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ATTACHMENTS to submission:

TO: NSW LEGISLATIVE COUNCIL

INQUIRY INTO CROWN LANDS

FROM: BALLINA ENVIRONMENT SOCIETY INC

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Secretary

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Map 1. Lake Ainsworth Crown Reserve & Lennox Head adjoining urban area.

Lake Ainsworth

- Public space
- Caravan park space

UNFORMED CROWN ROAD RESERVE

PACIFIC PARADE

ST

N

ROSS

IAN AVE

DR

BARRETT DR

EMILY PL

DISCLAIMER

This map is a representation of the plan, but it is not a guarantee of the accuracy of the information contained in it. The information contained in this map is for general information only. It is not intended to be used for any other purpose. The Department of Lands is not responsible for any errors or omissions in this map.

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LOCALITY PLAN - LAKE AINSWORTH CARAVAN PARK, LENNOX HEAD
 AND SEPT 2003 AERIAL PHOTOGRAPHY



Legislative Council Inquiry Into Crown Lands (Standing Committee No 6)

TIMELINE: CROWN LANDS RE Lake Ainsworth

Prepared by Ballina Environment Society July 2016 as Attachment to the Society submission.

1996 *Lake Ainsworth Processes Study Summary.*

Significant problems identified: Alienation of Crown Land by proximity of CP to the lake; need to reduce people load on foreshores; need to protect western, especially SW, from future development

2000 *Lake Ainsworth Management Study.*

Close east road and build a lake bypass road to the north.

(uses Processes Study and public consultation to explore every management option. Two thirds community supports road options.)

2002 *Independent Inquiry Into Coastal Lakes*, NSW Government. Classifies 75 NSW coastal lakes and puts LA in lowest category, targeted repair.

2002 *Lake Ainsworth Management Plan*. Adopted by BSC;

Crown Land approved. Close south road; build bypass road to west of CP; east road realigned but with impossible to meet conditions.

NOTE: **Planning Committee banned from consideration of the CP**

2004 Caravan Park Redevelopment Strategy, proposing Cabins on the SW foreshore of LA and individual ablution facilities for individual sites was massively rejected by the Ballina Shire Community.

2004 June 20. Lake Ainsworth Community Access Group(LACAG) organised a public meeting addressed briefly by GM and LACAG Convener and then opened for public discussion. Extremely cold, wet, very windy Sunday afternoon, approx. 200 attendees from all over the shire unanimously passed four motions and informally supported a call from a BSC councillor, motions were:

- 1.This meeting calls on Council to reject the proposed Redevelopment Strategy for the Lake Ainsworth Caravan Park.
- 2.This meeting calls on Council to adopt the NSW Government Coastal Lakes Strategy of Feb 2003 in any consideration of the Lake Ainsworth Caravan Park
- 3. This meeting calls on Council that, when it develops its sustainability assessment, it ensures equitable access to Lake Ainsworth for all groups of users not priority to Caravan Park users.
- 4.This meeting calls on Council to acknowledge the extent of the current parking overflow from the Caravan Park in peak periods and to develop a traffic control and parking plan to ensure parking for the general public.

- Councillor Howes asked the meeting if public space from an alignment with Stewart St to Pacific Pde was required and there was a sea of raised arms hence LACAG submission to the Master Plan for Modified Option 3.

In response to widespread public disquiet BSC hires consultants CW to determine the boundaries of the CP and the road network.

2005 Lake Ainsworth Master Plan (CW). Close east road, close south road; three options for road to the North. Returns small parcel of CP to public; comments they felt bound to accept CL wishes.

Crown Lands

approves generally (Doc 21);

advises CW consultants before consultancy begins that viability of LACP must not be compromised.

Strongly supports Op1 claimed to be best for environment and CP

Acknowledges that Op 2, the road reserve is a supportable option as the only legal access

Strongly opposes Op 3 slight realignment of existing south road as having no environmental gain and being a political fix only

2005 BSC with strong community support adopts Op3

Crown Lands opposes, refuses access.

2006 BSC adopts Op2 with community support

2007 Crown Lands approves Op 2.

2009 Crown Lands asks BSC to resign as Reserve Trust Manager for LACP.

2010 May. BSC resigns; NCAT (now NSW Crown Lands Holiday Park Trust - CHPT) assumes management

Crown Lands signed agreement for handover:

- Specifically mentions Op 2 as now CL preferred.
- CP boundary Govt gazetted with CP in two parts, Op 2 preferred clearly written on gazetted plan. (Doc 1,2,3,9)

2010 Oct 24. Crown Lands letter to a now non existent Ballina Shire Holiday Parks Reserve Trust shows CL confusion? (Doc 14)

2011 BSC asks for financial help to implement roads plan having failed to attract a grant

Crown Lands, 21 Dec. (Doc 19)

- denies approval of Op 2;
- asserts Op 3 as best and remains CL approved.
- Suggests BSC reconsider
- Suggest coming revision of BCRCR PoM will solve access problems
- Copies letter to Trust who simply replies "thanks" and does not attempt to correct the record.(Doc 20)

