations

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

- Pricing structure 15%
- Security and Sovereignty 20%
- Essential Eight Maturity 15%
- Cloud Sovereignty and Lawful Access 20%
- Technical Solution and Implementation 15%
- Social and Community 15%

## **8.5 Tender - CCTV Infrastructure Supply and Installation**

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Dash Group Australia has been assessed as the preferred tenderer based on the evaluation.

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

### **Delivery Program Strategy / Operational Plan Activity**

These works are identified in Council's Capital Expenditure program and are linked to strategy CC1.1 Actively promote safety and wellbeing strategies.

### **Community Engagement Strategy**

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

### **Financial / Risk Considerations**

Council has resolved to support the installation of CCTV in Ballina and Lennox Head, with the Commonwealth Government committing \$1m to install the necessary infrastructure.

The recurrent operating budget to maintain the CCTV network is estimated at \$50,000 with the special rate variation (SRV) to fund ongoing maintenance (should the SRV be approved).

The total cost of the preferred tender is \$493,946.85, excluding GST.

This pricing provides opportunities to explore additional sites, with the successful vendor, examples being the Burns Point Ferry, and the roundabout on the corner of Byron Bay Road and Byron Street, Lennox Head.

If Council has any additional preferred sites, those sites could be added to the recommendation to the report, to allow the successful contractor to evaluate the benefits of the sites.

In addition to the tender pricing, an allowance of \$100,000 has been included in the project for NBN connections, at some sites, to ensure the technology can operate effectively.

A further \$100,000 is also allocated for additional infrastructure, including installation of CCTV monitoring hardware at the Ballina Police Station, and management of the hardware.

The total scope of the project is likely to remain in the order of \$800,000 to \$1m as per the grant funding.

### **Options**

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

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

## **8.5 Tender - CCTV Infrastructure Supply and Installation**

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

Based on the tender evaluation, it is recommended that Council accept the tender from Dash Group Australia.

### **RECOMMENDATIONS**

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to Dash Group Australia for the Tender - CCTV Infrastructure Supply and Installation for the total amount of \$493,946.85 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

### **Attachment(s)**

1. Confidential Memorandum - Tender Report - CCTV Infrastructure (Confidential)

## 8.6 Tender - Supply and Delivery of Quarry Products

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### 8.6 Tender - Supply and Delivery of Quarry Products

**Section** Engineering Works

**Objective** To report the outcomes of the tender evaluation for the Tender - Supply and Delivery of Quarry Products

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#### **Background**

The work to be undertaken under this contract is the Supply and Delivery of Quarry Products. The contract is for a three-year period, with an option to Council for a further two by one-year periods.

The current panel consists of Boral, Holcim, KIS Quarry, Richmond Sand and Gravel.

This report outlines the results of the public tender process, with four tender submissions received.

#### **Key Issues**

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

#### **Discussion**

Thirty-seven companies downloaded the documentation with tenders received from:

- Akuna Services Pty Ltd
- Holcim (Australia) Pty Ltd
- Mororo Quarry Pty Ltd
- Boral Resources (Country) Pty Ltd

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

- Insurance
- Work Health and Safety

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

- |  |     |
|--|-----|
| • Pricing structure  | 70% |
| • Demonstrated ability to provide material at required specification | 15% |
| • Local and Community  | 15% |

Holcim (Australia) Pty Ltd, Mororo Quarry Pty Ltd and Boral Resources (Country) Pty Ltd have been assessed as preferred tenderers to form a panel of providers based on the evaluation.

## 8.6 Tender - Supply and Delivery of Quarry Products

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

### **Delivery Program Strategy / Operational Plan Activity**

Quarry products form part of numerous projects and services.

### **Community Engagement Strategy**

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

### **Financial / Risk Considerations**

Purchases under this tender are costed against program budgets.

### **Options**

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

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

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

Based on the tender evaluation, it is recommended that Council accept the tenders from Holcim (Australia) Pty Ltd, Mororo Quarry Pty Ltd and Boral Resources (Country) Pty Ltd.

### **RECOMMENDATIONS**

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to Holcim (Australia) Pty Ltd, Mororo Quarry Pty Ltd and Boral Resources (Country) Pty Ltd for the Tender - Supply and Delivery of Quarry Products for the rates tendered.
2. That Council authorises the General Manager to sign the contract documents.

### **Attachment(s)**

1. Confidential Memorandum - Tender Report - Supply and Delivery of Quarry Products (Confidential)

## 8.7 Tender - Water Meter Reading Services

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### 8.7 Tender - Water Meter Reading Services

<b>Section</b>	Financial Services
<b>Objective</b>	To report the outcomes of the tender evaluation for the Tender - Water Meter Reading Services

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#### Background

The service to be undertaken under this contract is water meter reading conducted quarterly, for a three-year period. The tender was facilitated by Regional Procurement Australia (RPA), aggregating on behalf of five Richmond-Tweed councils.

This report outlines the results of the tender process, with two tender submissions received.

#### Key Issues

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

#### Discussion

Three companies downloaded the documentation with tenders received from:

- Summit Open Space Services (Asplundh Tree Expert (Australia) Pty Ltd)
- Skilltech Consulting Services Pty Ltd

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

- Insurance
- Work Health and Safety

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

- |                             |     |
|-----------------------------|-----|
| • Pricing Structure         | 60% |
| • Referees/References       | 5%  |
| • Customer Service          | 5%  |
| • Quality Assurance         | 5%  |
| • Work Health & Safety      | 5%  |
| • Ecological Sustainability | 10% |
| • Local and Community       | 10% |

The tender evaluation panel consisted of qualified representatives from all five participating councils.

Skilltech Consulting Services Pty Ltd has been assessed as the preferred tenderer based on the evaluation.

## 8.7 Tender - Water Meter Reading Services

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

### **Delivery Program Strategy / Operational Plan Activity**

This service is funded from budgets in the Water and Wastewater section.

### **Community Engagement Strategy**

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

### **Financial / Risk Considerations**

Water meter reading services are funded from operating budgets for the Water Supply program. The contract will be a "Schedule of Rates" agreement, as per the prices and schedules submitted in the tender.

The total estimated cost of the preferred tender over the three-year contract is approximately \$392,000 excluding GST.

### **Options**

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

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

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

Based on the tender evaluation, it is recommended that Council accept the tender from Skilltech Consulting Services Pty Ltd.

### **RECOMMENDATIONS**

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to Skilltech Consulting Services Pty Ltd for the Tender - Water Meter Reading Services for the total amount of \$392,436.24 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

### **Attachment(s)**

1. Confidential Memorandum - Tender Report - Water Meter Reading Services (Confidential)

## 8.8 Tender - North East Waste - Coordinator Role

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### 8.8 Tender - North East Waste - Coordinator Role

**Section** Resource Recovery

**Objective** To report the outcomes of the tender evaluation for the Tender - North East Waste - Coordinator Role

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#### **Background**

The service to be undertaken under this contract is to engage the Coordinator role for North East Waste.

North East Waste (NE Waste) is a group of councils working towards cost-effective waste management solutions. The group aims to achieve local and regionally based solutions to waste management. The members include Ballina, Byron, Clarence Valley, Lismore, Kyogle, Richmond Valley and Tweed.

The tender was facilitated by Regional Procurement Australia (RPA), aggregating on behalf of seven Richmond-Tweed councils.

