

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Muddy Creek Boating and Amateur Fishing Association Inc.
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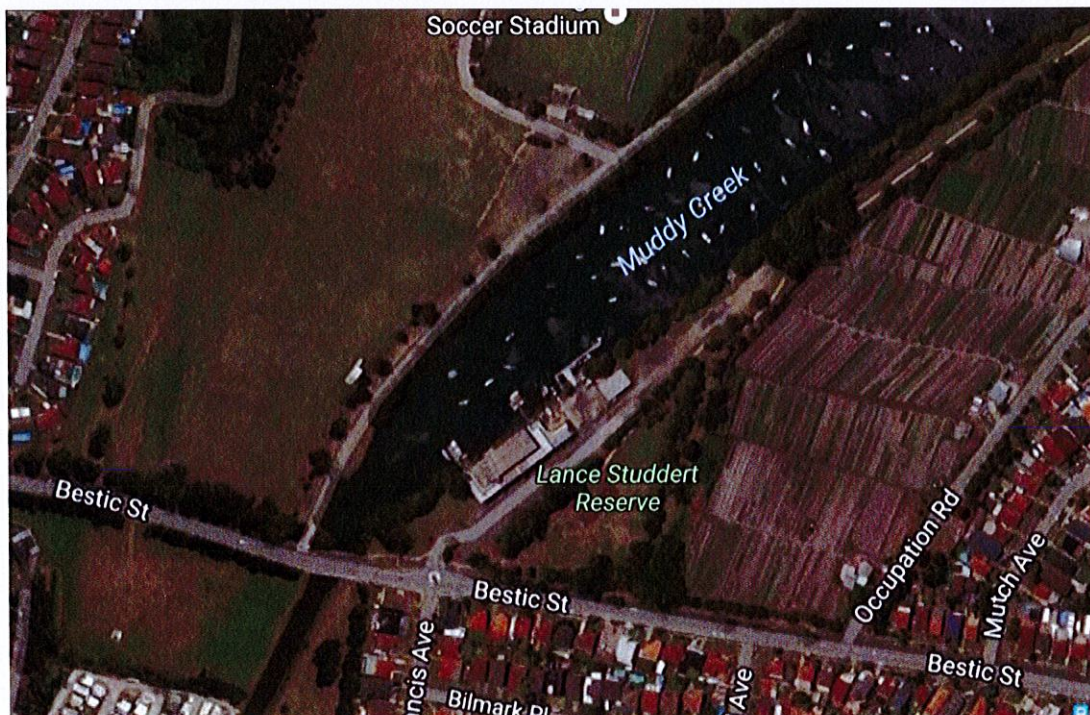
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Topic: DPI MANAGEMENT AND USE OF CROWN LAND IN NSW

The Hon. Paul Green, MLC.,
Christian Democratic Party,
Parliament House,
Sydney

Dear Sir,

Muddy Creek Boating & Amateur Fishing Association Inc. (MCBAFA) wish to thank you as the elected Chairperson of the Legislative Council Standing Committee No.6, for the opportunity to lodge our submission for inclusion in the Crown Land in NSW Management and Use inquiry.



Aerial Photo centred on 100 Bestic St, Kyeemagh NSW 2216

This Association's submission, herewith, documents relevant sections of its history and that of the former Brighton Amateur Fishermen's Association (BAFA) as applicable for the continued long term occupancy, care and management of the buildings and the infrastructure at 100 Bestic St.

Kyeemagh, NSW. This is both Crown and Community land together with its associated waterway.

Crown Land and Community Land description for consideration:

Government ref: Lot 6 DP17133 a section of the Muddy Creek Precinct. Land Description Crown Waterways:- Part lot 7303DP114870, Parts of lot 5 and 6 DP17133 comprising Crown Land and Council Community Land. Area approx. 91,100 m².

(See Appendix 1 for details and photos taken from the ministerial document: "The Muddy Creek Plan of Management" (February 2011))

Summary of Areas of Concern, and our history timeline of Crown Land use

Our Concern 1: That the original covenant, i.e. '*land and access given in perpetuity for community and recreational use*' will be subverted, into some other form.

Our Concern 2: That delaying tactics or some hidden agenda by un-named faceless officials in both government and private circles, are being used to thwart any long term occupancy availability to MCBAFA.

