

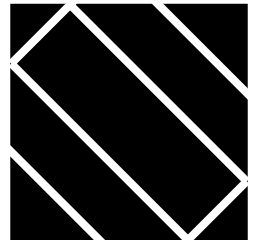
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## **+ RESPONSE TO SUBMISSIONS & BALLINA SHIRE COUNCIL'S REQUEST FOR ADDITIONAL INFORMATION**

**Proposed Lake Ainsworth Foreshore Improvement Works – Lennox Head, NSW  
Ballina Shire Council Part V Assessment No. 2017/12**

• Prepared For: **Ballina Shire Council** | • Prepared by: **DAC Planning Pty Ltd** | • **June 2018** |



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## RESPONSE TO SUBMISSIONS & BALLINA SHIRE COUNCIL REQUEST FOR ADDITIONAL INFORMATION

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### 1.0 INTRODUCTION

Ballina Shire Council's Civil Services Group has commissioned DAC Planning Pty Ltd to prepare a response to the Request for Further Information dated 6 February 2018, prepared by Ballina Shire Council's Development & Environmental Health Group and the submissions received during the exhibition period.

### 2.0 BACKGROUND

In November 2017, DAC Planning Pty Ltd prepared a Review of Environmental Factors under Part V of the Environmental Planning & Assessment Act, 1979 (as amended) in relation to the proposed Lake Ainsworth Foreshore Improvement Works (LAFIW).

The Ballina Coastal Reserve Plan of Management (April 2003, November 2011) (BCRPOM) was prepared by the Department of Land and Water Conservation under Sections 112 to 116 of the Crown Lands Act.

In a broad sense, the objective of the proposed foreshore improvement works is to implement the BCRPOM and transform the lake foreshore areas to a "pedestrian friendly" environment by, among other things, closing the eastern road (extension of Pacific Parade) to general traffic (but remaining open to emergency vehicles), rationalising car parking, improving degraded lake foreshore edges, improving picnic and day tripper facilities and providing suitable landscaping.

Assessment of the merits of the various issues raised in the submissions, should be undertaken in the context of the broad objectives of the proposed work and the provisions of the BCRPOM.

### 3.0 BALLINA SHIRE COUNCIL REQUEST FOR ADDITIONAL INFORMATION DATED 6 FEBRUARY 2018

On 6 February 2018, Ballina Shire Council Development & Environmental Health issued a Request for Additional Information in relation to the following matters:

- ♦ Waste collection and disposal
- ♦ Bushfire protection access
- ♦ Matters raised in public submissions

These issues are addressed in the following sections:

#### 3.1 Waste Collection and Disposal

The proposal is designed and promoted as a recreational area which includes the provision of picnic areas. Additional information is therefore required to demonstrate that the proposed number and location of waste receptacles will adequately manage the waste expected to be generated in this area.

##### Response

Strategically placed waste receptacles will be located along the eastern and southern lake foreshores in proximity to picnic facilities.

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Access for garbage trucks to service the receptacles will be available from the southern road and the eastern road up to the new roundabout, which will be open to emergency vehicles and other vehicles authorised by Ballina Shire Council. The need for additional receptacles along the northern most portion of the eastern foreshore will be monitored and additional bins placed if required.

### **3.2 Bushfire Protection Access**

The 'emergency access' corridor will provide alternate ingress/egress for the Lake Ainsworth Sport and Recreation Centre to the north. This facility is classified as a 'special fire protection purpose' under the Rural Fires Act 1997 and therefore access should be provided in accordance with Planning for Bushfire Protection 2006. Please demonstrate compliance with these requirements.

#### **Response**

On 28 March 2018, Ballina Shire Council Officers and Council's Bushfire Consultant met with Rural Fire Service (RFS) Officers to discuss this issue. In summary, the RFS advised that the level of service for bushfire vehicles on the eastern access should comply with Planning for Bushfire Protection, 2006 (PFBP2006) or at least result in a standard which is an improvement on the existing standard. The RFS also requested information in relation to evacuation procedures for Camp Drewe and the Lake Ainsworth Sport and Recreation Centre (LASRC), together with traffic numbers and other information.

Subsequently, Council representatives met with Officers from the Office of Sport at the LASRC on 3 May 2018. The Sport and Recreation Officers confirmed that the NSW Office of Sport has no objection to the proposed LAFIW, providing that emergency access to the LASRC is maintained.

The information sought by the RFS and obtained from the NSW Office of Sport and other sources has been compiled into a Report by Land and Fire Assessments, a copy of which is attached at **Appendix 2**.

In summary, as a result of the consultations and the Report, the Proposal Plans have been amended to, inter alia, ensure that a 6m wide emergency access eastern corridor with a 3m wide concrete pavement, is available. The installation of additional fire hydrants and a vehicle passing bay along the route of the access way is also proposed.

### **3.3 Public Submissions**

The exhibition period for the application has now closed and a substantial number of submissions have been received by Council. Please review each submission and provide comment on all relevant issues raised. Comments should be in a format which is suitable for inclusion in the Council report. To assist with this process a list of submitters, summary of issues raised, and copy of all submissions has been provided on the enclosed USB flash drive.

#### **Response**

During the exhibition period, a total of approximately 4,770 submissions were received, including a lengthy submission from Preserving Lake Ainsworth Inc. (approximately 70 pages). Council's Development Environment & Health Group has prepared a Summary of Public Submissions (Part V – Lake Ainsworth) as at 2 February 2018. The Summary accompanies Council's RFI dated 6 February 2018. A total of 129 issues and suggestions are included in the Summary.

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It is considered that the Summary document provides an appropriate synopsis of the key issues raised in the submissions. Accordingly, this Response to Submissions will address the issues and suggestions identified in the Summary document prepared by Council.

### 3.3.1 Parking / Traffic

#### Issue 1

Road closure will increase parking at the south-eastern end of the lake. This will put the natural grass area and facilities under greater pressure.

#### Response

Annexure E of the Review of Environmental Factors (REF) (DAC Planning Pty Ltd, November 2017) comprises an Engineering Services Report (Ballina Shire Council, 3 November 2017). Section 3.6 of the Report addresses existing and proposed parking arrangements. In summary, there are 68 informal car parking spaces on the eastern road which will be removed to facilitate the foreshore improvement works. The proposed work includes formalising 140 spaces on the southern road, including 4 spaces for disabled persons, which is a similar number to the existing informal spaces.

To offset the loss of the 68 eastern informal car parking spaces, a new car park (36 spaces) has been constructed on the eastern side of the Lake Ainsworth Caravan Park. In addition, 34 spaces have been formalised in Ross Street. The location of the existing and proposed car parks in the context of the eastern lake foreshore is shown on **Figure 1**.

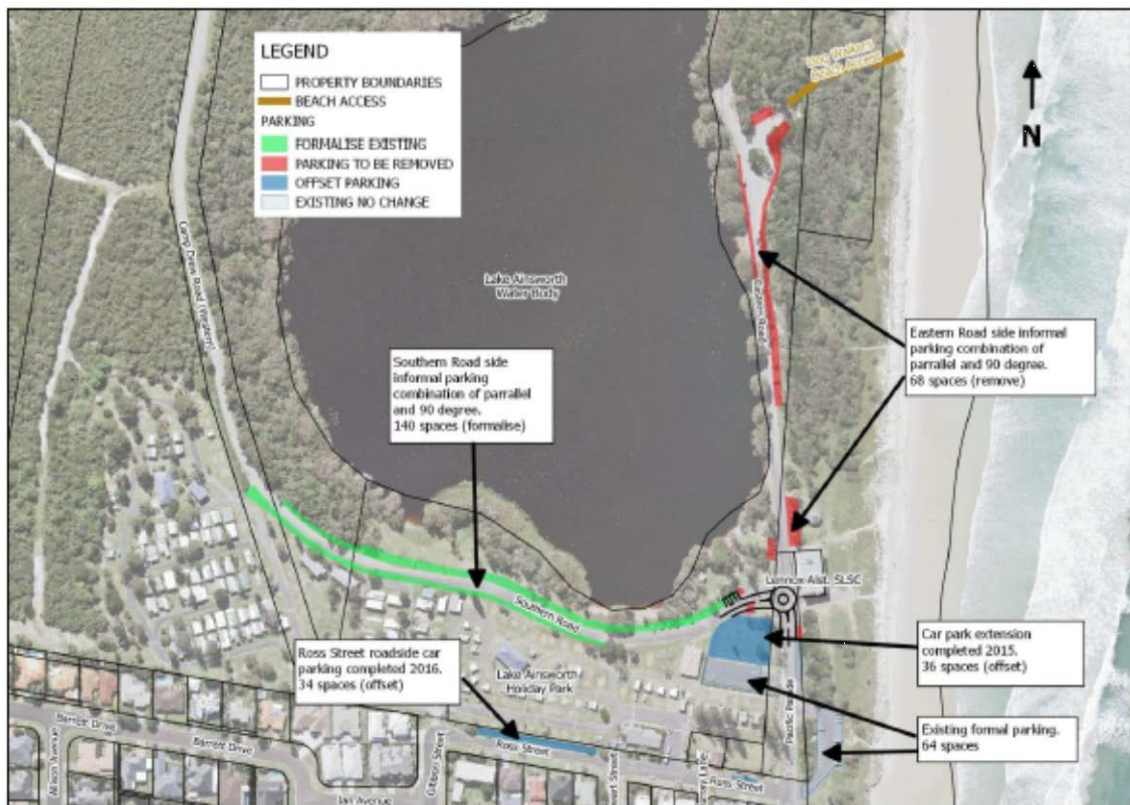


Figure 4: Plan of existing parking alterations

Figure 1 – Figure 4 of Engineering Report  
Source: Ballina Shire Council, 3 November 2017

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In conclusion, there is no net loss of parking as a result of the eastern road closure to normal traffic and the proposal formalised car park will be appropriately paved and marked. Parking on natural grass areas will be prohibited. Persons wishing to use the eastern lake foreshore may have a longer walking distance from the formalised parking areas, however this is considered to be a reasonable trade off to achieve a pedestrian friendly eastern foreshore.