Tenders were called by RPA on 29 January 2026 and at the close of tenders on 19 February 2026, one tender submission was received.

This report outlines the results of the tender process.

#### **Key Issues**

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

#### **Discussion**

Two parties downloaded the documentation with one tender received from Jeanie McKillop (ABN 20 157 295 348)

The sole tender submission was assessed to establish conformance with the conditions of tender and the mandatory criteria, being:

- Insurance
- Work Health and Safety
- Required registrations or accreditations

The sole tender met the mandatory assessment criteria and was assessed by a tender evaluation panel of qualified representatives from all seven participating councils, considering the following assessment criteria:

- Pricing structure 40%
- Referees 5%
- Capability 15%
- Implementation/Methodology 20%
- Local and community 20%

## 8.8 Tender - North East Waste - Coordinator Role

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Responses to non-priced criteria were assessed, though no comparative scoring could be established given there was only one tender.

### **Community Engagement Strategy**

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

### **Financial / Risk Considerations**

All funding for the role is provided by NE Waste budget, with Ballina Shire Council now the administering council.

### **Options**

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

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

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

With only one tender, the preference is to decline the tender and negotiate further in respect to the contract price and the specifications for the contract, to ensure that the benefit to the NE Waste members is maximised.

Sections 178(3) and (4) of the regulations provide direction in the circumstances where a Council declines to accept any tenders in accordance with section 178(1)(b); i.e.

*(3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*

- (a) postpone or cancel the proposal for the contract,*
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
- (f) carry out the requirements of the proposed contract itself.*

(4) *If a council resolves to enter into negotiations as referred to in subclause 3 (e), the resolution must state the following:*

- (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
- (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

This approach will ensure that prior to the issue of a letter of award, all outstanding points in the contract are resolved, allow further review of the final scope of services with the preferred contractor, and confirm pricing in line with budgetary constraints.

### **RECOMMENDATIONS**

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Tender - North East Waste - Coordinator Role as the sole tender did not adequately address some qualitative elements of the assessment criteria.
2. That Council, in accordance with Local Government (General) Regulation 2021 Section 178(3)(e) authorises the General Manager to enter into negotiations with Jeanie McKillop, with a view to enter into a contract for the Tender - North East Waste - Coordinator Role .
3. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process has established sufficient market interest and it is more efficient and timelier to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(b), Council has determined to negotiate with Jeanie McKillop with a view to entering a contract in relation to the subject matter which will allow further clarification of capabilities and experience against qualitative evaluation criteria established for the tender.

### **Attachment(s)**

Nil

## 9.1 Bridges Duplication - Tamarind Drive / Canal Bridge Shared Path Change

### 9. Civil Services Division Reports

#### 9.1 Bridges Duplication - Tamarind Drive / Canal Bridge Shared Path Change

<b>Section</b>	Project Management Office
<b>Objective</b>	This report seeks Council approval to change the shared path alignment for the Tamarind Drive / Canal Bridge project.

#### Background

The purpose of this report is to present an alternative option to re-aligning the open drain in Tamarind Drive east of Ferngrove Drive. During post-tender negotiations and design refinements for this section of the project, the successful tenderer proposed a footpath and open drain solution in place of underground drainage. Retaining stormwater carrying capacity parallel to Tamarind Drive when widening the roadway is essential, as is maintaining access to Essential Energy's 11 kV power assets.

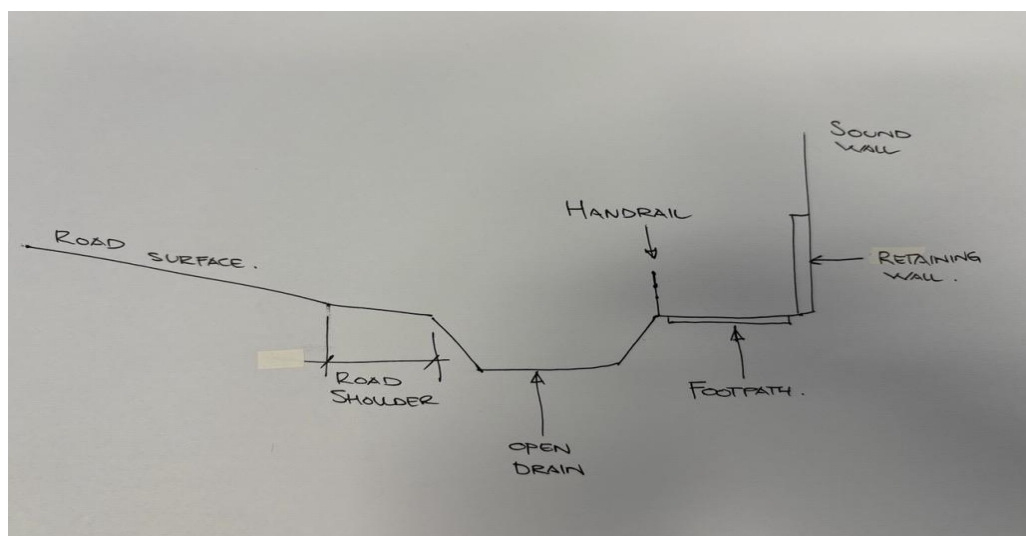
#### Key Issues

- Improved outcomes aesthetically, environmentally and from a maintenance perspective

#### Discussion

Council's contractor, Quickway, has presented their 50% design of the Tamarind Drive roadworks to Council for comment. The submission has been reviewed, and Council officers consider the design unaesthetically pleasing and somewhat impractical as it includes the removal of all existing trees, extensive concrete and hard surfaces, and lack of maintenance access. The contractor's proposed design is shown Figure 1.

**Figure 1 – Contractor's Proposed Design**



## 9.1 Bridges Duplication - Tamarind Drive / Canal Bridge Shared Path Change

The contractor's design of the widened four-lane road with appropriate furniture, landscaping, open drain and 2.5m wide shared path showed the road reserve is too narrow to suitably fit in all the assets and allow suitable maintenance access.

Council staff have considered two alternative design options.

### Option 1 - Underground drainage

Whilst providing the ultimate solution, the option was again discounted as it is too expensive and outside the realm of current funding.

### Option 2 – Existing pedestrian networks

Option 2 proposes to remove the shared path on the southern side of Tamarind Drive and utilise the existing pathway networks within the Ferngrove and River Oaks estates.

Figure 2 shows the proposed path to be deleted in pink, and the existing pathway networks that can be used to move between the Ferngrove River Oaks Estates to Canal Bridge.

It is proposed that sections of footpath in the River Oaks Estate would be upgraded to assist in achieving the proposed connectivity.

The proposed footpath connection across North Creek Canal on the southern side of the existing bridge remains unchanged.

