

*Ballina District Citizens and Rate Payers Association*  
*A 'Non-Profit' Public Organisation Inc. 9891926*

The Chairman,  
Ballina Shire Council  
Cnr Cherry and Tamar Streets  
Ballina 2478

6<sup>th</sup> March 2015  
RECORDS  
SCANNED  
- 9 MAR 2015  
Doc No: .....  
Batch No: .....

Dear Sir

Please find enclosed our Submission in reply to  
**Ballina Floodplain Management 26 February 2015** – and  
The Draft DCP amendment.

Mr Chairman this is the most Serious subject that has ever CONFRONTED the Ballina Shire Council in the last Forty to Fifty Years of your existence.

On front page Ballina Shire Advocate dated Wednesday, February 25, 2015 : It states 'We were prepared' and, then on page 3 : It states : The Ballina State Emergency Service was prepared for whatever Mother Nature threatened over the weekend. (end quote Advocate) The Question has to be asked "How can the SES possibly cope in a Flood emergency today, when they could not cope in 1974 and 1976 ?" 1974 and 1976 was the last time there were Floods of any significant height recorded here in Ballina. Have there been any improvements, of any kind, made to the drainage systems in Ballina since these significant floods occurred? Has there been any attempt made to implement flood mitigation measures since 1976? Then, there was the flooding in 1989 and again in 2005.

It was in the Northern Star on 29 August 2014, page 3 ; Sewer System Flooded ; BALLINA COUNCIL issued a warning to residents to avoid flushing toilets, using showers, washing machines or dish-washers during the peak of the rainfall on Wednesday night. (27/8)

Council's manager of water and wastewater, Tim Mackney, said the warning was particularly aimed at properties in low lying areas such as Central Ballina, where there was significant water over the roads. "The storm water was at capacity and water was flowing into the sewer system. What happens when the sewer system is full if people in low lying areas are using a lot of water that has nowhere to go and it can back up in their shower and toilet,"

[ In Flood of 2005, BALLINA COUNCIL then issued the same warning to all its residents by John Truman, Council's Engineer, who stated that the flooding problem would be fixed, as it interfered with the Hospital's 'Sewage system' and all other low lying areas, Truman stated.]

So therefore Mr Chairman, Question 1 must be answered and this very serious subject put on the Business Agenda should have been put there five to ten years ago. Then Mr Chairman, you study the four pages that are before you, coupled with the Flood Heights of 1974 and 1976.

Yours most Sincerely, *Ralph Moss.*  
Ralph Moss, 6<sup>th</sup> March 2015  
Vice President, Ballina District Citizens Rate payers Association.

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06 MAR 2015  
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COUNTER

## *Ballina District Citizens and Rate Payers Association*

*A 'Non-Profit' Public Organisation Inc. 9891926*

Submission in reply to **Ballina Floodplain Management 26 February 2015**

The Ballina District Citizens and Rate Payers Association since its formation in 2009, has not had any input, what-so-ever, towards the Ballina Flood Study Update BMT WBM, March 2008 and, the Ballina Floodplain Risk Management Study, BMT WBM, Nov 2011; Ballina Shire Development Control Plan, -- **Chapter 2b – Floodplain Management Nov 2014.**

**Ballina Councillors and Council have not done their elected JOB properly in the First Place :**

This Community Point has to be made most Seriously: That Ballina Council and it's elected Councillors in its Planning and Assessments in all their wisdom have not done their elected Job properly, thoroughly and/or correctly in this case for the Assessment of over 30 years of these vast amounts and volumes of Flood Waters that do come down across this West Ballina Flood Plain, in particular...

And, I quote to you Mr Minister: As the Council Executive and Councillor officers did not stop to look at the **Duty of Care**: When does it arise, and what is the significance of that Duty?

The most common form of Breaching and Violation is an Allegation of Negligence.

What is negligence, and how does it relate to the topic of 'Duty of Care'. To succeed in negligence the plaintiff (the person doing the suing) must prove three things, They must prove:

1. That the defendant (the person being sued) owed them a 'Duty of Care', i.e. a duty to take Reasonable care to avoid harming them (the plaintiff)
2. That they failed to take such care; and
3. As a result, they (the plaintiff) suffered a loss or damage.

To prove that case, the Council must show, amongst other things that they did owe a 'Duty of Care' to the Public Citizens and to the Rate Payers in general. (end quote)

**Purpose of this Submission**: To try to prove to Ballina Council and Councillors that it may well be possible to fully curb and curtail the most severest street flooding that does occur in the Central Business District and the Bus Pick-up and shelter area in Tamar Street, Ballina, and the Flooding that has occurred most regularly, since the last big Richmond River Flood in 1976; smaller one 1989; again 2005 and all the times that King Tides and Ocean swells come in, in excess of Two Metres or thereabout.

Background Information: The biggest problem with this whole subject of Ballina Floodplain Management, is the fact that all these reports are built upon the figures that are fed into risk flood studies etc. and not upon the actual flood height figures of 1976 and 1974, both very big floods of the Richmond River and its tributaries; Also the Flood heights of the 1954 Record Flood height levels; -- Then that means when the Richmond River is in full flood, all the way from Wardell, and the River is in full Flood coming downstream, then when it hits the Ocean Swells that are in, coupled with 'King High Tides', it means that the Richmond River is full of Flood Waters, to the point that the Fawcett Street Wharf Flood water is almost lapping the top of the pavement; This in turn means that when the Emigrant Creek Flood waters that do come down, it have to go on top of the Richmond River water, as it

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has no-where else to go. That causes Emigrant Creek Flood Water on top and then consequently backs-up into lower lying grounds around the West Ballina Flood Plain (after catchments have filled up), and, around the Canal going towards North Creek and all other natural associated water ways.

Page 6 : Figure 1 : DCP Map. Area : West Ballina Floodplain from Emigrant Creek in North to Emigrant Creek in South near By-Pass Roundabout ;

This submission is in relation to Flood Water Problems, south from the Cumbalum turn-off and down to Emigrant Creek in South, does not relate in any way shape or form about Land Titles and/ or Ownership of any such Land Title or part thereof what-so-ever in between.

The above paragraph is where Ballina Council's Major Flood and Flood-Plain Problems start. May 2012 – Draft – Ballina Shire Combined Development Control Plan – Chapter 1 – Urban Land Policy Statement 11 – Flood Risk Management – 28 Pages.

November 2014 – Draft – Ballina Shire Development Control Plan

Chapter 2b – Floodplain Management – 40 Pages.

Having read these two Draft Reports – Table of Contents on Page 1 ; Where is it stated in either of these reports that there is a Flood Plain within the Shire of Ballina ? What size is this flood prone area and, what amount of Flood prone area is susceptible to inundation from High Tides ? What area is susceptible from King or rogue tides from 1.6 to 2.0 metres AHD ?

Question 1 : Is the Ballina Flood Plain, that is, situated at West Ballina back-up to Emigrant Creek in North, classified as a properly Gazetted, Fully Constituted, and Registered Public Drainage Reserve under sections 332 and 333 Local Government Act 1919 ?, Or, similar sections of Local Government Act 1993?

Just what then are the Rules, Regulations, Clauses, and Ordinances associated with the construction of any levee bank for the containment of incoming Tidal Waters, so they are contained within the Creek Banks ? Also in times of High or King Tides so as Salt Water cannot encroach upon paddocks ? What are the Rules, Regulations, Clauses, and Ordinances that are associated with other developments in and along any such Flood Plain, that may be Gazetted ?

What area of Land is Gazetted ? If it is, is this the only Registered and Gazetted parcel of Land, as a Public Drainage Area within whole Ballina Council area ?

Council's Executive Officer stated in Council Chamber that it had been gazetted, about eight to twelve months ago (in 2014), are we to understand that it has been or will be Gazetted ? (done ?)

This section of Flood Plain area has a total area of about 7.5 to 8 square kilometres ; So just, where is all the Flood Water Going to go when there is 1.65 m or more Flood Waters at Emigrant Creek North ? As were the cases in 1974 and 1976 which were the last recorded High Floods...

This Flood Policy must act to ensure that Ballina Flood Prone Land is not the subject of uncontrolled development inconsistent with its exposure to flooding and inundation. which would result in the total West Ballina area being Flooded out of existence, from Fishery Creek in the East to Ballina By-Pass Wall in the West and, beyond till the Flood finds its

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own Height to Emigrant Creek in the South, from Emigrant Creek in North, and right back up along Flood Plain to Cumbalum Flood way. Then east from Fishery Creek to the Canal and from River Street and Bridge to River Oaks Floodway and back to the Tidal drain from Emigrant Creek in North to Fishery Creek in East.

Now when these Flood Waters reach the Pacific Highway at Emigrant Creek in the South, there is only one ¾ metre drain pipe at present to take all the water, with a 4.75 metre boxed Culvert (further 100 metres to West), from the Western Side of the By-Pass (that is all that has been in place past 40 years.), other than the Bridge span over the Canal at River Street, and the amount of water that builds up and flows to North Creek around to the north and under the bridge span going to North Ballina Industrial area and then onto to North Creek past the Race Course in the east. This section of Flood Plain has an area of about 30 square hectares; That is one of the main Factors as to why the Pacific Highway was closed in the 1976 Floods. (Photos show) Quoted statement from 2012 Letter)

Page 5: 1<sup>st</sup> Paragraph: Ballina Flood Study Update: First we ever knew that an update was carried out by Council.

Copy of letter 28 May 2009 – Tidal Flood Gates – Council Chamber

Copy of Letter 2 June 2009 – Tidal Flood Gates – reply Truman

Copy of letter 22 February 2012 -- Council – Flood at front door

Copy of letter -- Division of Local Government – 29/ 5/ 12; -- reply to letter 10 April 2012

Copy of letter 3 August 2012 – Council – 160 Tamar Street Flooding

Emigrant Creek is a Tidal Creek from where it joins the Richmond River at Burns Point all the way back up to Tintenbar, which would be a distance of about 35 – 40 Kilometres, may well be longer, for the Ebb Tides to flow to and forth?

