
DAC PLANNING PTY LTD
Suite 7, Corporate House
8 Corporation Circuit
Tweed Heads South NSW 2486
P: 07 5523 3611
F: 07 5523 3612
E: admin@dacplanning.com.au
W: www.dacplanning.com.au



+ REVIEW OF ENVIRONMENTAL FACTORS – PART 5 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (as amended)

PROPOSED LAKE AINSWORTH FORESHORE IMPROVEMENTS

Lennox Head NSW

• Prepared For: **Ballina Shire Council** | • Prepared by: **DAC Planning Pty Ltd** | • November 2017 |



TABLE OF CONTENTS

SECTION	PAGE
1.0 INTRODUCTION	5
2.0 BACKGROUND	5
3.0 PROPERTY DESCRIPTION	6
4.0 PROJECT DESCRIPTION	6
5.0 STATUTORY PLANNING CONSIDERATIONS	8
5.1 Environmental Planning and Assessment Act, 1979 (as amended)	8
5.2 Ballina Local Environmental Plan 2012	8
5.3 Ballina Local Environmental Plan 1987	10
6.0 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (AS AMENDED) PART 5 ACTIVITY ASSESSMENT	21
6.1 Environmental Planning and Assessment Regulation 2000	23
6.1.1 Any Environmental Impact on a Community	23
6.1.2 Any Transformation of a Locality	24
6.1.3 Any Environmental Impacts on the Ecosystems of the Locality	24
6.1.4 Any Reduction of the Aesthetic, Recreation, Scientific or Other Environmental Quality or Value of a Locality	24
6.1.5 Any Effects on a Locality, Place or Building Having Aesthetic, Anthropological, Archaeological, Architectural, Cultural, Historical, Scientific or Social Significance or Other Special Values for Present or Future Generations	25
6.1.6 Any Impacts on the Habitat of Protected Animals (Within the Meaning of the Biodiversity Conservation Act 2016)	25
6.1.7 Any Endangering of any Species of Animals, Plant or Other Form of Life, Whether Living on Land, in Water or in the Air	25
6.1.8 Any Long Term Effects on the Environment	25
6.1.9 Any Degradation of the Quality of the Environment	25
6.1.10 Any Risk to the Safety of the Environment	26
6.1.11 Any Reduction in the Range of Beneficial Uses of the Environment	26
6.1.12 Any Pollution of the Environment	26
6.1.13 Any Environmental Problems Associated with the Disposal of Waste	26
6.1.14 Any Increased Demands on Resources (Natural or Otherwise) that are, or are Likely to become, in Short Supply	26
6.1.15 Any Cumulative Environmental Effect with Other Existing or Likely Future Activities	27
6.1.16 Any Impact on Coastal Processes and Coastal Hazards, Including Under Projected Climate Change Conditions	27
6.2 Summary and Conclusions	29

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

TABLE OF CONTENTS

SECTION		PAGE
7.0	PLANS OF MANAGEMENT	29
7.1	Ballina Coastal Reserve Plan of Management (April 2003, November 2011)	29
7.2	Lake Ainsworth Management Plan November 2002	29
7.3	Coastal Zone Management Plan August 2016	31
7.4	Lake Ainsworth Crown Reserve Master Plan, Connell Wagner, October 2005 (LACRMP2005)	31
7.4.1	Eastern Foreshore Dune Precinct	32
7.4.2	Southern Foreshore Community Park Precinct	35
7.4.3	Caravan Park Precinct	37
7.4.4	Coastal Heath Precinct	39
7.5	Provision for Design of the Lennox Head Surf Club and Surrounding Precinct, Complete Urban, October 2014	41
8.0	KEY ISSUES	46
8.1	Engineering Services Report – Ballina Shire Council, 3 November 2017	46
8.2	Ecological Assessment	46
8.3	Aboriginal Cultural Heritage Assessment	48
8.4	Acid Sulphate Soils	52
9.0	CONCLUSION	53

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

TABLE OF CONTENTS

ANNEXURES

ANNEXURE A	Aerial Photograph of Site – Source: Six Maps, Printed July 2017
ANNEXURE B	Application Plans (13 Sheets), Rev B – Ballina Shire Council, 3 November 2017
Annexure B1	Cover Sheet/Locality, Plan No. LHR30.061
Annexure B2	Overall Plan No. LHR30.061/OP
Annexure B3	Southern Foreshore General Works, Plan No. LHR 30.061/WP (CH0 to CH105)
Annexure B4	Southern Foreshore General Works, Plan No. LHR 30.061/WP (CH105 to CH255)
Annexure B5	Southern Foreshore General Works, Plan No. LHR 30.061/WP (CH255 to CH380)
Annexure B6	Intersection General Works, Plan No. LHR 30.061/WP
Annexure B7	Eastern Foreshore General Works Plan and Longitudinal Section, Plan No. LHR 30.061/WP (CH0 to CH120)
Annexure B8	Eastern Foreshore General Works Plan and Longitudinal Section, Plan No. LHR 30.061/WP (CH120 to CH240)
Annexure B9	Eastern Foreshore General Works Plan and Longitudinal Section, Plan No. LHR 30.061/WP (CH240 to CH360)
Annexure B10	Eastern Foreshore General Works Plan and Longitudinal Section, Plan No. LHR 30.061/WP (CH360 to CH440)
Annexure B11	Southern Road Alignment Plan and Longitudinal Section, Plan No. LHR 30.061/LS (CH0 to CH300)
Annexure B12	Southern Road Alignment Plan and Longitudinal Section, Plan No. LHR 30.061/LS (CH300 to CH380)
Annexure B13	Log Revetment and Beach Access Ramp Typical Detail, Plan No. LHR 30.061/DT
ANNEXURE C	Ballina Local Environmental Plan 2012 Land Zoning Map, Sheet 005C – Source: NSW Legislation Website
ANNEXURE D	Ballina Local Environmental Plan 1987 Land Zoning Map, Sheet 005C – Source: Ballina Shire Council
ANNEXURE E	Engineering Services Report, Version B – Ballina Shire Council, 3 November 2017
ANNEXURE F	Ecological Assessment, Final – Blackwoods Ecological Services, 2 November 2017
ANNEXURE G	Cultural Heritage Assessment – Remnant Archaeology (Graham Knuckey), 2 November 2017
ANNEXURE H	Part 5 Activity Approval Issued on 27 October 2016

DAC Planning Pty Ltd

A.C.N. 093 157 165
Town Planning & Development Consultants

REVIEW OF ENVIRONMENTAL FACTORS

PROPOSED LAKE AINSWORTH FORESHORE IMPROVEMENTS AT LENNOX HEAD

1.0 INTRODUCTION

Ballina Shire Council has instructed DAC Planning Pty Ltd to prepare this Review of Environmental Factors for foreshore improvement works at Lake Ainsworth, Lennox Head within the Ballina Local Government Area.

The project has been assessed against the relevant provisions of Ballina Local Environmental Plan 1987 (BLEP1987), Ballina Local Environmental Plan 2012 (BLEP2012) and State Environmental Planning Policy (Infrastructure) 2007 (SEPP1) following which it is considered that the project can be carried out without the need for development consent, or is exempt development.

Accordingly, approval of the proposed activity under Part 5 of the Environmental Planning and Assessment Act, 1979 (as amended) (EPAA) is required. This Review of Environmental Factors (REF) is intended to enable Council to issue a Part 5 Activity Approval for the project.

2.0 BACKGROUND

In September 2016, Ballina Shire Council prepared a Review of Environmental Factors (REF) under Part 5 of the Environmental Planning and Assessment Act, 1979 (as amended) (the Act), Reference No. 2016/003, for Lake Ainsworth foreshore improvement works at Lennox Head, New South Wales.

Sections 1.1 and 1.2 of the REF describe the proposed work as follows:

"1.1 Name and Location of Proposed Activity

Improvement works along the eastern and south eastern foreshore of Lake Ainsworth, Pacific Parade, Lennox Head, NSW.

1.2 Description of Location

The proposed works form part of the Lake Ainsworth Recreational Precinct: Lennox Head Concept Plan by Design Team Inc. (2016) provided in Appendix D and are broken down into 3 principle areas shown in Figure 1.1 referred to as:

- **Eastern Road** – *Rehabilitating the road by profiling the existing pavement and constructing a footpath and landscaping the area of public reserve to create passive recreation space between the eastern shore of Lake Ainsworth and Seven Mile Beach.*
- **Intersection** – *Reconstruction of the 3-way Intersection between Pacific Parade, the eastern road and the southern road adjacent to the existing Lennox Head/Alstonville Surf Life Saving Club building. The new intersection will be a 2-way intersection incorporating a turn facility and will be the termination point of the existing eastern road (open to emergency vehicle and maintenance service vehicles only)*
- **Southern Road** – *Reconstruction of the existing road way and formalising the adjoining car parking bays between Pacific Parade and Camp Drew Road. These are future works and do not form part of the Part V consent.*

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

In response to the Part 5 REF, on 4 November 2016 Ballina Shire Council issued a Notice of Determination granting approval under Section 111 of the Act subject to conditions (Approval No. Part V Register No. 22.2016/14). A copy of the Approval is contained at **Annexure H**. The Approval authorises some of the work proposed in this REF, however for completeness, Council has decided to prepare a fresh REF under Part 5 of the Act for the whole of the works now proposed, including reconstruction of the southern road.

This REF and Part 5 Assessment will supersede Part 5 Approval No. 22.2016/14.

3.0 PROPERTY DESCRIPTION

In real property terms, the land to which this application relates is described as Lot 62 DP 755725, Lot 7016 DP 1113629, Lots 1, 2 and 3 DP 1115145, Lot 7022 DP 1052251 Pacific Parade and the Camp Drew road reserve (western road).

There are multiple lots involved with various trustees and zonings and accordingly the following table has been prepared to summarise Lot and DP numbers, ownership, trustees and zoning.

TABLE 1 – SUMMARY OF LOTS				
Lot	DP	Owner	Trustee	Zoning
62	755725	Crown	Part BSC	Part RE1 BLEP2012 Part 7(f) BLEP1987
62	755725	Crown	Part NSW Crown Holiday Parks Trust	Part RE1 BLEP2012 Part 7(f) BLEP1987
7016	1113629	Crown	N/A	7(f) BLEP1987
1	1115145	Crown	BSC (Lennox Head Surf Club)	7(f) BLEP1987
2	1115145	Crown	BSC	7(f) BLEP1987
3	1115145	Crown	BSC	7(f) BLEP1987
7002	1052251	Crown	BSC	7(f) BLEP1987

Annexure A comprises an Aerial Photograph showing the topographic features of the land and improvements. **Annexure B1** comprises a Site Plan showing the location of the proposed development in relation to the various lot boundaries, zone boundaries and Reserve Trust boundaries.

4.0 PROJECT DESCRIPTION

The description of the proposed project is contained in Section B4, Items iv(a) to (d) of Council's Request for Quotation No. 935, at Page 11, which is reproduced as follows:

"B4. BACKGROUND

- iv. *The proposed works involve improvements along the eastern and south eastern foreshore of Lake Ainsworth, as discussed below and shown in **Figure 1**:*
- a. *Eastern Road. Rehabilitating the road by profiling the existing pavement and constructing a footpath and landscaping the area of public reserve along to the overbank area of the eastern shore of Lake Ainsworth."*

Relocation of the existing 100m diameter watermain is also proposed.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

The Application Plans also show picnic settings, seating, wheelchair ramps into Lake Ainsworth and reinstatement of existing eroded embankments.

This REF and Part 5 Assessment also requests approval for the initial implementation /construction works and the ongoing maintenance required to maintain the Lake Ainsworth beach access in perpetuity. This may require ongoing sand replenishment, replacement of logs, ramps and periodically reshaping sand after heavy usage.

The nine Melaleuca trees adjacent to the eastern road were originally proposed to be removed. Following a redesign of the proposed concrete pathway, these trees will now be retained.

- b. Intersection. Reconstruction of the 3-way Intersection between Pacific Parade, the eastern road and the southern road adjacent to the existing Lennox Head/Alstonville Surf Life Saving Club building. The new intersection will be a 2-way intersection incorporating a turn facility and will be the termination point of the existing eastern road (open to emergency vehicle and maintenance service vehicles only)
- c. Southern Road and Foreshore Area. Reconstruction of the existing road way and formalising the adjoining car parking bays between Pacific Parade and Camp Drew Road. These works are along the overbank area of public reserve along the southern shore of Lake Ainsworth. It includes bank stabilization, improvement of the open spaces for passive recreation and pedestrian linkages between existing isolated open spaces.

As indicated on the Aerial Photograph at **Annexure A**, there is an existing road (open to the public) on the southern side of Lake Ainsworth.

Minor realignment of the southern road is proposed such that it ultimately defines the boundary between the Lake Ainsworth Caravan Park (NSW Crown Holiday Parks Trust) and the Lake Ainsworth Foreshore Reserve (Ballina Shire Council Trust Manager).

Following the closure of the eastern road, increased traffic will be generated on the western road (Camp Drewe Road). It is not proposed to seal Camp Drewe Road from the southern road to the Lake Ainsworth National Fitness Camp entrance as part of the proposed foreshore improvement works. However, this section of road could possibly be sealed at a later date when operational funds become available.

Traffic issues area ddressed in the Engineering Services Report at **Annexure E**.

- d. Boardwalk.