**Figure 2 – Pathways for Active Transport Users to Access Canal Bridge**



## 9.1 Bridges Duplication - Tamarind Drive / Canal Bridge Shared Path Change

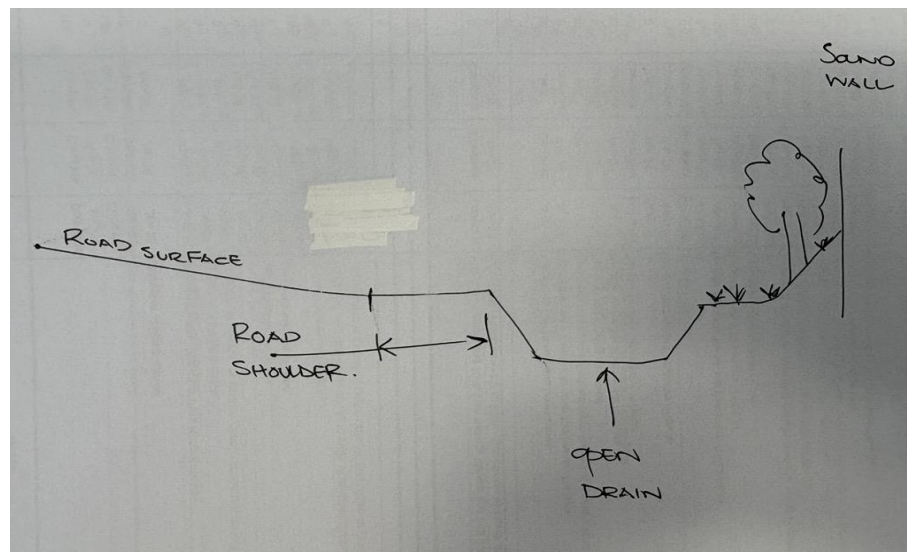
In comparison to the contractor's design, Option 2 allows the retention of some of the existing trees, removes the requirement for handrails and retaining walls whilst allowing maintenance access to the open drain from the roadside.

Retaining some of the existing trees and the ability for more low-level plantings will 'soften' the treatment away from hard concrete surfaces initially proposed.

Figure 3 shows a typical cross section of the design arrangement.

There are sections of the work area where plantings can't be achieved within the available space, and the open drain will move closer to the sound wall.

**Figure 3 – Option 2 Proposed Design**



Option 2 provides an improved aesthetic entrance into Ballina, whilst utilising existing pedestrian access.

### Future Works

Option 2 does not preclude the future undergrounding of drainage in this section and subsequent provision of a shared pathway.

### **Delivery Program Strategy / Operational Plan Activity**

This project is consistent with Delivery Program Strategy LP1.2:

*Facilitate connectivity and provide affordable infrastructure to meet growing demands.*

### **Community Engagement Strategy**

Pamphlets have been distributed showing a proposed shared path along the open drain along with landscaping and tree planting in the same corridor. The contractor's design drawings show these assets cannot occur together with an open drain.

## **9.1 Bridges Duplication - Tamarind Drive / Canal Bridge Shared Path Change**

It is proposed to notify the community, and in particular the residents in the Ferngrove and River Oaks estates, of the proposed changes and alternate routes active transport users can take to cross North Creek Canal.

### **Financial / Risk Considerations**

The project does not have adequate funding to support Option 1.

Option 2 is likely to have cost reductions due to the deletion of the shared path and simplification to the improvements within the corridor.

### **Options**

The options for Council are to progress:

1. The contractor's design
2. Option 2 and delete the requirement for a shared pathway on the southern side of Tamarind Drive
3. Underground drainage on the southern side of Tamarind Drive and allocate further funding to the project.

Option 2 is recommended as it provides improved outcomes as detailed in this report and remains within budget.

### **RECOMMENDATION**

That Council approves an amendment to the design of the Tamarind Drive open drain being delivered as part of the Ballina Bridges Duplication project, to be consistent with Option 2 as outlined in this report.

### **Attachment(s)**

Nil

## 9.2 Single Use Plastic Packaging and Materials - Elimination

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### 9.2 Single Use Plastic Packaging and Materials - Elimination

**Section** Resource Recovery

**Objective** To clarify the scope of Council's resolution to eliminate single-use plastic packaging and materials to enable the preparation of a defined and deliverable implementation plan.

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#### **Background**

At the 26 June 2025 Ordinary meeting, Council resolved as follows:

1. *That Council confirms in principle support for a phased approach to eliminating single use plastic packaging and materials across all Council operations.*
2. *That Council include the following action in the 2025/26 Operational Plan: Prepare and adopt an implementation plan to eliminate single use plastic packaging and materials across all Council operations.*

This resolution originated from a Notice of Motion, which sought to eliminate all single use packaging; however, Council resolved to refine the scope to focus on plastic packaging only. Attachment 1 is a copy of the notice of motion, along with Councillor and staff comments.

The narrowing of material type significantly reduces the reach of the initiative, and a plastic only approach is unlikely to achieve Council's intended environmental outcomes yet requires substantial resourcing to implement.

This report outlines issues associated with all forms of single-use packaging and materials, summarises the legislative context and regional alignment, and presents an option to broaden the scope so that the intended outcomes - waste avoidance, litter reduction, cost-effective diversion from landfill, and behaviour change, can be achieved more efficiently.

#### **Key Issues**

- Waste avoidance
- Litter reduction
- Diversion from landfill and reduced organic and recycling contamination
- Achievable goals

#### **Discussion**

##### *Current Legislation Aimed at Eliminating Plastics*

Since 2022, New South Wales has progressively implemented Statewide bans on a defined range of single use plastic items, including lightweight plastic bags, straws, stirrers, cutlery, plates and bowls without spill proof lids, cotton buds and expanded polystyrene (EPS) foodware.

## 9.2 Single Use Plastic Packaging and Materials - Elimination

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These prohibitions apply to everyone across the State, organisations, businesses and consumers—including councils as government bodies when providing items at their operations, events or facilities, subject to limited exemptions.

Building on these measures, the [NSW Government's Plastics Plan 2.0](#) outlines further staged actions between 2026 and 2030, such as requiring food service businesses to accept reusable cups from 2028, expanding product phase outs, and introducing design for recyclability and mandatory labelling requirements intended to reduce plastic litter and support a transition toward reusable and recyclable systems.

Following these bans, many suppliers pivoted to non-plastic single-use alternatives (paper, cardboard, bamboo, sugarcane and other so-called “compostable/biodegradable” items).

In NSW, these materials are not accepted as compliant food organics and garden organics (FOGO) inputs, and most are not made of recyclable materials. This means the majority end up in landfill.

This is due to NSW EPA's direction that only food and garden waste should be accepted in FOGO to ensure safe, high-quality compost.

Fibre-based food packaging and all compostable/biodegradable products (certified compostable liners to separate food waste are the only exception) are not accepted due to contamination risks (including PFAS chemicals) and because they do not reliably break down in commercial composting systems in NSW.

As a result, these items cannot be placed in FOGO bins, are rarely recyclable after use, and continue to contribute to landfill volumes and potential litter issues.

Across NSW, monitoring and sector reporting shows that single use food and beverage packaging - bottles and lids, cups, takeaway containers, and accessory items, feature prominently in the litter stream, particularly in coastal and estuarine settings, such as Ballina Shire.

While many of these items are plastic (and plastics are frequently reported in coastal litter profiles), non-plastic single use packaging also contributes materially to litter and clean-up loads. This pattern demonstrates that the litter risk is primarily linked to disposability, not to any one material.

In addition to their end-of-life limitations, disposable alternatives also carry substantial upstream environmental impacts. Producing, transporting and disposing of single use packaging, irrespective of the material, requires considerable energy, water and raw materials, often resulting in higher overall lifecycle emissions than reusable systems used over time.

These factors highlight that simply replacing plastic with another disposable option does not achieve Council's intended environmental outcomes. In addition to ending up in landfill due to FOGO and recycling constraints, alternative single use formats (paper, fibre, bamboo, “compostable”) also contribute to litter pressures in public places and coastal environments.