Then there is Maguires Creek, which is also Tidal Ebb Flow for about 5 – 8 Kilometres in length.

Then North Creek Canal runs, from the Richmond River at West Ballina, north and then east under Bangalow Road bridge to North Creek itself, about 15 – 18 Kilometres in length.

Bangalow Road runs from the North Ballina bridge to alongside of Emigrant Creek 6 – 8 Kilometres.

All these Tidal Waters, all Ebb and Flow into the Richmond River to go out to sea.

In Canal Road going North just past the Scout Hall and running east is, Fishery Creek into the Canal, as it comes into the Canal from Barlows Road area, about 8 – 10 Kilometres in length,

Fishery Creek is a Blind Creek different because, from Fishery Creek where it is widest and ends in north, there is a two to two & half metre wide Tidal Channel directly from Emigrant Creek in North, that runs Tidal Water down South-wards at about half to three quarters of metre in depth and flowing rather swiftly in comparison to Emigrant Creek flowing West under the By-Pass wall opening; The ground fall is rather higher before the dog-leg than

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after the dog-leg heading towards the top end of Fishery Creek; That in its own right creates velocity and water pace of movement to (north) the top-end of Fishery Creek. Since the Ballina By-Pass wall has been constructed, the By-Pass does cross Emigrant Creek North, in two places in very close proximity to one another.

Emigrant Creek North Flood Waters and their Flows: In the very first planning stages of the Ballina By-Pass, the above heights of water and its flow and flow strengths and paces were completely over-looked and not taken into proper consideration: Especially, on the Western side of the By-pass, where flood waters (in Emigrant Creek from North) pass/ come under the By-pass to the East, in normal flow going south; Where the natural water course of Emigrant Creek does a complete U turn on the south-west side of flow going on south-west, then a sharper elbow turn going south-west, the Creek flows along a severe meandering course: Then it turns back-towards north-west to pass/ go under the By-pass creek viaduct and continues on towards the Highway Bridge over Emigrant Creek at the Alstonville turn-off.

This above paragraph is where Ballina Council's Major Flood and Flood-Plain Problems start

As the Flood-Waters proceed to travel South from Cumbalum in the Emigrant Creek North waterway on the western side of the By-pass wall, and is rising until it comes to Emigrant Creek under-pass of the By-pass going east, and with fast rising flood waters that would hit the By-pass wall on the western side and goes overland and into Emigrant Creek, where it is travelling back to the west under the By-pass the second time, but, only to be forced back west as the eastern side was already full of flood water, and overflowing into the two metre wide channel that is flowing very rapidly towards Fishery Creek:

There has not been any extra height built-up onto the Levee Banks around Emigrant Creek in the North to take the extra height volume of gushing flood water from under the north by-pass viaduct: So the flood water all spills out over the Creek Banks in more than a semi-circle and all flows towards Fishery Creek, now where the banks are lower on the eastern side of channel going towards Fishery Creek, so the Flood Waters always run directly to the east and into North Creek Canal just 100 – 120 m North, opposite the Electricity depot in Canal Road, which is north of the Sewage works, that are situated in Fishery Creek Road and west of North Creek Canal: With the balance of flood waters going down wider main Fishery Creek, and meandering around and discharging directly into North Creek Canal, just north of Scout Hall in Canal Road:

At Barlows Road – West Ballina, just past Horizon Drive, there is a short blind branch tributary creek, that runs west, from Fishery Creek, and it runs under the road through two lots of four or five pipes, so as fish can swim through.

There would have to be a Tidal Canal, which would have to be built at least the same width as the blind Creek Branch at about 10 metres west of Barlows Road, so it could be the same width right through to the Pacific Highway at the Boxed Culverts to take the extra amount of volume in Flood Times.

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Mr Chairman it is our opinion that our organisation should leave this subject, at this point in time, and put it all before the Council. It is not our position to go any further, as we are not Councillors and/ or Council Executive Officers to tell someone else what to do or how to do it. The most basic fundamental Question 1 has to be answered, and debated upon in open Council work-shop procedures, then it would have to go on to the Business Paper, for a second time, for further procedures.

Yours Sincerely,

Ralph Moss, Vice President, Ballina District Rate Payers Association.

*Ralph Moss. 6/3/2015.*



abn: 56 291 496 553  
6 Byron Street, PO Box 538,  
Lennox Head, NSW 2478  
Telephone: 1300 66 00 87

10 March 2015  
Our reference: 1038-082

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

Dear Sir

**RE: Submission in relation to the Draft Ballina Flood Plain Risk Management Plan, January 2015.**

PLANNERS NORTH is a locally based Town Planning consultancy within the Shire of Ballina. We are extremely interested in the orderly and economic development of Ballina Shire consistent with the Strategic Planning approach adopted by Council. This submission to the Draft Ballina Flood Plain Risk Management Plan January 2015 (BFPRMP 2015) is a submission for and on behalf of the partnership PLANNERS NORTH only and is not on behalf of any client.

The Ballina Flood Plain Risk Management Strategy of January 2012 (BFRMS 2012) opined:

*“... in terms of specifically addressing the projected future flood risk on Ballina Island, the following options have been considered:*

- *Do nothing;*
- *Planned retreat;*
- *Build a system of levees and pumps; and*
- *Update/improve planning and development controls.*

*Doing nothing is a form of unplanned retreat, and retreating has not been considered a viable option by the committee. Levees introduce risk of breach, overtopping and an increased maintenance burden on the community.”*

We observe that despite the risk many communities adopt levees, flood gates and pump systems to manage flooding. It was never made clear in the BFRMS 2012 and remains unstated in the BFRMP 2015 as to why this approach has any particular extra level of risk for Ballina. We submit that Council has a duty to explain this two sentence conclusion in detail as it underpins what is potentially a financially unsustainable pathway for the Ballina community in the long term.

The BFRMS 2012 went on to advise:

*“With climate change being a gradual change over time, and current predictions uncertain, a gradual and adaptive floodplain management option would be well suited to dealing with the impacts of climate change. Land use planning is just such a mechanism, and the policies are implemented on the ground relatively slowly, thus providing an opportunity to update the controls if required.*

*The recommended approach for managing future flood risk is to enforce appropriate controls on development in the floodplain...*

*Climate change poses a threat to the sustainability of Ballina due to a significant increase in future flood risk. If a strategy to manage this risk is not implemented, much of Ballina will succumb to regular flooding. This floodplain risk management study has recommended that future flood risk is managed through planning and development controls, which stipulate minimum floor levels for development. Over*

*time, through redevelopment, this approach will lead to filling of Ballina Island and surrounding low-lying developed areas. This approach is also adaptive, whereby if future climate change science predicts different sea level and rainfall intensity changes, development controls can be updated as required.*

*While this strategy will encourage filling of private land, it does not specifically address public infrastructure such as roads and stormwater drainage. The strategy will therefore need to be supplemented with further investigation into required improvement and flood mitigation of public infrastructure; which is a recommendation of this study."*

At the time, S J CONNELLY CPP PTY LTD and others urged the Council to think comprehensively about a more nuanced solution than merely a 'fill it all' approach. It may be, for example, that a better tactic could involve some filling, some leveeing and some flood gating. Additionally, constructing residential floor levels as suspended structural elements and leaving roads at existing or marginally increased levels removes any need for residential filling and maintains existing access and service levels to Council and common infrastructure. Furthermore, Ballina Island is on an estuarine flood plain with weak estuarine deposits overlying sand lenses and sand strata of varying density. Filling on such stratigraphy runs the risk of activating consolidation settlement with consequential impacts on existing services and future and existing structures. On its face, such a multi option approach seems more financially and environmentally sustainable than the hard headed "fill it all" solution recommended.

We respectfully submit that the exhibited Flood Plain Risk Management Plan treats Ballina like one would a town like Casino using the conventional technique of filling as the appropriate management response. We submit that Ballina is not like an inland town. Ballina is much much more sensitive! Ballina has the additional risks of flooding associated with cyclonic activity bringing elevated sea conditions in concert with river catchment flooding. Further, and perhaps more importantly, Ballina has a continuing adverse situation in relation to high tide salt water inundation of its urban area and an associated super elevated water table. The amount and extent of tidal inundation is projected to dramatically increase. Attached are two maps we have produced to show the projected extent of Increased tidal Inundation over the period of the BFRMP 2015.

We are appalled that despite it being a recommendation of the BFRMS 2012 that *"The strategy will therefore need to be supplemented with further investigation into required improvement and flood mitigation of public infrastructure"* no supplementary investigations are presented in the BFRMP 2015. Put bluntly, the BFRMP 2015 deliberately avoids this financial "elephant in the room".

This "elephant avoidance" approach is highlighted by a number of aspects in Council's implementation tool, the Development Control Plan. For example, the Development Control Plan requires filling of all residential lots in Ballina. No advice is provided to Council in any of the documents about the cost or quantum of this requirement. We estimate<sup>i</sup> that this filling mandates private expenditure of some \$537 million and involves the importation onto Ballina island of some 3.5 million m<sup>3</sup> of fill! The Note to Section 3.11 (iii) of the DCP sets out a proposition whereby Council will rebuild its public infrastructure and roads within the Ballina locality which is subject to sea level rise issues. We calculate<sup>ii</sup> this will require, just for road rebuilding, in the order of some 46.2 km of reconstruction entailing a cost of at least \$415 million. Aside from the cost of raising / upgrading roads and other public infrastructure, a key challenge would be practical implementation. In particular, the timing of road raising would need to ensure that overland flow paths are preserved and that water is not simply directed to the last remaining 'unfilled' lots.

Put simply, the private and public purse is not in a realistic position to fund the approach adopted. We respectfully submit that Council should examine "the elephant in the room" a little bit longer before adopting a plan which will commit individual residents to some \$587 million of private expenditure and commit Council to an unfunded program of some \$415 million in just road infrastructure rebuilding.

