

**Submission
No 4**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Name: Ms Morgan

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In Byron Bay, Crown Land is unlawfully used for private enterprises - examples:

1. Crown Land - rail corridor:

In approximately 1898, Commonwealth Railways of Australia leased land within the freight rail corridor to enable primary producers to load goods onto freight trains (example - company that became Norco - dairy products - constructed railway infrastructure buildings within 4 meters of track). During the 1970s, the Commonwealth transferred responsibility for the rail corridor to the State of NSW (NSW Railways) and apparently the State failed to renew the leases for the Crown Land (within the freight rail corridor). In the late 1970s, when Norco moved out of Byron Bay, Norco sold the buildings and the Crown Land (freight corridor) to private enterprises. The freight rail services were cancelled - and in 2002, the last passenger train ran down the rail corridor. The old Norco railway infrastructure buildings - that lie within 4 meters of the railway line - are now privately owned and the old Buttery has been renovated into residential (bedrooms within 4 meters of railway track) guaranteeing that no train will ever run down that Crown Land rail corridor again. Since 2002, all along the Crown Land rail corridor (including passenger train corridor), private property owners have annexed Crown Land to within 8 metres and 4 meters of the track - and permanent structures (including "residential" used as tourist accommodation has been constructed with Council consent.

Examples: KIAH resort (Cavannbah Street) is constructed within the old freight rail corridor to within 8 metres of the track; Warren Simmons petrol station (car repairs and car rentals) occupies Crown Land up to the gravel of the railway track; Woolworths has expanded to within metres of the railway track.

2. Crown Land - transport infrastructure:

Railway Friendly Bar - i.e. a pub/hotel - (operated by Fintide Pty Ltd - owned by Thomas and Catherine Mooney) has occupied (since 1981). After passenger train ceased running (2002), Railway Friendly Bar has expanded into the old Countrylink car park and claims approximately 6,000 sq meters of Crown Land designated for transport infrastructure - i.e. old railway refreshment building that has been expanded to occupy much of the old Countrylink carpark - the remainder of the old Countrylink car park being declared "private property" to be used for "hotel patrons" only car parking.

Due to the aforementioned, (a) Translink (previously Countrylink) and other intercity coaches (Greyhound etc) are obliged to collect and set down passengers at the small bus stop that was

supposed to be for local buses only; and (b) even first class Translink paying customers cannot park their vehicles in the Crown Land car park. When I travel to Sydney via Translink, I am obliged to park my vehicle quite a distance from the old railway car.

The aforementioned 6,000 sq. metres of Crown Land should be used for a intercity coach terminal (with toilets, showers, lockers and refreshment area that does not include selling alcohol) i.e. for use by the general public - not for a PUB to make a multimillionaire booz baron who owns other pubs even richer at the expense of depriving the general public of a decent intercity coach terminal (with decent toilets). At the moment, the numerous coach passengers have the usage of 3 unisex exceloos in a nearby park - or they can go to the Railway Friendly Bar and purchase a beer in order to use the pub toilets (which I guess is the general idea of giving the Crown Land to a publican).

Crown Lands bats complaints to Railcorp - Railcorp bats complaints to Crown Lands and/or John Holland Rail (who hold the lease for the land - despite now being 100% owned by Chinese company that is 100% owned by Chinese government). John Holland Rail refuses to comment on sublet of Crown Land designated TRANSPORT to private individuals operating a PUB - claiming Privacy. Citizens are not entitled to be informed of the arrangements relating to a railway refreshment building being used as a PUB since 1981; and/or 6,000 sq. meters of TRANSPORT Crown Land being used to operate a PUB and for PUB car park (since 2002).

3. Caravan Parks located upon Crown Land Rest and Recreation Reserves:

In Byron Bay - First Sun Caravan Park and Clarkes Beach Caravan Park. However, every Crown Land coastal caravan park in NSW has been unlawfully morphed into private property "tourist/holiday" parks - that exclude local residents.

Once upon a time, caravan parks located upon Crown Land provided pov people with an affordable accommodation option. Then politicians who have homes decided that coastal Crown Land Rest and Recreation Reserves should not be for the use of local residents or for designated purpose - rather used for "private enterprise" to get richer. Morphing Crown Land caravan parks into "tourist parks" made tens of thousands of human beings - including myself - HOMELESS. The purpose of Crown Land Rest and Recreation Reserves is to provide HUMAN BEINGS who do not otherwise have access to land with access to land - not to provide persons who have access to land with exclusive rights to a "holiday" camp. All caravan parks on Crown Land should be at least 50% for use of local residents (at reasonable rates) - i.e. affordable alternate accommodation for persons who have no access to land (including upon which to REST). I used to pay \$56pw to pitch at tent at First Sun - went up to \$125pw - now it is so expensive that nobody in receipt of Centrelink payments can afford to pitch a tent there - and the "private owners" only permit a 3 weeks per year stay for tent sites.

4. Beach cafe/restaurant (Crown Land rest and recreation reserve at Clarkes Beach) - started out a tiny kiosk - supposedly just to provide cool drinks and icecreams to beach goers); expands into a small cafe; then expands into a large cafe; then expands into a Restaurant (expensive - beyond the means of the average beach goer); then expands into a Wedding Function centre. As is apparently the standard method of expanding annexing of Crown Land - first they put out a seating and tables - then plant 'shade' (trees) - then fence off the seating and plantings - then start the process again - plants and seating on the other side of the fencing - then move the fencing. Beach Restaurant is again expanding this winter - into the adjacent Crown Land PARK - apparently with Council consent - the Restaurant - PRIVATE function centre will soon be larger than the adjacent park. Give the greedy private property owners a tiny kiosk - eventually the private enterprise will take a large Restaurant/Function centre - complete with large outdoor area - worth of Crown Land. On night, whilst attempting to sleep in my car, I was attracted by the music - standing in the now little park adjacent to the activities (apparently a wedding), I was informed by a man wearing a suit "this is a private function" - and that I had to leave (the little that remains of the adjacent Crown Land).

5. In Byron Bay, unlawfully annexing Crown Land is common:

Belongil Beach land owners adjacent to the foreshore have annexed Crown Land foreshore via construction of rock walls - bizarrely made more permanent by Council.

Private property owners plant trees on Crown Land public roads outside their private properties (usually "residential" properties unlawfully used as tourist accommodation") to prevent road users parking outside their properties.

Bay Lane - the footpaths are annexed by adjacent private property owners - usually via planter boxes that make it impossible to walk anywhere other than on the road. At rear of Bay Motel (owned by Tom and Cath Mooney - professionals at claiming Crown Land as their "private property") a high metal fence has been constructed across the public footpath - annexing the public footpath to the edge of the road.

The examples of Crown Land being unlawfully annexed as "private property" in Byron Bay are too numerous to mention. The Crown Lands department needs to survey Byron Bay and take action to ensure that all unlawfully annexed Crown Land reclaimed by the State. I suggest that the government start with the Crown Land caravan parks that have been unlawfully morphed into "tourist parks" - so homeless locals can pitch a tent; then the Railway Friendly Bar - construct a decent intercity coach terminal (with toilets, showers, lockers and parking for Translink customers - rather than hotel customers) - then attempt to reclaim the annexed rail corridor - then street by

street reclaim the thousands of square meters of Crown Land being claimed as "private property" (including Crown Land roads/footpaths).