## **Issue 2**

Families and elderly may be discouraged from using the lake if they have to walk greater distances to access the north-eastern section of the lake. This would be an issue if people have to carry chairs/umbrellas to have a picnic or spending the day at the lake.

## **Response**

It is acknowledged that there will be some inconvenience to persons wishing to use the northeast part of the Lake. However, the upgraded southern foreshore will have improved accessibility and facilities (barbeque and picnic facilities, shade trees, formalised parking, formalised lake access), which will provide an alternative to the north eastern section. The eastern foreshore area includes a shared pathway, picnic facilities and a ramp to the lake, all of which meet current best practice to be inclusive of persons with a disability.

## **Issue 3**

Dog walkers would be forced to access the beach in an area of very high public use near the surf club and caravan park. This would obviously increase the likelihood of conflicts between dog walkers and non-dog walkers.

## **Response**

The provision of and access to adequate dog exercise areas in Lennox Head, in particular Lake Ainsworth and Seven Mile Beach have been a long standing and sensitive issue for Council. The impacts were considered during the project design in consultation with Council's Rangers.

There are various options available to ensure adequate dog exercise areas are accessible and available to the public whilst maintaining areas that should be dog prohibited. In November 2017, Council adopted an amended Companion Animals Management Plan and resolved to defer consideration of the dog access around Lake Ainsworth until a final decision is made regarding the foreshore works. See below extract Resolution 231117/9.

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**231117/9      RESOLVED**

(Cr Ben Smith/Cr Sharon Parry)

1. That Council adopts the amended Companion Animals Management Plan Policy, as attached to this report, subject to the removal of the enclosed off leash area.
2. That Council place this Plan on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.
3. That Council defer further consideration of the dog access options adjacent to the Lake Ainsworth Precinct until such time a decision is made in respect to the infrastructure works planned for this locality.
4. That Council further investigate a dog off leash area at the southern end of Angels Beach.

FOR VOTE - All Councillors voted unanimously.

**Issue 4**

Closing the eastern road and the loss of parking will reduce the chances of getting a park and therefore force people to walk their dog further before they reach the 'dog of leash' section.

**Response**

See response to Issue 3 above.

**Issue 5**

'Dog off the leash' section is at the end of the proposed closed road. Will be difficult for people who access the beach with their dog and their beach gear, E.g. umbrellas and chairs.

**Response**

See response to Issue 3 above.

**Issue 6**

Closing the road will reduce the amount of police patrols and may create an unsafe and unpatrolled area for the public.

**Response**

As indicated in Annexure E of the REF, the new eastern access way will remain open to emergency vehicles at all times. No barriers will be installed at the end of Pacific Parade. Rather, traffic on the eastern access way will be regulated by appropriate signage and compliance action by Ballina Shire Council Rangers. Police will be permitted to drive along the concrete pathway to patrol the eastern foreshore area if the police choose to do so.

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### **Issue 7**

Emergency vehicles have stated that they would prefer another access to the existing sport and recreational camp. The proposed roadway does not allow for two large vehicles to pass in opposite directions on the eastern road.

### **Response**

Ballina Shire Council's Design Engineer advises that the eastern access will remain open to emergency vehicles (and will include an all weather emergency vehicle parking bay), access for emergency vehicles (and all other traffic) to the LASRC and Camp Drewe will be available via the southern road and the western road (Camp Drewe Road). Both the southern road and Camp Drew Road are two lane roads capable of accommodating large vehicles.

It should be noted that, as far as Council's Design Engineer is aware, Council has not received anything official in writing from the Police or Ambulance authorities.

### **Issue 8**

During the 2017 bushfires in Lennox Head, the local fire brigade and other emergency vehicles had to access both the eastern road and the western road to adequately stop the fires. With only one access road to the sport and rec camp this could create issues at times of urgency.

### **Response**

As indicated in the response to Issue 7, emergency access to the LASRC will be available via the eastern emergency access corridor and southern/western roads.

### **Issue 9**

Insufficient access has been provided to enable the large vehicles of emergency services to pass each other on the access proposed to be installed.

### **Response**

The eastern access way will be constructed with a 3m wide concrete surface and an all weather parking bay.

Vegetation and structures will be removed and new facilities will be sited clear of the concrete access to create an unobstructed 6m wide corridor for emergency vehicles. Passing bays are provided in the corridor to enable heavy vehicles to pass.

### **Issue 10**

Emergency vehicles will have to stop and unlock a padlock to enter the eastern side of the lake which could be the difference between a life lost or saved.

### **Response**

As indicated in response to Issues 7 and 8, the eastern access will be open to emergency vehicles at all times. No gate or other obstructions will be installed.

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Council would only install lockable bollards if illegal vehicular movements become an ongoing issue, however any retrospective installations would be consistent with the emergency access provisions elsewhere in the Crown Reserve (eg. beach access, etc.).

#### **Issue 11**

People will park wherever they can due to lack of parking after closing the eastern road. This includes people parking on resident's lawns and driveways.

#### **Response**

Illegal parking is a matter for enforcement by Council's Rangers and the Police. As indicated in response to Issue 1, there is no nett loss of parking adjacent to Lake Ainsworth and unlawful parking can be addressed by normal compliance action.

#### **Issue 12**

Elderly people use the lake regularly in the mornings by parking on the eastern side of the lake and having easy access to the lake to swim in the shade. Removing this road will affect what may be there main form of exercise.

#### **Response**

Access to Lake Ainsworth will be available from the southern foreshore with 4 accessible car parks provided adjacent to the foreshore, together with 136 standard spaces. While there may be some inconvenience to elderly people and others with limited mobility, it is considered that the southern access/parking provides a suitable alternative access to Lake Ainsworth, to enable people to swim in the shade. The eastern foreshore area includes a shared pathway, picnic facilities and a ramp to the lake, all of which meet current best practice to be inclusive of persons with a disability.

#### **Issue 13**

A lot of disabled people need to park their vehicle as close to the lake as possible. Closing the eastern road will limit access to only the southern and western sides providing they get a park close enough to access the lake.

#### **Response**

The key elements in this Issue are addressed in response to Issues 1 and 12.

#### **Issue 14**

Not all disabled people have disabled parking permits as they may be using the lake for rehabilitation due to injuries or arthritic ailments. These people would not be able to use designated disabled zones and would struggle to access the lake if they could not park on the eastern side.

#### **Response**

Service NSW can issue a temporary (Red Card) Mobility Parking Scheme Permit for up to 6 months for people with a temporary disability (Source: Service NSW website, accessed 15 May 2018).

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### **Issue 15**

During peak usage periods, the increase in traffic and the difficulty in securing a park may lead to traffic congestion.

### **Response**

It is acknowledged that during peak periods traffic congestion may occur, however congestion occurs under current parking and access arrangements at peak times. Section 3.0 of Annexure E to the REF comprises a Traffic Assessment which concludes that:

*“Based on the estimated volumes (including allowances for dog walkers), the existing formation and road reserve widths are adequate for the anticipated redirected traffic volumes ancillary to closure of the Eastern Road.”*

As there will be no nett loss of car parking spaces in the Lake Ainsworth area and given the proposed improvements to the southern road, it is unlikely that congestion would be significantly altered as a result of proposed upgrade works.

### **Issue 16**

Do not support paid parking. Even timed parking limits can be a form of paid parking when fines are involved.

### **Response**

Neither paid parking or timed parking are proposed as part of the foreshore improvement works. This is a matter for the Traffic Committee and does not come under the Part V Assessment.

### **Issue 17**

Timed parking should not be added to the plans of Lake Ainsworth. A single parent would not be able to move their car whilst leaving their child at the lake, this means they will have to take their children back to the car, move it to another park and walk back to the lake.

### **Response**

See comments for Issue 16.

### **Issue 18**

Timed parking will also mean that during surf club carnivals hundreds of parents will have to stop supervising their child/children to have to go find another park. This could all happen at the same time and therefore create traffic congestion.

### **Response**

See comments for Issue 16.

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### **Issue 19**

Access points to the lack for people with large watercraft will be reduced to only the south section of the lake. Could be an issue if lots of people are using that same area to enter and exit the lake.