In addition to the above, we have concerns in relation to the "fobbing off" of core structural measures particularly:

- The Gallons Road cycle way flood way;
- The removal of Deadmans Creek Road;
- Implementation of the West Ballina flood relief culverts;



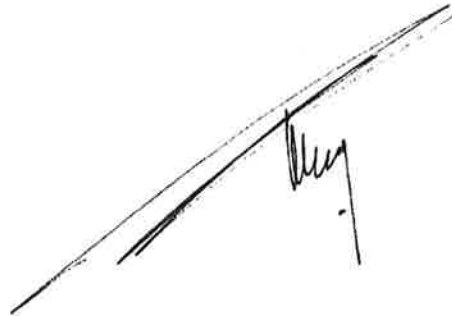
- Implementation of the waste transfer flood way; and
- Implementation of the recommendations of the Newrybar swamp drainage assessment.

We urge Council to ruminate on how these key structural items, required as a core component of Council's Flood Plain management, will be funded in the near future. Perhaps a special Section 94 Plan applicable to existing flood prone land proposed in the flood model to be filled is appropriate?

Should Council require any additional information in which to clarify any matter raised in this submission please feel free to contact the writer at any time.

Yours faithfully,

**PLANNERS NORTH**

A handwritten signature in black ink, appearing to read 'Stephen', is written over a horizontal line. The signature is slanted upwards to the right.

**Stephen Connelly FPIA CPP**

PARTNERSHIP PRINCIPAL

(m) 0419 237 982

(e) [steve@plannersnorth.com.au](mailto:steve@plannersnorth.com.au)

Encl.

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<sup>i</sup> Based on advice from leading local civil engineering experts.

<sup>ii</sup> Based on advice from leading local civil engineering experts



500 m  
 1:30,000 @ A4

— Cadastral boundary

**Inundation**  
 ■ < RL 1.8m

**NOTE**  
 Inundation Modelling & Contour generation  
 was undertaken using the following data:  
 • DTM Analysis is based on the LIDAR Grid as  
 sourced from NSW Land and Property Information  
 2010. Horizontal Datum: GDA84  
 Vertical Datum: AHD11 – using local Geoid model.

**DISCLAIMER:**  
 No warranty is given in relation to the data  
 accuracy or suitability and no liability is accepted  
 (including without limitation, liability in negligence)  
 for any loss, damage or costs (including

# Ballina King Tides RL 1.8m by 2100





500 m

1:30,000 @ A4

Cadastral boundary

Inundation

< RL 1.3m

**NOTE:**  
 Inundation Modelling & Contour generation performed using ESRI ArcMap Spatial Analyst V10.0. Analysis is based on 1m LIDAR Grid as captured 2010. Horizontal Datum: GDA94 Vertical Datum: AHD71 – using local Coast model.

**DISCLAIMER:**  
 No warranty is given in relation to the data (including accuracy, reliability, completeness, currency or suitability) and no liability is accepted (including consequential loss) for any loss, damage or costs (including

# Ballina King Tides

## RL 1.3m by 2050



## Paul Busmanis

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**From:** Klaus Kerzinger  
**Sent:** Monday, 30 March 2015 3:53 PM  
**To:** Paul Busmanis  
**Cc:** Simon Scott  
**Subject:** Fill Quantity Required for Ballina Island to ensure landform is at the 1 in 100 year flood level.

Hi Paul

Simon has advised that based on modelling undertaken today 771,582 cubic metres of fill – say 772,000m<sup>3</sup> is required to achieve the 2 or 2.1 metre AHD level for Ballina Island as indicated on the Ballina LEP 2012 Building Height Allowance maps.

**Klaus Kerzinger**  
Strategic Planner  
Strategic and Community Facilities Group



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[ballina.nsw.gov.au](http://ballina.nsw.gov.au) | [discoverballina.com](http://discoverballina.com)  
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abn: 56 291 496 553  
6 Byron Street, PO Box 538,  
Lennox Head, NSW 2478  
Telephone: 1300 66 00 87

10 March 2015

Our reference: 1038-081

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

Dear Sir

**RE: Submission in relation to the Draft Ballina Shire Development Control Plan, Chapter 2b - flood Plain Management.**

As a Town Planning consultancy firm located in the Shire of Ballina we are vitally interested in the orderly and economic development of Ballina Shire in accordance with Council's adopted Strategic Planning. This submission to the Draft Ballina Development Control Plan, Chapter 2b – Floodplain Management is a submission for and on behalf of PLANNERS NORTH only and is not on behalf of any client.

Our submission in relation to the DCP mainly relates to the following matters:

- The difficulty and complexity of the Development Control Plan structure;
- The mandatory requirement for all development to be flood proofed by way of filling (other than for Wardell); and
- The controls applying to the Ballina commercial district and the likely adverse effect of those controls in relation to commercial activity.

**The mandatory requirement for all development to be flood proofed by way of filling**

The DCP requires in relation to Ballina that all development of land must be 'filled' above specified levels. We acknowledge that the DCP should ensure positive drainage from an allotment to the street to prevent ponding and that all allotments should be raised above the predicted level of tidal inundation. However, the mandatory requirement that all land be filled is extraordinarily expensive on individuals in the Ballina locality. To fill a conventional 750m<sup>2</sup> site by 0.5m, will cost an owner almost \$65,000.00. To fill that same site by 1m will involve expenditure to an owner of almost \$113,000.00.

According to the exhibited Risk Management Plan some 4,757 dwelling sites require flood proofing. Thus, flood proofing as specified in that Draft DCP will result in a cost to private individuals of \$537m and involve hauling into the town 3.5million cubic metres of fill i.e. about 4.4 million tipper truck loads!

*We submit that the DCP should be redefined to require positive drainage to the street and included provisions to ensure no tidal inundation ponding but the flood proofing of any residential occupation floors or levels should adopt the principles as described from Wardell.*

**The difficulty and complexity of the Control Plan structure**

With respect to the 2012 exhibition of the draft DCP, S J CONNELLY CPP PTY LTD made a submission with respect to the complexity of the document. The DCP has been improved since the 2012 version but still remains a difficult and cumbersome policy document, particularly for lay persons.

*We suggest that the form of the DCP could be improved significantly if all of the core elements of the policy were replaced near to the front of the document i.e. Sections 1.2, 3.1, 3.2, 3.4, 3.5; Figure 2; the flood liable maps in Schedules E and F and the prescriptive measures in Schedule D. Other material could be placed in a Schedule to the DCP. The Schedule would give a curious reader access to the historical flood plain management program and*

*the like at the rear of the document but not burden a reader just simply wanting to know how much they have to fill their land by.*

**The controls applying to the commercial district and the likely adverse effect of those controls in relation to commercial activity**

Retail development by its very nature has a relatively high client turnover and customers accessing retail premises have particular regard to ease of access. Pedestrian accessibility to retail development is most conveniently achieved at ground level. Access to "raised level" retailing by way of ramping and the like is recognised as reducing the trade / operational efficiencies and purchaser activity.

We submit that the DCP is blight on the retail functionality of Ballina Town Centre. This centre is competing with the significant retail attractions contained at the Kerr Street Retail Precinct. Each development within the Kerr Street Precinct has been designed on a single level - facilitating ease of movement between car parking area, footpaths and retail premises. Development within the Town Centre needs to ensure that it can, as far as possible, match the ease and convenience of the retail attractions within Kerr Street.

The existing built form fronting River Street is generally provided "at grade" or with minimal increase in floor level (say 300mm). Were a new development to be proposed in accordance with the fill requirements specified in the draft DCP, the proposed building will generally be in excess of 800mm above the adjoining development and will accordingly relate poorly to adjacent development.

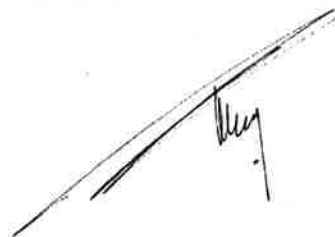
Given the fragmented land ownership pattern within the Ballina Town Centre, redevelopment is likely to occur incrementally over many years. Each development will be required to fill to the applicable level in place at the time that the redevelopment is approved. The likely built form outcome resulting from this is a series of relatively small redevelopments, with little integration with respect to pedestrian and disabled access. Furthermore, the relationship of the buildings to the public footpath network will be dominated by a series of ramps, rather than an active street frontage normally associated with a vibrant Town Centre.

*Having regard to the above, we submit that the DCP approach to commercial development should be similar to that adopted in for example Lismore. The Lismore DCP which allows for shopping to be carried out at grade, ensures positive drainage to the street and provides for flood storage above the relevant flood level.*

Should Council wish to discuss any matters raised in this submission please feel free to contact the writer at any time. We, as a firm, would be more than happy to assist with any re drafting of the DCP to make it more readable (even on a pro bono basis).

Yours faithfully,

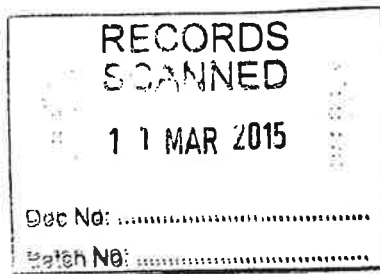
**PLANNERS NORTH**



**Stephen Connelly FPIA CPP**  
PARTNERSHIP PRINCIPAL  
(m) 0419 237 982  
(e) [steve@plannersnorth.com.au](mailto:steve@plannersnorth.com.au)

15 / 15867

Ballina Shire Council  
Att: Paul Busmanis  
Engineer Works Manager



Colin Skennar  
23 Newrybar Swamp Rd  
Tintenbar NSW 2478  
6th March 2015.

Dear Sir,

I wish to tender the following submission and have photos to support the points I make.

To Newrybar Swamp Drainage and Flood Mitigation Study. Draft Report R.B. 17689.001.00

Page 28

Map shows Deadman Creek west of Newrybar Swamp Rd is incorrect, this is much higher and only feeds into Deadman Creek.

Page 54: 6.3.4.1

To the west of Newrybar Swamp Rd natural farm drainage is sufficient to carry runoff as it had done before any development or change to flow.