Our Concern 3: That the effects of short-term-only permissive occupancy is choking opportunities for further improvements

Our Concern 4: That our continuing improvements to public infrastructure will have been in vain without long-term occupancy security, so as to guarantee MCBAFA's viability.

Our Concern 5: The 1st Kyeemagh Sea Scouts, now known as T.S. Sirius cadets, who have jointly occupied our site for most of the 60 years, as well as being cared for, by both BAFA and MCBAFA, have now been totally dispossessed of their facility, and have regrettably been forced to moved elsewhere.

Our Land Use 6: BAFA & MCBAFA and suburb history from 1885 to the present illustrating care and management of Crown Lands, Community Lands and Waterways.

Our Concerns (in detail):

We understand that the area was originally gifted to the community by a benefactor and is still subject to covenant conditions which show that the area must always remain for community and recreational use in perpetuity.

We also understand that MCBAFA's present occupancy terms are the same as those which existed up to the demise of the former BAFA club in 2012. This

was subject to two (2) permissive occupancy licenses. One for the structures below the Mean High Water Mark - (DPI) the other for land based sections of the buildings and surrounding areas above the Mean High Water Mark. (Rockdale City Council - RCC)

MCBAFA now occupies only a small part of the lower section of the original BAFA premises in accordance with a temporary permit issued by Rockdale City Council in favour of MCBAFA. A recent 12 month extension of the permit has been negotiated with Council and thus begins MCBAFA's 5th year of occupation under these temporary and part occupancy conditions.

Appendix 2 photo illustrates where MCBAFA's occupation is limited to the use of the under-croft area and boat-ramp and slipway which are adjacent older BAFA facilities.

MCBAFA has corresponded with the relevant Ministers, their departments including Crown Lands, DPI and Rockdale Council to apply for a long term occupancy lease of the areas above and below the Mean High Water Mark. Additionally, MCBAFA as a financial member of the Men's Shed Association, (member no. AMSA 101115) has also applied to establish a Men's Shed in the unoccupied, lower area of the main building. We refer to the Brief: "Memorandum of Understanding between the Department of Primary Industries (DPI) and the Australian Men's Sheds Association (AMSA)" for the use and development of Men's Sheds in NSW on Crown Land. This application included support documentation from the Australia Men's Shed Association and Rotary Club of Rockdale City nominating MCBAFA as ideal candidates.

Despite our ongoing efforts, these applications have been rejected without any form of explanation.

See within Appendix 3: "2014-11-19 Men's shed move would retain Fisho's club site"
See also Appendix 3b: Media Release - Men's Shed

Demise of the old BAFA by 2012

BAFA, and now MCBAFA, have occupied the location at Lot 6 DP17133, 100 Bestic St. Kyeemagh for almost 60 years (since 1957). The original BAFA club was forced to close in 2012. This closure resulted from illegal and dubious actions of the prior management and their associates. These criminal actions are common public knowledge and have been reported by the media with individuals remaining under notice of the relevant authorities.

See appendix 3 various articles from newspaper - "The Leader" in support of the above claims

Who and what is MCBAFA: The new MCBAFA resurrected on the old site:

Despite the closure of the licensed and upper areas of our former club and the enclosed boat storage areas, a group of original members resolved to form a new club naming it the Muddy Creek Boating & Amateur Fishing Association Inc. (MCBAFA) in late 2012. It is a non-profit Association run and operated by volunteers and members. By its charter and underlying purpose, we work together towards making amateur fishing and boating available for the benefit and enjoyment of our members, their families, and also available to the local rate paying community, and fishing fraternity. All club subscriptions and fees have been deliberately kept very low, because a large section of our membership are seniors and pensioner groups. Since 1957 both BAFA and now MCBAFA has maintained and improved amateur boating and fishing facilities, been involved with, and supported, the wider community and our environment. Our current financial membership exceeds 320 and increasing. We cater for 160 trailer boats and 70 moored boats in addition to our membership total. The boats owners and their families who participate, enjoy the benefits of amateur fishing, boating in the marine environment.

Notable history of achievements by BAFA:

Since its inception, BAFA has supported Community groups, including providing facilities and underwriting the costs involved with the 1st Kyeemagh Sea Scouts later the T.S. Sirius Cadet Unit for these 59 years until the relocation of the Cadet Group to a land based site void of any waterway access.