As shown on the Application Plans, a low impact boardwalk linking through the pockets of vegetation is also proposed.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

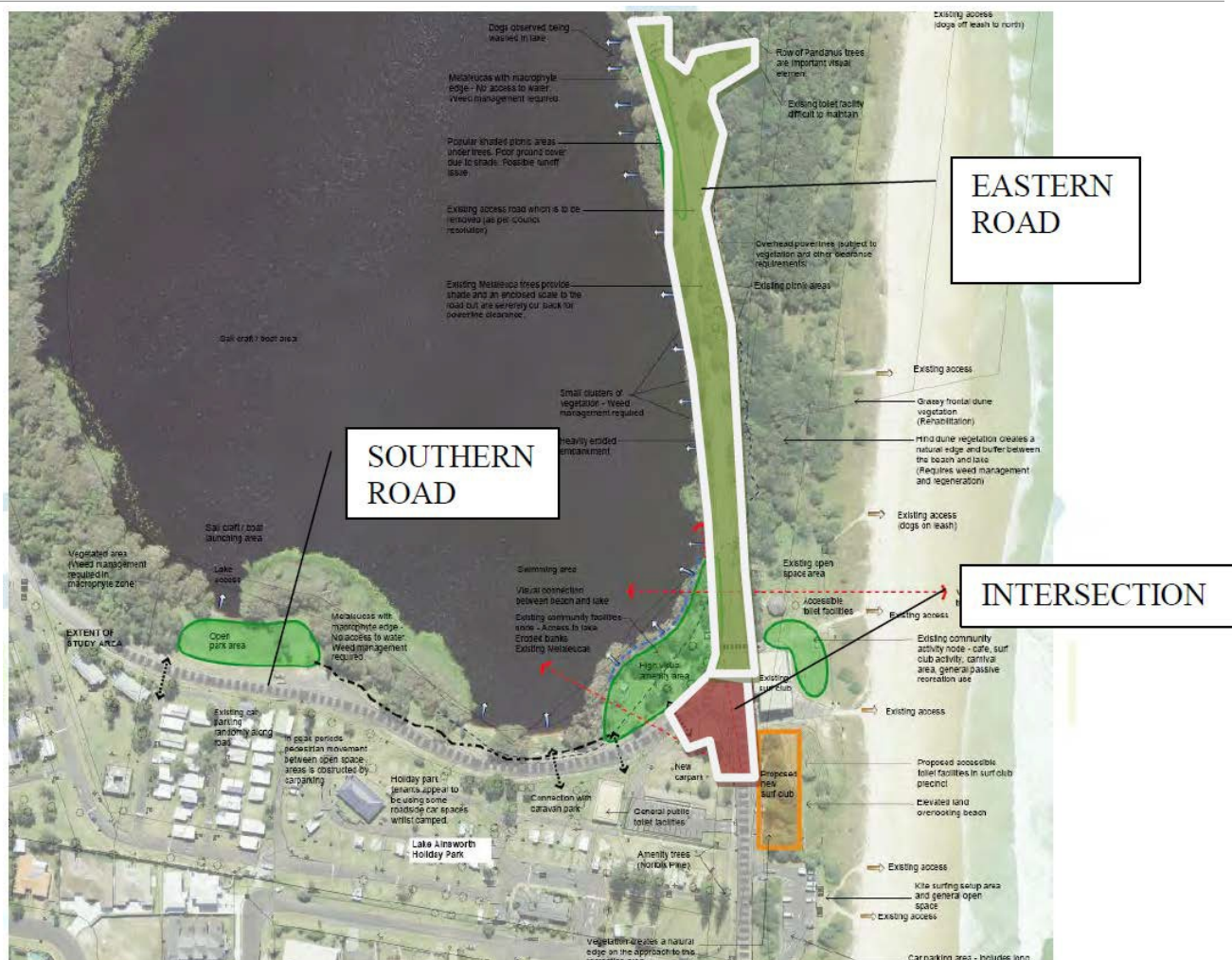


Figure 1: Locality plan showing environmental extent of proposed works
Source: Ballina Shire Council, Review of Environmental Factors, 22 September 2016

Full details of the proposed project are contained in the Application Plans at **Annexure B**.

Background information in relation to the site and project is contained in the Engineering Report at **Annexure E**.

5.0 STATUTORY PLANNING CONSIDERATIONS

5.1 Environmental Planning and Assessment Act, 1979 (as amended)

To determine whether or not development consent for the proposed work is required under Part 4 of the EPAA, an assessment of relevant Environmental Planning Instruments (EPIs) is required. The following Sections address BLEP1987, BLEP2012 and SEPPI, being the relevant EPIs.

5.2 Ballina Local Environmental Plan 2012

As indicated on Drawing LHR30_061/OP (Overall Plan) at **Annexure B1**, part of the site is zoned RE1 Public Recreation under the provisions of this Plan.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

The Lake Ainsworth Caravan Park (LACP) is located within the RE1 land as is the existing and proposed southern road. It is proposed to reconstruct part of southern road within the RE1 land, including parallel parking (turf cells) and bioretention basins.

The objectives of the RE1 zone and the Land Use Table are as follows:

"Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.*
- To provide a range of recreational settings and activities and compatible land uses.*
- To protect and enhance the natural environment for recreational purposes.*
- To provide for a diversity of development that meets the social and cultural needs of the community.*
- To provide for public access to open space and natural recreation areas.*
- To protect and conserve landscapes in environmentally sensitive areas, particularly in foreshore and visually prominent locations.*
- To provide for development that is consistent with any applicable plan of management.*
- To encourage development that achieves the efficient use of resources such as energy and water.*

2 Permitted without consent

Environmental protection works; Flood mitigation works; Roads

3 Permitted with consent

Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Extensive agriculture; Forestry; Function centres; Heliports; Information and education facilities; Jetties; Kiosks; Markets; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Restaurants or cafes; Sewerage systems; Signage; Take away food and drink premises; Water recreation structures; Water supply systems; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3"

It is considered that the parallel car parking and bioretention basins are ancillary to the proposed southern road reconstruction work.

The proposed southern road will not be located in a public road reserve, however the road will be open to the public. The definition of "road" in BLEP2012 is as follows:

"road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road."

The Land Use Table for the RE1 zone provides that development for the purposes of a "road" is permissible, **without** development consent.

Therefore, an Environmental Assessment and Approval under Part 5 of the Act will be required. A Part 5 Assessment has been completed and an Approval has been issued (see **Annexure H**) however the REF and Approval only apply to the eastern 200m length of the southern road.

For completeness, this Part 5 Assessment addresses all works described in Section 4.0.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Based on the overall Plan at **Annexure B1**, a small component of the southern foreshore works are also within the RE1 zone. This work would be appropriately characterised as development for the purposes of a “recreation area” which is permissible in the RE1 zone, with consent. “Recreation Area” is defined as follows:

“recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children’s playground, or*
- (b) an area used for community sporting activities, or*
- (c) a public park, reserve or garden or the like,*
- and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).”*

See comments below in relation to Clauses 65(2)(d) and 65(3) of SEPPI, which has the effect of permitting the foreshore works without development consent. Therefore, a Part 5 Assessment will be required rather than a Part 4 Development Application.

The remainder of the subject land is a “deferred matter” and therefore BLEP1987 continues to apply to the deferred areas.

5.3 Ballina Local Environmental Plan 1987

As indicated on **Figure 2**, that part of the site mapped as a “deferred matter” under BLEP2012 is zoned 7(f) Environmental Protection (Coastal Land) under BLEP1987.

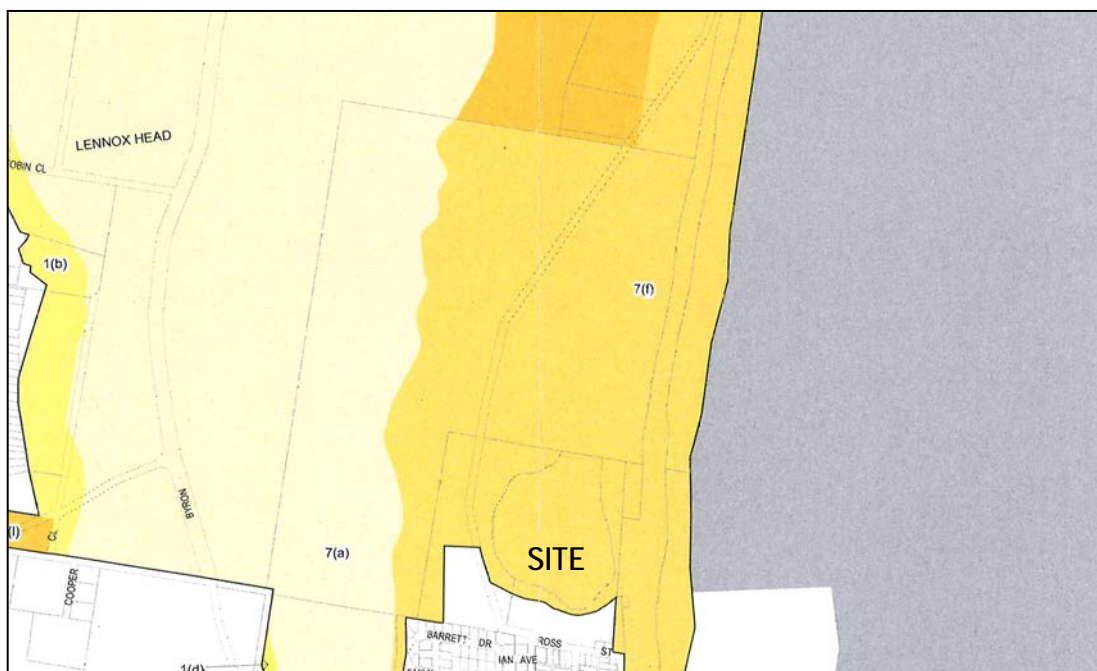


Figure 2 – Zoning Map
Source: Ballina Local Environmental Plan 1987

Clause 9(7) of the Plan provides that:

“9 Zone objectives and development control table

- (7) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.”*

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

The objectives and Land Use Table for the 7(f) zone are as follows:

"Zone No 7 (f) Environmental Protection (Coastal Lands) Zone

1 Objectives of zone

- A The primary objectives are:
- (a) to protect environmentally sensitive coastal lands, and
 - (b) to prevent development which would adversely affect or be adversely affected, in both the short and long term, by the coastal processes.
- B The secondary objectives is to enable the development of public works and recreation amenities where such development does not have significant detrimental effect on the habitat, landscape or scenic quality of the locality.
- C The exceptions to these objectives are:
- (a) to permit the development of public works, outside the parameters outlined in the primary and secondary objectives, only in cases of demonstrated and overriding public need and subject to the impact on the coastal lands being minimised, as much as is reasonably practical, and
 - (b) development of surf life saving, environmental education facilities and like facilities.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; beach amenities; bed and breakfast establishments; bush fire hazard reduction; camping grounds; caravan parks; community buildings; drainage; dwelling-houses; environmental educational facilities; environmental protection works; forestry; golf courses; helipads; home industries; open space; picnic grounds; pipelines associated with aquaculture; recreation establishments; recreation facilities; refreshment rooms; roads; surf club houses; utility installations.

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Any purpose other than a purpose specified in item 3."

The proposed roundabout and the eastern foreshore works are within the 7(f) zone.

Development for the purposes of "roads" is permissible, with development consent, in the 7(f) zone. Roads are not defined in BLEP1987, or the 1980 Model Provisions, which are adopted pursuant to Clause 6 of the Plan. Notwithstanding the above, Clause 94(1) of SEPP1 provides that:

"94 Development permitted without consent—general

- (1) Development for the purpose of a road or road infrastructure facilities may be carried out by or on behalf of a public authority without consent on any land. However, such development may be carried out without consent on land reserved under the National Parks and Wildlife Act 1974 only if the development:
- (a) is authorised by or under the National Parks and Wildlife Act 1974, or
 - (b) is, or is the subject of, an existing interest within the meaning of section 39 of that Act, or
 - (c) is on land to which that Act applies over which an easement has been granted and is not contrary to the terms or nature of the easement."

Clause 8 of the SEPP provides that the Policy prevails over BLEP1987 to the extent of any inconsistency.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

It follows from the above that the proposed roundabout does not require development consent under Part 4 of the Act, however an Environmental Assessment and Approval under Part 5 of the Act will be required.

A Part 5 Assessment has been completed (REF 2016/003, Lake Ainsworth Foreshore Improvement Works Lennox Head NSW, BSC 22 September 2016), a copy of which is provided at **Annexure H**. The Assessment and Part 5 Approval do not apply to the southern road however they do apply to the proposed roundabout.

In relation to the proposed eastern and southern foreshore improvement works, BLEP1987 does not include a specific definition encompassing the proposed work. Development for the purposes of "open space" is permissible, with development consent, in the 7(f) zone and given the nature of the proposed works, in a generic sense, they could be characterised as development for the purposes of "open space".

Notwithstanding the above, Clauses 65(2)(d) and (3)(a), (b), (e), (f) and (h) of SEPPI provide that:

"65 Development permitted without consent

- (2) Development for any purpose may be carried out without consent:
- (d) in the case of land that is a reserve within the meaning of Part 5 of the Crown Lands Act 1989, by or on behalf of the Director-General of the Department of Lands, a trustee of the reserve or (if appointed under that Act to manage the reserve) the Ministerial Corporation constituted under that Act or an administrator,
- if the development is for the purposes of implementing a plan of management adopted for the land under the Act referred to above in relation to the land.
- (3) Development for any of the following purposes may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:
- (a) roads, cycleways, single storey car parks, ticketing facilities and viewing platforms,
- (b) outdoor recreational facilities, including playing fields, but not including grandstands,
- (e) landscaping, including irrigation schemes (whether they use recycled or other water),
- (f) amenity facilities,
- (h) environmental management works."