Page 60: 6.3.5.1

The west on map 6.14 would be different if natural drainage was not impeded.

Page 78: 7.3

I totally agree with the first part, but I disagree with the measure considered unfeasible any work on the east side of Newrybar Swamp Road is not required.

7.3.1

This is the only way to solve the problem on the west side of Newrybar Swamp Road, but the current drainage is sufficient and does not require excavation.

Page 93

Minimum fill level mapping for the Ballina Shire draft D.C.P.

I refer to my property the fill levels west of Newrybar Swamp Road are much higher than east this should not be the case in such a short distance, if not for the insufficient capacity under the road (in 1998 a Ballina Shire surveyor who checked the A.H.D. for the house prior to building said water would have to be over Missingham Bridge before we had water).

If this is implemented it could have a large increase in insurance premiums and future unnecessary building heights which could be avoided with a culvert under the road.

When Ballina Shire Urban Release Strategy Precedent 'B' is developed (in the near future) this will alter all water flows and should significantly alter current modelling of water flows.

Yours Sincerely,

A handwritten signature in black ink, appearing to be "Colin Skennar".

Colin Skennar

15/16425

38 Newrybar Swamp Road  
Tintenbar 2478  
allanandmonica@gmail.com

11<sup>th</sup> March 2015

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

Dear Sir

#### **BALLINA FLOOD STUDY AND FLOODPLAIN DEVELOPMENT CONTROL PLAN**

This letter is to outline our concerns regarding the Draft Ballina Flood Study and Floodplain Development Control Plan. Overall our concerns are:

1. Lack of consultation with Upper Floodplain landholders
2. Use of an unapproved fill scenario in the hydrologic modeling which may impose negative local flooding and planning impacts on landholders
3. Omission of Newrybar Valley in the DCP Flood Precinct mapping.

These are discussed in more detail below.

1. As with the Newrybar Flood Study process, we are concerned with the lack of involvement of landholders and key industry groups in the process. In May of 2014 Mr Michael Wood of Richmond County Council advised by email to both Paul Busmanis and Monica that in relation to the Newrybar Flood Studies a Flood Risk Management Committee exists as a Ballina Shire Council Committee and at that time Mr Wood suggested to both Mr Busmanis and Monica that major stakeholders would be involved in the process. Many of the landholders North of Ross Lane whom I have spoken to have not been involved in this latest phase of the study. Allan understood he was a member of the Community Reference Group of the Committee and so expected to receive progress updates such as the release of a plan. It is very disappointing to us that with both the Newrybar Flood Study and the Ballina Flood Study exhibition processes, we only found out about the call for submissions by accident, stumbling across them on the Internet. We call on the Council to establish a process for engagement with landholders, particularly those around Ross Lane.
2. Our second concern relates to the adoption of a fill scenario used in modeling and consequently in the Development Control Plan Prescriptive Measures. The fill scenario used is clearly unapproved and the result of fill will result in local hydrological changes that may negatively impact on land values and development potential. For example the modeling scenario includes two large areas filled on the southern side of Ross Lane for which fill consent is not granted. Using the Newrybar Flood Study Document as a reference to infer the modelled local scale impacts,



these two proposed fill areas are at or below the elevation of farms on the Northern side of Ross Lane, immediately upstream of the fill area. The impact of this scenario would be to reduce the modeled egress of water from the Northern Side of Ross Lane, and presumably create a greater modeled minimum fill level on the Northern Side. The modeled cumulative impacts have been adopted in this draft Council policy without due consideration for the economic and practical impacts on upstream landholders. Given the rezoning of land on the southern side of Ross Lane from my property (Cumbalum B) and the similarity in modeled elevations (ie. between what has been modeled as filled on the southern side and the land on the Northern side) I call on Council to consider and model the future fill scenario for land on Northern Side of Ross Lane before finalizing the DCP.

3. Finally, of concern to us is the omission by Council to predict Flood Prone Land on the Northern Side of Ross Lane. I understand this omission may have occurred as a result of the timing for completion of the Newrybar Flood Study. I call on Council to extend the DCP Flood Risk Precinct mapping to the extent of the Floodplain, including the upper reaches of it at Newrybar Valley. In conducting this work, Council should include various practical fill scenarios including that one which we have mentioned above.

Regarding the modeling data, I have commissioned Precision Agriculture to undertake a detailed in-field elevation survey of paddocks on my farm this calendar year. Given the difficulties in collecting accurate terrain data over cane land, this being acknowledged in the Newrybar Flood Study, this in-field elevation survey is an opportunity to review the calculated error in the model for this land-use. I call on Council to commit to reviewing the model accuracy for cane land using the in-field elevation data I am to acquire. I am prepared to contribute the data to such a review at no cost, and expect the Council would co-contribute to the review by way of funding the Consultant's expenses, which may include modeling fill scenarios on the Northern side of Ross Lane.

I include as an attachment to this letter a copy of correspondence to the Richmond River County Council regarding the Newrybar Flood Study, which we'd like considered as part of this submission.

We look forward to hearing from Council regarding this submission and the progress of reviewing the Draft Flood Study and Floodplain Management Plan.

Yours faithfully

  
Allan Anderson

  
Monica Poel

A. A. ANDERSON  
PO Box 349  
Wardell NSW 2477  
Telephone: 0427 868 745

29<sup>th</sup> April 2014

Michael Wood  
Richmond River County Council  
PO Box 230  
LISMORE NSW 2480

Dear Michael

#### NEWRYBAR FLOOD STUDY – INVITATION TO COMMENT

Thank you for your correspondence dated 1<sup>st</sup> April 2014 and the opportunity to provide input into the September 2013 Flood Study developed for the Newrybar Swamp area. I have considered the measures suggested by the consultant's BMTWBM, and have provided a response to each of these measures (Table 1 below). Overall I have no objection with the recommendations to improve drainage by installing floodgated pipes along the union and mitigation drains and to enlarge the union drain in its upper reaches, however I strongly object to the construction of causeways reducing levees along either of these drains as it will provide little or no improvement to the duration of the flood, as the study has found.

I am concerned that the flooding behaviour in the Drain Line C area and its connection to the Northern end of Deadman's Creek is not given full consideration in some of the measures. The connection between the Western End of Drain Line C and the Northern end of Deadman's Creek, combined with the levee formed by the disused airport strip provides some protection during flood events. The higher water levels maintained in the Nature Reserve due to the 'weir' installed at the drain connecting drain line C and NR2 is a critically important part of this flood protection function, as it provides protection from the floodwaters 'backing up' from the southern parts of Deadman's Creek. As such I have concerns regarding the reduction of levees on drain line C, and the inability to clear Deadman's Creek. If the Deadman's Creek area was not so silted and blocked, the Deadman's Creek would be less likely to 'back up' towards Ross Lane, and instead would flow more freely towards North Creek. Clearing Deadman's Creek of silt would alleviate flooding and the measure to clear Deadman's Creek has not been fully considered in my opinion.

I note the report recommends for further consideration the raising of Ross Lane by 1.0 metre, and the direct impact that would have on my landholding. I expect that should further consideration be given to this option that affected landholders and relevant industry groups would be consulted on a regular basis, and in a complete manner, and a comprehensive flood risk assessment be undertaken to fully address compensation matters.

I also note the Consultant recommends more detailed elevation studies being completed to reduce the uncertainty of modelled outcomes of measures 1A, 1C and 1D particularly in land under sugar cane and also look forward to hearing of progress on this initiative.

Given that a number of measures are planned on my property, I would appreciate the opportunity to discuss on site the concerns I have outlined and I also look forward to more detailed information provided before any further work is undertaken.

My detailed responses to each of the measures considered in the study is given below in Table 1.

Table 1 – Response to BMTWBM Recommendations on Specific Measures			
Measure	Description	BMTWBM Recommendation	Response
1A	Mitigation Drain West Bank Floodgated culverts.	Recommended for consideration	No objection to these works providing the levels at which the culverts are installed is not counter-productive to local paddock drainage and can be connected to paddock feeder drains or feeder drains constructed.
1B	Mitigation Drain West Bank Causeways  Excavation of causeways through the west bank of the Mitigation Drain ie. 3 causeways 100 metres long reducing the embankment from 2.0m AHD to 1.5m AHD	Not recommended for further consideration	Strongly object to this measure and agree with the consultant's recommendation not to pursue this option as it will provide very little if any improvement to the flood duration and worsen the impacts on the sugar cane paddocks.
1C	Union Drain West Bank Floodgated Culverts  Installation of three sets of 2 x 900mm diameter pipes through the western bank of the union drain, requiring floodgates.	Recommended for further consideration	No objection to these works providing the levels at which the culverts are installed is not counter-productive to local paddock drainage and can be connected to paddock feeder drains or feeder drains constructed.
1D	Union Drain East Bank Floodgated Culverts  Installation of two sets of 2 x 900mm diameter pipes through the eastern bank of the Union Drain.	Recommended for further consideration	No objection to these works providing the levels at which the culverts are installed is not counter-productive to local paddock drainage and can be connected to paddock feeder drains or feeder drains constructed.
2	Drain from Newrybar Swamp Road (2A Alignment of existing culvert or 2B Alternate Alignment)	Not recommended.	Appears to result in significant loss of farmland, and economic loss due to the construction of the drain/s. Any further consideration of this measure requires full consultation with affected landholders and industry groups to address compensation required.
3A.	Improve capacity of Union Drain  Enlarging Union Drain Channel between Newrybar Swamp Road and the Confluence with the Mitigation Drain	Recommended	No objection to this option provided there are no alterations to the levee height, and there is no increased footprint of the union drain on my landholdings.
3B.	Union Drain Channel Enlargement and Newrybar Swamp Road Cross Drainage Culverts  Extension of 3A including an enlarged set of culverts beneath Newrybar Swamp Road 3 cells of 1.8m high x 2.4 m wide and enlargement of union drain channel to have an invert level of 1.5m AHD and 1:2 side slopes	Recommended	No objection to this option provided there are no alterations to the levee height, and there is no increased footprint of the union drain on my landholdings.
4.	Maintenance of existing drainage system	Recommended for implementation	Agree, the removal of blockages in existing drainage infrastructure would reduce inundation duration.
5.	Raising of Ross Lane by 1.0 metre. This would result in an increase in flood levels of 100mm across the area North of Ross Lane, immediately impacting on the sugar cane grown there.	Recommended for further assessment.	Any further consideration of this measure requires full consultation with affected landholders and industry groups to address compensation required, this option would have a