## 9.2 Single Use Plastic Packaging and Materials - Elimination

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### Current Resolution

As currently framed, the resolution to prepare and adopt a “plastics only” implementation plan, limited to internal Council operations, would require substantial effort to adjust procurement practices, manage supplier transitions and implement operational changes.

However, it would leave non-plastic single use items in circulation, all of which would still be directed to landfill and continue to contribute to contamination and litter issues, and unnecessary expenditure.

Given these limitations, the intended outcomes of the initiative - waste avoidance, litter reduction, cost effective diversion from landfill, and meaningful behaviour change would not be realised.

Additionally, this approach introduces several risks, including mixed public messaging, as Council’s ongoing education programs emphasise reducing all single use items and keeping fibre-based packaging out of FOGO.

It may also generate perceptions of “greenwashing” if the environmental gains do not align with the resources required to implement a plastic only plan.

Broadening the scope beyond plastic packaging provides an opportunity to better align the plan with the waste hierarchy (avoid → reduce → reuse), target areas of greater environmental benefit, and deliver a clearer, reuse centred message across Council services, events, and communications.

Additionally, expanding the scope through a staged approach to include Council sponsored events and activities on Council owned or managed land strengthens

Council’s capacity to influence sustainable behaviour, set expectations for community users, and demonstrate leadership in achieving environmental and circular economy objectives.

### Similar Policies / Plans in the Region

The original Notice of Motion considered by Council referenced Byron Shire Council’s (Byron) *Single use Packaging and Materials Policy*, which was adopted on 14 December 2023.

This policy applies across Byron Shire Council’s operations, Council sponsored and funded activities, and to all individuals and organisations using or hiring Council owned or managed land and facilities.

It phases out a wide range of single use items (regardless of material), including plastic bags, straws, plates and bowls, EPS packaging, cutlery, bottled water, cups and lids, individually wrapped food items, cling film, promotional merchandise, coffee pods, balloons, and single use decorations.

Byron Shire Council began staged implementation in early 2025, across its operations, facilities, events and markets. Regular events such as the Byron and Bangalow farmers markets successfully transitioned to reusables, with the Byron Farmers Market alone projected to divert approximately 94,000 single use items from landfill each year.

## 9.2 Single Use Plastic Packaging and Materials - Elimination

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Key challenges experienced by Byron Shire Council include:

- securing buy in across diverse operational areas
- vendor concerns about cost and being disproportionately affected
- sourcing affordable and durable reusable alternatives
- initial community misunderstanding of reuse systems, leading to early loss of items
- designing and constructing a purpose-built wash trailer to enable implementation at markets and mobile events

These challenges were progressively resolved through strong guidelines, staged implementation, dedicated infrastructure and hands on support from North East Waste (NEW).

Tweed Shire Council has also exhibited a draft *Single Use Materials and Packaging Policy* proposing a similar broad, staged approach across Council operations, Council sponsored events, and activities on Council land.

Given the proximity of Ballina, Byron, and Tweed, and the significant crossover of vendors, market organisers, community groups, and event attendees, aligning Council's approach with neighbouring councils would help standardise requirements, reduce confusion for suppliers, and deliver more consistent environmental and community outcomes.

### Transition Away from Single Use Packaging Already Underway

Across Ballina Shire, a growing number of local businesses and event organisers have already begun shifting away from single use packaging and adopting reusable systems.

Initiatives such as SUC Free Ballina, launched by Ballina RSL in March 2025 and joined by four additional businesses in 2026, demonstrate strong local leadership in phasing out single use coffee cups and related disposable items.

Council's Resource Recovery Team and NEW have also supported multiple community events to successfully implement reusable systems for food and beverage service.

Examples include:

- Love Lennox Festival (2025) – reusable cups and trays at the bar diverted over 3,300 single use items in one day
- Teven Tintenbar Country Fair
- Alstonville Public School 150th celebration
- Wollongbar Fun Run
- Wollongbar Twilight Festival
- Ballina Shire Council's 2026 Australia Day Awards

In total, NEW supported 10 community events across Ballina Shire in 2025, collectively diverting over 7,100 single use items from landfill, with consistent positive feedback from vendors and attendees. These early results demonstrate strong local appetite for reusable systems and provide a solid foundation for Council to now take a more coordinated leadership role.

## **9.2 Single Use Plastic Packaging and Materials - Elimination**

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Expanding the scope of the implementation plan across Council operations, Council sponsored events and activities on Council owned or managed land would build on this momentum, create consistency, and accelerate the transition away from single use packaging across the Shire.

### **Delivery Program Strategy / Operational Plan Activity**

The recommendations in this report support:

- CSP outcome HE2 – Our operational choices are based on sustainability and limit our impact on the environment,
- Delivery Program Strategy HE2.2 - Use our resources wisely, and
- 2025/26 Operational Plan activity HE2.2e - Eliminate single-use plastic packaging and materials across Council operations.

### **Community Engagement Strategy**

The level of community engagement required for the implementation of a plan will vary depending on the scope ultimately adopted.

Under the current plastics-only scope for only Council operations, external engagement would be limited, with emphasis on accurate public messaging to try to avoid confusion about the continued landfilling of non-plastic single-use items and the primacy of reusables.

Should Council adopt an expanded scope that phases out all single use packaging and materials across Council operations, Council sponsored events, and activities on Council owned or managed land, a more substantial community engagement program would be required.

This would involve early and ongoing consultation with market managers, event organisers, lessees and licensees, stallholders, sporting groups, not for profit organisations and other regular users of Council facilities.

Engagement efforts would need to ensure that these stakeholders understand the policy requirements, transition timelines, available support tools, and the rationale for the broader approach—including the environmental and regional alignment benefits.

Council would be well positioned to leverage the extensive work already undertaken by Byron and Tweed, who have developed detailed resources, guidelines, templates, vendor communications, and behaviour change collateral through their policy development and implementation processes.

Access to this pre-tested material would enable us to streamline stakeholder engagement, reduce duplication of effort, improve the consistency of regional messaging, and significantly lower overall resource needs.

The availability of established “blueprints” from neighbouring councils would allow Council to adopt proven approaches while tailoring them to local operational contexts, thereby increasing the likelihood of successful uptake and long-term behaviour change across the community.

## **9.2 Single Use Plastic Packaging and Materials - Elimination**

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### **Financial / Risk Considerations**

Financial implications will depend on the final scope.

Under a plastic only scope, implementation would occur largely through procurement adjustments and operational procedure changes, with exemptions required where suitable alternatives are not available.

The development and coordination of the implementation plan, including associated change management activities, would require project officer support, with estimated program costs in the vicinity of \$50,000.

Key risks associated with a plastic only scope include:

- limited environmental benefit
- limited actionable changes
- mixed public messaging relative to the waste hierarchy and FOGO requirements
- reduced prospects for external funding
- potential reputational risk if outcomes do not reflect the investment required

If the plan were expanded to include all single use packaging and materials, staged across Council operations, Council sponsored events and activities on Council owned or managed land, resourcing requirements would be significantly higher.

Delivery would require a dedicated project officer (anticipated as a part time position for 12–24 months) and investment in enabling infrastructure.

Indicative program costs are estimated at approximately \$200,000 over multiple years; and this benchmark aligns with the ~\$198,500 NSW EPA Local Government Waste Solutions (LGWS) grant received by Byron Shire Council to implement its reuse program.