In relation to Clause 65(2)(d), on the basis that the Lake Ainsworth Crown Reserve and Ballina Coastal Reserve (for which BSC are Trust Managers) are reserves within the meaning of Part 5 of the Crown Lands Act, 1989 (CLA) the proposed foreshore improvements would be permissible, without development consent, if the development is for the purposes of implementing a Plan of Management.

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 CLA and therefore satisfies Clause 65(2)(d).

Section 1.7 of the BCRPOM is in the following terms:

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

"1.7 LAND DESCRIPTION AND STATUS

The lands covered by the PoM comprise all vacant Crown land and coastal Crown reserves from the Richmond River at Ballina to the northern boundary of Ballina Shire on Seven Mile Beach and east of the Coast Road down to mean low water mark (MLWM). Two minor exceptions to this are Eastern Park and Pioneer Park on the western side of the Old Coast Road at Shaws Bay. The lands are in the Parish of Ballina and the Parish of Newrybar County of Rous.

The land extends along 18 kilometres of coastline and covers an area of approximately 320 hectares (Figure 1). It includes all beaches, rocky shores, headlands, dune systems within the above area, public open space adjoining Shaws Bay and Shelly Beach and the water bodies of Lake Ainsworth and Shaws Bay.

The land includes:

- ☐ existing coastal Crown reserves for which Council is the appointed Trust Manager;
- ☐ coastal Crown reserves for which there is no appointed Trust Manager;
- ☐ vacant Crown land currently administered by the Department of Land and Water Conservation.
- ☐ Crown Public Roads currently administered by DLWC as roads authority under the Roads Act 1993.

These lands are described in the following table.

Reserve Description	Location	Purpose
part R.84109 NSW Sport & Recreation	Lake Ainsworth	National Fitness & Physical Education
R.82783 Ballina Shire Council	Lake Ainsworth	Public Recreation
R.83506 Ballina Shire Council	Lennox Head	Public Recreation
R.83506 Ballina Shire Council	Boulder Beach, Skennars Head	Public Recreation
R.32714 No Trust	Shelly Beach (West of Village)	Protection from Sand Drift
R.82765 Ballina Shire Council	Black Head, Shelly Beach	Public Recreation
R.73879	Shaws Bay	For Future Public Requirements
R.91507 Ballina Shire Council	Shelly Beach	Public Recreation
R.69266 Ballina Shire Council	Shaws Bay	Public Recreation
R.65048 Ballina Shire Council	Lighthouse Beach, Lighthouse Hill	Public Recreation
R.90859 Ballina Shire Council	Lighthouse Beach	Parking
R.94492 Ballina Shire Council	Public Recreation	Shaws Bay
R.84107 Ballina Shire Council	Public Recreation & Resting Place (includes Dedication for Public Park vide East Ballina Cemetery Act 1957)	Shaws Bay
Vacant Crown Land	(various locations) - Beach to Low Water Mark 7 Mile Beach, Pacific Parade, Lennox Head, Shag Rock, Boulder Beach, Sharps Beach, Flat Rock, Angels Beach, Shelly Beach, Compton Drive (Shaws Bay)	

The following lands are excluded from the PoM:

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

-
- all freehold lands including land owned by Ballina Shire Council (including Flat Rock Tent Park)
 - Lake Ainsworth, Shaws Bay and Boomerang Caravan Parks (subject to separate PoMs);
 - Pop Denison Park (subject to separate PoM);
 - Lake Ainsworth National Fitness Camp managed by NSW Department of Sport and Recreation. (Department of Sport and Recreation have indicated a willingness to support addition of that part of R84109 west of the Public Road to the proposed single Coastal Reserve);
 - land held by Presbyterian Church (NSW) Property Trust at Camp Drew at Lake Ainsworth, and the Gunundi Anglican at Conference Centre at Black Head.

Two significant areas of land owned by Ballina Shire Council within the coastal strip are:

- Lennox Headland which includes Lennox Point, Pat Morton Lookout and the southern slope of Lennox Headland classified as Community Land by Council; and
- Angels Beach/Flat Rock which includes the Flat Rock Tent Park and areas to the north and south also classified as Operational Land by Council.

These areas are shown in Figure 1. (Study Plan)

Whilst these lands are subject to a different statutory framework, they are integral to the Ballina coastline. Ballina Shire Council intends to integrate the planning and management of these lands with the broad objectives and the specific recommendations for the adjoining management precincts outlined in the PoM."

In summary, the BCRPOM applies to the subject land and satisfies Clause 65(2)(d) as the Plan was prepared and adopted under the CLA.

To determine whether or not the proposal (as described in the Application Plans) is for 'the purposes of implementing the Plan of Management', it is necessary to assess the proposal against the BCRPOM.

Of particular relevance to the development proposal are the following management objectives:

"MANAGEMENT OBJECTIVE:

"Manage cultural heritage places, items and landscapes."

STRATEGY: Identify and preserve Aboriginal and non-Aboriginal heritage, including significant sites.

Actions:

- For items of non-Aboriginal heritage value, establish a register under custodianship of the local Heritage Society.
- For local Aboriginal sites, establish and maintain a register, not available to the general public and available on approval from the recognised custodians of the site register; (NPWS and/or Jali Local Aboriginal Land Council Heritage and Cultural Committee).
- Provide appropriate interpretative signage;
- Raise awareness of operational staff and managers of the sensitivity of heritage sites prior to undertaking any works.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

- Ensure inputs by the local recognised Aboriginal communities prior to making decisions affecting Coastal Reserve lands.
- Consider implications of Native Title and other relevant legislation prior to any development or activity.
- Provide appropriate buffer areas around significant Aboriginal sites to protect against damage.
- Raise awareness of Council and other public utility bodies (eg. electricity, roads, fire, telecommunications & emergency) of the significance of heritage sites; ensure safeguards are in place to protect sites eg. through a code of practice applied prior to any works.

MANAGEMENT OBJECTIVES:

- **"Recognise the rights and needs of Aboriginal people."**
- **"Recognise spiritual values in coastal planning and management."**
- **"Facilitate greater community understanding of Aboriginal values."**

STRATEGY: Ensure ongoing involvement of the local Aboriginal community in the planning, management and implementation of actions in the Coastal Reserve.

STRATEGY: Facilitate, where appropriate, cultural tourism.

Action:

- Establish an Aboriginal cultural centre or similar facility within or near the Ballina coastal area.

An Aboriginal cultural centre is planned for the Ballina area, providing an important link between Aboriginal culture and the wider public and promoting greater appreciation of Aboriginal culture and heritage of the local area through displays, presentations and distribution of information.

Ballina Shire Council's Aboriginal Community Development Liaison Officer facilitates communication between the local Aboriginal community and Council regarding protection of significant landscapes, sites, and relics in the Shire, including coastal areas. Jali Local Aboriginal Land Council has established a Heritage and Cultural Committee to address all matters regarding the management and protection of Aboriginal heritage in its area of concern, including the Coastal Reserve.

STRATEGY: Develop projects within the Coastal Reserve to promote better understanding of Aboriginal heritage.

Whilst respecting the need for protection of significant sites and artefacts, there is potential to develop projects which would raise awareness of local Aboriginal culture and of their relationship with the natural coastal landscape. Possible actions to achieve this may be:

- use of interpretive signage at key locations, explaining the significance of the landscape, traditional uses of the area, Aboriginal mythology;
- consider establishing an Aboriginal cultural trail in the Coastal area;
- consider establishing an Aboriginal cultural centre (refer above)."

Comment:

There are no heritage items listed for the site in BLEP1987 or BLEP2014. An Aboriginal Cultural Heritage Assessment has been prepared, including consultations with Aboriginal stakeholders. A copy of the Assessment Report is contained at **Annexure G**. In summary, the Report concludes that no further archaeological investigation is required.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Based on these conclusions, it is considered that the proposal is not inconsistent with this management objective

The following table addresses compliance with the Recreation Facilities and access management objectives.

TABLE 2 – RECREATION FACILITIES AND ACCESS	
REQUIREMENT	COMMENT
MANAGEMENT OBJECTIVES: <ul style="list-style-type: none"> • <i>"Maintain / upgrade (designated) recreation areas to cater for a range of appropriate passive recreation activities."</i> 	The proposal is consistent with this objective in that it will achieve upgraded recreation facilities and access, including to the lake foreshore.
<ul style="list-style-type: none"> • <i>"Provide/ upgrade access to foreshores where feasible and environmentally sustainable options are available."</i> 	As above.
<ul style="list-style-type: none"> • <i>Maintain existing access and viewing amenity for the disabled and elderly where feasible.</i> 	As above.
STRATEGIES: <ul style="list-style-type: none"> • <i>Identify/ prioritise activities to improve and maintain recreational amenity;</i> 	
<ul style="list-style-type: none"> • <i>Develop short term and long term targets for each compartment/precinct in the Coastal Reserve specifying:</i> <ul style="list-style-type: none"> o <i>access (pedestrian and disabled);</i> o <i>parking areas;</i> o <i>toilets, (consider potential for composting toilets), showers, change facilities;</i> o <i>lighting where appropriate;</i> o <i>picnic facilities , BBQ's, shade etc.;</i> o <i>seek out funding opportunities to achieve above.</i> <p><i>(Recreation facilities for high priority areas are addressed in the Precinct Management Plans)</i></p>	<p>Consistent . Improved pedestrian access to the lake and foreshore will be achieved.</p> <p>Consistent. It is proposed to formalise the existing parking along the southern road and remove parking areas that currently exist along the eastern road and offset the removed spaces with the recent carpark upgrades. The general conclusion of the traffic report is there is no net loss in overall parking numbers in the precinct.</p> <p>Consistent . The existing public toilets adjacent to the Lennox Head Surf Club will be retained and the existing facilities on the eastern foreshore will be renovated.</p> <p>Lighting upgrades are not included in the project, however existing lighting currently provided for the road and toilet facilities will be retained.</p> <p>Consistent. See Application Plans.</p> <p>Funds have been allocated.</p>

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

The BCRPOM divides the study area into five local precincts. The subject land is within Precinct 1, which extends from the Ballina/Byron Shire boundary to the north of the site, to Ross Street in Lennox Head, as shown on Figure 3, Precinct 1 Plan, a copy of which is reproduced below as **Figure 3**.

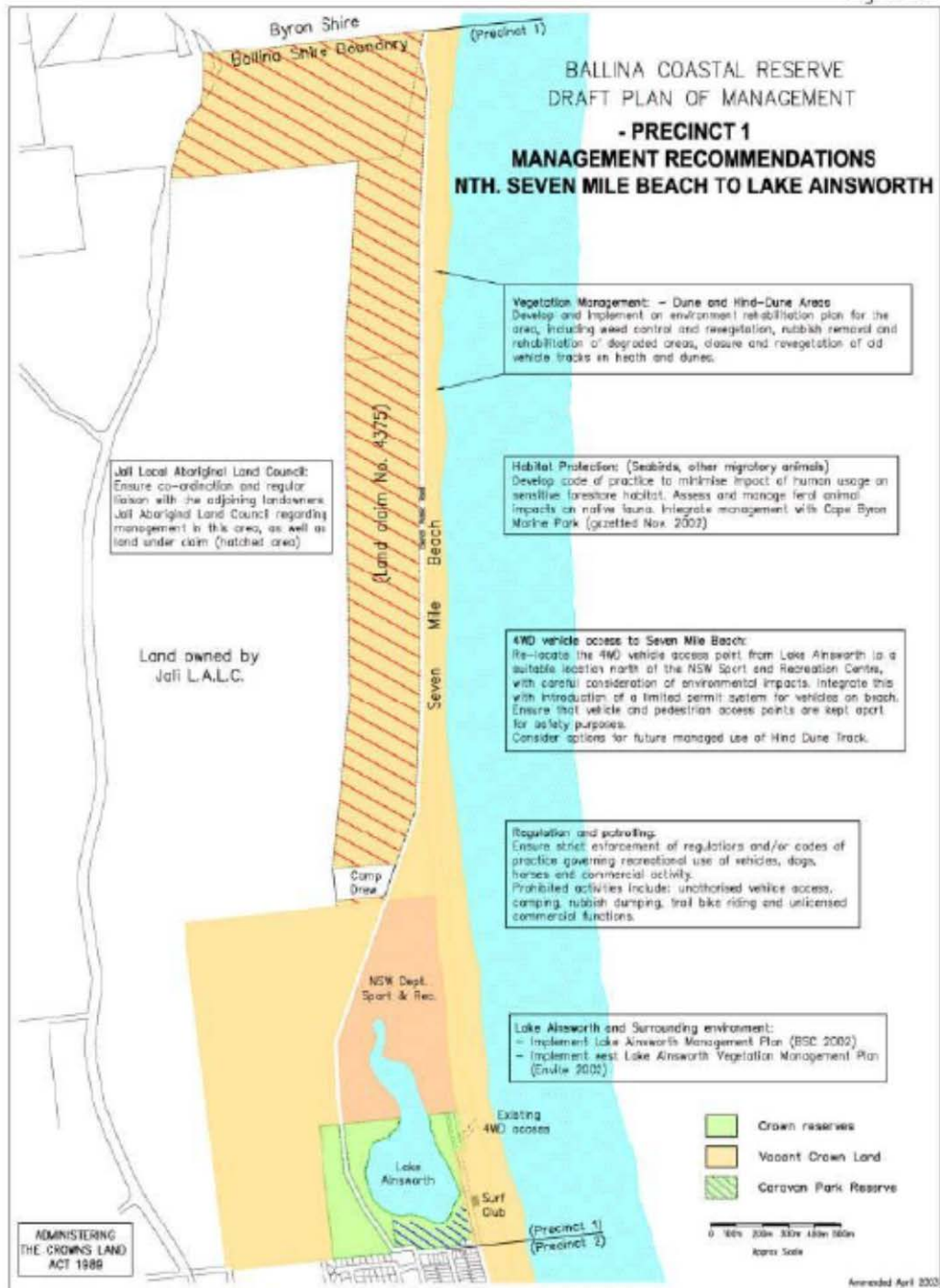


Figure 3 - Precinct 1 Plan

Figure 3 - Precinct 1 Plan
Source: Ballina Coastal Reserve Plan of Management

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

The objectives for management of Precinct 1 are reproduced in the following table (**Table 3**) together with comments in relation to consistency between the development proposal and the key objectives.