			major affect on the viability of the cane farms and the effectiveness of the other flood measures.
6.	Floodgates on Ross Lane bridge	Worth consideration if sea levels continue to rise	Agree, this option is worth further consideration if sea levels continue to rise
7.	Clearing Deadman's Creek of silt and vegetation between Roberts Creek and North Creek	Considered unfeasible by RRCC due to environmental and access constraints	The blockages at Deadman's Creek would slow the egress of water from the Drain Line C area, and any removal of silt in that area is likely to improve drainage for the properties to the north and west of Deadman's Creek. Clearing within Deadman's Creek is recommended for further investigation.
8.	Reduction of Levees within the Ballina Nature Reserve	Recommended for implementation	Whilst I hold no objection to the reduction of levees around the central and southern parts of the Nature Reserve, the reduction of levees on drain line C may have a detrimental impact on drainage being that the drain line C system currently provides drainage for the paddocks North of Deadman's Creek. For these reasons I hold strong objections to the reduction of drain line C levees beyond the king tide height.
9.	Drainage Line from Cumbalum Ridge to North Creek	Not recommended	Improved drainage of Deadman's Creek is likely to improve drainage for the properties to the north and west of Deadman's Creek. Measure 9 may deserve further investigation.

Whilst I appreciate the opportunity to comment on the flood study, I would like to suggest to County Council that the consultation on this particular study has been incomplete. In my experience County Council invited me to two meetings at Council Chambers, with the invitation being received only a day or so before the meeting. County Council were very accommodating by providing contact details for consultants BMTWBM and recommending to me I discuss my detailed concerns with the Consultants. However when I contacted the BMTWBM I was unable to get hold of the relevant specialist and did not hear back from them at any time. Further, it appears almost by accident that I first became aware of the flood study being complete, having stumbled across it on the Internet, with some 7 months passing between the completion of the report and the invitation to comment. My experience is shared with some of the other landholders in the local area.

I look forward to your response to these concerns and I can be contacted at any time to make arrangements to meet on site.

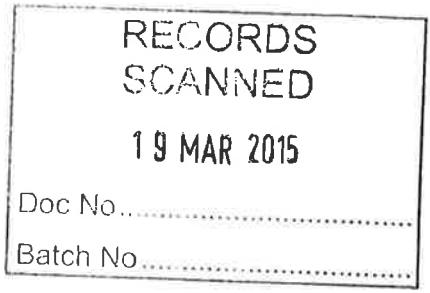
Yours faithfully



ALLAN ANDERSON

15 / 17822

17th March 2015



**Ballina Chamber of Commerce**  
*Supporting the Local Business Community*

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

PO Box 444, Ballina NSW 2478  
T: 02 6681 5049 F: 02 6686 5810  
info@ballinachamber.com.au  
[www.ballinachamber.com.au](http://www.ballinachamber.com.au)

Dear Sir

**Re: Submission in relation to the Draft Ballina Shire Development Control Plan,  
Chapter 2b – Flood Plain Management**

Ballina Chamber of Commerce would like to submit its concerns in relation to the proposed controls applying to the commercial district and the likely adverse effects of those controls in relation to commercial activity.

The retail precinct by its very nature has a high customer turnover and, given the aged population structure of Ballina, ease of access to retail premises in the Ballina Central Business District is of paramount importance. If access to premises was to be at a higher level than is currently the case by way of say ramping then there is little doubt that the retailers in Ballina would suffer from reduced trade.

The retailers in the CBD are doing it tough enough competing against shopping centres and internet trade without having such impediments enforced on their place of business.

If the draft DCP is adopted then we would have a situation where floor height of new buildings would sit in the vicinity of 800mm above older adjoining buildings which is totally impracticable and simply won't work. As Council is well aware there are many different owners of properties in the CBD so any redevelopment of sites is likely to be fragmented and occur incrementally over a long period of time.

The Chamber requests that the floor heights in the Ballina CBD be maintained at their current levels as we believe commercial activity should be looked at in a completely different light to residential property for the main reason that if there is flooding at some stage in the CBD the result would likely be minimal loss of stock as opposed to the safety of residents in the residential areas.

We would be happy to meet with Council should it wish to discuss our submission.

Yours Faithfully

Peter Carmont  
Chairman



.....  
**Dave Robinson**

15 April 2015

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Re; Ballina Flood Risk Management Plan: Attention Paul Busmanis

Submission in relation to Section F2 Removal or Lowering of Deadmans Creek Road.

My family and I have lived on the Ballina Heights Estate for almost 10 years and in that time have seen it grow enormously as far as dwellings and residents are concerned.

Following completion of the Ballina Bypass it quickly became obvious that the construction of the roundabout (where Ballina Heights Drive now connects with Tamarind Drive) was well below par as far as being able to cope when torrential rains came and on at least two occasions was blocked to traffic. Council is aware of the flooding of Tamarind Drive, particularly north of Deadmans Creek Road, it does in fact signpost exactly that.

Up until a few months ago, the only access to Cumbalum/Ballina Heights Estate was via Deadmans Creek Road. (This single access to housing estates seems to be a very dangerous practice of Ballina Council, Ferngrove and Angels Beach being two other estates approved in this single access manner.) As the estate grew it became obvious that this was an unsuitable arrangement, both traffic and safety wise. Ballina Heights Drive, which was recently opened, provided an additional access to the estate and reduced some of the traffic

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April 15, 2015

Page 2

flow on the southern end of the estate but will be of no benefit in times of very

heavy rain or in the event of a traffic accident which could foreseeably block this roundabout for hours.

During our time living here my son, who has medical issues, has needed to be transported to Ballina Hospital Emergency (from home) in excess of 10 occasions & I am sure we are not the only ones in this situation.

I believe that it is the duty of care of Ballina Council to make sure that residents are not placed in a possible life threatening position in the event of this roundabout being closed for any reason at all.

Closure of Deadmans Creek Road will certainly place residents in the unenviable position of being "locked in" should an incident occur and my advice is that Ballina Council could find itself in litigation for creating that situation, particularly with information published 19/02/2015 show that Councils are basing their studies on drastically flawed information and figures.

Under negligence law, a council may still potentially be held liable for failing to consider the impact of a particular proposal, despite the planning scheme being silent on the issue.

No matter what, any estate the size of Ballina Heights must have as a minimum, two accesses and ideally more as the estate grows to the proposed 2000+ residents over the years.

Apart from being inconvenient to the residents of Summerhill Crescent and the southern end of the estate, the closure of Deadmans Creek Road (and indeed the lowering) is a dangerous, unwise and a breach of duty of care proposition by Ballina Council.

*Dave Robinson*

*Justice of the Peace in the State of NSW 108291*

Philip Hindley  
22 The Ridgeway  
Cumbalum NSW 2478

28/2/2015

The Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Dear Sir

Re; Ballina Flood Risk Management Plan: Attention Paul Busmanis

Submission in relation to Section F2 Removal or Lowering of Deadmans Creek Road.

On the 18/5/2010 I sent an email to John Truman of Council at the time objecting to the closure of Deadmans Creek Road. I am still strongly opposed to the proposal to close Deadmans Creek Road.

Following completion of the Ballina Bypass it quickly became obvious that the construction of the roundabout (where Ballina Heights Drive now connects with Tamarind Drive) was well below par as far as being able to cope when torrential rains came and on at least two occasions was blocked to traffic. Council is aware of the flooding of Tamarind Drive, particularly north of Deadmans Creek Road; it does in fact signpost exactly that.

I have never been unable to go into Ballina via Deadmans Creek road because of flooding in the 8 years I have resided here.

Up until a few months ago, the only access to Cumbalum/Ballina Heights Estate was via Deadmans Creek Road. (This single access to housing estates seems to be a very dangerous practice of Ballina Council, Ferngrove and Angels Beach being two other estates approved in this single access manner.) As the estate grew it became obvious that this was an unsuitable arrangement, both traffic and safety wise. Ballina Heights Drive, which was recently opened, provided an additional access to the



estate and reduced some of the traffic flow on the southern end of the estate but will be of no benefit in times of very heavy rain or in the event of a traffic accident which could foreseeably block this roundabout for hours.

I believe that it is the duty of care of Ballina Council to make sure that residents are not placed in a possible life threatening position in the event of this roundabout being closed for any reason at all.

Closure of Deadmans Creek Road will certainly place residents in the unenviable position of being "locked in" should an incident occur.

An estate the size of Ballina Heights should have as a minimum, two accesses and ideally more as the estate grows to the proposed 2000+ residents over the years.

It also appears that Clause D4.6.d in the tender document page 32

"Social Impacts:

This should include inconvenience, isolation, disruption and physical ill health including anxiety and trauma" has not been addressed in the final document submitted to Council.

The closure of Deadman's creek road would entail further travel by us to leave the estate and travel into Ballina.

In summary I wish to request that Deadman's creek road is retained in its present form. If Council do not keep the road in its present form I would prefer as a second best option that it be lowered and retained ,this would still be preferable to the complete closure. However this could mean the estate is cut off from Ballina by flooding, through both Deadmans Creek road and the new Ballina Heights Drive ( because Tamarind Drive north of Deadmans Creek road gets flooded).

Please keep me informed as to any further developments with the above issue.

Yours sincerely

Philip Hindley

66867779

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**From:** Dave <daver19@bigpond.com>  
**Sent:** Sunday, 1 March 2015 7:58 AM  
**Subject:** Ballina Floodplain

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478  
[council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)  
[paulb@ballina.nsw.gov.au](mailto:paulb@ballina.nsw.gov.au)

Re; Ballina Floodplain Risk Management Plan: Attention Paul Busmanis

Submission in relation to Section F2 Removal or Lowering of Deadmans Creek Road.