See appendix 4 for newspaper: "The Leader" reports about T.S. Sirius

It should be noted that the T.S. Sirius buildings and inclusive marine facilities, were originally constructed, maintained, and later upgraded by the Association. TS Sirius running costs and expenses were paid for by our Association. MCBAFA have extended an open invitation to the TS Sirius Cadets for the use of our facilities, ramp etc. This open invitation has been frequently accepted. When they were forced to move elsewhere to Arncliffe, it left them 'high-and-dry'—Navy Cadets without water access !

BAFA has also carried out and contributed at great cost (\$200,000) towards the dredging (twice) of the Muddy Creek waterway.

Appendix 5 shows dredging operations in progress circa 1963-64 and 1995-96

Both BAFA in the past, and now MCBAFA, volunteers and members continually clean out the accumulated rubbish from the Muddy Creek waterway and adjacent foreshore. MCBAFA acts as a central collection point centre during each annual "Clean-Up Australia" Day.

See Appendix 5 under "Clean-Up Australia Day" volunteer

“Appendix 6” is entitled “A Photographic History of Crown Land use in the suburbs of both Brighton-Le-Sands and Kyeemagh from 1885 to 2016”

Nothing exists today except memories, photographs and some stories regarding the original crown land user, Thomas Saywell and his constructions along Lady Robinson Beach, Brighton-Le-Sands. Major storms have also removed many location markings.

We believe this series of photos will serve to demonstrate how well we, as both BAFA and MCBAFA, have used, managed successfully, and improved Crown Lands and community lands entrusted to our care.

Both BAFA and MCBAFA have always had good relationships with the emergency services and RMS. From 1963 BAFA operated and had always underwritten the costs for a Volunteer Coastal Patrol Boat.

MCBAFA has on numerous occasions, including recent events, volunteered our equipment and vessels to assist vessels or have rescued vessels in distress. This co-operation and assistance with the authorities has operated for decades with an open invitation to the use of our facilities.

(Continuing within Appendix 6 see - “Seaguard”)

We also understand that the NSW Aviation Emergency Plan - State Emergency and Rescue Management Act (amended 1989) guidelines define our club site and waterside facilities suitable and strategically located where support response personnel, vehicles and other equipment can be held and used during an emergency.

Recipients of Donations from BAFA. *Examples from annual reports year 1961-1992 See Appendix 7*

Final Summary of our concerns re Crown and Community Land:

MCBAFA is greatly concerned that should unfavourable changes come about initiated by persons or organizations beyond our control, then the resulting site area of Crown Land and Crown Waterway where established infrastructure exists entrusted to us will pass beyond our ability to care for it.

We hope, that the guidelines which are subject of this inquiry, will not lead to a change so commercial Interests will redevelopment ad hoc. Any form of commercial development would obviously be in conflict with the benefactor's covenant for our managed area.

The collected-and-preserved knowledge gained over the past 60 years by both our Associations marks us as the oldest “occupier” of Muddy Creek. Thus this knowledge of the waterway and its Crown Land area, makes us a unique custodian if any sustainable development is to occur. This fact means that we

are most certainly better advantaged to co-ordinate any future development, should it take place. Whatever development does take place **MUST** adhere to the benefactor's caveat conditions - which include the beautification of the area, upgraded and increased amateur boating and fishing facilities, all as **COMMUNITY** land. We envisage that these improvements will enhance the enjoyment of the local community together with the amateur fishing and boating fraternity - a development which would **NOT** take place nor be guaranteed if commercial interest were to succeed.

We need a guarantee of long term permissive occupancy licences for our continued viability as a voluntary association.

Further, the removal and loss of existing club infrastructure would undoubtedly deny access to the waterway via our facilities, especially for Airport Emergency Services, RMS and SES who would need it, if an emergency situation arose. Certainly **NOT** a pleasant thought.

Additional factors resulting from any closure of infrastructure, would restrict access to the park, the cycleway and public parking areas, and would deprive the greater local community, visitors and tourists the enjoyment gained from and use of these established facilities and the recreation parkland. Would this not deny access for those in our community who could least afford it?

The Association thanks you in advance for your consideration of our submission and trust this additional information will assist the Committee's inquiry.

Should any additional information be required whether verbal or written, then extensive documentation, hard copies etc., of the club activities and our history of support and involvement with the community, local and other charitable organisations, local Government organisations and Associations are available on request.

If further MCBAFA contact is required kindly please make personal contact with Bob Young –

Yours sincerely,

Bob Young
President MCBAFA Inc.