TABLE 3 – RECREATION FACILITIES AND ACCESS	
REQUIREMENT	COMMENT
<p>Objectives for Management of Precinct 1</p> <p>The wild and relatively natural and remote setting of this area should be maintained and enhanced. The area is noted as a prominent 'indigenous' landscape, and is an important remnant of coastal heath/hind-dune habitat within the region.</p> <p>However, there still exists strong demand for some uses that potentially threaten both the sensitive coastal environment and generally passive recreational values of the beach if not managed properly.</p> <p>The Plan of Management aims to achieve a balance, where possible, of recreational amenity and environmental protection. Future management of this area should aim to:</p> <ul style="list-style-type: none"> – Preserve the natural features of the area by maintaining the 'low use' status of the beach. Consistent with the above objective, encourage mostly passive recreational activities that are non-intrusive, by: <ul style="list-style-type: none"> (a) minimising opportunities for potentially damaging activities to impact on the beach and dune/hind dune environment, through tighter control of vehicle activity, minimum commercial activity, strict control of dogs and horses; and (b) providing no facilities apart from basic access to the beach at the southern end of the precinct. – Ensure ongoing protection and rehabilitation of the natural environment and indigenous heritage values of the area through education and awareness programs, cooperative management with the Marine Park Authority and ongoing liaison with the Aboriginal community. 	<p>Consistent. Only the modified southern and eastern lake foreshores are proposed for upgrading.</p> <p>As above.</p> <p>Consistent. As above.</p> <p>Consistent. The proposed foreshore upgrade works will provide improved facilities for residents and tourists.</p> <p>Consistent. See Plans.</p> <p>Consistent. See Aboriginal Cultural Heritage Due Diligence Assessment at Annexure G. The proposal will improve access to the lake foreshore and reinstate eroded embankments.</p>
<p>SPECIFIC MANAGEMENT RECOMMENDATIONS – PRECINCT 1</p> <p>(refer also to Figure 5 - Precinct 1 Management Recommendations)</p> <p>OFF-ROAD VEHICLE ACCESS IN PRECINCT 1</p> <p>1) Limited access permit system: providing for (4WD) vehicle access for a limited number of vehicles to the northern end of Seven Mile Beach, using one access point only; strict regulation and patrolling.</p>	<p>Consistent. No new beach access points are proposed.</p>

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

TABLE 3 – RECREATION FACILITIES AND ACCESS	
REQUIREMENT	COMMENT
<p>Permits will be issued on an annual basis and maintained in strict accordance with a code of practice which will include the following initiatives:</p> <ul style="list-style-type: none"> • a strong emphasis on safety and enjoyment for walkers and other passive users, • no damage to dune environment, minimum disturbance to wildlife, • exclusion of vehicles during high use periods (ie. daylight hours of weekends, public holidays and other high-use periods, eg. New Year's Eve; • vehicle permit system to be administered by the Reserve Trust Manager, reviewed yearly to assess the system's appropriateness, safety and impact on general beach amenity, and environmental impacts. 	<p>Consistent. See Plans.</p> <p>Consistent. See Plans.</p> <p>Consistent. See Plans and can be implemented by appropriate signage and enforcement.</p> <p>Consistent.</p>
2) Re-location of the 4WD beach access to a site north of NSW Sport and Recreation, carefully located to minimise environmental impacts.	Consistent. 4WD access has already been relocated.
3) Permanent closure of hind dune track , with provision only for emergency and service vehicles and fire management, and pedestrian access.	Consistent – the track has been closed.
Prohibited activities: Commercial vehicle guided tours, trail bikes and 4wd cycles.	Consistent.
DOGS AND HORSES	
<p>Dogs</p> <ul style="list-style-type: none"> • Dogs permitted off-leash (subject to the statutory provisions of the Companion Animals Act 1998) north of Lake Ainsworth. Dogs prohibited from the remainder of the beach. • Provision of dog litter control facilities at designated access points. • Strict enforcement of dog litter and dog control regulations. 	<p>Consistent.</p> <p>Consistent.</p> <p>Consistent.</p>
<p>Horses</p> <ul style="list-style-type: none"> • Recreational horse riding permitted on Seven Mile Beach, but prohibited from the dune and hind dune area • Commercial horse riding permitted, with limited numbers, businesses licensed and subject to tender. <p>Code of Practice for horses in Precinct 1:</p> <ul style="list-style-type: none"> • Horse riding (both recreational and commercial) permitted only on weekdays, not on weekends or public holidays. 	<p>Consistent.</p> <p>Consistent.</p> <p>Consistent.</p>

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

TABLE 3 – RECREATION FACILITIES AND ACCESS	
REQUIREMENT	COMMENT
<ul style="list-style-type: none"> • Thoroughbred training and trotting not permitted. • Horse access to be only via the designated vehicle access or other specified site/s. • Horses not permitted on dunes and hind dune areas, walking tracks, formal pedestrian tracks or disabled access. • Horses to be kept under full control at all times. • All horse manure to be taken away. • Horse wash-down not to be done near any human shower or other amenity. • Caution to be exercised at all times, particularly in proximity to walkers, children and dogs. 	<p>Consistent.</p> <p>Consistent.</p> <p>Consistent.</p> <p>Consistent.</p> <p>Consistent.</p> <p>Consistent.</p> <p>Consistent.</p>
COMMERCIAL ACTIVITIES Commercial activities permitted are surfing schools, kite-board schools, guided sea-kayak activity, and guided horse riding, all licensed by Council, and operating in designated areas under specified guidelines.	Consistent.
HABITAT MANAGEMENT <ul style="list-style-type: none"> • Implement rehabilitation works for the area, including weed control, planting, rehabilitation of old vehicle access tracks. • Marine Park - maintain an active level of 'Co-management' with the Marine Parks Authority and the NSW National Parks and Wildlife Service for the area of overlap between the Reserve and the Cape Byron Marine Park along Seven Mile Beach, ie. between mean high water and mean low water levels (refer Section 3.7 - Related Planning Processes : Cape Byron Marine Park) 	<p>Consistent. See Plans.</p> <p>Consistent.</p>
AMENITIES AND FACILITIES No amenities or facilities provided in this precinct, the area to remain undeveloped, catering only for passive self reliant day-to-day visitation - access by foot and limited (permit) vehicles only, disabled access by permitted vehicles.	Consistent. See Plans.
LAKE AINSWORTH MANAGEMENT PLAN (BSC 2002) The Lake Ainsworth Management Plan recommends a number of actions for the lake and surrounds addressing environmental protection, lake water quality, recreation amenity, parking and traffic management, and public education. Implementation of the Lake Ainsworth Management Plan will be integrated with the Ballina Coastal Reserve Plan of Management, with planning of the Lake Ainsworth Caravan Park and with the recommendations of the Lennox Head Strategic Plan.	See comments at Section 7.2 in relation to compliance with the LAMP. The LAMP was not prepared under the Crown Lands Act, and is therefore not relevant for the purposes of Clause 65(2)(d).

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

TABLE 3 – RECREATION FACILITIES AND ACCESS	
REQUIREMENT	COMMENT
CAMPING AND SOCIAL FUNCTIONS <i>Prohibited activities:</i> camping on the dune and hind-dune areas; large organised social functions, dance parties, fires.	Consistent.
ABORIGINAL CULTURAL HERITAGE Management of this area to be conducted in liaison with the adjoining landowner Jali Local Aboriginal Land Council, in respect of Aboriginal cultural values and any potential impacts of activities on adjoining Jali lands.	Consistent. See Cultural Heritage Assessment at Annexure G .

In summary, it is considered that the development proposal is not inconsistent with the BCRPOM and therefore development consent is not required for the foreshore improvement works pursuant to Clauses 65(2)(d) and 65(3)(a) and (b) of SEPPI.

In addition, some of the elements of the development proposal (roads, cycleways, outdoor recreation facilities) are consistent with Clause 65(3)(a), (b), (e), (f) and (h) of the Policy and are therefore also permissible, without development consent, pursuant to this Clause.

In particular, the reinstatement of existing eroded embankments to Lake Ainsworth would be characterised as development for the purposes of "Environmental Management Works" and therefore permissible, without consent, pursuant to Clause 65 (3)(h). "Environmental Management Works" are defined as follows:

"environmental management works means:

- (a) works for the purpose of avoiding, reducing, minimising or managing the environmental effects of development (including effects on water, soil, air, biodiversity, traffic or amenity), and*
- (b) environmental protection works."*

In summary, while development consent under Part 4 is not required, a Part 5 Assessment is required.

6.0 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (AS AMENDED) PART 5 ACTIVITY ASSESSMENT

Section 110 of the Act contains the following definitions:

"activity means:

- (a) the use of land, and*
- (b) the subdivision of land, and*
- (c) the erection of a building, and*
- (d) the carrying out of a work, and*
- (e) the demolition of a building or work, and*
- (f) any other act, matter or thing referred to in section 26 that is prescribed by the regulations for the purposes of this definition,*
but does not include:
 - (g) any act, matter or thing for which development consent under Part 4 is required or has been obtained, or*
 - (h) any act matter or thing that is prohibited under an environmental planning instrument, or*

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

-
- (i) exempt development, or
 - (j) development carried out in compliance with an order under Division 2A of Part 6, or
 - (k) any development of a class or description that is prescribed by the regulations for the purposes of this definition.

approval includes:

- (a) a consent, licence or permission or any form of authorisation, and
- (b) a provision of financial accommodation by a determining authority to another person, not being a provision of such financial accommodation, or financial accommodation of such class or description, as may be prescribed for the purposes of this definition by a determining authority so prescribed.

determining authority means a Minister or public authority and, in relation to any activity, means the Minister or public authority by or on whose behalf the activity is or is to be carried out or any Minister or public authority whose approval is required in order to enable the activity to be carried out.

nominated determining authority, in relation to an activity, means the determining authority nominated by the Minister in accordance with section 110A in relation to the activity.

proponent, in relation to an activity, means the person proposing to carry out the activity, and includes any person taken to be the proponent of the activity by virtue of section 110B."

Section 111 of the Act is in the following terms:

"111 Duty to consider environmental impact

- (1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.
- (2) (Repealed)
- (3) Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality in which the activity is intended to be carried on.
- (4) (Repealed)"

Section 112(1) of the Act is in the following terms:

"112 Decision of determining authority in relation to certain activities

- (1) A determining authority shall not carry out an activity, or grant an approval in relation to an activity, being an activity that is a prescribed activity, an activity of a prescribed kind or an activity that is likely to significantly affect the environment, unless:
 - (a) the determining authority has obtained or been furnished with and has examined and considered an environmental impact statement in respect of the activity:
 - (i) prepared in the prescribed form and manner by or on behalf of the proponent, and
 - (ii) except where the proponent is the determining authority, submitted to the determining authority in the prescribed manner,

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

-
- (b) notice referred to in section 113 (1) has been duly given by the determining authority (or, where a nominated determining authority has been nominated in relation to the activity, by the nominated determining authority), the period specified in the notice has expired and the determining authority has examined and considered any representations made to it or any other determining authority in accordance with section 113 (2),
- (c) the determining authority has complied with section 113 (3),
- (c1) (Repealed)
- (d) where it receives notice from the Secretary that the Minister has requested that a review be held by the Planning Assessment Commission with respect to the activity, the review has been held and the determining authority has considered the findings and recommendations of the Planning Assessment Commission and any advice given to it by the Minister in accordance with section 114, and
- (e) where it receives notice from the Secretary that the Secretary has decided that an examination be undertaken in accordance with section 113 (5), that examination has been carried out and the determining authority has considered the report furnished to it in accordance with that subsection."

In summary, the project is an "activity" as it involves the carrying out of a work and approval is required because the project requires financial accommodation from Council.

Therefore, the activity requires a Part 5 Environmental Assessment and Approval pursuant to Section 112(1) of the Act.

In accordance with the definition of "Determining Authority, Ballina Shire Council is the determining authority as Council is a public authority by, or on whose behalf, the activity is to be carried out.

6.1 Environmental Planning and Assessment Regulation 2000

Clause 228(2) of the Regulation prescribes a number of matters which must be taken into account concerning the impact of an activity on the environment. Relevant matters are addressed in the following Sections.