As a resident of the Ballina Heights Estate I am in vehement opposition to the proposal to lower remove Deadmans Creek Road.

Following completion of the Ballina Bypass it quickly became obvious that the construction of the roundabout (where Ballina Heights Drive now connects with Tamarind Drive) was well below par as far as being able to cope when torrential rains came and on at least two occasions was blocked to traffic. Council is aware of the flooding of Tamarind Drive, particularly north of Deadmans Creek Road; it does in fact signpost exactly that.

Up until a few months ago, the only access to Cumbalum/Ballina Heights Estate was via Deadmans Creek Road. (This single access to housing estates seems to be a very dangerous practice of Ballina Council, Ferngrove and Angels Beach being two other estates approved in the single access manner.) As the estate grew it became obvious that this was an unsuitable arrangement, both traffic and safety wise. Ballina Heights Drive, which was recently opened, provided an additional access to the estate and reduced some of the traffic flow on the southern end of the estate but will be of no benefit in times of very heavy rain or in the event of a traffic accident which could foreseeably block this roundabout for hours.

I believe that it is the duty of care of Ballina Council to make sure that residents are not placed in a possible life threatening position in the event of this roundabout being closed for any reason at a Closure of Deadmans Creek Road will certainly place residents in the unenviable position of being "locked in" should an incident occur and my advice is that Ballina Council could find itself in litigation for creating that situation.

Under negligence law, a council may still potentially be held liable for failing to consider or ignore the impact of a particular proposal.

No matter what, any estate the size of Ballina Heights must have as a minimum, two accesses and ideally more as the estate grows to the proposed 2000+ residents over the years.

It also appears that Clause D4.6.d in the tender document page 32

“Social Impacts:

This should include inconvenience, isolation, disruption and physical ill health

including anxiety and trauma” has not been addressed in the final document submitted to Cour

Travel distances for some residents would be up to 5 times the existing distance.

Apart from being inconvenient to the residents of Summerhill Crescent and the southern end of 1 estate, the closure of Deadmans Creek Road (and indeed the lowering) is a dangerous, unwise and a breach of duty of care proposition by Ballina Council.

...Evan Robinson.....

... 19 The Ridgeway.....

Cumbalum.....

Ballina Shire Council

PO Box 450

BALLINA NSW 2478

**SUBMISSION FROM BALLINA HEIGHTS RESIDENT ACTION GROUP RE:  
BALLINA FLOOD RISK MANAGEMENT PLAN**

1. The Ballina Heights Resident Action Group (BHRAG) has a number of concerns regarding some aspects of the draft Floodplain Plan and the likely impact on residents of Ballina Heights, Cumbalum and surrounding areas. In particular, the proposed actions regarding the future of Deadman's Creek Road as outlined in the Plan are of major concern.

**ISSUES**

2. The Plan proposes either the closure/removal of Deadman's Creek Road or a reduction in the current height of the road in order to improve drainage of flood waters from the Emigrant Creek area. The Plan anticipates that this would reduce the overall impact of future flooding upstream by a total of 20-30mm. While the volume of flood water that may be removed from upstream is significant, this outcome will likely have only a small impact on residences and local low-lying roads in the Ballina Heights/Cumbalum area. Even if this level in flood impact reduction is replicated downstream, it will be insufficient to ensure the roundabout at the intersection of Ballina Heights Drive and Tamarind Drive will be any better-off. This has been demonstrated recently during times of high rainfall and king tides where this roundabout was the first to be flooded.
3. Given that the proposed reduction of only 20mm of floodwater levels can be achieved by modifying the height of Deadman's Creek Road, the committee believes that this outcome achieves very little while halving the current access/egress routes to and from the estate. This would be to the detriment of all who live in this area. This has been shown on two recent occasions where the Tamarind Drive roundabout was severely affected by floodwaters with Deadman's Creek Road remaining accessible on both occasions. Accordingly, the Committee is of the opinion that this particular proposal would have the overall effect of further limiting access to the estate during times of flood or other emergencies.

**OTHER MATTERS**

4. Further, the Committee notes and thoroughly endorses the private submission by Mr Dave Robinson in this matter. In his submission, Mr Robinson clearly outlines a number of issues (particularly medical in nature) which directly affect his family and which could have a major impact on other residents. It should be noted that

emergency services (including medical) are highly likely to be required more often during floods etc and removal of the Deadman's Creek access to the estate will significantly increase both travel times and distances, in particular to the older south eastern area bounded by Summer Hill Crescent. Investigations conducted by Committee members indicate that up to a five-fold increase in the time and distance to be travelled by road to and from this particular area to Tamarind Drive if Deadman's Creek Road is unavailable. This is significantly greater than the additional 1 Km quoted in the draft plan.

5. In addition, the proposed single access/egress route via Ballina Heights Drive to Tamarind Drive is also of concern given the number of near collisions some residents have experienced since this was opened to the public late last year. The major concern here is the excessive speed at which some traffic exits the M1 and approaches the roundabout. This issue is further compounded by the need for traffic entering the roundabout from Ballina Heights Drive to slowly initiate the sharp turn at this junction. In this respect, the Committee noted that maintaining only one access/egress road to a growing estate of this size, particularly where traffic management issues could continue to pose problems in the future, would be a recipe for disaster particularly if the access/egress is blocked due accident during emergencies (again noting that this intersection will continue to be the first to flood despite the proposed reduction in floodplain levels).
6. The Committee also notes that traffic flow counters were set-up on both Ballina Heights Drive and Deadman's Creek Road six weeks ago, presumably to evaluate average traffic flows following the opening of Ballina Heights Drive. However, it should be noted that traffic flow patterns during this time will not be accurate as detours have been in place at various times for the last month or so due to repairs to and re-surfacing of The Ridgeway. The impact over this time would be a reduction in traffic utilizing Deadman's Creek Road with a concomitant increase in traffic using Ballina Heights Drive: This will not provide a true reflection of road usage in the estate.

### **RECOMMENDATIONS**

7. In light of the issues raised above and the concerns of many local residents, the Committee recommends that consideration be given to the retention of Deadman's Creek Road as an access to the south eastern end of the estate in particular, and that works be undertaken to provide much improved drainage beneath the current road. It is the Committees' view that this would achieve a better overall outcome for future management of the Emigrant Creek floodplain, whilst maintaining two crucial access/egress routes to the estate.

*Paul Blanch*

Signed on behalf of the Committee

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478  
[council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)  
[paulb@ballina.nsw.gov.au](mailto:paulb@ballina.nsw.gov.au)

Re; Ballina Flood Risk Management Plan: Attention Paul Busmanis

Submission in relation to Section F2 Removal or Lowering of Deadmans Creek Road.

As a resident of the Ballina Heights Estate I am in vehement opposition to the proposal to lower or remove Deadmans Creek Road.

Following completion of the Ballina Bypass it quickly became obvious that the construction of the roundabout (where Ballina Heights Drive now connects with Tamarind Drive) was well below par as far as being able to cope when torrential rains came and on at least two occasions was blocked to traffic. Council is aware of the flooding of Tamarind Drive, particularly north of Deadmans Creek Road; it does in fact signpost exactly that.

Up until a few months ago, the only access to Cumbalum/Ballina Heights Estate was via Deadmans Creek Road. (This single access to housing estates seems to be a very dangerous practice of Ballina Council, Ferngrove and Angels Beach being two other estates approved in this single access manner.) As the estate grew it became obvious that this was an unsuitable arrangement, both traffic and safety wise. Ballina Heights Drive, which was recently opened, provided an additional access to the estate and reduced some of the traffic flow on the southern end of the estate but will be of no benefit in times of very heavy rain or in the event of a traffic accident which could foreseeable block this roundabout for hours.

I believe that it is the duty of care of Ballina Council to make sure that residents are not placed in a possible life threatening position in the event of this roundabout being closed for any reason at all.

Closure of Deadmans Creek Road will certainly place residents in the unenviable position of being "locked in" should an incident occur and my advice is that Ballina Council could find itself in litigation for creating that situation.

Under negligence law, a council may still potentially be held liable for failing to consider or ignore the impact of a particular proposal.

No matter what, any estate the size of Ballina Heights must have as a minimum, two accesses and ideally more as the estate grows to the proposed 2000+ residents over the years.

It also appears that Clause D4.6.d in the tender document page 32

“Social Impacts:

“This should include inconvenience, isolation, disruption and physical ill health including anxiety and trauma” has not been addressed in the final document submitted to Council.

Travel distances for some residents would be up to 5 times the existing distance. Apart from being inconvenient to the residents of Summerhill Crescent and the southern end of the estate, the closure of Deadmans Creek Road (and indeed the lowering) is a dangerous, unwise and a breach of duty of care proposition by Ballina Council.

James Harris.....  
31 Summerhill Cres.....  
Cumbalum 2478.....  
.....

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**From:** Jim and Fran Harris <fran22@iprimus.com.au>  
**Sent:** Sunday, 1 March 2015 10:55 AM  
**Subject:** Ballina Shire Submission (1)

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478  
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[paulb@ballina.nsw.gov.au](mailto:paulb@ballina.nsw.gov.au)

Re; Ballina Flood Risk Management Plan: Attention Paul Busmanis

Submission in relation to Section F2 Removal or Lowering of Deadmans Creek Road.

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Fran Harris.....

31 Summerhill Cres.....

Cumbalum Park 2478.....

.....

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*R. p. H. Morgan*  
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.....  
PETER KALDON  
.....  
74 THE HEDGEWAY  
.....  
CUMBAUM 2478  
.....

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RECORDS  
SCANNED

- 3 MAR 2015

Doc No.....  
Batch No.....

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Rob Lannoy ..... 59 THE RIDGEWAY CUMBACUM  
..... " " "  
Jean Lannoy .....  
..... g.g.l.

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Maria and Barrie Potter

12 The Ridgeway,

Cumbalum.....