### **Response**

Currently, access points for large watercraft are generally done in an informal manner. The proposed Lake Ainsworth foreshore improvement works will include bank stabilisation works aimed at preventing erosion and there is currently no intention to change this arrangement.

The current proposal has provision for 4 long car spaces to cater for cars with trailers. They are adjacent to areas which will facilitate convenient access to the Lake.

### **Issue 20**

The road could be moved towards the east and the car parking could be on the lake side with a grassy stretch going down to a restored beach. If the cars were parked nose in to the lake there would be no need for people to have to cross the road to get to the water.

### **Response**

The decision to close the Road was resolved by Council and the current plans being assessed in particular have been developed in consultation with elected Councillors. Various options were considered for the eastern foreshore, including relocating access to the east. This option would require the removal of additional mature healthy trees (mainly Melaleuca), which have ecological, amenity and landscaping values. In addition, any disturbance to the landward toe of the dunal system is undesirable as it may result in dunal instability issues. This option would not achieve the objective of creating a pedestrian friendly eastern foreshore and is therefore not considered to be the best option.

### **Issue 21**

Heavy congestion around surf club without enough disabled parking spots close to the lake.

### **Response**

As indicated in response to Issue 1, 4 accessible car parks are proposed adjacent to the southern road. There is one existing disabled parking space adjacent to the Surf Club which will be removed, however this will be compensated with 2 spaces approximately 50m west of the proposed Pacific Parade roundabout. The overall project will result in an increase from 3 to 6 disabled parking spaces in total.

### **Issue 22**

Restricts access for aged and the handicapped that currently visit the area by bus and are not mobile enough to physically walk around and enjoy the area.

### **Response**

Currently there are no dedicated bus bays in the Lake Ainsworth Precinct. Buses that visit the Lake precinct occupy car parking and this would continue to be the case.

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The parallel parking bays along the Southern Road are capable of accommodating buses, however the decision to dedicate parking to a designated bus bay is a matter for the Traffic Committee. Wheelchair access will generally be improved by the proposed linking pathways.

### **Issue 23**

Increased traffic on the western side of the lake will create major dust and air pollution. This may affect the health of the lake. There has not been enough investigation into the effects of road dust on people, wildlife and how far the dust travels.

### **Response**

Traffic generation and the adequacy of the existing and proposed road network are addressed in Section 3.2 of the Engineering Report at Annexure E of the REF. The conclusions contained in the Report are reproduced in response to Issue 15.

The Report does acknowledge that sealing of the western road in the future may be required if it is the most cost effective means of minimising road maintenance. To mitigate dust impacts, wear and tear on vehicles and potential impacts on flora and fauna, it is proposed that Camp Drewe Road be sealed from the southern road to the Camp Drewe entry, subject to obtaining any necessary approvals.

### **Issue 24**

Proposal needs to provide at least 100 more parks otherwise people will have to, walk greater distances, cross more roads and generally be at risk from traffic searching for parks.

### **Response**

As indicated in the response to Issue 1 and others, there is no nett loss of car parking as a result of the proposed LAFIW and therefore the perceived impacts are unlikely to arise.

### **Issue 25**

Native wildlife will be affected by the increased traffic accessing the Sport and Recreational ground on the western side of the lake.

### **Response**

Annexure F of the REF comprises an Ecological Assessment which includes the following comments:

*"There is some potential for areas adjacent to the work zone to be indirectly affected through damage to root systems and/or accidental damage from machinery. No stockpiling of spoil or other materials will be required, with excavated material for removal to be loaded directly onto trucks and transported off site and imported material to be delivered in place. There is some potential for aquatic/riparian vegetation within low-lying areas to be affected by sedimentation from loss of soils from adjacent disturbed areas, alteration to hydrological conditions and other factors. Sedimentation may occur from ground disturbance during construction and/or the importation of fill. Sedimentation has the potential to impact on the immediate environments as well as aquatic habitats by changing drainage patterns, smothering of aquatic vegetation and increased turbidity.*

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*There is some potential that an increase in traffic along Camp Drewe Road may result in some increase in dust generation which could have potential impacts on adjacent vegetation. Vegetation along this road is in good condition and is not apparently adversely affected by current dust generation, although there is evidence of dust on the leaves of roadside plants. The density of the vegetation is also likely to preclude dust impacts beyond the edge. The Lennox Head (Coastal) VMP (Blackwood ES 2017) provides the following management recommendation regarding this issue:*

*It may be worth leaving (existing) non-invasive exotics along the Eastern edge of Camp Drewe Road to buffer core areas of vegetation. Maintenance along the inside edge will be required periodically to ensure weeds do not encroach into these areas. Consider embellishment plantings where vegetation is sparse to bolster this buffer zone and deter informal access.*

Section 4.3 of the Report identifies impact amelioration measures, however sealing of Camp Drewe Road is not recommended. Notwithstanding this, as indicated in response to Issue 23 it is proposed that Camp Drewe Road be sealed to mitigate potential adverse impacts, subject to obtaining any necessary approvals.

#### **Issue 26**

Road crossing between the caravan park and the lake will be dangerous, especially for children and elderly.

#### **Response**

Residents and guests of the Lake Ainsworth Holiday Park can currently cross the existing southern road at any point and this position will be retained for the new southern road.

Consultation with RMS has identified a "high pedestrian activity 40km/hr" to be appropriate for the Southern Road. The current proposal includes traffic calming in the form of "Watts Profile" speed humps on the southern road at Chainages 80, 165 and 270 for pedestrian safety.

#### **Issue 27**

Keep the eastern side road open and impose a 15kph speed limit.

#### **Response**

Speed limits are assessed and set by the RMS. Based on past experience with the RMS, it is unlikely that the location would meet the merits for 15km/hr which is a non-standard speed limit. However, regardless of whether the speed limit meets the merits required to impose a 15km/hr speed limit, this option does not achieve the key objective of the proposed foreshore improvement works as it will still result in conflicts between pedestrians and vehicles and impacts on the Lake foreshore and vegetation.

#### **Issue 28**

Proposed parking arrangements will result in cars parked well beyond the provided spaces on Ross St. this will affect the residents close to the lake.

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### **Response**

As indicated in response to Issue 1, additional spaces have been formalised in Ross Street. Whilst there may be some amenities impacts on adjoining residences, they will mainly be limited to daylight hours during the peak period in summer months.

### **Issue 29**

Increased risk of serious vehicle accidents on the Camp Drewe Rd.

### **Response**

As indicated in the response to Issue 15, the existing and proposed roads have adequate capacity to accommodate predicted traffic volumes. Subject to sealing of the western road (Camp Drewe Road) and appropriate regulatory signage, there are no reasonable increased risks of accidents.

### **Issue 30**

The proposed roundabout position will create issues when, large caravans, buses and the local surf school operators are all turning around next to the surf club. During the weekend, Lennox Head Surf Club carnivals have hundreds of children running around and this will create safety issues for those children.

### **Response**

The Engineering Report at Annexure E of the REF, at Section 3.1, contains the following statement:

*"A portion of the vehicles accessing the Lake Ainsworth Sport and Recreation Centre are heavy vehicles which will require a left/right turn manoeuvre at the intersection between Pacific Parade and the Southern Road and the secondary driveway access to the Sport and Recreation Centre (off the Camp Drewe Road). Turn path analysis has been undertaken to confirm adequate clearances and provisions have been made for heavy vehicles performing left/right manoeuvres at the new intersection and existing secondary driveway. Refer to drawings in Appendix A."*

Whilst there may be some congestion during periods of peak traffic generation, the proposed roundabout will improve the existing T intersection arrangements by reducing travel speeds and defining vehicle paths. Currently, children involved in Surf Club carnivals and families using the eastern foreshore for recreation are exposed to vehicle movements (including large caravans, buses, etc.) which create safety issues. The roundabout will generally provide some traffic calming and generally provide improved safety.

## **3.3.2 Ecological Issues**

### **Issue 1**

Council should be doing more to maintain the lake foreshore.

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### **Response**

The maintenance regime for the Lake foreshore is a Policy matter for Ballina Shire Council and is not directly relevant to the proposed foreshore improvement works. However, the proposed works will achieve improvements which could reduce foreshore maintenance costs.

### **Issue 2**

Lake erosion could be fixed by installing boulders or small 400mm retaining walls along the foreshore.

### **Response**

Hard edged treatments in rock or concrete are not desirable from aesthetic and safety perspective. The proposed log revetments are more compatible with the riparian zone and provide a safe and functional revetment to the beach area.

### **Issue 3**

Has not been proven scientifically that the existing road and usage has previously or is currently affecting the health of Lake Ainsworth.

### **Response**

The Engineering Report at Annexure E of the REF contains information in relation to the quality of stormwater entering the Lake and proposed water quality management measures. Whilst the report identified the benefits of the project in terms of stormwater treatment, the report acknowledged that any contribution made by the eastern road to pre-existing water quality issues is incrementally very small. The rationale for closure of the eastern road is to improve amenity and provide more recreational parkland. It is not aimed specifically at improving stormwater quality.