6.1.1 Any Environmental Impact on a Community

Closure of the eastern road to vehicular traffic (other than emergency vehicles) will limit the ability of members of the public to access the eastern Lake foreshore and beach area by motor vehicle. Pedestrian and emergency vehicle access will be maintained.

This work will preclude vehicular access to the Lake Ainsworth National Fitness Camp (LANFC), other than for emergency vehicles.

Permanent vehicular access to the LANFC will be provided by the proposed realigned southern road and Camp Drewe Road. Camp Drewe Road is currently unsealed.

The objectives of closing the eastern road to traffic include:

- ♦ Discouraging vehicular access to the beach from the eastern road;
- ♦ Improving pedestrian/visitor safety and amenity;
- ♦ Reducing impacts on the Lake foreshore and passive open space area, including Lake foreshore erosion, damage to vegetation and vandalism.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

4WD access has already been relocated and access to the eastern Lake foreshore will remain available to residents and visitors (including cyclists) via the proposed concrete pathway. In addition, residents and visitors will have access to improved picnic facilities and the Lake foreshore, free of motor vehicles and their inherent noise, fumes and safety issues.

The works on the southern foreshore involve realignment of the existing road and foreshore embellishment, including parking, picnic facilities and bioretention basins. The proposed works will not substantially change the existing situation.

On balance, it is considered that the proposed works will not have a significant adverse impact on a community and is likely to have positive impacts.

6.1.2 Any Transformation of a Locality

The principal proposed change is removal of the eastern road and replacing it with a pedestrian/cycle/emergency vehicle concrete pathway. In this context and having regard to the comments at Section 6.1.1, it is considered that the change will not be radical and will not give rise to any significant transformation of the locality.

6.1.3 Any Environmental Impacts on the Ecosystems of the Locality

Minor removal of habitat and disturbance of the Lake Ainsworth foreshore is required for the proposed improvement works.

The minor disturbance proposed is temporary and the works include revegetation and rehabilitation areas which offset the minor disturbance. In the longer term the work is likely to be beneficial to ecosystems.

Bioretention swales are proposed adjacent to hardstand areas to ensure that water runoff quality is improved before it reaches Lake Ainsworth. Stormwater management measures will be implemented during the construction phase.

Removal of the sealed eastern road from adjacent to the eastern foreshore of Lake Ainsworth will reduce runoff and pollutants entering the Lake.

The Ecological Assessment at **Annexure F** concludes that the proposed work will not have a significant effect.

6.1.4 Any Reduction of the Aesthetic, Recreation, Scientific or Other Environmental Quality or Value of a Locality

The aesthetic values of Lake Ainsworth and the foreshore area will be enhanced by retaining all mature healthy trees and planting additional trees and landscaping.

Proposed picnic and recreational structures are of a modest scale and contemporary design which will be compatible with the established character of the area. The recreational values of the area will be enhanced by providing safe pedestrian and cycle access to the eastern Lake foreshore, together with modern recreational and picnic facilities (barbeque, picnic settings, seating).

Given the scale and nature of the proposed improvement work, no significant reduction in the scientific or environmental quality or value of the locality is likely to occur.

By precluding vehicular access on the eastern foreshore, repairing the Lake Ainsworth eroded banks, embellishment of the foreshore areas and improving stormwater quality improvements in aesthetic, recreational, scientific and the environmental quality and value of the area generally will be achieved.

6.1.5 Any Effects on a Locality, Place or Building Having Aesthetic, Anthropological, Archaeological, Architectural, Cultural, Historical, Scientific or Social Significance or Other Special Values for Present or Future Generations

Lake Ainsworth and the surrounding areas have aesthetic, cultural and social significance for Aboriginal people and the community generally. The objective of the proposed foreshore improvement works is to preserve and improve the values of the area.

Clause 5, Schedule 1 of BLEP1987 does not identify any items of environmental heritage in, or adjacent to, the project site.

Clause 5.10, Schedule 3 of BLEP2012 does not identify any heritage items in, or adjacent to, the project site.

The Cultural Heritage Report at **Annexure G** indicates that no Aboriginal objects or places were located during the inspection. The Report was prepared following consultations with the Aboriginal community which included a site inspection.

In summary, Lake Ainsworth and the foreshore area have special value for present and future generations of residents and tourists. The objective of the proposed foreshore improvement works is to embellish, preserve and protect the foreshore and Lake Ainsworth to ensure that it remains available as a safe and sustainable recreation area for current and future generations.

6.1.6 Any Impacts on the Habitat of Protected Animals (Within the Meaning of the Biodiversity Conservation Act 2016)

Annexure F comprises an Ecological Assessment which concludes that the proposed development is unlikely to result in a significant impact and a Species Impact Statement is not required.

6.1.7 Any Endangering of any Species of Animals, Plant or Other Form of Life, Whether Living on Land, in Water or in the Air

See comments at Section 6.1.6.

6.1.8 Any Long Term Effects on the Environment

The proposed foreshore improvement works have been designed and planned to avoid and minimise impacts generally. The work will assist in avoiding long term impacts by precluding vehicular access on the eastern road, repairing the Lake Ainsworth bank erosion and improving water quality in Lake Ainsworth.

6.1.9 Any Degradation of the Quality of the Environment

The objective of the project is to make sustainable improvements to the existing environment by undertaking the Lake Ainsworth foreshore works, as described in Section 4 and the Annexures.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Having regard to the scale and nature of the proposed work, degradation of the quality of the environment is unlikely to occur.

6.1.10 Any Risk to the Safety of the Environment

Safety risks may arise during the construction phase (accidents, fuel spills, traffic control and the like). However these can be managed by a Construction Management Plan (CMP).

Similarly, water quality in Lake Ainsworth can be managed by ensuring that appropriate erosion and sedimentation control measures are implemented during the construction phase.

The safety of guests at the LANFC will be maintained by providing an emergency vehicle access via the eastern road, together with access via the western road.

In summary, safety is not considered to be a significant risk.

6.1.11 Any Reduction in the Range of Beneficial Uses of the Environment

No significant reduction in the range of beneficial uses of Lake Ainsworth or the foreshore area is likely to result given that disabled access to the eastern foreshore will remain available and wheelchair ramps will be provided into Lake Ainsworth.

Recreational uses of the lake and foreshore generally will continue in a safe and more efficient environment, including contemporary picnic and recreation facilities.

6.1.12 Any Pollution of the Environment

No changes in land use are proposed as a result of the proposed works and therefore the potential for pollution will not increase. There is likely to be a neutral or beneficial outcome in relation to pollution of Lake Ainsworth as a result of the removal of motor vehicles from the eastern road. The potential for pollution during the construction phase will be managed and addressed in a CMP.

6.1.13 Any Environmental Problems Associated with the Disposal of Waste

The collection, storage and disposal of waste generated during the construction phase will be addressed in a CMP.

Wheelie bins or other appropriate bins will be strategically located within the foreshore area to provide convenient facilities for waste disposal by visitors and subsequent collection by Council's waste contractor.

In summary, no environmental problems with waste disposal are likely to arise.

6.1.14 Any Increased Demands on Resources (Natural or Otherwise) that are, or are Likely to become, in Short Supply

No significant increase in demand for resources during the construction phase is likely to occur. No change of use of the foreshore area is proposed and therefore there will be no significant increase in demand for resources.

6.1.15 Any Cumulative Environmental Effect with Other Existing or Likely Future Activities

Currently, there are no other planned future activities which will result in cumulative effect.

The existing LANFC to the north and the LACP to the south are the only significant activities in close proximity which may give rise to cumulative effects.

Given the nature and scale of the existing long standing uses and the scale and nature of the proposed uses, no significant cumulative effects are likely to arise.

6.1.16 Any Impact on Coastal Processes and Coastal Hazards, Including Under Projected Climate Change Conditions

Illustration 2.2 – Lennox Head Erosion Hazard Zones is contained in the BSC Coastal Zone Management Plan dated August 2016. Illustration 2.2 is reproduced below at **Figure 4**.

The proposed work on the eastern foreshore of Lake Ainsworth is generally landward of the minimum 50 year hazard line and seaward of the best estimate 100 year hazard line.

It is noted that the northern part of the Lake Ainsworth eastern foreshore is protected by a seawall constructed in 1997.

It is also noted that there is a possible rock wall constructed in 1977 to 1980 south of the surf club building.

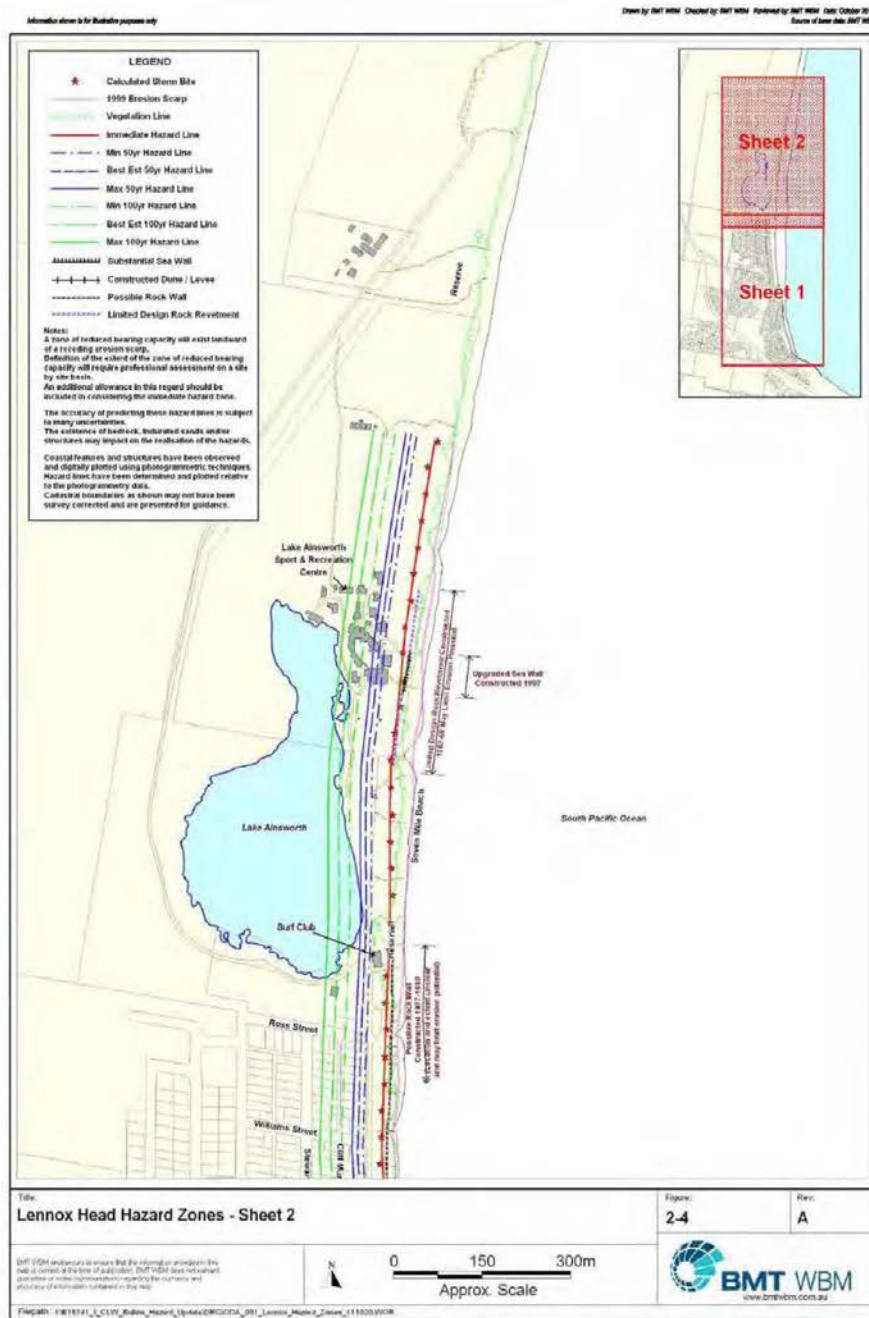
Illustration 3.2 – Lake Ainsworth Management Actions also shows a subsurface seawall (location and extent unknown) between the rock walls referred to above.

Section 3.4.1 of the Plan states that:

“The broad management objective adopted for this beach unit is to protect development landward of the beach rather than remove development and allow erosion to proceed, i.e. protect rather than retreat.”

In the context of the scale and nature of the proposed of the proposed works and given that they are landward of the minimum 50 year hazard line, it is considered that the proposed works are unlikely to have any significant impact on coastal processes and coastal hazards.

Illustration 2.2 - Lennox Head Erosion Hazard Zones – Sheet 2 (from BMT WBM, 2011)



Lennox Head Erosion Hazard Zones - Sheet 1 (from BMT WBM, 2011)



Coastal Zone Management Plan for the Ballina Shire Coastline
0766-100x

Figure 4 – Illustration 2.2 Lennox Head Hazard Zones
Source: Draft Coastal Zone Management Plan, August 2016

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

6.2 Summary and Conclusions

Having regard to the assessment of relevant factors above and the provisions of Section 112(1) of the Act, it is considered that the proposed activity is unlikely to significantly affect the environment. It follows that an Environmental Impact Statement (EIS) is therefore not required.

7.0 PLANS OF MANAGEMENT

7.1 Ballina Coastal Reserve Plan of Management (April 2003, November 2011)

Relevant provisions of this Plan are addressed in Section 5.3 of this Report.