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2nd March 2015

Re; Ballina Flood Risk Management Plan: ATTENTION PAUL BUSMANIS

SUBMISSION: Relating to Section F2 Removal or Lowering of DEADMANS CREEK ROAD CUMBALUM

As residents of the BALLINA HEIGHTS ESTATE my husband and I have very real concerns about the closure or lowering of DEADMANS CREEK ROAD, only months after being opened, the roundabout at Tamarind Drive and the New Ballina Heights Drive were flooded thank goodness we had Deadmans Creek Road opened as we would have been blocked in, while we admit Deadmans Creek Road does flood at times ( Corner of Summerhill Cres) it has never been deep enough to block access to the estate in our five and a bit years we have lived in the Estate.

The only flood level we can envisage is between Deadmans Creek Road and Ballina Heights Drive, which we feel should have been addressed BEFORE the construction of the roundabout at Tamarind Drive.

The response time for emergency vehicles will be increased quite A FEW MORE KILOMETERS THAN ADVISED IN YOUR LETTER (see below point on distances) This will mainly concern Residents of the Southern end of The Ridgeway and Summerhill Cres. These few kilometers extra could mean life and death to a resident or visitor of Ballina Heights Estate.

Our family has had personal experience of what it feels like to wait for an ambulance to arrive when a family member has a heart attack and those extra minutes are crucial to survival.

With the increase of traffic on BALLINA HEIGHTS DRIVE, when the Playing Fields are in use, one accident will result in NO EMERGENCY VEHICLES being able to get through also the increase of traffic on The Ridgeway will double.

We also feel the placing of counters on Deadmans Creek Road when The Ridgeway reconstruction started six /seven weeks ago (still not finished) was very cunning as those of us who usually use that route were detoured over our foot paths to BALLINA HEIGHTS DRIVE. Therefore we feel any data collected on traffic flow will be skewed.

The intersection at Ballina Heights Drive and Tamarind Drive plus traffic bearing down from the bypass is an accident waiting to happen of which we have experienced first hand and we were very lucky they missed.

We are also looking to the future as there are plans to have at least one school and a Supermarket. Whilst knowing this may take at least 10 years to happen one has to think of the increased pressure on one road, the quality of life for residents living along The Ridgeway and surrounding streets with increased traffic and plan for the future with infrastructure that is conducive to all residents.

NOTE;(1) If Ballina Heights Drive , in the councils opinion, is the best route why are the B Doubles, dumptrucks, etc, still using Deadmans Creek road and the Ridgeway to service the northern end of our beautiful estate, impacting on those of us living along The Ridgeway and our quality of life.

**(2) DISTANCES**

Shown below are Independant measurements of distance by residents in contradiction to Ballina Shire Council measurements

Deadmans Creek Road, Summerhill Cres.---- 0.5km

By Way of Ballina Heights Drive & Power Drive ---- 2.5km

Lindsey Ave to Deadmans Creek Road----1km

Lindsey Ave by way of Ballina Heights Drive & The Ridgeway---- 3.5km

(3) If the Estate is to Reach the proposed 2000+ over the next few years, we MUST have more than ONE ACCESS in and out

(4) We believe Council has a duty of care to all rate payers to feel secure in their choice of Estates without it being a threat to health and safety. In todays litigious society we feel that Ballina Shire Council needs to seriously take this issue into account.

Your Sincerely



H and K Stewart  
1/52 The Ridgeway  
Cumbalum NSW 2478

43 Cumminys Cals  
Cumbalum  
NSW 2478

Dear Mr Hickey.

Re: Deadmans Creek Road.  
For the attention of all Councillors.

We recently bought in Ballina Heights and one of the things that attracted us to the property was it's access to the main road into Ballina.

It has been told to us that there is talk of closing the road Deadmans Creek.  
As we live on the Ballina Side of the estate we don't wish for this to happen, we want the road to remain open.

with continued growth in the area we will see an increase in traffic and traffic noise for the Ridgeway and Unara Parkways area, we feel that it is in the Estates Stakeholders best interest to maintain Deadmans Creek Road, with also the understanding with Power Drive, growth of the sporting fields and further developments will also create congestion on the Ballina Heights Drive road. also the access on Tanarand Drive is serviced by turning lanes in either direction, whereas the access onto the Jew roundabout is less safe due to the entering traffic from the highway northside -

We would appreciate information off the future regarding our road.

Thank You for taking the time to read my concerns in this matter.  
Geraldine O Toole.

6 March 2014

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

**Attention: John Truman**

Dear John,

**Re: Proposed closure of Deadmans Creek Road, Cumbalum, New South Wales**

We act for Bruce and Wendy Anderson. We are instructed that Ballina Shire Council (BSC) is actively consulting the community regarding a potential closure of Deadmans Creek Road, Cumbalum, as a response to flooding. We understand that in Council's view, the flooding is caused by the road and the (improvement) cost of culverts would be prohibitive.

**Background**

Given BSC cited flooding as the reason for the proposed closure of Deadmans Creek Road (the Road), we conducted a preliminary review of the Ballina Floodplain Risk Management Study prepared by BMT WBM in January 2012 ('the BMT WBM 2012 Study'). Our initial comments are provided below, together with a request for some further information.

**Preliminary review**

Whilst Deadmans Creek Road was constructed in the early 1980's, the Current scenario modelled in the BMT WBM 2012 Study assumes that the road has been removed. Counter-intuitively, various other volumes of fill and structures (e.g. the highway, school site and sports fields) constructed in the 2000's are included in the 'current' scenario. It should be noted that the scale of the mapping limits the review.

Similarly, flood studies also prepared by BMT WBM in June 2007 for the construction of the Ballina By-pass, indicated some proposed filling on the school site and sports fields. They also indicated that Deadmans Creek Road (showing a slightly different alignment) was to remain.

For the purposes of this review, we have assumed that the flood impacts caused by the construction of fill platforms in the floodplain to facilitate the by-pass were allowable, given that the structure is now built. No requirement for culverts or pipes under Deadmans Creek road was identified at that time.

### **Discussion**

Based on our client's knowledge of floodplain development and our preliminary review of the available reports, it appears that the flood impacts that BSC might be attempting to address by the removal of the Road are, in fact, primarily cumulative impacts of the filling works for the by-pass and development of the sports fields and school sites. That being the case, we would expect that such impacts (i.e. loss of flood storage and changes to conveyance paths) would have been identified during the approval processes for each development in the locale. If that was the case, normal practice would have seen BSC attach, to each development approval, appropriate conditions and/or requirements for works and/or contributions in lieu to be provided or undertaken. These works could have included, for example, the installation of culverts.

The WBM BMT 2012 Study, at 'Section 8 – Flood Modification and Management Measures', described an assessment of two options that it explored to provide some mitigation of flooding impacts. A cost benefit analysis for mitigation at two locations (Sandy Flat floodway and Gallans Road Cycleway floodway) was detailed. To us, this was a suitable method to assess the merits of each option. However, Section 8.6 of that study provides a discussion of Deadmans Creek Road 'impacts' but does not provide the same meaningful cost benefit analysis. In the absence of that analysis (for the Deadmans Creek Road option) a meaningful assessment of the merit of mitigation works is impossible. Furthermore, it renders the report's statement that mitigation measures are 'cost prohibitive' as meaningless.

Appendix D of that same WBM BMT 2012 Study demonstrates that the removal of the Road is inconsistent with the Floodplain Risk Management approach adopted by BSC. Zone C of the Ballina township relies on the Road to provide a suitable evacuation route. Indeed, BSC's adopted flood risk management approach (Figure D3) identifies a possible raising of the road level.

### **Further information sought from BSC**

On behalf of our clients, clarification is sought in respect of the chronological sequence of flood impacts and approvals associated with development within the floodplain.

Specifically:

1. Please clarify the basis of the 'current' scenario modelling in the WBM BMT 2012 Study with reference to the removal of Deadmans Creek Road whilst including other later filling works, infrastructure and development.
2. Please confirm whether BSC has any flood studies supporting the approval of the sports fields and school site developments (as opposed to the separate study associated with the by-pass) and if so, whether those reports would be available for our (further) review.

3. Please confirm what conditions and/or requirements BSC attached to the said development approvals for the filling works in the floodplain associated with the development of the sports fields and school sites.
4. Please provide the cost benefit analysis or other information upon which the BMT WBM 2012 study identified that flood mitigation measures for Deadmans Creek Road were 'cost prohibitive'.
5. Please provide or identify the further assessment of analysis undertaken by BSC in respect of the raising of Deadmans Creek Road, consistent with BSC's adopted flood risk management approach.

**Conclusion**

Notwithstanding these requests for further information, a case for the closure of Deadmans Creek Road due to flooding impacts has not been made, in our view. The claim that mitigation works would be 'cost prohibitive' is seemingly unsupported. Furthermore, the closure of Deadmans Creek Road would be inconsistent with BSC's adopted flood risk management approach in that it would deny Zone C of Ballina township a flood evacuation route.

We look forward to your response. Please do not hesitate to contact this office if you require any further details or elaboration or, alternatively, we would be happy to meet with you in Ballina or our Robina office if you are passing by.