Byron Shire advise that their implementation has been more expensive than necessary, based on learnings from the process, and would likely be more expensive than Ballina Shires due to the higher number of regular markets and events on Council managed land.

Key risks associated with the expanded scope include:

- stakeholder pushback during the transition
- higher up-front internal adjustment and operational costs
- increased resourcing requirements if external grant funding cannot be secured

### **Options**

#### Option 1

Develop an implementation plan that reflects the current resolution, limiting the scope to single use plastic packaging within Council operations.

## 9.2 Single Use Plastic Packaging and Materials - Elimination

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### *Pros*

- Easier and quicker to implement with lower overall resource requirements
- Lower initial costs

### *Cons*

- Unclear which materials Council intends to target given many single use plastics have already been banned by the State Government
- Net environmental benefit is likely to be negligible
- Creates contradictory public messaging relative to the waste hierarchy and FOGO requirements
- Reduced likelihood of securing external grant funding
- Increased reputational risk due to potential perceptions of “greenwashing”
- Ongoing high costs to Council associated with managing single use packaging waste

### Option 2

Develop an implementation plan that reflects an expanded scope to include all Single use Packaging and Materials (aligned with Byron and Tweed policies), applied through a staged approach across Council offices, meetings and operations, Council sponsored or funded events, and activities held on Council owned or managed land.

### *Pros*

- Delivers significantly improved environmental outcomes and drives meaningful organisational and community behaviour change
- Aligns with emerging regional practice, improving consistency and reducing confusion for community and event stakeholders
- Strengthens the case for securing external grant funding
- Provides clearer messaging consistent with waste hierarchy and FOGO requirements

### *Cons*

- Requires higher levels of resourcing to develop and implement
- Longer implementation timeframes due to the need for a staged roll out
- Increased costs and resource demands, particularly if external funding cannot be secured
- Significant cost to develop and implement the policy/plan, with budget implications if grants are not obtained
- Potential for stakeholder pushback and associated implementation challenges

On balance, Option 2 is considered the recommended option as it better supports the core objectives of waste avoidance, litter reduction, cost effective diversion from landfill, and sustained behaviour change across the organisation and broader community.

Council will retain the opportunity to review the detailed implementation plan when it is presented to a future meeting for adoption.

This would also include clarification on how the plan would be funded, either through Council funds, or grants, or a combination of both.

## 9.2 Single Use Plastic Packaging and Materials - Elimination

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### RECOMMENDATIONS

1. That, based on the contents of this report, Council confirms support for a phased approach to eliminating single use packaging and materials across all Council operations, Council sponsored or funded events, and activities held on Council owned or managed land.
2. That Council include the following action in the draft 2026/27 Operational Plan:

*Develop an implementation plan to eliminate single use packaging and materials across all Council operations, Council sponsored or funded events, and activities held on Council owned or managed land.*

### Attachment(s)

1. Ordinary Meeting - 26 June 2025 - Notice of Motion - Single Use Plastics  
[⇒](#)

10. Notices of Motion

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**10. Notices of Motion**

Nil Items

**11. Advisory Committee Minutes**

**11.1 Finance and Facilities Committee Meeting Minutes - 9 March 2026**

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**Attendance**

Crs Sharon Cadwallader (Mayor - in the chair), Michelle Bailey, Simon Kinny, Damian Loone (Online), Therese Crollick, Simon Chate, Erin Karsten, Eva Ramsey and Kiri Dicker.

Paul Hickey (General Manager), Troy Anderson (Director - Civil Services Division), Matthew Wood (Director - Planning and Environmental Health Division), Caroline Klose (Director - Corporate and Community Division) and Nikki Glassop (Executive Assistant - General Manager and Mayor) were in attendance.

There was one person in the gallery at this time.

**Request to attend meeting online**

**RECOMMENDATION**

(Cr Simon Kinny/Cr Erin Karsten)

That Cr Damian Loone be permitted to attend this meeting online.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eva Ramsey and Cr Phil Meehan

**1. Acknowledgement of Country**

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

**2. Apologies**

An apology was received from Cr Phil Meehan.

**RECOMMENDATION**

(Cr Simon Chate/Cr Therese Crollick)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eva Ramsey and Cr Phil Meehan

**3. Declarations of Interest**

Nil.

Cr Eva Ramsey arrived to the meeting at 4.19 pm.

**4. Committee Reports**

**4.1 North East Weight of Loads Group (NEWLOG)**

**RECOMMENDATION**

(Cr Kiri Dicker/Cr Therese Crollick)

That Council endorses the draft NEWLOG budget for 2026/27 and Long-Term Financial Plan, as per Attachment 1 to this report.

FOR VOTE - All Councillors voted unanimously.

AGAINST – Cr Eva Ramsey.

ABSENT. DID NOT VOTE - Cr Phil Meehan

**4.2 Land Valuations and Rating Structure - 2026/27**

**RECOMMENDATION**

(Cr Therese Crollick/Cr Eva Ramsey)

1. That for the draft 2026/27 Operational Plan, Council approves the application of a base rating structure, which applies the following principles:
  - a) Marginally less than 50% of the rate income for the residential category of properties being generated from the base amount
  - b) Business, farmland and mining categories to have the same base amount as the residential base amount
  - c) A total of 18.65% income from the rate yield to be sourced from the business category properties
  - d) Farmland rate in the dollar is approximately 81% of the residential rate in the dollar
  - e) The mining category rate in the dollar to be set as the same rate as the business category (currently no mining category properties in the shire).
2. That Council notes the indicative figures for the rating structure for the 2026/27 rating year, applying a 6.0% Special Rate Variation, as per Table Five of this report. If the Special Rate Variation is not approved by the Independent Pricing and Regulatory Tribunal (IPART), the 3.4% rate peg already set by IPART for 2026/27, will apply.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan

**4.3 Waste Operations - Long Term Financial Plan**

**RECOMMENDATION**

(Cr Simon Kinny/Cr Michelle Bailey)

That Council endorses the draft fees and charges and Landfill and Resource Management and Domestic Waste Management long term financial plans, as per Attachments 1, 2 and 3 to this report, for exhibition in the draft 2026/27 to 2029/30 Delivery Program and 2026/27 Operational Plan.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Phil Meehan

**4.4 Wastewater Operations - Long Term Financial Plan**

**RECOMMENDATION**

(Cr Simon Kinny/Cr Erin Karsten)

That Council endorses the annual charges, as per the following table, and the long term financial plan, as per Attachments 1, 2 and 3 to this report, for the Wastewater Operations, for exhibition in the draft 2026/27 to 2029/30 Delivery Program and 2026/27 Operational Plan.

<b>Charge Type</b>	<b>2025/26 \$</b>	<b>2026/27 \$</b>	<b>% Increase</b>
Residential Availability Charge	1,106	1,128	2.0
Vacant Land Charge	835	852	2.0
Non-Residential Usage Charge	2.82	2.88	2.1
Non-Residential Access Charge	Variable based on meter size		
Recycled Water	80% of potable water step 1		

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Phil Meehan

**4.5 Water Operations - Long Term Financial Plan**

**RECOMMENDATION**

(Cr Simon Chate/Cr Therese Crollick)

That Council endorses the annual charges, as per the following table, as well as the long-term financial plan, as per Attachments 1, 2 and 3 to this report, for the Water Operations, for exhibition in the draft 2026/27 to 2029/30 Delivery Program and 2026/27 Operational Plan.