7.2 Lake Ainsworth Management Plan November 2002

The Lake Ainsworth Management Plan (2002) (LAMP) applies to the project as relatively minor works are proposed within the waterbody including:

- Maintaining existing lake access;
- Rehabilitating existing eroded embankments, installing log revetments at five locations;
- Install a wheelchair access ramp from the proposed pathway to Sandy Beach;
- Tree planting and landscaping on the lake foreshore.

The LAMP was prepared by the Department of Public Works and Services, GeoLink and Ballina Shire Council based on the framework in the NSW State Government Estuary Management Manual. It does not expressly refer to the Crown Lands Act and is therefore not a Management Plan to which Clause 65(2)(d) of SEPP1 applies. Therefore it does not enable the development to be carried out without development consent under that clause.

The LAMP, at Page vii, contains Management Actions. Relevant Actions are shown in Table 4, together with comments in relation to project compliance.

TABLE 4 – LAKE AINSWORTH MANAGEMENT PLAN ACTIONS WITH COMMENTS					
Ref	Issue	Management Actions	Agency	Cost	Comments
Traffic Management					
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.
Erosion					
H1	Erosion of the foreshore of the lake and accumulation of sediments in the lake.	Implement Traffic Management Plan (See section Traffic Management Actions).	BSC	Medium-High	Complies.
Aboriginal Heritage					
K1	Protection of areas of Aboriginal cultural significance.	Ensure areas of Aboriginal cultural significance remain relatively undisturbed through measures acceptable to the Local Aboriginal Land Council.	BSC and the Local Aboriginal Land Council	Low	Complies – see Annexure G .
K2	Protection of areas of Aboriginal cultural significance.	Liaison between Ballina Shire Council and the Local Aboriginal Land Council regarding culturally significant Land Council sites.	BSC and the Local Aboriginal Low		Complies – see Annexure G .
K3	Protection of areas of Aboriginal cultural significance.	Erect signage to educate the community about the presence and significance of Aboriginal cultural sites, where deemed appropriate by the Local Aboriginal Land Council.	BSC and the Local Aboriginal Low		Complies – see Annexure G .
Recreation					
E1	Potential erosion caused by sail craft.	Provide a launching area for sailboats and sailboards	BSC	Medium	Not applicable.
E2	Damage to vegetation by wood fires and increasing visitor enjoyment.	Upgrade picnic and BBQ facilities.	BSC	Medium	Complies – see plans.
E3	Erosion and damage to vegetation by visitors walking in undefined areas.	Provide pedestrian access paths and walking tracks.	BSC	Medium	Complies – see plans.
Water Level and Flooding					
J2	The need to mitigate the effects of the natural variation of the lake's water level rather than implement a system to control and regulate the water level in the lake.	Placement of new and/or replacement of existing recreational facilities (BBQs, walking paths, etc) beyond levels likely to be inundated for prolonged periods.	BSC	Low	Complies – see plans.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

7.3 Coastal Zone Management Plan August 2016

Relevant provisions of this Plan are addressed at Section 6.1.16.

7.4 Lake Ainsworth Crown Reserve Master Plan, Connell Wagner, October 2005 (LACRMP2005)

"1.1 Background

The project team of Connell Wagner and HASSELL has prepared the Lake Ainsworth Crown Reserve Master Plan and the following study report. The Master Plan is a guide for planning action only and is not intended to provide the detail commonly associated with the design phase work.

The Lake Ainsworth Crown Reserve Master Plan which is the subject of this report is part of the continuation of planning and strategy development for Lake Ainsworth. The study has built on existing information and action, and has also considered the issues raised by the community to further shape the future of the lake and its surrounds.

1.2 Site Description

Lake Ainsworth is a major freshwater lake at the northern end of Lennox Head. The catchment for Lake Ainsworth falls within the responsibility of Ballina Shire Council. The lake has an area of 12.4 hectares and is covered by two Crown Reserves namely:

- Crown Reserve 82783 for Public Recreation. This Reserve was notified on 9 September 1960 and is described as Lot 62 DP 755725, Lots 7001 and 7002 DP 1052251 and Lot 7006 DP 1062252 Parish Newrybar, County Rous comprising area of 15.66 hectares. This Reserve accounts for the southern part of Lake Ainsworth including the Lake Ainsworth Caravan Park and other recreational land uses.*
- Crown Reserve 84109 for National Fitness and Physical Education. This Reserve was notified on 14 December 1962 and is described as Lot 140 DP 755725 Parish Newrybar, County Rous. The Reserve accounts for the northern portion of the lake including Lake Ainsworth Sport and Recreation Centre ("Sport and Recreation Centre") as it is locally known and Camp Drewe.*

1.3

Geographic Scope of Study

In early 2005 Council commissioned Connell Wagner and HASSELL to undertake the master planning process for the Lake Ainsworth Crown Reserve (Reserve No. 82783). This Crown Reserve covers the southern part of Lake Ainsworth to the Ross Street road reserve. The Lake Ainsworth Caravan Park currently operates within this Crown Reserve. Council is the Trustee for the Lake Ainsworth Crown Reserve.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



Map 1: Lake Ainsworth Crown Reserve

The Crown Reserve (Reserve No. 84109) that covers the northern section of the lake and the Lake Ainsworth Sport and Recreation Centre is not included in the scope of the master planning process for the reason that this area is not under the administration of Ballina Shire Council. There is no Trust established to manage this Reserve. The Sport and Recreation Centre is administered by the New South Wales Department of Tourism, Sport and Recreation.

The Master Plan divides the site into four precincts comprising:

- ♦ Eastern Foreshore Dune Precinct;
- ♦ Southern Foreshore Community Park Precinct;
- ♦ Caravan Park Precinct; and
- ♦ Coastal Heath Precinct.

The project site is within the Eastern Foreshore Dune Precinct, Southern Foreshore Community Park Precinct, Caravan Park Precinct and Coastal Health Precinct.

Relevant provisions of the Master Plan for each Precinct are addressed in the following Sections.

7.4.1 Eastern Foreshore Dune Precinct

The Eastern Foreshore Dune Precinct covers the area north of Pacific Parade to the road closure just beyond Lennox Head Alstonville Surf Life Saving Club and the entrance of the Sport and Recreation Centre. It also takes in the coastal dunal system to the Seven Mile Beach.

The Surf Club and the open space/public amenities block immediately to the north of the Surf Club are not in the Lake Ainsworth Crown Reserve area but have been illustrated in the Master Plan to capitalise on integrating public spaces.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

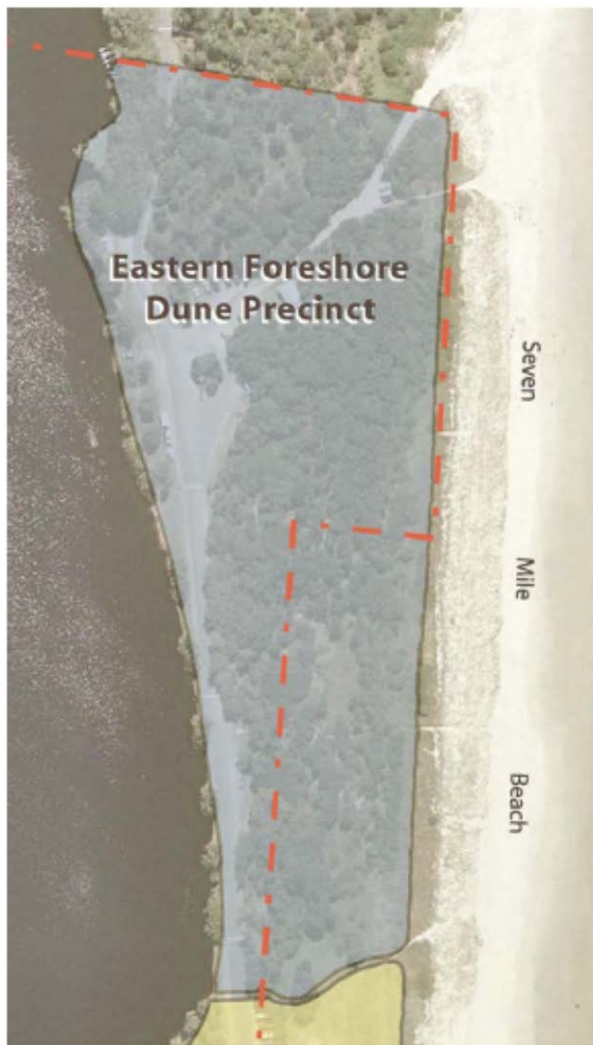


Figure 5: Eastern Foreshore Dune Precinct

5.2 Master Planning Initiatives

The following table identifies the major Master Planning initiatives for the Eastern Foreshore Dune Precinct:

Table 5.1 Eastern Foreshore Dune Precinct Planning Initiatives

Eastern Foreshore Dune Precinct			
Initiatives		Drivers	Comments
A1	<p>Eastern Road to be closed to all vehicular traffic (aside from emergency and maintenance vehicles).</p> <p>Note: The closure of Eastern Road is contingent on the establishment of new western access road through or around Lake Ainsworth Caravan Park</p>	<p>Improve water quality;</p> <p>Improve foreshore and dunal protection;</p> <p>Enhanced recreational opportunities;</p> <p>Enhanced mobility and safety benefits.</p>	Complies

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Eastern Foreshore Dune Precinct			
Initiatives		Drivers	Comments
A2	New access to Sport and Recreation Centre and Seven Mile Beach via Camp Drewe Road	Improve water quality; Improve foreshore and dunal protection; Enhanced recreational opportunities; Enhanced mobility and safety benefits.	Complies
A3	Recreation and open space areas to be established along eastern foreshore	Enhanced recreational opportunities; Enhanced mobility and safety benefits.	Complies
A4	Car parking to be removed from eastern foreshore	Improve water quality; Improve foreshore and dunal protection; Enhanced recreational opportunities; Enhanced mobility and safety benefits.	Complies
A5	Upgrading of recreational furniture and vegetation fencing	Improve foreshore and dunal protection; Enhanced recreational opportunities;	Complies
A6	Pedestrian and cycle access with possible design and construction of contoured cycleway to complement open space areas and enhance public safety	Enhanced recreational opportunities; Enhanced mobility and safety benefits	Complies
A7	Aquatic planting in shallow water on eastern foreshore to protect bank and reduce nutrient level	Improve water quality; Foreshore and dunal protection;	Complies
A8	Provision for disabled access to lake's edge	Enhanced recreational opportunities; Enhanced mobility and safety benefits.	Complies
A9	Educational signage to be erected to promote qualities and sensitivities of the lake	Improve water quality; Improve community education.	Will Comply
A10	Provision of emergency access along foreshore in conjunction with initiative A6 above.	Enhanced recreational opportunities; Enhanced mobility and safety benefits.	Complies

The major advantages that the above initiatives will have on the Lake Ainsworth Crown Reserve include:

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

- significant potential to enhance the lake's water quality and foreshore and protect the adjacent dunal system through the closure of the Eastern Rd to motor vehicles; and
- the recreational opportunities of this area of the Crown Reserve will be enhanced through the creation of a vehicle free foreshore open space area including better recreation furniture and infrastructure that will encourage pedestrian, cycling and other passive recreation use.

7.4.2 Southern Foreshore Community Park Precinct

6.1.1 Key Features

The Southern Foreshore Community Park Precinct covers the area from Pacific Parade to that part of the caravan park immediately to the west of the first amenities block and also all area between the lake and Southern Road and the start of the contiguous heath on the western side of the lake.

The land between the lake and the Southern Road is currently used for recreational purpose and accessing the lake for swimming. Picnic facilities including a BBQ area are provided in open space opposite the Surf Club.