Yours faithfully,



Neil Sutherland  
Director/Principal Agricultural &  
Environmental Scientist & Hydrographer  
BTEC(Hgr)Agr PGDipLanWatMan  
MScEnvMan CPAG MAIAS



Blake Stephens  
Senior Civil/Hydraulic Engineer  
BEngCiv(Hons) MIEAust

Authors Neil Sutherland and Blake Stephens

Our Reference 11244 ADV060315 NMS1F.docx

Your Reference -

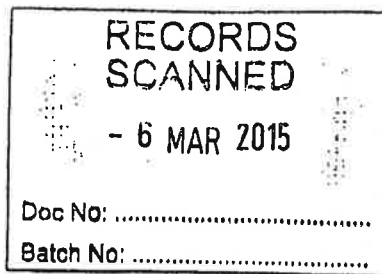
By  Courier  Email  Facsimile  Post

Enclosures -



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*We the undersigned want deadmans creek  
road left alone & upgraded..*  
*J Harris*

We are all residence of Summerhill Cr

M. Nichols	Alison (Bruce Anderson)
J. Nichols	AK Anderson WENDY ANDERSON
K. Nichols	Chithra GRAHAM ANDERSON
X. Witch	Lyndy CHRIS YARDY
P. Witch	Wendy WARREN YARDY
H.W. HAYES	B. Hunter
Cy BRENDAN	<del>W. Hunter</del>
Col Harris <sup>MADEN</sup> Simpson	Warrus Simpson
Glenys Davidson	Glenys Davidson
<del>G. G. G.</del> Davidson	J. G. G.
Thomas Mueller	J. M. M.
Gabrida Mueller	J. M. M.
Martin Lavery	M. L.
FRANK BIEREFELD	F. B.
CEC CHARLTON	Charles
Janice Charlton	J. E. Charlton
RAY MORGAN	R. Morgan
Helva Morgan	H. Morgan
Kerry-Ann Manning	K. Manning
Warwick Manning	W. Manning
Leah Manning	L. Manning
M. Jupp	R. E. Jupp
R. <del>W. W.</del> Butler	Raeen Ball
Wage Shep	
Carel Ann. Challener	Alan Harris

4<sup>th</sup> March 2015

Ballina Shire Council

Attention Mr Paul Busmanis

cc: Mr Paul Hickey, Mr John Truman

Dear Mr Busmanis,

RE: CUMBALUM BALLINA HEIGHTS ESTATE – DEADMAN'S CREEK ROAD

I am writing to you on behalf of my family as concerned residents of Ballina Heights regarding the current discussions around Deadmans Creek Road.

I wrote to Mr Paul Hickey and had phone discussions with Mr John Truman late last year as our position is vehemently opposed to leaving Deadmans Creek Road open.

Our residence is 1 The Ridgeway, and we are located at the top of the roundabout at the corner of Deadmans Creek Road and The Ridgeway. As previously advised in my letter to Council, we purchased our house on the advice provided by Mr Damon Jones of Ballina Shire Council that Deadmans Creek Road was to close. We would NEVER have purchased this house if that was in doubt. We were in a position of deciding between this property and another in Lindsay Crescent and based on Council's advice, we chose to purchase this one. We were told it would occur within approximately 2 years – well that was in 2009 and we are still waiting.

I don't believe ANYONE from Council has ANY IDEA HOW LOUD THE ROAD NOISE IS AT OUR HOUSE. We have heavy construction vehicles using this road all day long, from as early as 6am and often into the early evening, and yes, this occurs on weekends as well. Our bedroom is directly above the roundabout. We have not been able to sleep with our windows open now for well over 2 years. This is causing significant health and anxiety issues for both myself and my husband.

Deadmans Creek Road has also often been used as a raceway with cars flying down the hill from the top of the roundabout and screeching around the corner at the bottom. The police have been called by residents on many occasions due to this. I note that interestingly the new road has a sound barrier constructed – this is fortunate for those residents as we are not so lucky.

We were so elated when the long awaited new road opened providing a safer and far more aesthetically pleasing entry into the estate. I am saddened however that such a huge amount of work and money has gone into it, only to find it hardly gets used. Anecdotally, those that want to keep Deadmans Creek Road open largely say it's because "it's quicker" than going on the new road.

I have read the template letter that is doing the rounds from the Ballina Heights Residents Action Group and am appalled that they are apparently expressing the views of "majority" of residents – that is completely untrue. There is a very large contingent of residents who are very much in favour of Deadmans Creek Road closing. Let the road become the natural floodplain it should always have been and therefore perhaps lessen the general flooding that occurs in this area. The claims that closing the road poses a "safety risk" to residents for emergency service vehicle access is ridiculous. Look at any number of developments (including the huge Pacific Pines and Hutley Drive estates at Lennox Head for example) who only have one way in and out. I am not aware of any major incident due to the road being inaccessible for emergency services. The whole issue here is simply because residents don't want to drive the few extra minutes.

We are aware that Council have engaged in a traffic study and whilst we appreciate those efforts, we are unsure at this point why advice given a number of years ago has now been revoked and the issue is again being revisited. The plan for the estate has always been to close the road and the size of the estate I believe has always been large – why now because a loud group are whinging is everything being turned on its head?

We have engaged the services of a solicitor to act on our behalf as it appears that advice we received from Council in relation to the closure of Deadmans Creek Road was incorrect and this has had a huge impact on us.

I would like it noted in the public submissions that we **STRONGLY OPPOSE** leaving Deadmans Creek Road open.

Yours faithfully,

Sandy Meredith

1 The Ridgeway, Cumbalum

15/14267.

3 The Ridgeway  
Ballina Heights  
CUMBALUM NSW 2478

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

4<sup>th</sup> March 2015

ATTN: Paul Busmanis

## RE: BALLINA FLOOD RISK MANAGEMENT PLAN

This is a submission in relation to Section F2 Removal or Lowering of Deadmans Creek Road, Cumbalum.

We are aware of a letter circulating to residents of the Ballina Heights Estate encouraging residents to complete and submit to Council re. their opposition to the proposal to lower or remove Deadmans Creek Road.

*As residents and ratepayers of the Estate for 7 years we would like Council to take into consideration that there are residents living in the Estate who believe that Deadmans Creek Road should be removed or lowered as per the Management Plan.*

Over the years we have given a lot of thought to issues re. Deadmans Creek Road being an access road to the suburb and would like Council to consider some of the points listed below.

- First point we would like to make is that residents of Ballina Heights Estate should consider themselves very fortunate that Ballina Shire Council found ways to have Ballina Heights Drive and Power Drive constructed which gave the Estate a much improved and safer road entrance.
- The closure of Deadmans Creek Road is often discussed as a neighbourly issue and one question we have asked several times is 'why do you want Deadmans Creek Road to remain open?' Almost all answers are that 'Deadmans Creek Road is a 'shortcut' road into town!'
- A 'shortcut' is exactly why Deadmans Creek Road is still being used instead of Power Drive and Ballina Heights Drive. Often, using the road as a 'shortcut' means that perhaps drivers are running late for work, school, etc and this has been witnessed many times by the speed that some drivers are going, which makes Deadmans Creek Road more of a dangerous road than it is already.
- We have checked how much extra time it takes to use the new roads and it is no longer than 2 to 3 minutes, at most, and it is a lot safer way to go. A few minutes extra travel time is nothing when it comes to safety.
- Our understanding is that Deadmans Creek Road was never meant to be a permanent road - only a temporary road to service Summerhill Drive residents originally and then Ballina Heights Estate as it became established and that a permanent entrance road would be constructed eventually to service both ends of the Estate.

- In the draft letter circulating to residents encouraging them to complete and submit to Council, it refers to the safety issue to residents of only having one entrance into the Estate if Deadmans Creek Road is closed. The Estate has been established for approximately 10 years now and it seems strange that complaints weren't really forthcoming about there being only one entrance for those approximate 10 years. Why has it become so important now?
- Also mentioned in the submission letter are flooding issues with the roundabout at Tamarind Drive and north of Deadmans Creek Road. We have read the Ballina Flood Risk Management Plan for this area and are firmly of the opinion that a lot of the flooding issues in the Cumbalum area would be addressed if Deadmans Creek Road was closed and lowered to allow the natural flow of water in the area take its course. Our understanding is that it is a floodplain area - and history tells us that you can't really change the natural flow of water. We are not experts by any means but to us and a lot of other residents of the Estate this appears to be commonsense.
- In the draft submission letter circulating, it is also mentioned that residents could be put in the position of being 'locked in' should an incident of any kind occur within the suburb. With the completion of Ballina Heights Drive and Power Drive, the fact that they are wide divided roads makes it easier to control traffic in the event of a serious accident on one of them. In the case of really serious access problems there are always other means of exit, eg helicopter or 4 wheel drive vehicles in a life or death emergency.
- Finally, if Deadmans Creek Road does remain open, there is no doubt that there will be a call from residents of the Estate that it be maintained and, as suggested by some, that it be modified to a higher standard of road. We can't imagine how much this would cost the Council, and ultimately the ratepayers of the Shire, to do this. Can residents of Ballina Heights Estate expect this to be done, especially as the Estate has been given new and excellent entrance/access roads, at, we should imagine, great expense.
- EXTRA COMMENT: One puzzling issue at present for some residents is why, now that the new roads are open, do large trucks carrying building equipment and dozers etc. continue to use Deadmans Creek Road when the new roads could be used without the need for them to travel along The Ridgeway to their destination. Most of the construction work being done now is towards the north of the Estate and it seems ludicrous that, considering The Ridgeway has just been repaired and it is a built-up area, that there is a need to go that way when there is a more suitable alternative?

We would like Council to consider and acknowledge our submission points and in closing we would like to comment that there are many residents who do believe that Deadmans Creek Road should be closed and is past its use-by-date. In a forum we are not a minority but we have been hounded down and intimidated by more vocal and strong-willed residents.

Yours Sincerely,

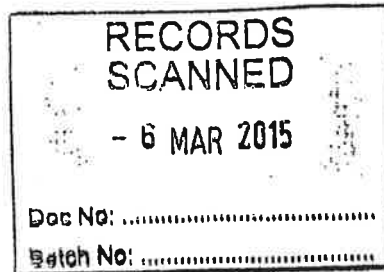
PRUE and GEORGE COADY

3 The Ridgeway  
Ballina Heights  
CUMBALUM NSW 2478

4<sup>th</sup> March 2015

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

ATTN: Paul Busmanis



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- In the draft letter circulating to residents encouraging them to complete and submit to Council, it refers to the safety issue to residents of only having one entrance into the Estate if Deadmans Creek Road is closed. The Estate has been established for approximately 10 years now and it seems strange that complaints weren't really forthcoming about there being only one entrance for those approximate 10 years. Why has it become so important now?
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*P. Coady* *G. Coady*  
PRUE and GEORGE COADY