<b>Charge Type</b>	<b>2025/26</b>	<b>2026/27</b>	<b>% Increase</b>
Water Access Charge 20mm meter	265	281	6.0
Water Consumption under 350kl	2.99	3.17	6.0
Water Consumption over 350kl	4.49	4.76	6.0
Vacant Land Charge	265	281	6.0

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Phil Meehan

**MEETING CLOSURE**

4.47pm.

**RECOMMENDATION**

That Council confirms the minutes of the Finance and Facilities Committee meeting held 09 March 2026 and that the recommendations contained within the minutes be adopted.

**Attachment(s)**

Nil

## 11.2 Environmental and Sustainability Committee Meeting Minutes - 11 March 2026

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## 11.2 Environmental and Sustainability Committee Meeting Minutes - 11 March 2026

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### Attendance

Crs Sharon Cadwallader (Mayor - in the chair), Michelle Bailey, Simon Kinny, Damian Loone, Therese Crollick, Simon Chate, Eva Ramsey and Kiri Dicker.

Paul Hickey (General Manager), Troy Anderson (Director - Civil Services Division), Matthew Wood (Director - Planning and Environmental Health Division), Caroline Klose (Director - Corporate and Community Division and Nikki Glassop (Executive Assistant - General Manager and Mayor) were in attendance.

There were six people in the gallery at this time.

### 1. Acknowledgement of Country

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

### 2. Apologies

Apologies were received from Cr Erin Karsten and Cr Phil Meehan.

#### **RECOMMENDATION**

(Cr Simon Chate/Cr Damian Loone)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Phil Meehan

### 3. Declarations of Interest

Nil.

### 4. Committee Reports

#### 4.1 Local Strategic Planning Statement - Adoption

A **Motion** was moved by Cr Therese Crollick and seconded by Cr Damian Loone

1. That Council adopts the Ballina Shire Local Strategic Planning Statement 2025-2046 (Attachment 1) and addendum relating to the inclusion of the Russellton Estate Expansion Area (Attachment 2), subject to the following amendments being made:

(a) Adjust the Alstonville Potential Employment Expansion Area Map (Figure 17, p. 51) and Table 3, p.48 to include the additional area shown in Figure

- 1 of this report being part Lot 1 DP1221732, part of Lot 11 DP1059499, part Lot 2 DP 1221732 and part Lot 3 DP1221732.
- (b) Adjust the wording of Action 3.1 in relation to Newrybar from '*commercial land use*' to '*commercial activities*' to clarify that a broader range of land uses could be considered beyond those that fall strictly within the LEP definition of 'commercial premises'.
- (c) Adjust the wording of Action 4.1 to state *Prepare a precinct plan for land in proximity to Ballina Hospital, and incorporating St Andrews Village, Ballina Central Shopping Centre, Biala Special School, Super Amart and the Cherry Street Sports Club* and apply a timing of short to medium term.
- (d) Adjust the potential urban growth area south of Tamarind Drive to:
- Identify approximately 4ha for residential development potential in line with updated flood modelling, as shown in Figure 4.
  - Identify the remainder of the land already identified as having potential for urban expansion as potential employment land but with notation that the land is significantly constrained and may have no to very little yield, particularly having regard for flooding characteristics and proximity to residential development.
- (e) Incorporate text on page 72 in relation to precinct plans as follows: 'Note: Precinct plans will be submitted to DPHI to invite review and feedback'.
- (f) Incorporate five rural land use principles within the section on rural land use and character on page 58 as follows:
- Encourage agricultural production and protect key productive agricultural land for food production.
  - Encourage on-farm diversification, sustainability and appropriate rural tourism.
  - Minimise the potential for land use conflict.
  - Maintain the character and settlement pattern of existing rural villages and hamlets.
  - Protect scenic escarpment areas.
- (g) Including a new Action 10.3 being to *Consolidate Rural Land Use Policy into a single reference document inclusive of a statement of key rural planning principles for Ballina Shire.*
2. That Council seeks the endorsement of Department of Planning, Housing and Infrastructure for the LSPS Addendum at Attachment 2.
3. That Council submits the endorsed Local Strategic Planning Statement and associated addendum to the Department of Planning, Housing and Infrastructure.
4. That Council includes a review of the Alstonville Strategic Plan in the 2026/27 to 2029/30 Delivery Program and Operational Plan, with the review to be identified for the 2027/28 year.
5. That the Ballina Shire Growth Management Strategy 2012 and West Ballina Planning Study and Structure Plan 2010 are repealed following

publication of the revised Local Strategic Planning Statement on the NSW Planning Portal.

6. That Council includes an action in the Local Strategic Planning Statement to identify options for additional employment land to meet projected demand.

**RECOMMENDATION**

(Cr Kiri Dicker/Cr Simon Chate)

That Council moves into Committee of a Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Phil Meehan

**RECOMMENDATION**

(Cr Damian Loone/Cr Michelle Bailey)

That Council moves out of Committee of a Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Phil Meehan

The **Motion** was **LOST**

FOR VOTE - Cr Sharon Cadwallader, Cr Michelle Bailey and Cr Damian Loone

AGAINST VOTE - Cr Simon Kinny, Cr Therese Crollick, Cr Simon Chate, Cr Eva Ramsey and Cr Kiri Dicker

ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Phil Meehan

A **Motion** was moved by Cr Simon Chate and seconded by Cr Kiri Dicker

1. That Council adopts the Ballina Shire Local Strategic Planning Statement 2025-2046 (Attachment 1) and addendum relating to the inclusion of the Russellton Estate Expansion Area (Attachment 2), subject to the following amendments being made:
  - (a) Adjust the Alstonville Potential Employment Expansion Area Map (Figure 17, p. 51) and Table 3, p.48 to include the additional area shown in Figure 1 of this report being part Lot 1 DP1221732, part of Lot 11 DP1059499, part Lot 2 DP 1221732 and part Lot 3 DP1221732.
  - (b) Adjust the wording of Action 3.1 in relation to Newrybar from '*commercial land use*' to '*commercial activities*' to clarify that a broader range of land uses could be considered beyond those that fall strictly within the LEP definition of 'commercial premises'.
  - (c) Adjust the wording of Action 4.1 to state *Prepare a precinct plan for land in proximity to Ballina Hospital, and incorporating St Andrews Village, Ballina Central Shopping Centre, Biala Special School, Super Amart and the Cherry Street Sports Club* and apply a timing of short to medium term.

- (d) Adjust the potential urban growth area south of Tamarind Drive to:
- Identify approximately 4ha for residential development potential in line with updated flood modelling, as shown in Figure 4.
  - Identify the remainder of the land already identified as having potential for urban expansion as potential employment land but with notation that the land is significantly constrained and may have no to very little yield, particularly having regard for flooding characteristics and proximity to residential development.
- (e) Incorporate text on page 72 in relation to precinct plans as follows: 'Note: Precinct plans will be submitted to DPHI to invite review and feedback'.
- (f) Incorporate five rural land use principles within the section on rural land use and character on page 58 as follows:
- Encourage agricultural production and protect key productive agricultural land for food production.
  - Encourage on-farm diversification, sustainability and appropriate rural tourism.
  - Minimise the potential for land use conflict.
  - Maintain the character and settlement pattern of existing rural villages and hamlets.
  - Protect rural vistas.
- (g) Including a new Action 10.3 being to *Consolidate Rural Land Use Policy into a single reference document inclusive of a statement of key rural planning principles for Ballina Shire.*
2. That Council seeks the endorsement of Department of Planning, Housing and Infrastructure for the LSPS Addendum at Attachment 2.
  3. That Council submits the endorsed Local Strategic Planning Statement and associated addendum to the Department of Planning, Housing and Infrastructure.
  4. That Council includes a review of the Alstonville Strategic Plan in the 2026/27 to 2029/30 Delivery Program and Operational Plan, with the review to be identified for the 2027/28 year.
  5. That the Ballina Shire Growth Management Strategy 2012 and West Ballina Planning Study and Structure Plan 2010 are repealed following publication of the revised Local Strategic Planning Statement on the NSW Planning Portal.

