

**MINUTES of the meeting of the KINGS COURT RESERVE PROTECTION GROUP  
HELD at 14 Kings Court, ON 6/10/09 AT 7:30 pm**

**Meeting Open** 7:40pm

**Attendance**

Ian Watt, Ken Armstead, Anita Swanberg, Garry Carter, Neil Kennedy, Murray Nolan, Simon Kay.

**1. Apologies**

Tree Beckerleg, Bob Beckerleg, Ray George, Paul Snellgrove.

**2. Confirmation of Minutes**

Neil Kennedy & Ken Armstead: that the minutes of KCRPG meeting 28/9/09 be confirmed.

For Vote – all present voted unanimously.

**3. Matters Arising from Meeting 28/9/09**

- 3.1 Freddy Goodman has been contacted by Neil, but the matter of the 'EIS stating that the Lennox Head Residents Association was contacted for community consultation in its preparation' was not discussed.
- 3.2 Murray Nolan tabled 2 photos of his children playing on the swings adjacent to the fort that was on the reserve, but need to contact all residents to secure more old **photos** of Kings Court reserve being used by the public – football, cricket, etc.
- 3.3 In the Council site <http://www.ballina.nsw.gov.au/cmst/ballina004/nova.asp> then » [Parks & Reserves](#) , there is no mention of replacing the swings/fort in Kings Court, or replacing the swings in the Basalt Court park.
- 3.4 Ken Armstead tabled a typed list of points for use in submissions to the EIS.
- 3.5 Ian Watt tabled a typed list of points for use in submissions to the EIS.
- 3.6 The writing of submissions was once again emphasised. Need to get onto the jog immediately, and to encourage all relatives, friends, acquaintances to do the same.
- 3.7 Ian Ratcliff at the Environmental Defenders Office (Lismore) was contacted by phone (1300 369 791), and their website was accessed <http://www.edo.org.au/edonsw/site/default.php>. Their 'fact sheet' on submissions will be circulated.
- 3.8 The extension of time for the KCRPG to lodge submissions to the EIS has not yet been done. MUST do as a matter of urgency.

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**4. Treasurer's Report**

- 4.1 An account has been opened in the name of Neil Kennedy, titled KCRPG.
- 4.2 The account could not be opened in the KCRPG name, as the group is not incorporated.
- 4.3 A receipt book was tabled to reflect donations.
- 4.4 In future, the Treasurer's report will reflect balances at the end of the month.
- 4.5 Anita Swanberg: tabled the KCRPG balance as at 28/9/2009

**KINGS COURT RESERVE PROTECTION GROUP**

**Treasurer's Report**

**Balance 28/9/2009**

Income

|           |         |         |
|-----------|---------|---------|
| Donations | \$60.00 | \$60.00 |
|-----------|---------|---------|

Expenses

|        |        |
|--------|--------|
| \$0.00 | \$0.00 |
|--------|--------|

|                          |         |
|--------------------------|---------|
| Balance as at 28/09/2009 | \$60.00 |
|--------------------------|---------|

Neil Kennedy & Ken Armstead: that the KCRPG Treasurer's report be accepted.

For Vote – all present voted unanimously.

**5. Correspondence In**

- 5.1 30/9/09 from Louise Owen - copy of letter to Council re objection to EIS.
- 5.2 1/10/09 from J Truman (BSC) – advising KCRPG meeting time 2:30pm 6/10/09.
- 5.3 3/10/09 from Toni Houlahan - re several matters including submissions, newspaper exposure, & follow up of McClymont memorial in Kings Court Reserve.
- 5.4 4/10/09 from Anita Swanberg – re EIS appendices, Everick Heritage consultants cite a 3<sup>rd</sup> site for a tank – in Basalt Court.
- 5.5 6/10/09 from Judy Pearce - Lyn Walker (President of the Ballina Environment Society) ... the BES are committed to protecting spaces in the shire ... and would be happy to write a submission to Council to oppose the Kings Court option.
- 5.6 6/10/09 from J Truman (BSC) – reply to KCRPG letter dated 16/9/09

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**Correspondence Out**

5.7 1/10/09 to J Truman – request meeting with KCRPG to discuss EIS.

**6. Further Action**

- 6.1 Contact Freddy Goodman and check on nature of any consultation with the Lennox Head Residents Association prior to the preparation of the EIS.
- 6.2 All people associated with the KCRPG should, as a matter of urgency, send their points of objection to Secretary Ian Watt (e-mail: wattygray@ozemail.com.au ) so they can be circulated to all members.  
Your privacy will be respected – only your thoughts will be shared.  
We need to get as many thoughts as possible out there to help all in the compilation of their letters of objection to hammer this EIS.  
Remember, we are constrained by a deadline - objections must be lodged at council NO LATER than October 30, 2009.
- 6.3 Need to contact all residents to secure old photos of Kings Court reserve being used by the public.
- 6.4 Need to canvass Bill Doyle re when posts were erected in Kings Court reserve, and if he has any photos.
- 6.5 The website of the Environmental Defenders Office has a fact sheet that is to be circulated. See <http://www.edo.org.au/edonsw/site/default.php>.
- 6.6 Submit 'Extension of time for KCRPG to lodge its submission to the EIS'.
- 6.7 Need to contact Ballina Environmental Society (via Judy Pearce) to encourage all members to submit an objection to the EIS.
- 6.8 Murray Nolan to peruse the 'Generic Plan of Management for Community Land Version 3 24/01/2002' to establish any conflict with the EIS.

**7. General Business**

- 7.1 Simon Kay raised issue of public health & wellbeing – is there a sufficient buffer zone between the proposed tank in Kings Court to mitigate odour & associated adverse health risks from the recycled sewerage?

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**General Business** (Continued)

**7.2** Ian Watt raised telephone conversation with Ian Ratcliff at Environmental Defenders Office

They are to support the community by giving guidance on how to write submissions, not to write submissions for them.

I was referred to their facts sheet contained at the EDO website address <http://www.edo.org.au/edonsw/site/default.php>.

They can find scientists to comment on technical issues that may arise.

They do give free legal advice.

But representation is usually only in issues of public need.

Suggested

- conflicts between proposed community land use & council's plan of management
- whether buffer distances were appropriate
- health impacts – leak, spill, breakdown
- health impacts – odour
- Natural justice may have been compromised by not outlining a definite site for the tank
- It is unfair to the community as they do not have a concrete plan to comment on.
- Procedural fairness may have been compromised

This matter is one of 'designated development'. It therefore is able to be heard in the Land & Environment Court as a Merit Appeal. A 28 day limit applies for lodgement after receipt of letter containing Council's decision. Costs are on a shared basis.

Other option of appeal is with a Judicial Review of legal process. Very expensive, and on a loser pays winner basis.

**8. Next Meeting**

The next meeting will be at Neil Kennedy's residence (66 Sandstone Crescent) on Tuesday 13/10/09 at 7:30pm.

**9. Meeting Closure**

Meeting closed 10.00pm.