### **Issue 4**

The lake's eastern foreshore was regularly repaired till round 1982. Former Tintenbar and Ballina Shire engineer, Peter Thorpe noted that if that practice had continued there would be 12-14 metres of foreshore existing between the lake's eastern road and the edge of the eastern bank. Why can't the Council explore this option again before undertaking a major irreversible project that involves closing the lake?

### **Response**

Engineering methodologies to maintain and repair the Lake foreshore in 1982 are no longer appropriate given relevant statutory requirements, contemporary management plans and better knowledge of the dynamics of waterbodies generally. The proposed foreshore improvement works do not involve closing the Lake. Rather, they are intended to make the Lake foreshore safer and more attractive for families.

### **Issue 5**

In the past the 'city engineer' would drag the sand back up to form the 'sandy beaches'. Why can't this happen again?

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### **Response**

This issue is addressed in the response to Issue 4.

### **Issue 6**

Road drainage could easily be redirected away from the lake.

### **Response**

As stated in response to Issue 3, the rationale for closure of the eastern road is to improve amenity and provide more recreational parkland. It is not aimed specifically at improving stormwater quality.

### **Issue 7**

Leave the Bulrushes (Cattails) in the lake. They are the best natural water filters in the world.

### **Response**

It is not proposed to remove the Bulrushes unless they are directly impacted by the proposed Lake edge restoration works, in which case disturbance will be kept to a minimum.

### **Issue 8**

Document reports are biased as the expert Engineers report and the ecological report have been conducted by council. Reports should be conducted by outside agencies with no connection to the council.

### **Response**

The Engineering Report prepared by Ballina Shire Council Engineers has been reviewed by DAC Planning Pty Ltd and is considered to be sufficiently detailed and balanced to enable informed decisions to be taken.

The Ecologic Report has not been “*conducted by Council*”. The Ecological Assessment at Annexure F of the REF was prepared by independent consultants (Blackwood Ecological Services) and reviewed by DAC Planning Pty Ltd. The Report is also sufficiently detailed and robust to enable informed decisions to be taken.

### **Issue 9**

Blackworth report is missing vital facts about the nesting Turtle population. Turtle have been reported to be nesting on the western side of the lake and may be disturbed from the increased traffic and foot-traffic as a result from the closure of the eastern road.

### **Response**

Section 4.2.2.1 of the Ecological Assessment is reproduced below:

*“Native fauna are highly unlikely to be killed or injured as a result of tree removal activities or other construction works. Some microbats may roost in hollows or under loose bark on paperbark trees to be retained. Assessments of significance have been undertaken for several microbat species (refer to Section 5).”*

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*There is potential for some increase in traffic along Camp Drewe Road once the eastern road is closed, primarily vehicles and coaches accessing the Sport & Recreation Centre and dog walkers accessing the off leash section of Seven Mile Beach. There is some potential that increased traffic may lead to an increase in road kill along this section of road. It is anticipated that the majority of traffic accessing the Sport and Recreation Centre would be during daylight hours and likewise for dog walkers accessing Seven Mile Beach. As such this increase in daytime traffic along Camp Drewe Road is unlikely to affect the majority of local wildlife species that are active after dark.*

*Freshwater turtles known from Lake Ainsworth may occasionally cross Camp Drewe Road, including to access inundated areas within heathland and Swamp sclerophyll forest to the west and may occasionally be struck by vehicles. This is highly unlikely to impact these turtles on a population scale.*

*Specific amelioration measures, including appropriate signage, are outlined in Section 4.3 below to minimise any potential impacts."*

On 20 May 2018 the Principal Ecologist from Blackwoods advised as follows:

*"I've reviewed my Ecological assessment. In my opinion the report as it is considers potential traffic/wildlife impacts along Camp Drewe Road and does not require amendment.*

*There's already a recommendation in there that wildlife signage be installed along Camp Drewe Road."*

#### **Issue 10**

No provision has been made for the rectification of the foreshore to their original location.

#### **Response**

It would appear that the eastern and southern Lake foreshores have been eroded over many years, however the cost and potential impacts of reclamation could be significant. The current proposed LAFIW seek to implement the provisions of the Ballina Coastal Reserve Plan of Management, which does not include foreshore reclamation.

#### **Issue 11**

The western side of the lake is relatively pristine and untouched by the public. This will be destroyed by the increase of swimmers accessing the lake from this side.

#### **Response**

There are no formal access points or parking areas on the western side of Lake Ainsworth. Similarly, there are no public amenities, picnic/barbeque facilities. The aim and objective of the project is to provide additional parkland area to attract patronage to the eastern foreshore area.

The management of the whole Lake foreshore area is the responsibility of Council. If increased patronage occurs or the Western foreshore areas require intervention, Council has the capacity to do so.

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## **Issue 12**

Wildlife being threatened, especially Echidna's, fresh water turtles and bandicoots as they are slower to cross the road. Camp Drewe road is a wildlife corridor with fresh water turtles nesting that occurs across this corridor on the western heathlands side and hatchlings have been sighted during daylight hours and helped to cross the road by people.

### **Response**

The Ecological Assessment at Annexure F of the REF addresses potential impacts on flora and fauna. Section 4.2.2.1 of the Report addresses direct impacts on fauna and is reproduced in response to Issue 9.

## **Issue 13**

Increased traffic or public on the western side could cause bushfires do to careless smokers or from rubbish left.

### **Response**

The Engineering Report at Annexure E of the REF, addresses the additional traffic on the western road (Camp Drewe Road) at Section 3.2 and Table 1. In summary, the Report states that:

*"For the period of traffic counting, the effect of traffic redistribution would increase ADT along Camp Drew Road from 190 to 400 vpd and 280 to 610 vpd for off-peak and peak periods respectively. The maximum day volume increases from 460 to 1120 vpd which coincide with special events at Camp Drewe and The Sport and Recreation Centre during school holidays."*

It is acknowledged that there will be an increase in traffic on Camp Drewe Road, however given the width of the road formation and public awareness of the implications of littering, no significant increase in risk is likely to result.

### **3.3.3 Other Issues**

#### **Issue 1**

A community driven holistic coastal management program should be implemented before council commences works.

#### **Response**

As indicated in the REF and Annexures, there are a number of existing Management Plans applicable to the Lennox Head coastal area including:

- ♦ Ballina Coastal Reserve Plan of Management (April 2003, November 2011)
- ♦ Lake Ainsworth Management Plan (LAMP)(Ballina Shire Council 2012)
- ♦ Lennox Head (Coastal) Vegetation Management Plan (Blackwood Ecological Services 2017)

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- Lake Ainsworth Vegetation Management Plan (Envite and WetlandCare Australia 2007)
  - Coastal Zone Management Plan 2016
  - Lake Ainsworth Crown Reserve Master Plan May 2005

The Ballina Coastal Reserve Plan of Management (BCRPOM) is an overarching Plan which has been prepared by the Department of Land Water Conservation under Sections 112 to 116 of the Crown Lands Act following community consultation and consultation with key State Agencies, including public exhibition of a Draft version and consideration of submissions.

The proposed LAFIW will implement the approved BCRPOM and given the number and range of issues addressed by other relevant Management Plans it is considered that "a holistic coastal management program" would serve no useful public purpose and would not further inform the decision making process in relation to the current proposal.

## **Issue 2**

Newly constructed fence on Ross St has blocked the view from the public and removed ease of access to the lake through the caravan park. The caravan park is on crown land and direct access should be made available to the public.

## **Response**

The Lake Ainsworth Holiday Park is located on a Crown Reserve for public recreation, however allowing general public access through the Caravan Park from Ross Street to Lake Ainsworth is a decision for the Crown Holiday Trust and is not a matter for Council to manage.

Although the road works were undertaken by Council, the fence was erected by the Crown Holiday Trust.

## **Issue 3**

The Lennox Head community is not in support of the road closure. 2800 people signed a prior petition to not close the road and forwarded to Minister Ayres of the NSW government. Change.org has also recorded many hundreds of objections to the closure of the road. Over 4000 people have formally objected to the proposal in an individual objection document. 480 people attended a rally in opposition to the proposal with four people stating they wanted the road closed (All figures are not supported with evidence in the submission and may not be accurate).

## **Response**

It is appreciated that closing of the eastern road to traffic (other than emergency and authorised vehicles) is a sensitive issue which has divided the local community.

Inevitably, some Lake and foreshore users will be inconvenienced as a result of the proposed works. However, the proposed works are consistent with the BCRPOM and contemporary practice in relation to managing the use of foreshore areas to minimise impacts, improve amenity and increase safety for people using the foreshore. In this context and on balance, it is considered that the proposed works are consistent with the broader public interest.

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#### **Issue 4**

The eastern road currently allows for separation between off the leash dogs and the public at the lake and swimming between the flags at the surf club. The dog walkers will be forced to access the beach in the same spot as the 4wd beach access spot and therefore creating the potential for risk between the public walking their dogs and 4wd cars exiting and entering the beach at the required high speed to crest the dune.

#### **Response**

See response to Section 3.3.1, Issues 3, 4 and 5 regarding dog walking.