2011 Dec 21. **Crown Lands** internal briefing note traces history (Doc21):

- claims opposition to CP 2004 pp 2 "notably nearby residents and neighbours" Fact check: Only partially accurate(see above) June 20th 2004 Public meeting resolutions.
- Tentatively casts BSC as having failed in its Reserve Trust duty to consider road bypass possibilities in the 1990s (pp3) Fact check: Barrett estate DA approval long precedes 1990s
- Trust now considers supporting previously despised Op 3.(p4)
- Confirms Draft BCRCR PoM will identify road issues to be clarified.
- **NOTE:** no mention of handover signed agreement and gazetted plan of CP boundaries.
- No mention of CL 2007 approval

2012 May 1 Local Member, Hon Don Page seeks clarification re handover agreement from CL and Minister(Doc 23)

2012 GM also seeks clarification of apparent change from approval in 2007(Doc 25)

Crown Lands

Letter of response to BSC commits to Op1 (see comment on Doc 24) and illogically refuses a request for funds by demanding a more expensive option be adopted.

2012 May. Briefing Note ((Doc 24) only 5 months after the previous one)

Crown Lands claims:

- Master Plan failed to include S&R (National Fitness Reserve). Accurate that the S&R was not included in the Terms of Reference. Irrelevant claim because neither was the internal arrangements of the CP nor did BSC have any authority to determine S&R boundaries. However, any consideration of the road network must and did include consideration of access to and from the road network. Also S&R management was invited to attend stakeholders meetings as was CP management.
- NOTE: After 2007 approval S&R built facilities that required loading from the south and also its security system to southern access.
- In 2011 the east road was closed for six months because it was under water. No evidence that S&R did not cope with access via western road only.

Inappropriate that CL should try to hold BSC hostage to the internal arrangements of S&R over which BSC has no control and were the deliberative choice of S&R.

Crown Lands:

- adds that it approved Op2 in Jan 2007
- adds that because BSC does not have the funds for \$700,000 require to build (p4) Op 2 "is no longer regarded as viable".pp5.

Comment: Illogical. Most of the \$700,000 was for sealing the western road – later figure puts cost of the unformed road reserve part at \$182,000 but the cost of Op1 , still asserted as CL preferred, is much more because it is longer

and not through all cleared land. Op3 would also incur the cost of sealing the western road.

BSC did not regard Op2 as unviable.

- For the first time mentions Op 3 might be possible on the basis of Trust preference for CP advantage.
- Environmental considerations now absent
- Still no mention of handover agreement although a letter from BES about this time featured it.

2012 24 May Crown Lands Response to GM covers much the same ground as above (doc 27).

Claims approval 2007 inadvertently missed

Proceeds to ignore it.

Still no mention of 2010 Agreement.

2013 4Feb Minister's response to Don Page with attached briefing from CL signed by deputy minister (Doc34).

Crown Lands (minister and briefing)

- Locates clear responsibility for roads to close and/or open with BSC. This position of Minister does not alter throughout including a change of Minister.
- Requests another investigation with public participation because of the length of time since 2010.
- Mentions 2010 Agreement as though it has no special status
- Believes this matter raised now for the benefit of a local candidate? (this is news to BES, LHRA and Lennox Land Care all non party political organizations)

2014 Complete Urban consultancy awarded to review Master Plan and undertake design work for closure of east road. Fulfills Minister's request.

CU report:

- First draft was sent back after BSC disappointment that the terms of reference were not fulfilled.
- Issued report with no public consultation re road options despite claims to the contrary
- Dismissed all three Master Plan road options with one sentence each and superficial reasons
- Recommends that a new eastern road be built 4m wide plus verges 0.5m each exclusively to and from S&R with no stopping or parking for lake users.
- Claims (inaccurately) that CW Master Plan did not consult with S&R
- Claims(inaccurately) that Op 2 was not approved by CL at the time of handover of CP management

Comment: *Could be said to be a plan for S&R by S&R.*

Dec 2014 BSC following community submissions on CU report:

- Addresses the concerns of S&R

- Reaffirm closure of east road and convert to public open space with as much environmental repair as the narrow strip allows.
- Commenced negotiations with CL re use of road reserve Op2 of CW should the south road be closed at a later date
- NOTE Three written submissions from 65 support exclusive S&R access road viz:
S&R
CP Trust
And one other

Crown Lands: (Doc 52)

- now openly rejects Op2 and offers to buy it for repair of the south road
- openly supports south road – the previously strongly opposed Op3 – for two reasons viz:
the CP Trust wants it
it is the practical choice

2015 March. BSC as Reserve Trust authorises staff to investigate CL and CP Trust willingness to pay for building Op1, the longer route, in exchange for surrendering the road reserve Op2.
Both decline funding.

2015 discussions re road options continue with CL and S&R.
Informal group wanting east road to remain open publicly claim support from Kevin Cameron (GCL).
Note: Minister does not interfere by declaring an easement for an eastern road to S&R. S&R does not respond to October confirmation of decision to close the east road.

2016 June. Office of Sport, Mr Paul Doorn, declares at a public meeting that it is comfortable with BSC plans for the eastern precinct, thereby negating S&R claims to the necessity for the eastern road.

July 27 Kevin Cameron denies that the claim of support for keeping road open came from him to the protest group spokesperson. Does not clarify CL position but indicates discussions – undefined - continuing between BSC, CL and S&R. (update doc)
Note: If accurate Mr Cameron is at odds with previous Ministerial communications re BSC responsibility.