An **Amendment** was moved by Cr Kiri Dicker and seconded by Cr Michelle Bailey.

1. That Council adopts the Ballina Shire Local Strategic Planning Statement 2025-2046 (Attachment 1) and addendum relating to the inclusion of the Russellton Estate Expansion Area (Attachment 2), subject to the following amendments being made:
- (a) Adjust the Alstonville Potential Employment Expansion Area Map (Figure 17, p. 51) and Table 3, p.48 to include the additional area shown in Figure

- 1 of this report being part Lot 1 DP1221732, part of Lot 11 DP1059499, part Lot 2 DP 1221732 and part Lot 3 DP1221732.
- (b) Adjust the wording of Action 3.1 in relation to Newrybar from '*commercial land use*' to '*commercial activities*' to clarify that a broader range of land uses could be considered beyond those that fall strictly within the LEP definition of 'commercial premises'.
- (c) Adjust the wording of Action 4.1 to state *Prepare a precinct plan for land in proximity to Ballina Hospital, and incorporating St Andrews Village, Ballina Central Shopping Centre, Biala Special School, Super Amart and the Cherry Street Sports Club* and apply a timing of short to medium term.
- (d) Adjust the potential urban growth area south of Tamarind Drive to:
- Identify approximately 4ha for residential development potential in line with updated flood modelling, as shown in Figure 4.
  - Identify the remainder of the land already identified as having potential for urban expansion as potential employment land but with notation that the land is significantly constrained and may have no to very little yield, particularly having regard for flooding characteristics and proximity to residential development.
- (e) Incorporate text on page 72 in relation to precinct plans as follows: 'Note: Precinct plans will be submitted to DPHI to invite review and feedback'.
- (f) Incorporate five rural land use principles within the section on rural land use and character on page 58 as follows:
- Encourage agricultural production and protect key productive agricultural land for food production.
  - Encourage on-farm diversification, sustainability and appropriate rural tourism.
  - Minimise the potential for land use conflict.
  - Maintain the character and settlement pattern of existing rural villages and hamlets.
  - Protect rural vistas.
- (g) Including a new Action 10.3 being to *Consolidate Rural Land Use Policy into a single reference document inclusive of a statement of key rural planning principles for Ballina Shire.*
- (h) That Council remove the following SUGAs as per the original staff recommendation and that they be reported back to Council for further examination:
- i. Precinct B North Kinvara
  - ii. Precinct C Cumbalum
  - iii. West Lennox Palms, Lennox Head
2. That Council seeks the endorsement of Department of Planning, Housing and Infrastructure for the LSPS Addendum at Attachment 2.

## 11.2 Environmental and Sustainability Committee Meeting Minutes - 11 March 2026

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3. That Council submits the endorsed Local Strategic Planning Statement and associated addendum to the Department of Planning, Housing and Infrastructure.
4. That Council includes a review of the Alstonville Strategic Plan in the 2026/27 to 2029/30 Delivery Program and Operational Plan, with the review to be identified for the 2027/28 year.
5. That the Ballina Shire Growth Management Strategy 2012 and West Ballina Planning Study and Structure Plan 2010 are repealed following publication of the revised Local Strategic Planning Statement on the NSW Planning Portal.

### RECOMMENDATION

(Cr Simon Chate/Cr Therese Crollick)

That Council move into a Committee of a Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Phil Meehan

### RECOMMENDATION

(Cr Simon Chate/Cr Eva Ramsey)

That Council move out of Committee of a Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Phil Meehan

The **Amendment** was **CARRIED**

FOR VOTE - Cr Michelle Bailey, Cr Therese Crollick, Cr Simon Chate, Cr Eva Ramsey and Cr Kiri Dicker

AGAINST VOTE - Cr Sharon Cadwallader, Cr Simon Kinny and Cr Damian Loone

ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Phil Meehan

The **Amendment** then became the **Motion** and was **CARRIED**

FOR VOTE - Cr Michelle Bailey, Cr Therese Crollick, Cr Simon Chate, Cr Eva Ramsey and Cr Kiri Dicker

AGAINST VOTE - Cr Sharon Cadwallader, Cr Simon Kinny and Cr Damian Loone

ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Phil Meehan

### RECOMMENDATION

(Cr Kiri Dicker/Cr Michelle Bailey)

1. That Council adopts the Ballina Shire Local Strategic Planning Statement 2025-2046 (Attachment 1) and addendum relating to the inclusion of the

Russellton Estate Expansion Area (Attachment 2), subject to the following amendments being made:

- (a) Adjust the Alstonville Potential Employment Expansion Area Map (Figure 17, p. 51) and Table 3, p.48 to include the additional area shown in Figure 1 of this report being part Lot 1 DP1221732, part of Lot 11 DP1059499, part Lot 2 DP 1221732 and part Lot 3 DP1221732.
- (b) Adjust the wording of Action 3.1 in relation to Newrybar from '*commercial land use*' to '*commercial activities*' to clarify that a broader range of land uses could be considered beyond those that fall strictly within the LEP definition of 'commercial premises'.
- (c) Adjust the wording of Action 4.1 to state *Prepare a precinct plan for land in proximity to Ballina Hospital, and incorporating St Andrews Village, Ballina Central Shopping Centre, Biala Special School, Super Amart and the Cherry Street Sports Club* and apply a timing of short to medium term.
- (d) Adjust the potential urban growth area south of Tamarind Drive to:
  - Identify approximately 4ha for residential development potential in line with updated flood modelling, as shown in Figure 4.
  - Identify the remainder of the land already identified as having potential for urban expansion as potential employment land but with notation that the land is significantly constrained and may have no to very little yield, particularly having regard for flooding characteristics and proximity to residential development.
- (e) Incorporate text on page 72 in relation to precinct plans as follows: 'Note: Precinct plans will be submitted to DPHI to invite review and feedback'.
- (f) Incorporate five rural land use principles within the section on rural land use and character on page 58 as follows:
  - Encourage agricultural production and protect key productive agricultural land for food production.
  - Encourage on-farm diversification, sustainability and appropriate rural tourism.
  - Minimise the potential for land use conflict.
  - Maintain the character and settlement pattern of existing rural villages and hamlets.
  - Protect rural vistas.
- (g) Including a new Action 10.3 being to *Consolidate Rural Land Use Policy into a single reference document inclusive of a statement of key rural planning principles for Ballina Shire.*
- (h) That Council remove the following SUGAs as per the staff recommendation and that they be reported back to Council for further examination:
  - i. Precinct B North Kinvara
  - ii. Precinct C Cumbalum
  - iii. West Lennox Palms, Lennox Head.