#### **Issue 5**

Complete foreshore retrieval and restoration to take place. Bring the beach back the way it was. Bring the sand from the lake bottom to restore the foreshore and complete the restoration. To bring outside sand in is slowly filling the lake.

#### **Response**

The activities described in this submission are beyond the scope of the current Management Plans and Lake Ainsworth improvement works.

#### **Issue 6**

A ranger would be of great help patrolling this area. The foreshore needs to be protected. A ranger frequently on duty could effectively police the area. Money would be better used on a ranger than on beautification.

#### **Response**

The design of the foreshore improvement works have been done in consultation with Council's Rangers. The feedback has been the existing arrangement is difficult to patrol and enforce parking arrangements. The proposed arrangement will greatly assist in patrolling and enforcement efforts.

#### **Issue 7**

The current shade on the eastern side offers protection from the sun for all who visit the lake. If this is removed then people will avoid the area. It is irresponsible to create a space that offers no protection from the sun.

#### **Response**

The Application Plans accompanying the REF at Annexure B show the vegetation to be removed. Only those trees and plants which are impacted by the proposed works will be removed. The plans also show new replacement trees and other landscaping, which are designed to soften visual impacts, provide shade and mitigate ecological impacts.

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**Issue 8**

The Council has so far been unable to maintain the current beautification projects with many of the planted plants not being looked after and died. Locals are concerned that the new parkland will not be maintained properly.

**Response**

This is an operational matter for Ballina Shire Council. As a general objective, the proposed LAFIW have been designed to minimise maintenance cost.

**Issue 9**

The detrimental financial impact on local business will be significant when the visitor numbers decrease due to the lack of direct access.

**Response**

It is considered that given the improved facilities and pedestrian safety, visitor numbers are unlikely to decrease and accordingly detrimental financial impacts are unlikely to result from the proposed work.

**Issue 10**

The existing public toilets need to be upgraded.

**Response**

It is proposed to renovate the existing public amenities at the northern end of the eastern road. However, the renovations will not be undertaken as part of the current foreshore improvement works.

**Issue 11**

Request by law enforcements to leave the road open for the public safety as closing will heighten and encourage the high likelihood of creating a hub for anti-social behaviour.

**Response**

As indicated in response to previous issues, the eastern access will remain open to emergency vehicles, including Police and Council Rangers.

**Issue 12**

The current proposal does not represent the unique village atmosphere and looks more like something that would be developed on the Gold Coast.

**Response**

Based on perusal of the Application Plans, it could not reasonably be argued that the proposal resembles a "Gold Coast development".

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The design minimises hardstand areas and maximises green space whilst incorporating appropriate public amenities for members of the community (barbeques, picnic shelters, etc.).

### **Issue 13**

Local indigenous elder commented on the Aboriginal heritage of Lake Ainsworth. The western side of the lake is not a place for women or children. Indigenous ancestors and local traditions should be respected.

### **Response**

Annexure G of the REF comprises an Aboriginal Cultural Heritage Assessment (Remnant Archaeology 2 November 2017). Relevant sections of the Executive Summary are reproduced as follows:

*“Survey and inspection of Pacific Parade and Camp Drew Road was completed on 12 July 2017 and was carried out by members of the local Aboriginal Community that had registered as Aboriginal parties (RAPs) to the project (Ms Lois Cook, Mr Mik Smith and Mr Marcus Ferguson), along with Remnant Archaeology’s field archaeologist (Graham Knuckey) and Mr Ian Fox, who assisted the archaeologist. No Aboriginal objects or places were located during the site inspection; a small collection of oyster shells were found however they were identified as being too young to have originated from an Aboriginal shell midden or to have any connection with Aboriginal cultural activity from the past. Despite impacts from the recent past however, including military, mining and recreational activities, potential for Aboriginal cultural heritage resources to exist within the barrier dune that separates Lake Ainsworth from Seven Mile Beach still exists.”*

Section 4.5 is also reproduced as follows:

**Lois Cook** – *Lois stated she had camped in the area as a child in the 1960s and that the lake was significant as a ceremonial location; for women along the eastern shore and for men along the western shore. Lois was concerned for the trees in general but the slanting paperbarks in particular that she said were of special significance to local Aboriginal people; she said none should be pruned for any reason and that if they were bad events would occur. She cited the “...tornado that came through the last time they were pruned...” and a tornado was reported in the Grafton Daily Examiner on 4 June 2010 (<https://www.dailyexaminer.com.au/news/northernrivers-lennox-head-tornado-weather/549310/>), but RA has not been unable to establish what activities Council had performed in the Pacific Parade area in June that year.*

**Mik Smith** (on behalf of Jali LALC) – *Mik Smith’s main concern was that at the time of inspection no detailed maps had been provided to allow for a targeted inspection of exactly what portions of land along Pacific Parade and Camp Drew Road would be impacted.*

*Both Lois Cook and Mik Smith stated a site inspection at low tide in the lake might have been more productive. Both also voiced concern about the impact upon the barrier dune system between Pacific Parade and the beach that has not been mined (the area adjacent to the Sport and Recreation Centre entrance), a dune system that retains potential for Aboriginal cultural heritage objects and/or places, and how the dune will be managed and protected.”*

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Section 12.2.2 is also reproduced as follows:

*"As stated in Sub-section 4.5, RAP concerns centred around the cultural significance of the paperbark trees along Pacific Parade and that they should not be altered in any way (Lois Cook), and that the Land Council were concerned about a lack of detailed mapping being available at the time of the inspection and that as a result only the bitumen road and its verges were inspected (Mik Smith). Both RAPs commented that an inspection during low tide on the lake might have been more productive and that the barrier dune system along the eastern verge of Pacific Parade (between the road and Seven Mile Beach) should in no way be impacted by upgrade works."*

In summary, it is considered that the issue raised is adequately addressed in the Aboriginal Cultural Heritage Assessment.

#### **Issue 14**

Closing the eastern road will encourage parties and other antisocial behaviour due to lack of patrols being able to access the northern end of the lake.

#### **Response**

The existing access way will remain open to emergency vehicles including Police and therefore patrols can continue as required.

#### **Issue 15**

Council receives in excess of \$100,000 per year from the NSW Government and in the last 10 years has not spent this on lake maintenance or maintaining the eastern road.

#### **Response**

The maintenance regime is an operational matter for Ballina Shire Council.

#### **Issue 16**

If timed parking was introduced, people who have travelled from outside the shire might not visit the lake if they can only park for a short period of time. This could have an economic effect on the local community as the local restaurants and cafes rely on this tourism.

#### **Response**

Timed parking is not proposed as part of the current LAFIW. Refer to previous response.

#### **Issue 17**

The present space between the lake and the beach is quite narrow and the main obstacle preventing further erosion is the road, especially in the case of a cyclonic event.

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### **Response**

The existing road is bitumen sealed on gravel pavement approximately 6m wide and constructed approximately at ground level. It will be replaced with a 3m wide concrete pavement with passing bays, again constructed approximately at ground level. Given the siting and design of the existing proposed road pavements, they will not present a significant obstacle to further erosion in a cyclonic event. The existing dunal system (which will not be altered by the proposed works) provides the principal barrier to coastal erosion.

### **Issue 18**

Rubbish collection will be non-existent on both the eastern and western sections of the lake.

### **Response**

See response at Section 3.1.

### **Issue 19**

No toilet facilities on the western side of the lake.

### **Response**

The proposed foreshore improvement works are limited to the southern and eastern Lake foreshores and therefore the potential need for toilets on the western side does not arise. In any case, public amenities are conveniently located adjacent to the eastern and southern foreshores where patronage is encouraged.

### **Issue 20**

Having dog washing stations in areas that the public will use especially children could increase the likelihood of the transmission of Hydatids (a life threatening parasite to humans that dogs can carry, NSW government has stated that it is an endemic in the state. Has not been fact checked).

### **Response**

The proposed foreshore improvement works do not include dog washing stations.

### **Issue 21**

This proposal not only restricts access to the lake waterfront but also restricts access to the beach itself (SEPP 71 Clause 2 – Aims of policy).

### **Response**

It is acknowledged that the proposed works will restrict vehicular access to the eastern waterfront but pedestrian access and the usability of the foreshore area will be improved.

State Environmental Planning Policy No. 71 – Coastal Protection was repealed by Clause 9 of State Environmental Planning Policy (Coastal Management) 2018, which came into force on 3 April 2018.

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In addition, the proposed works are consistent with the BCRPOM, which generally aims to improve pedestrian access and usability to the eastern Lake foreshore.

#### **Issue 22**

Removing the eastern road, parking and including additional fencing and vegetation on the eastern side will force more people to use the southern and western side of the lake. This will have a detrimental effect on the relatively isolated western foreshore.

#### **Response**

As indicated in the response to Ecological Issue 11, inappropriate use of the western side of Lake Ainsworth can be addressed by appropriate signage and compliance action. The southern foreshore and road will be upgraded as part of the improvement works and will have the capacity to accommodate more people. See previous response.

#### **Issue 23**

Fencing off the caravan park and forcing the holiday people to cross at the formal pedestrian crossings will detract from the ambiance of the camping experience. Having people crossing at formal spots will create traffic congestion as people are driving up and down looking for limited parking.