Figure 6: Southern Foreshore Community Park Precinct

6.2 Master Planning Initiatives

The following planning initiatives are proposed for the Southern Foreshore Community Park Precinct:

Table 6.1 Southern Foreshore Community Park Precinct Planning Initiatives

Southern Foreshore Community Park Precinct				
Initiatives		Drivers	Comments	
B1	Eastern side of caravan park adjacent to amenities block to Pacific Parade to be excised from caravan park (according to the applicable road access option adopted)	Improve water quality; Improve traffic and parking; Enhanced recreational opportunities; Enhanced mobility and safety benefits.	Complies. This car park has been constructed and forms part of the offset parking referred to in the engineering report.	
B2	Excised land to be primarily converted into open space and some parking	Improve traffic and parking; Enhanced recreational opportunities; Enhanced mobility and safety benefits.	Complies	

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Southern Foreshore Community Park Precinct			
Initiatives		Drivers	Comments
B3	Southern Road currently linking to Camp Drewe Road to the west at Pacific Parade and intersection will be closed to vehicular traffic (see also Caravan Park Precinct)	Improve water quality; Improve traffic and parking; Enhanced recreational opportunities; Enhanced mobility and safety benefits.	Noncompliant but proposed upgraded southern road provides a better traffic, access and amenity outcome.
B4	Turning circle at end of Pacific Parade at northern end of SLSC including disabled access drop off point.	Improve traffic and parking; Enhanced mobility and safety benefits.	Complies (roundabout) see plans.
B5	Hardstand/landscaped car parking areas for blocks of 16-20 cars to be provided on western side of Pacific Parade adjacent to SLSC	Improve traffic and parking; Enhanced mobility and safety benefits.	Complies
B6	Additional nose in car parking to be provided on eastern side of Pacific Parade	Improve traffic and parking; Enhanced mobility and safety benefits.	Noncompliant, no parking proposed in this location.
B7	Formalised parking controls to be considered	Improve traffic and parking; Enhanced mobility and safety benefits.	Appropriate regulatory signage will be installed.
B8	Southern Road to be converted to cycle/pedestrian way as part of circular network around Lake	Improve water quality; Enhanced recreational opportunities; Enhanced mobility and safety benefits.	See comments at B3 above.
B9	Access road from Pacific Parade (near Norfolk Pines) to provide new entrance to Caravan Park	Improve traffic and parking; Enhanced recreational opportunities; Enhanced mobility and safety benefits.	Access is currently off Ross Street. It is not proposed to change the existing access, however the proposed works do not prevent this from being implemented at a later date.
B10	Enhanced open space and recreation areas on southern foreshores linking to open space area immediately north of SLSC	Improve water quality; Enhanced recreational opportunities; Enhanced mobility and safety benefits.	Complies
B11	Children's playground facilities to be installed	Enhanced recreational opportunities.	Playground facilities are not proposed as part of the works. During the preparation of the concept plan, Council decided to not include a playground.
B12	Education signage to be erected regarding qualities and sensitivities of Lake Ainsworth	Improve water quality; Improve community education	Will comply.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

7.4.3 Caravan Park Precinct

Current Situation

7.1.1 Key Features

The Lake Ainsworth Caravan Park is located on the southern section of the Lake Ainsworth Crown Reserve 82783 and is fully in scope of the Master Plan. Key data associated with the caravan park includes:

Land Status	Lake Ainsworth Crown Reserve R82783	
Zoning	7(f) Environmental Protection Coastal Land under Ballina LEP	
Area	5.4 hectares	
Sites/Cabins	Long term sites	4
	Short term sites	167
	Camp sites	122
	Cabins	13
	Total	306

The study brief requires that the Master Plan address the following:

- The optimum mixture of land to be allocated as a caravan park and as open space and the nature and use of the open space;
- Preferred caravan park boundaries for Lake Ainsworth Caravan Park with regard to the consideration of long term closure of the caravan park and the financial viability of the caravan park; and
- Principles such as water sensitive urban designs that are applied in the implementation of future improvements to the Lake Ainsworth Caravan Park.



Figure 7: Caravan Park Precinct

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Table 7.1 Caravan Park Precinct Planning Initiatives

Caravan Park Precinct			
Initiatives		Drivers	Comments
C1	North eastern side of caravan park adjacent to the amenities block to Pacific Parade to be excised from caravan park and converted to open space, parking and a new caravan park entrance.	<p>Improve traffic and parking; Enhanced recreational opportunities;</p> <p>Enhanced mobility and safety benefits.</p>	This has been partly implemented. Access is currently off Ross Street. A new caravan park entrance has not been provided because that is a matter for the NSW Crown Holiday Parks Trust.
Caravan Park Precinct			
Initiatives		Drivers	Comments
C2	New caravan park entrance via access road from Pacific Parade.	<p>Improve traffic and parking; Enhanced recreational opportunities;</p> <p>Enhanced mobility and safety benefits.</p>	As above.
C3(i)	<p>Road Access Option 1 (Behind Barrett Drive):</p> <ul style="list-style-type: none"> Utilises existing road reserve that extends west of Ross St to caravan park southern boundary; A new road reserve would need to be established immediately behind Barrett Drive residences extending west to existing fire trail then heading due north to northern boundary of caravan park where new road would rejoin Camp Drewe (Western) Rd; Around 15 unpowered sites would be lost but the remainder of caravan park would remain intact; 	<p>Improve water quality; Improve traffic and parking; Enhanced recreational opportunities;</p> <p>Enhanced mobility and safety benefits through reduction in traffic in Eastern Road and Pacific Parade.</p>	This is not proposed. Road access is to be maintained along the Southern Road. A new caravan park entrance has not been provided because that is a matter for the NSW Crown Holiday Parks Trust.
C3(ii)	<p>Road Access Option 2 (Middle of Caravan Park):</p> <ul style="list-style-type: none"> Utilises an existing road reserve from the west of Ross St through the middle of caravan park linking to the existing Camp Drewe (Western) Rd. This road reserve was intended to be the primary link to the Camp Drewe (Western) Rd at its initial gazettal; Approximately 14 unpowered sites would be lost. 	<p>Improve water quality; Improve traffic and parking; Enhanced recreational opportunities;</p> <p>Enhanced mobility and safety benefits through reduction in traffic in Eastern Road and Pacific Parade.</p>	As above

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Caravan Park Precinct			
Initiatives		Drivers	Comments
C3(iii)	Road Access Option 3 (New Southern Rd Alignment): <ul style="list-style-type: none"> • new access road from Pacific Parade as the new caravan park entrance but then linking the existing Southern Rd just to the west of the eastern-most amenities block; • The Southern Rd then extends along a similar alignment to that at present to the Camp Drewe (Western) Rd with bollards defining appropriate parking along this road. 	Improve water quality; Improve traffic and parking; Enhanced recreational opportunities; Enhanced mobility and safety benefits.	Substantially complies
C4	Provision of overflow parking areas for caravan park users within the caravan park	Improve traffic and parking; Enhanced mobility and safety benefits	As above.
C6	Adoption of Master Plan water quality guidelines to steer cost effective capital and maintenance treatments in the reserve.	Improve water quality; Enhanced recreational opportunities;	Council is no longer trust manager of the caravan park and it is the responsibility of the Holiday Park Trust to implement water quality treatment within the park trust. However the proposed works include water quality treatment along the southern road which complies with Ballina Shire Council policy for stormwater Management.

7.4.4 Coastal Heath Precinct

8.1 Current Situation

The Coastal Heath Precinct covers the area of the Lake Ainsworth Crown Reserve from the south western corner of the lake to the western and northern boundaries of the Crown Reserve.

The precinct has extensive contiguous areas of low lying heath dominated by coastal banksia. There is evidence of irregular walking trails through the heath on the western side of the lake. However the area is not noticeably used for accessing the lake for swimming and/or watercraft activities. The southern foreshore and eastern foreshore totally dominate user access to the lake because of proximity to caravan park, picnic facilities and parking.



Figure 8: Coastal Heath Precinct

Table 8.1 Coastal Heath Planning Initiatives

Coastal Heath Precinct			
Initiatives		Drivers	Comments
D1	Investigate the possibility of new east-west access road from Ballina Byron Rd to Camp Drewe (Western) Rd.	See also initiatives A1; Improve water quality; Improve traffic and parking; Enhanced mobility and safety benefits.	Beyond the scope of this proposal.
D2	The above investigation should also include the possibility of long term siting the main entrance to the caravan park on the north western side of the caravan park with access from east west connector road and then south along Camp Drewe Rd. This would alleviate congestion in the Pacific Parade/Ross St area resulting from caravan park specific traffic.	Improve traffic and parking; Enhanced mobility and safety benefits.	As above.
D3	Camp Drewe (Western) Rd to be upgraded (sealed) to provide access to Sport and Recreation Centre, Camp Drewe and Seven Mile Beach when and if the Eastern Rd is closed to vehicular traffic.	Improve traffic and parking; Enhanced mobility and safety benefits.	Camp Drewe Road could possibly be sealed at a later date when operational funds become available.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Coastal Heath Precinct			
Initiatives		Drivers	Comments
D4	Establishment of a cycleway on upgraded Camp Drewe (Western) Rd as part of a possible circular cycleway around the lake.	Enhanced recreational opportunities; Enhanced mobility and safety benefits	Beyond the scope of this proposal.
D5	Consideration of establishing car/trailer parking for watercrafts accessing the Lake under all Road Access Options. The appropriate siting of this activity may lessen impacts on caravan park and recreation congestion around the southern foreshore of the lake in peak times but may have some environmental impacts on the existing heath.	Enhanced recreational opportunities; Enhanced mobility and safety benefits	Complies – 3 x long parking spaces for trailers are proposed along the southern road.
D6	Possible boardwalk and viewing platforms forming the western segment of a possible pedestrian pathway around the lake.	Enhanced recreational opportunities; Enhanced mobility and safety benefits	Beyond the scope of this proposal.
D7	Fencing of sensitive vegetation.	Improve water quality; Foreshore and heath protection.	Beyond the scope of this proposal.
D8	Educational signage to promote the environmental and cultural heritage aspects of the lake.	Improve water quality; Improve community education; Enhance cultural awareness.	Will be complied with.

7.5 Provision for Design of the Lennox Head Surf Club and Surrounding Precinct, Complete Urban, October 2014

The Stage 1 – Review and Consultation Report (October 2014) contains the following key objectives:

- “• Review the Lake Ainsworth Crown Reserve Master Plan and prepare concept designs for the works detailed in the master plan for the area on the eastern side of Lake Ainsworth and the how the refurbished or new building will be integrated into the development.
- Review the Building Condition Report by Ardill Payne & Partners (2009) and undertake further investigations as necessary on the existing building.
- Meet with stakeholders to determine current and future, including spatial, requirements for the surf club building.
- Provide options for the proposed works within the precinct including options and recommendations for the refurbished or new building.”

The Report addresses three options for a new road network to improve the amenity of the area identified in the LACMP (14 January 2005). Each Option involves the closure of the eastern road.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Road Option 1 involves :

"New road between the rear of the Barrett Drive residences to the caravan park. This option is not acceptable due to the impact on residences."



Figure 01 Lake Ainsworth Crown Masterplan - Road Option 1
(image courtesy of Google)

Road Option 2 involves:

"New road through the middle of the caravan park."

Option 2 proposed the removal of the northern end of Pacific Parade east of the lake and proposed that access to the Department of Sport and Recreation facilities be provided around the northwest side of the lake.

As part of this solution, it was also proposed to remove the existing road on the south side of the lake and provide vehicular connection through the caravan park to Ross Street. With Option 2, permanent removal of the road east of Lake Ainsworth is dependent on establishing a new road network south of the lake and providing a suitable alternative access to the Department of Sport and Recreation along the western and northern side of the lake. There is an existing road in this area but it is currently unsealed.

This option was not supported by the Crown when they took over the management of the caravan park."

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



Figure 02 Lake Ainsworth Crown Masterplan - Road Option 2
(image courtesy of Google)

Road Option 3 involves:

"New southern road alignment."

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



Figure 03 Lake Ainsworth Crown Masterplan - Road Option 3
(image courtesy of Google)

The Report concludes that the three previous Master Plan Road Options are unsuitable and proposes a further Option 4 as follows:

"New Southern Road alignment with Eastern Road maintained.

Due to the current unsuitability of the 3 previous masterplan road options, COMPLETE have proposed for Council's consideration an alternative solution that retains the Eastern Road.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

This option proposes to retain the Eastern Road in lieu of providing alternative access to the Department of Sport and Recreation via the Western Road.

With this option it is still important to alleviate the issues of health of the lake and dunes, road safety, amenity and caravan park operations and so it is suggested that the Eastern Road be used predominantly for the Department of Sport and Recreation with no public parking. A turnaround north of the existing surf club would limit the majority of vehicles to the south eastern corner of the lake. This will reduce the number of parking spaces east of the lake but this loss can be offset by additional parking south of the lake (refer to Section 2.3)."



Figure 04 Lake Ainsworth - Supplementary Road Option 4
(image courtesy of Google)

The Lake Ainsworth foreshore works assessed in this Report do not adopt Option 4 because it does not achieve the objectives of improving safety, amenity and water quality on the eastern Lake foreshore.

Rather, this project substantially adopts Option 3 because it achieves the most appropriate balance between the competing objectives relating to access, amenity and safety for foreshore users.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

The Report also addresses two options for the Lennox Head Surf Club building. Option A involves a refurbishment and extension of the existing building and Option B involves a new building.

In summary, the proposed roundabout at the intersection of Pacific Parade and the southern road will provide improved and flexible access to the Surf Club site to facilitate the implementation of either Options A or B.

8.0 KEY ISSUES

8.1 Engineering Services Report – Ballina Shire Council, 3 November 2017

This Report addresses traffic/parking; stormwater management, construction plans and sediment and erosion control. A copy of the Report is contained at **Annexure E**. In summary, the Report concludes as follows:

“Ballina Shire Council has prepared this Engineering Services Report to support the Part V assessment of the Lake Ainsworth Foreshore Improvement Works. The summary of our conclusions is as follows:

- The closure of the Eastern Road will redirect traffic along the Southern Road and Camp Drewe Road. The existing road network has adequate capacity for the increase traffic volume.*
- The car park extension and Ross Street road side parking upgrades compensates in quantity for the loss in road side car parking spaces resulting from the closure of the Eastern Road.*
- The proposed foreshore works maintains linkage along the eastern foreshore for emergency vehicles.*
- Off street pathways improve pedestrian accessibility and pedestrian safety in and around the lake foreshore area and provide improved connectivity to the Lennox Head pathway network.*
- The proposed works will not increase stormwater quantity generated by the proposed foreshore improvement works. Water sensitive design measures integrated in the landscape design provide stormwater treatment to meet the criteria in Ballina Shire Council DCP (2012)”*

8.2 Ecological Assessment

Annexure F comprises an Ecological Report prepared by Blackwood Ecological Services. In summary, the Report concludes as follows:

*“Blackwood Ecological Services have been engaged by Ballina Shire Council (BSC) to complete a Flora and Fauna Assessment for proposed foreshore improvement works at Lake Ainsworth, Pacific Parade, Lennox Head, NSW. The Flora and Fauna Assessment report is to be assessed under Part V of the Environmental Planning and Assessment Act 1979 (the EP&A Act). The works are on Crown Land for which the Council is the trust manager.
The area is also subject to the Lake Ainsworth Management Plan (2002).*

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

The proposed works involve improvements along the eastern and south eastern foreshore of Lake Ainsworth and adjacent recreational spaces. The eastern road rehabilitation involves profiling the existing road pavement and removing concrete footpaths and kerb and gutter. The roadway will be closed to public vehicles and the road way will be replaced with a concrete footpath which will provide a wearing surface for pedestrians and emergency vehicles.