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2. That Council seeks the endorsement of Department of Planning, Housing and Infrastructure for the LSPS Addendum at Attachment 2.
3. That Council submits the endorsed Local Strategic Planning Statement and associated addendum to the Department of Planning, Housing and Infrastructure.
4. That Council includes a review of the Alstonville Strategic Plan in the 2026/27 to 2029/30 Delivery Program and Operational Plan, with the review to be identified for the 2027/28 year.
5. That the Ballina Shire Growth Management Strategy 2012 and West Ballina Planning Study and Structure Plan 2010 are repealed following publication of the revised Local Strategic Planning Statement on the NSW Planning Portal.
6. That Council includes an action in the Local Strategic Planning Statement to identify options for additional employment land to meet projected demand.

FOR VOTE - Cr Michelle Bailey, Cr Therese Crollick, Cr Simon Chate, Cr Eva Ramsey and Cr Kiri Dicker

AGAINST VOTE - Cr Sharon Cadwallader, Cr Simon Kinny and Cr Damian Loone

ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Phil Meehan

## **4.2 CURA B - E1 Zone Relocation and Height Increase - Planning Proposal**

### **RECOMMENDATION**

(Cr Kiri Dicker/Cr Simon Chate)

1. That Council endorses Planning Proposal BSCPP 24/005 - CURA B E1 Zone Relocation and Height of Building Increase (Attachment 2) for public exhibition.
2. That Council submits the Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination.
3. That Council seeks delegation from the DPHI to exercise its functions as the local plan-making authority (LPMA).
4. That upon a positive Gateway determination being received, the Planning Proposal be publicly exhibited for a minimum of 28 days.
5. That prior to actioning points 1 to 4, Council urges the proponent to reconsider the terms of the proposed Planning Agreement regarding the inclusion of affordable housing.
6. That subject to the previous points, the draft Planning Agreement be publicly exhibited concurrently with the Planning Proposal.

## **11.2 Environmental and Sustainability Committee Meeting Minutes - 11 March 2026**

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7. That the outcomes of the public exhibition be reported back to Council for consideration with respect to the finalisation of the Planning Proposal and Planning Agreement.

FOR VOTE - Cr Damian Loone, Cr Therese Crollick, Cr Simon Chate, Cr Eva Ramsey and Cr Kiri Dicker

AGAINST VOTE - Cr Sharon Cadwallader, Cr Michelle Bailey and Cr Simon Kinny

ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Phil Meehan

### **4.3 Detached Dual Occupancies - 7(c) Environmental Protection (Water Catchment) Zone**

#### **RECOMMENDATION**

(Cr Kiri Dicker/Cr Therese Crollick)

1. That Council affirms its endorsement of Planning Proposal BSC 25/009 in accordance with its December 2025 decision.
2. That the Department of Planning, Housing and Industry be advised that Council does not wish to exercise its local plan-making authority functions under the *Environmental Planning and Assessment Act 1979* in this instance.
3. That Council requests that the Department of Planning, Housing and Industry finalises BSCPP 25/009 to amend the Ballina Local Environmental Plan 1987 to permit detached dual occupancy with consent in the 7(c) Environmental Protection (Water Catchment) zone.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Erin Karsten and Cr Phil Meehan

#### **MEETING CLOSURE**

5.59pm

#### **RECOMMENDATION**

That Council confirms the minutes of the Environmental and Sustainability Committee meeting held 11 March 2026 and that the recommendations contained within the minutes be adopted.

#### **Attachment(s)**

Nil

## 12.1 Mayoral Meetings

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### 12. Reports from Councillors on Attendance on Council's behalf

#### 12.1 Mayoral Meetings

**Councillor** Sharon Cadwallader

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Activities I have attended, or propose to attend, at the time of writing this report, since the February 2026 Ordinary meeting are as follows:

<u>Date</u>	<u>Meeting</u>
27 February	NORPA Production 'Prima Facie'
28 February	Ballina Lions Youth of the Year Judging
2 March	Cr Training – Financial Management for Councillors
2 March	'Long Lunch' 88.9 Nora Vidler-Banksby radio interview
3 March	Lennox Head Wildlife Hospital Departure of Matilda Mobile Hospital
3 March	Alstonville Wollongbar Chamber of Commerce Business After Hours Event – Northern Rivers Wildlife Hospital
4 March	RDA Roadshow - Building Future-Ready Businesses in the Northern Rivers
4 March	Cr Training – NSW Planning System
4 March	Ballina Lions Youth of the Year Club Final
5 March	Rotary Club of Ballina on Richmond Corporate Duck judging
5 March	Cr Training – Community and Stakeholder Engagement
5 March	Northern Rivers Community Gallery – March/April Exhibitions Launch
6 March	Ballina Uniting Church, World Day of Prayer - Nigeria
6 March	Ballina Chamber International Women's Day event Panellist
8 March	Ballina Duck Fest 2026 -Opening Address BORRC
8 March	Ballina Duck Fest Presentation
9 March	Welcome address - NSW O70s State Cricket Championships
9 March	Northern Regional Planning Panel meeting
9 March	Finance and Facilities Committee meeting
10 March	A Ward Committee Meeting
11 March	Public Forum
11 March	Environmental and Sustainability Committee meeting
11 March	Cumbalum Residents Association General Meeting
12 March	Welcome 2026 NSW Seniors Festival Show and Luncheon
12 March	Country Mayors Association (CMA) Board meeting with Darcy Byrne, President – LGNSW
12 March	C Ward Committee Meeting
14 March	Northern Rivers Conservatorium Opening
14 March	River Health update – Tinnie Men: Steve Posselt and Graeme Gibson
15 March	Lennox Head Alstonville Surf Life Saving Club Nippers Presentation
16 March	Audit Risk and Improvement Committee Meeting
16 March	Australian Coastal Councils Association (ACCA) meeting (Zoom)
16 March	'Long Lunch' 88.9 Nora Vidler-Banksby radio interview
16 March	Country Mayors Association (CMA) Board meeting
16 March	B Ward Committee Meeting
17 March	Epiq Marketplace new building project grand opening
18 March	Rous County Council - Councillor Strategic Direction Poll
19 March	Business NSW Northern Rivers 2026 Economic Breakfast
19 March	BORRC Special Award Presentation
19 March	Public Citizenship Ceremony
20 March	Ballina Players Opening Night "Afraid of the Dark"
22 March	Guest Speaker First Fleeters Northern Rivers Chapter Meeting
23 March	Country Mayors Association (CMA) Meeting
24 March	Forum Jewish Women
25 March	Ballina Chamber of Commerce Business After Hours Ballina Marineland
26 March	Public Forum

## 12.1 Mayoral Meetings

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26 March	Ordinary meeting
26 March	Country Mayors Association (CMA) Meeting Police Commissioner Mal Lanyon APM

Deputy Mayor Cr Damian Loone attended the following activity on my behalf:

12 March	Community Safety Precinct Committee (CSPC) meeting
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### **RECOMMENDATION**

That Council notes the contents of the report on Mayoral meetings.

### **Attachment(s)**

Nil

**13. Confidential Session**

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

**13.1 DA 2023/343 - Gallans Road and Tamarind Drive Intersection**

This report contains information relating to as the report contains a draft legal agreement and costing information from a third party relating to works not yet tendered..

**RECOMMENDATION**

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

**13.1 DA 2023/343 - Gallans Road and Tamarind Drive Intersection**

**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) (g) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret; and
- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the report contains a draft legal agreement and costing information from a third party relating to works not yet tendered..