#### **Response**

Fencing of the eastern boundary of the Lake Ainsworth Caravan Park is not proposed as part of the LAFIW. The Caravan Park is owned by Crown Lands and any decision to fence the Park is a matter for the owner.

However, as indicated in response to Parking and Traffic Issue 26, speed humps will be provided on the southern road to improve safety for pedestrians.

### **3.3.4 Suggestions**

#### **Suggestion 1**

A community driven holistic coastal management program should be implemented before council commences works.

#### **Response**

See response in Section 3.3.3 to Issue 1.

#### **Suggestion 2**

There needs to be a test run of the blockage of eastern road by barricading the road in the peak of summer over a reasonable duration, use December/January to gain some realistic statistics on the movement of the traffic flow and how it would affect the environment wildlife flora and fauna.

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### **Response**

Undertaking temporary works was suggested by staff to Council, however the decision was made to prepare the foreshore improvement works and only undertake permanent works.

### **Suggestion 3**

Ballina shire need to give more focus to the local fauna around the lake. The freshwater Turtles cross over from the Lake Ainsworth and the heath land where they swim and survive to the other side of Camp Drewe Road to nest in the drier grassy Western heath lands. They have been helped by members of WIRES and the public to cross the road to safety.

### **Response**

See response to Section 3.3.2 Issue 12.

### **Suggestion 4**

Include a current and up to date study of Lake Ainsworth and western heath lands wildlife in the CZMP.

### **Response**

As indicated in response to Section 3.3.3 Issue 1, there are a number of Management Plans and Master Plans applicable to Lake Ainsworth and adjacent Crown Land. These documents together with the Ecological Assessment at Annexure F of the REF provide adequate material to enable an informed decision to be made to be taken on the proposed LAFIW.

### **Suggestion 5**

Implement a 15kph speed limit on the roads that are on the southern and western side of the lake.

### **Response**

See response to Section 3.3.1, Issue 27.

### **Suggestion 6**

The proposed emergency path to not be a straight line, include curves to make it more aesthetically pleasing.

### **Response**

The alignment of the eastern access way is constrained by the relatively narrow corridor width between the Lake edge and the landward toe of the dunal system. Protection of existing trees also imposes a constraint.

As indicated on the revised Application Plans at **Appendix 1**, the eastern access has a curvilinear alignment, where possible, given the site constraints.

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### **Suggestion 7**

Restoration of the lake edge base by dredging to increase foreshore and cleanse the base of the lake.

#### **Response**

This issue is address in response in Section 3.3.2 to Issue 4.

### **Suggestion 8**

Works should include development to stop encroachment from the sea. With rising sea levels and increased frequency of extreme weather events, there is a high chance of raised sea levels reaching the lake and therefore ruining the uniqueness that is the tea tree lake.

#### **Response**

Engineering works to stop coastal erosion and seawater entering Lake Ainsworth are beyond the scope of the BCRPOM and the LAFIW project.

### **Suggestion 9**

Consider the option of reclaiming a small portion of the current holiday park land, west of the surf club to repurpose as a public park and recreation space, contiguous with the current plans as an open grassed entry portal to the lake precinct.

#### **Response**

Whilst this suggestion has merit, it is not consistent with the BCRPOM and would require the approval of Crown Lands as owner of the foreshore reserve and the Lake Ainsworth Caravan Park reserve. Carrying out the proposed foreshore improvement works would not preclude this suggestion being further pursued in the future.

### **Suggestion 10**

The provision of weed guard between all recreational areas and fenced, bushland spaces (Lennox Head Landcare).

#### **Response**

Weed guards are considered to be a reasonable and appropriate measure to protect bushland species. It is recommended that appropriate guards be provided in consultation with Lennox Head Landcare during detailed design and construction phases.

### **Suggestion 11**

The construction of a swale infiltration system between the road and the buffer zone at such time as the road surface is sealed.

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### **Response**

As indicated on the revised Application Plans at **Appendix 1**, a bioretention swale is proposed on the eastern side of the proposed 3m wide concrete access way. The access way will fall towards the swale.

### **Suggestion 12**

Concern for the potential of significant foot traffic leaving the boardwalks to explore and enjoy the 'bush riparian zones'. Request from Lennox Head Landcare to add unobtrusive barriers on either side of the boardwalks to minimise people from straying off the designated walkways.

### **Response**

This suggestion has merit. Incorporating barriers will be considered in consultation with Lennox Head Landcare.

### **Suggestion 13**

Lennox Head Landcare urge that exemplary hygiene practices be observed at all times in regard to potential weed seed introduction during the reconstruction of the eastern and southern foreshores.

### **Response**

Appropriate practices will be implemented during the construction phase to minimise the risk of introducing weeds.

### **Suggestion 14**

Western foreshore will be best managed by the retention of one walking track around the Lake perimeter with one branch to the west which encourages walkers to access the fire trail system in the heath to the west of Camp Drewe Rd. At that point in time appropriate fencing will need to be installed and 'or replaced to protect the lake edges and the riparian zone from foot traffic.

### **Response**

The proposed LAFIW do not involve any works on the western Lake foreshore. The suggested western foreshore management regime could be considered at a future date as a separate project.

### **Suggestion 15**

Pedestrian crossing on the South Road.

### **Response**

See response in Section 3.3.1 to Issue 26.

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### **Suggestion 16**

Start a community-driven holistic Coastal management Program.

#### **Response**

See response in Section 3.3.3 to Issue 1.

### **Suggestion 17**

'No parking' signs on the western side to discourage public from accessing and destroying the western side.

#### **Response**

As indicated in response to other submissions, inappropriate activities on the western side of the Lake can be managed by appropriate signage and compliance action if the need arises.

### **Suggestion 18**

Provide a second access/mobility linkage to the lake directly from a disabled parking space on the southern road.

#### **Response**

The revised Application Plans at **Appendix 1** show disabled car parks on the Southern Road with pathways connecting to picnic facilities. Although the current plans and budget do not include a ramp into the lake at this location, the works do not prevent provision of an additional disabled access ramp to be constructed in the future if required.

### **Suggestion 19**

Ramps for disabled access would be better at the northern end of the lake as the ground is level. A down ramp at the southern end will be hard to use for wheelchair access especially with water involved.

#### **Response**

The current plans show a wheelchair ramp into the Lake at the northern end of the Lake that links with the proposed new pathway.

### **Suggestion 20**

The southern off-leash boundary on the beach needs to be extended further south to make access easier for people who exercise their dogs off leash. An appropriate buffer zone between the surf club and the southern boundary will need to be considered to separate beach users and people exercising their dogs. Make the new parkland completely dog free.

#### **Response**

See Section 3.3.1, Issue 3.

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### **Suggestion 21**

Create formal parking on the southern road.

#### **Response**

As indicated in the Engineering Report at Annexure E of the REF, formalised parking for 150 vehicles would be provided on the northern side of the southern road. The parking includes appropriate accessible carparks for disabled.

### **Suggestion 22**

Have a bicycle path on the eastern side of the lake. Have bicycle racks placed around the lake to encourage alternate modes of transport.

#### **Response**

A 3m wide concrete access way will serve as an emergency vehicle access and a cycle way/walkway.

### **Suggestion 23**

Not enough parking provision being allocated, especially when Lennox Head expands with the recent subdivision developments.

#### **Response**

There will be no nett loss of parking as a result of the proposed foreshore improvement works. Additional parking to meet the demands of population growth and increased visitation generally can be addressed at a future date, if required.

### **Suggestion 24**

More disability car parking spaces.

#### **Response**

Two additional disabled parking spaces have already been dedicated in the new offset car park. An additional 4 spaces are proposed along the southern road with a total of 6 being provided.

### **Suggestion 25**

Encourage Lennox Head Landcare to design the vegetation placement to create a more "bush like" environment as opposed to a manicured one.

#### **Response**

The Lake foreshore area is intended to be used for recreational purposes consistent with the reserve status and the BCRPOM and therefore a 'bush like setting' on the eastern and southern lake foreshores would be inappropriate. The dunal system and western lake foreshore comprise mainly native vegetation communities.

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The opportunity has already been provided for the Lennox Landcare group to undertake the revegetation and planting.

**Suggestion 26**

Relocation of the 4wd beach access ticket booth to another site to alleviate congestion caused by its current location near the corner of Pacific Parade and Camp Drew Road.

**Response**

The current plan is to relocate the ticket booth.

**Suggestion 27**

The existing powerline to be placed underground on the eastern side. This will enhance the littoral forest between the ocean and the lake.

**Response**

This has been investigated and initial costings have shown it to be cost prohibitive.

**Suggestion 28**

Provide an indigenous cultural connection for the public. This could be done simply with signs indicating the significance of a certain area or the employment of indigenous Aboriginal park Rangers to provide walks and talks.

**Response**

The provision of appropriate signage acknowledging the Aboriginal cultural heritage values of the Lake and foreshore areas will be considered in consultation with the Aboriginal Community.

**Suggestion 29**

Seal the road on the western side of the lake. This will minimise the air pollution created from the increase of traffic that will now access the current dirt road.

**Response**

This issue is addressed in response to Section 3.3.1, Issue 23.

**Suggestion 30**

Add speed limiting devices on the western road.

**Response**

This issue is addressed in response to Section 3.3.4, Suggestion 5.

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### **Suggestion 31**

Include loading zones around the lake perimeter to allow for drop off/ pick up for people with kids/elderly or lots of picnic gear.

#### **Response**

A short term parking bay (adjacent to 4wd vending machine) is currently planned for this.

### **Suggestion 32**

Paid parking for premium lake perimeter car parks and 4 hour limits 24/7 to deter campers.

#### **Response**

See Section 3.3.1, Issue 27.

### **Suggestion 33**

Soft surface crossings from car parking areas to the lake as people will now have to walk further on hot roads/paths in the summer.

#### **Response**

Bitumen and hot mix is required to withstand the vehicle loads. Alternative treatments are not feasible. The car parking bays will be turfed, which are soft under bare feet.

### **Suggestion 34**

Add drinking stations around the lake.

#### **Response**

Suitable drinking stations will be considered at appropriate locations on the eastern and southern Lake foreshores where there is an existing water supply.

### **Suggestion 35**

Placing fencing or barriers around bush regeneration areas and making clear obvious paths to the water.

#### **Response**

Appropriate barriers will be installed until the vegetation reaches a satisfactory level of maturity.

### **Suggestion 36**

A shelter like what can be found in National Parks would be able to provide information about the lakes, flora and Fauna, Aboriginal cultural information, and settlement history.

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### **Response**

An appropriate signage structure would not require approval under the current Part 5 Application. Consideration of such information can be considered at any point in the future however is not the current focus of the project.

### **Suggestion 37**

Signage should also be used to advise appropriate behaviour at the Lake e.g. cover up – sunscreen may be damaging the lake, pick up your rubbish especially cigarette butts, ash and use the toilet before swimming etc.

### **Response**

See comments for Suggestion 36.

### **Suggestion 38**

Remove all lighting around the lake or provide lighting that does not cause 'light pollution'.

### **Response**

The existing lighting will be retained to deter anti-social behaviour.

### **Suggestion 39**

Add a dog washing station near the surf club to deter people from letting their dogs wash off in the lake.

### **Response**

See comments at Section 3.3.3, Issue 20.

### **Suggestion 40**

Greater ranger presence in the lake foreshore/surf club area, more signage re dogs, and re fines for dogs and littering, and that 'on the spot' fines are issued.

### **Response**

The frequency of ranger patrols is an operational matter for Ballina Shire Council.

### **Suggestion 41**

Add exercise stations, like what can be found on the Gold Coast or other major cities.

### **Response**

Provision of exercise stations in this location is not the focus of the project.

### **Suggestion 42**

Designated zones for fishing and sailing.

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### **Response**

This is a separate matter and is not in the current scope or assessment.

### **Suggestion 43**

Aesthetically pleasing tables and chairs that are not made from metal. Utilise natural materials to maintain the amenity of the area. Also tables & benches should be designed to allow wheelchairs to access into the tables.

### **Response**

Appropriate facilities will be provided.

### **Suggestion 44**

During Surf Carnivals any distant parking provision should be provided with a free shuttle bus service to cater for crowds. This type of organisation is used widely in Australia & overseas.

### **Response**

If required, park and ride arrangements can be provided by the Lennox Head Surf Lifesaving Club for specific events.

### **Suggestion 45**

An alternate option for the parkland at Lake Ainsworth could be including BBQ's with shelter and tables along the foreshore of the beach. This would entice both locals and visitors to areas other than Lake Ainsworth and therefore decrease the flow of traffic congestion at the lake and instead spread it evenly throughout the community. The lake is shaded which is why a lot of people migrate there, if we had the same set up along the beach foreshore people wouldn't be limited to only the Lake for shade.

### **Response**

Provision of barbeques and picnic facilities on the beach foreshore is beyond the scope of the LAFIW project but is an option that Council could consider as part of its normal budgetary processes.

### **Suggestion 46**

Formalise only one track in/out and around the western side of the lake.

### **Response**

The current Part 5 Application before Council only relates to the southern and eastern lake foreshores. Work on the western foreshore could be considered by Council as part of its normal budgetary process.

### **Suggestion 47**

Timed parking with Ballina shire residents exempt from paying but not from the time limit.

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### **Response**

See comments in response to Suggestion 32.

### **Suggestion 48**

Implementing timed parking between 1am to 5am to prevent overspill from the caravan park customers and overnight parking of campervans. Estimates of over 100 cars are parked overnight around the caravan park during the holiday periods.

### **Response**

See comments in response to Suggestion 32.

### **Suggestion 49**

Negotiate with the caravan park for more space for parking as it is crown land.

### **Response**

The current proposal covers area of land in which Council is the Trust Manager.

### **Suggestion 50**

That Council facilitates, with the operators of the caravan park, the building of a fence along its northern perimeter (beside the southern road), with the provision of safe exit points and road crossings.

### **Response**

This is a decision for the Crown Holiday Parks and not part of the current scope.

### **Suggestion 51**

The placement of the water access wheelchair ramp to be closer to the disabled car parks.

### **Response**

The wheelchair ramp is located where the existing Lake embankments are of a shallow enough grade to meet the relevant Australian Standards for ramps and connect with Council's pathway network. Alternative locations are either too steep or isolated.

### **Suggestion 52**

Designated disabled access toilet stall in each public toilet block to provide full wheelchair access consistent with current standards.

### **Response**

Renovations to existing amenities is something Council is currently considering subject to cost, however does not form part of the Part 5 Assessment.

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**Suggestion 53**

Pathways for full wheelchair access to picnic tables, the water's edge and car parks in the southern precinct, as currently these are not available.

**Response**

These provisions are made to the new picnic tables and BBQ facilities.

**Suggestion 54**

Introduce a bus shuttle from the surrounding areas during peak periods.

**Response**

Not feasible under the current funding.

**Suggestion 55**

All picnic areas need to be accompanied with rubbish and recycling facilities. All the bins need to be properly secured down in times of bad weather. Currently the bins are not properly secured and have been known to fall over on windy days.

**Response**

Suitable bins will be provided in close proximity to picnic areas.

**Suggestion 56**

Small area of the parkland to be dog friendly but still not to access the lake.

**Response**

This is covered in the Companion Animals Management Plan. See previous response.

**Suggestion 57**

No removal of the existing reeds/bulrushes from the lake as they provide a natural purpose.

**Response**

See comments in response to Section 3.3.3, Issue 7.

**Suggestion 58**

The inclusion of solar lighting and free Wi-Fi will contribute to making the area safer.

**Response**

This is not feasible under the current proposal and funding arrangement.

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### **Suggestion 59**

Disabled change rooms.

#### **Response**

See comments at Suggestion 52.

### **Suggestion 60**

Scatter the melaleuca to provide shade a bit more naturally rather than the trees creating an avenue along the shared path.

#### **Response**

The current plan is to maximise shade, however limitations relate to provisions for emergency access and protection to overhead power lines.

Could the Landscape Architects provide some advice comments on this issue please?

### **Suggestion 61**

Environmental Management Works, bank stabilisation, landscaping and open space and passive recreation embellishments completed on the southern foreshore.

#### **Response**

Most of the work suggested is included in the Project Description (see Section 4.0 of the REF) and is shown on the amended Application Plans at **Appendix 1**.

### **Suggestion 62**

Use colour, texture or shape variations much more freely along the surface of the shared path to break up the visual "arrow straight effect" as much as possible and blend it into the rest of the space.

#### **Response**

A coloured concrete pathway is proposed (see revised Application Plans at **Appendix 1**).

### **Suggestion 63**

Bank erosion control and fences to keep the public out of regeneration areas.

#### **Response**

Appropriate log revetment walls are proposed at key locations as shown on the amended Application Plans at **Appendix 1**. Regeneration areas will be appropriately fenced to preclude public access.

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## Suggestion 64

Removing the road ensures it is consistent with the NSW Office of Water Guidelines that there should not be a road within a mean distance of 40 m from a recreational water body such as Lake Ainsworth.

### Response

This suggestion is noted. The proposed eastern access is consistent with the objectives of the NSW Office of Water Guidelines.

### 3.4 Submission From Preserving Lake Ainsworth Inc.

Preserving Lake Ainsworth Inc. (PLA) has made a lengthy submission (approximately 70 pages) raising a considerable number of issues. Many of the issues raised are addressed in Sections 3.1 to 3.3 of this Report and the REF accompanying the Part 5 Application (DAC Planning Pty Ltd, November 2017).

Some of the issues raised are not directly relevant to the current project and many similar issues are raised multiple times in the Submission. To ensure that all persons reading this Report have the opportunity to review the issues raised by PLA, a copy of their Submission is attached at **Appendix 3**.

The Cover Page of the Submission identifies six items which appear to adequately summarise the key issues raised in the Submission. Those key issues and other relevant matters in the Submission are addressed as follows:

#### Issue 1

Retain and maintain the eastern road access.

### Response

As indicated in Section 5.3 (Table 2) of the REF, the proposed LAFIW are consistent with the management objectives relating to recreation facilities and access under the BCRPOM (April 2003, November 2011). This Plan of Management was approved under the Crown Lands Act and is the overarching Management Plan applicable to the subject land.

Table 3 of the REF acknowledges that implementation of the LAMP (BSC 2012) will be integrated with the BCRPOM.

Section 7.2 and Table 4 of the REF address compliance with the LAMP. Relevant extracts from Table 4 are reproduced as follows:

Ref	Issue	Management Actions	Agency	Cost	Comments
<b>Traffic Management</b>					
D1	Safety of the visitors to the lake and problems with access to the Sports and Recreation Centre during times of floods.	Restrict vehicular access along the eastern road alignment and discourage motorists from entering the Sport and Recreation Centre. Move the majority of the picnic tables and facilities to the western side of the road.	BSC	Medium	Complies.
D2	Traffic numbers on existing eastern road.	Remove or relocate existing 4WD beach access.	BSC	Low-Medium	4WD access has already been relocated.
D3	Erosion in areas adjacent to the lake.	Prohibit foreshore parking and provide designated parking areas.	BSC	Medium	Complies.
D4	Visitor amenity and safety at the lake and surrounds.	Close part of the existing road between the lake and the caravan park and create a new road from Ross Street, around the back of the caravan park to connect to the western access road.	BSC	Medium	Noncompliant but proposed upgraded southern road provides a better traffic access and amenity outcome.

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In summary, the proposed LAFIW are consistent with the relevant parts of the BCRPOM and the LAMP, with the exception of the southern road. The LAFIW does not implement all provisions in these Management Plans. Separate applications can be prepared and assessed at a later date, if and when Council resolves to proceed with the implementation of other elements of the Plans.

**Issue 2**

Retain and maintain the southern road access.

**Response**

As indicated on the Application Plans, the existing southern road access will be reconstructed and retained.

**Issue 3**

Complete foreshore retrieval and restoration.

**Response**

As indicated in response to the submissions in Sections 3.1 to 3.3 of this Report, complete foreshore retrieval and restoration is beyond the scope of work involved in the current LAFIW.

In addition, this work would not appear to be consistent with the relevant Management Plans.

**Issue 4**

Retain foreshore access.

**Response**

Access to the southern Lake foreshore will be retained and enhanced by providing improved parking, facilities and Lake access points.

Access to the eastern Lake foreshore will also be retained for pedestrians, cyclists and emergency vehicles. This is consistent with the relevant Plans of Management.

**Issue 5**

Retain informal parking.

**Response**

Informal parking is inefficient and can result in damage to sensitive areas such as the Lake foreshore and vegetation. Consistent with the provisions of the relevant Management Plans, it is therefore proposed to preclude vehicles and parking from the eastern foreshore area which will also improve safety and amenity for users.

Parking on the southern foreshore will be formalised to improve efficiency and safety for users.

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## **Issue 6**

Public use and enjoyment of Lake Ainsworth.

### **Response**

The southern and eastern Lake Ainsworth foreshore areas are subjected to significant use by the public, particularly in the summer months. As a result, high levels of maintenance are required to maintain a satisfactory standard as the existing facilities are dated and degraded and maintenance costs are high.

In this context, the proposed LAFIW will enable the continued use of the foreshore areas in a safe, functional and contemporary environment.

## **Issue 7**

Crown Lands Act, 1989 – use and enjoyment of Crown Land Reserve.

### **Response**

The objects of the Act are as follows:

#### ***“10 Objects of Act***

*The objects of this Act are to ensure that Crown land is managed for the benefit of the people of New South Wales and in particular to provide for:*

- (a) a proper assessment of Crown land,*
- (b) the management of Crown land having regard to the principles of Crown land management contained in this Act,*
- (c) the proper development and conservation of Crown land having regard to those principles,*
- (d) the regulation of the conditions under which Crown land is permitted to be occupied, used, sold, leased, licensed or otherwise dealt with,*
- (e) the reservation or dedication of Crown land for public purposes and the management and use of the reserved or dedicated land, and*
- (f) the collection, recording and dissemination of information in relation to Crown land.”*

The principles of Crown Land Management are contained in Section 11 of the Act and are as follows:

#### ***“11 Principles of Crown land management***

*For the purposes of this Act, the principles of Crown land management are:*

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land,*
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible,*
- (c) that public use and enjoyment of appropriate Crown land be encouraged,*
- (d) that, where appropriate, multiple use of Crown land be encouraged,*
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and*
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.”*

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The objectives and principles are given effect through various mechanisms, including, in particular Plans of Management. It is considered that implementation of the BCRPOM will achieve the objects and principles of the Act and deliver an equitable and sustainable outcome which is consistent with the purposes for which the land is reserved, that is, public recreation.

#### **Issue 8**

Access to the LASRC.

#### **Response**

As indicated in Section 3.2, the Office of Sport and Recreation did not object to the exhibited Part 5 Application. The Office has advised that it has no objection to closing the eastern road providing it remains open to emergency vehicles, as is proposed.

The Office of Sport proposes to upgrade the internal driveway from the LASRC to Camp Drewe Road and that work, together with sealing of Camp Drewe Road, will provide an appropriate level of service for access to the LASRC.

#### **Issue 9**

BLEP2012 does not accurately reflect the Reserve purposes.

#### **Response**

Any inconsistency between the current zones and the purposes of the various Crown Reserves is not matter which would preclude approval of the current Part 5 Application. In addition, the proposed LAFIW are permitted, without development consent, under the provisions of State Environmental Planning Policy (Infrastructure) 2007 (SEPP1), regardless of the current zones.

#### **Issue 10**

Council's Part 5 Consent Application.

#### **Response**

The REF and Annexures refer to the project as "proposed Lake Ainsworth foreshore improvements" which is considered to be an appropriate description given that it is not a greenfield site and the proposed works mainly involve upgrading of existing infrastructure.

#### **Issue 11**

Complete urban alternative road configuration.

#### **Response**

The Submission states, at Page 18, that:

*"The LAMP specifically supports retention of the existing eastern road vehicular access within the reserve for public recreation."*

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As indicated in response to Issue 1, the LAMP management actions include restricting vehicular access along the eastern road and the LAFIW propose to implement that provision.

## **Issue 12**

Coastal Reserve Plan of Management 2003/2011.

On Page 20 the Submission states that:

*"It is objectionable that Council considers its proposal to be "relatively minor works", that the Lake Ainsworth Management Plan (2002), is "not a management plan" (Review of Environmental Factors -Part 5 of the Environmental Planning & Assessment Act, 1979", Page 29, 7.2 line 10) and that their proposal is generally consistent with the Lake Ainsworth Management Plan (2002).*

*Council's proposal is not consistent with the current Lake Ainsworth Management Plan (2002) with regard to vehicle and public access. The Coastal Reserve Plan of Management (2003/2011), adopted by the Minister, expressly refers to the Lake Ainsworth Management Plan (2002) and the Crown Lands Act 1989 and is therefore a current management plan. Following the recent concerns of the broader community in respect to the previous Review of Environmental Factors, Council should have insured that their proposal complied with Lake Ainsworth Management Plan (2002). A Part IV development application could then be prepared and assessed in accordance with Part IV of the Environmental Planning and Assessment Act (1979). Council's current Part V application for consent is not consistent with the current Lake Ainsworth Management Plan (2002) with regard to vehicle and public access."*

## **Response**

The statement that the LAMP is not a management plan is misleading because it is not an accurate quote. In fact, the REF states that the LAMP "is not a Management Plan to which Clause 65(2)(d) of State Environmental Planning Policy (Infrastructure) 2007 applies". Clearly, the REF acknowledges that the LAMP is in fact a Management Plan.

On Page 24, the Submission questions the appropriate approval pathway for the proposed LAFIW in relation to whether it is a Part 4 Development Application or a Part 5 Activity Approval.

The current proposed LAFIW were assessed against the relevant provisions of SEPPI and found to be permissible, without development consent, as indicated in the REF. This interpretation was reviewed by Council's Solicitors and they concurred with the interpretation.

## **Issue 13**

Balancing/protecting the public interest and benefit.

## **Response**

In considering this issue, it should be noted that the Part 5 REF for the LAFIW seeks to implement the overarching Management Plan applying to the land, being the BCRPOM, which was approved by the Minister after public and stakeholder consultation.

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## **Issue 14**

At Pages 59 to 61, the Submission raises questions in relation to the applicable approval pathway and the implications of each pathway.

### **Response**

The reason for Part 5 Approval pathway being pursued is addressed in response to Issue 12.

In relation to Appeal rights, objectors to either a Part 4 Development Application or a Part 5 Activity Application do not have a right of Appeal to the Land and Environment Court on merit.

However, any person can bring proceedings in the Court to remedy a breach of the Act regardless of whether it is a Part 4 Development Application or a Part 5 Activity, but this is not a merit based Appeal.

## **4.0 SUMMARY AND CONCLUSION**

Subject to compliance with the recommendations and responses to issues in this Report, it is considered that the proposed LAFIW is appropriate for Part 5 Approval based on the amended plans at **Appendix 1**.

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