The surrounding landscaping of the eastern road rehabilitation will be an extension of the existing passive recreational area comprising of seating, turfed areas, tree planting and embellishment of existing riparian vegetation. The proposed works also include undertaking measures to manage foot traffic accessing the lake and protect the banks against ongoing erosion. Three short sections of boardwalk are proposed to be located within clumps of lakeside paperbark forest on the southern bank of the lake. The purpose is to allow for pedestrian access round the southern bank without requiring visitors to use the roadway. Boardwalks are to be located so as to avoid loss of established paperbark trees and will be constructed of composite mesh to minimise impacts on groundcover and aquatic vegetation.

Surveys of site vegetation were undertaken on the 2nd May and 9th of August 2017. A total of 67 flora species were recorded during the surveys including 19 (28% of the total) exotic species. Five vegetation communities were identified within the Subject site. Areas of Broad-leaved paperbark forest generally meet the description of the EEC Swamp sclerophyll forest on coastal floodplains which is listed under the TSC Act 1995 for the North Coast bioregion. High quality areas of this EEC occur around the perimeter of the lake and to the north along the drainage channel. These areas have an intact canopy dominated by Broad-leaved paperbark and a native understorey typically dominated by ferns and rushes. Moderate value areas of this EEC also occur along the eastern and southern shores in unfenced areas and typically contain an intact canopy of paperbark but limited understorey due to pedestrian traffic and erosion. Scattered paperbark trees within grassland and carparking areas are also included in this EEC but are considered to be a highly degraded form. These areas have little to no natural regeneration occurring and no structured vegetation surrounding the paperbark trees.

No Threatened (TSC Act 1995, Commonwealth EPBC Act 1999) or ROTAP flora species were recorded during the site surveys.

The Lake Ainsworth area provides a variety of fauna habitat types, including aquatic habitats, swamp sclerophyll forest, developing littoral rainforest and areas of Coast banksia. Movement opportunities for fauna through the Study area are limited to the south and east as a result of the ocean and urban development. Vegetation along the dune system provides a partially intact north- south wildlife corridor although the lack of vegetation along much of the Lennox Head beachfront restricts movement for all but the more mobile fauna groups. Extensive areas of vegetation occur north and west of the lake and a partially intact corridor extends south-west to the Ballina Nature Reserve.

The various activities associated with the foreshore improvement and road rehabilitation works have the potential to result in some impacts on site vegetation. The proposed works will require the removal of one small Tuckeroo and one small Swamp she-oak on the eastern side of the lake. The removal of these trees is required so that the new pathway can be aligned further to the east than the existing roadway.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Locating the proposed pathway further east of the existing road will allow for the widening of existing areas of riparian vegetation and an additional area of 300 square metres will be available for regeneration of fully structured vegetation communities along the lake banks (BSC 2016). Construction of the boardwalk along three sections of the southern lake shore will require the removal of some small trees and understorey vegetation. The exact locations of boardwalks have been designed so as to minimise any vegetation removal required. No mature trees would be removed and the boardwalk is to be constructed of composite mesh to minimise impacts on groundcover and aquatic vegetation.

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.

There would be a long-term gain in fauna habitat values as a result of proposed rehabilitation works including the expansion and improvement of riparian vegetation through compensatory plantings and weed control works. The removal of vehicles from the eastern road will further enhance opportunities for fauna movement between dune vegetation and the lake. The Ballina Shire Development Control Plan (2012) notes that where development is unable to be sited, designed and managed to avoid potential adverse impacts on natural areas, a proposal to remove habitat may be considered. The loss of the two trees east of the Lake and some vegetation within southern boardwalk sections should be compensated for by the planting of 93 native species typical of Swamp Sclerophyll Forest (i.e. a ratio of 3:1).

The Subject site does not occur within or adjacent to any areas of SEPP 14 Coastal wetlands or SEPP 26 Littoral Rainforests and the proposed development will not have any impact on any of these areas in the locality.

Assessments of significance (7 part tests) were completed for a number of species of Threatened fauna recorded on the site or considered possible occurrences on the site over time. The proposed development is unlikely to result in a significant impact on any Threatened (TSC Act 1995) species, population or ecological community. A Species Impact Statement is not required. The proposed development is unlikely to result in a significant impact on any matters of National Environmental Significance as defined under the Commonwealth EPBC Act 1999."

8.3 Aboriginal Cultural Heritage Assessment

Annexure G comprises an Aboriginal Cultural Heritage Assessment prepared by Remnant Archaeology. The Executive Summary and Recommendations contained in the Report are reproduced as follows:

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

"In July 2017 Ballina Shire Council engaged Remnant Archaeology to carry out an Aboriginal cultural heritage assessment (ACHA) for their proposed upgrades of Pacific Parade and Camp Drew Road at Lake Ainsworth, Lennox Head in northern New South Wales. Although the project had been approved under Part V of the EP&A Act 1979, Council were keen to take into consideration concerns by members of the community and as such although the project (as approved under Part V of the EP&A Act) does not require a cultural heritage assessment (CHA) to be carried out unless an EIS is required, Council were still keen to take into consideration concerns expressed by members of the community and so commissioned REMNANT Archaeology to complete a CHA regardless.

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.

As a result of the investigation, outcomes and assessment contained in this cultural heritage assessment report it is recommended that:

1. No further archaeological investigation is required along the sections of Pacific Parade and Camp Drew Road designated for upgrade works.
2. The barrier dune and paperbark trees along Pacific Parade can be avoided.
3. Monitoring by representatives of the RAPs should take place during initial ground disturbance activity along the eastern verge of Pacific Parade.
4. It is recommended here that Council staff and contractors who have not previously (or recently) participated in Ballina Shire Council CH Induction Programs be required to do so. The CH induction program should be developed in collaboration with the local Aboriginal Community and should include a maintained record, including timing, of all personnel and contractors involved for the duration of the project.

In conjunction with induction training developed in collaboration with the local Aboriginal Community, Council is encouraged to include a program of cultural awareness. A cultural awareness program would provide an opportunity for explanation of the cultural significance to Aboriginal people of the Lake Ainsworth area and strengthen the relationships Council is seeking to build.

5. It is recommended that Ballina Shire Council maintain consultation with the RAPs. Ongoing consultation should be for the duration of the upgrade works.
6. It is recommended a Stop Work Procedure (SWP) is to be installed in recognition of the potential for discovery of unexpected or incidental finds. Note that any works that may reveal or disturb cultural heritage objects or sites will require an AHIP from OEH in order for the find(s) to be mitigated (if avoidance is not an option). The SWP procedure is outlined in the table below and has been adapted from earlier reports completed in the region (Fox 2014a; 2014b; 2014c; Knuckey 2016).

Council must ensure every on-site contractor/worker is provided with a copy of the SWP process and that all on-site workers are made aware if/when the SWP is brought into action.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Should the work being undertaken include the use of large earth working equipment (large-scale excavators, for example), it may be possible in some instances to isolate the cultural object and continue working without further disturbance. Advice from a heritage consultant or cultural monitors (if present) should be sought, but a nominal buffer of up to 5m may be required, with high-visibility barrier fencing/mesh surrounding the find location.

The proposed stop work procedure (SWP).

STOP WORK	Immediately, upon becoming aware of a potential cultural heritage object or archaeological resource
CONTACT	A qualified cultural heritage professional as soon as possible
NOTIFY	<p>The Ballina Shire Council's Heritage (or Senior Project) Officer, Jali LALC, the RAPs (if they are not already present), and advise OEH as soon as practicable.</p> <p>If bones or potential human remains are discovered, Police must be notified immediately. Police must provide written notification to proceed. If human remains are identified as Aboriginal, OEH will provide written notification of required actions.</p> <p>The cultural heritage professional in conjunction with OEH and the registered Aboriginal parties should assess the significance of the resource and recommend a course of action e.g.:</p>
ASSESS	<p>Protect and avoid; or</p> <p>Investigate, in accordance with the Code of Practice for Archaeological Investigations; or</p> <p>Develop management strategies to inform an AHIP to regulate the unavoidable harm to Aboriginal objects</p>
ACTION	<p>Identification of a previously unrecorded cultural heritage object will require registration as an Aboriginal site on the OEH AHIMS database.</p> <p>Registration is required as soon as practicable</p>
APPLY	To OEH for an AHIP if necessary
RECOMMENCE	Only when OEH has approved a course of action and/or provided conditions of approval for an AHIP

7. In the event that skeletal remains are uncovered, work must cease immediately in the area surrounding the find and the area cordoned off. The NSW Police Department is to be contacted and no further action taken until written advice is received from the Police allowing work to recommence. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified along with the RAPs to the project and the Jali Local Aboriginal Land Council. A plan of management for the preservation of the remains must be put in place prior to works recommencing and it must be developed in consultation with the RAPs.

14 RECOMMENDATIONS

Subsequent to the consideration of:

- o The relevant legislative requirements (set out in Section 2),
- o The results of the current cultural heritage assessment process,

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

- o The concerns and interests of the Aboriginal Community, represented by the RAPs, and,
- o The proposed impacts of the upgrade works. It has been found that:
- o The proposed upgrade works will occur in a landscape that is of high cultural importance to the Aboriginal Community.
- o The occurrence of tangible Aboriginal objects and/or sites within the study areas along Pacific Parade and Camp Drew Road (south) is zero; the shells found (See Figs. 15, 17) are not cultural.
- o The proposed upgrade works will have a direct impact upon the cultural landscape, however, potential physical impact upon particular landforms (the barrier dune along Pacific Parade) and individual sites (the paperbark trees along Pacific Parade) can be avoided.

As a result of these findings it is recommended that:

1. No further archaeological investigation is required along the sections of Pacific Parade and Camp Drew Road designated for upgrade works.
2. The barrier dune and paperbark trees along Pacific Parade can be avoided.
3. Monitoring by representatives of the RAPs should take place during initial ground disturbance activity along the eastern verge of Pacific Parade.
4. It is recommended here that Council staff and contractors who have not previously (or recently) participated in Ballina Shire Council CH Induction Programs be required to do so. The CH induction program should be developed in collaboration with the local Aboriginal Community and should include a maintained record, including timing, of all personnel and contractors involved for the duration of the project.

In conjunction with induction training developed in collaboration with the local Aboriginal Community, Council is encouraged to include a program of cultural awareness. A cultural awareness program would provide an opportunity for explanation of the cultural significance to Aboriginal people of the Lake Ainsworth area and strengthen the relationships Council is seeking to build.

5. It is recommended that Ballina Shire Council maintain consultation with the RAPs. Ongoing consultation should be for the duration of the upgrade works.
6. It is recommended a Stop Work Procedure (SWP) is to be installed in recognition of the potential for discovery of unexpected or incidental finds. Note that any works that may reveal or disturb cultural heritage objects or sites will require an AHIP from OEH in order for the find(s) to be mitigated (if avoidance is not an option). The SWP procedure is outlined in the table below and has been adapted from earlier reports completed in the region (Fox 2014a; 2014b; 2014c; Knuckey 2016).

Council must ensure every on-site contractor/worker is provided with a copy of the SWP process and that all on-site workers are made aware if/when the SWP is brought into action.

Should the work being undertaken include the use of large earth working equipment (large-scale excavators, for example), it may be possible in some instances to isolate the cultural object and continue working without further disturbance. Advice from a heritage consultant or cultural monitors (if present) should be sought, but a nominal buffer of up to 5m may be required, with high-visibility barrier fencing/mesh surrounding the find location.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Table 9 - The proposed stop work procedure (SWP).

STOP WORK	<i>Immediately, upon becoming aware of a potential cultural heritage object or archaeological resource</i>
CONTACT	<i>A qualified cultural heritage professional as soon as possible</i>
NOTIFY	<i>The Ballina Shire Council's Heritage (or Senior Project) Officer, Jali LALC, the RAPs (if they are not already present), and advise OEH as soon as practicable.</i> <i>If bones or potential human remains are discovered, Police must be notified immediately. Police must provide written notification to proceed. If human remains are identified as Aboriginal, OEH will provide written notification of required actions.</i> <i>The cultural heritage professional in conjunction with OEH and the registered Aboriginal parties should assess the significance of the resource and recommend a course of action e.g.:</i>
ASSESS	<i>Protect and avoid; or</i> <i>Investigate, in accordance with the Code of Practice for Archaeological Investigations; or</i> <i>Develop management strategies to inform an AHIP to regulate the unavoidable harm to Aboriginal objects</i>
ACTION	<i>Identification of a previously unrecorded cultural heritage object will require registration as an Aboriginal site on the OEH AHIMS database. Registration is required as soon as practicable</i>
APPLY	<i>To OEH for an AHIP if necessary</i>
RECOMMENCE	<i>Only when OEH has approved a course of action and/or provided conditions of approval for an AHIP</i>

7. *In the event that skeletal remains are uncovered, work must cease immediately in the area surrounding the find and the area cordoned off. The NSW Police Department is to be contacted and no further action taken until written advice is received from the Police allowing work to recommence. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified along with the RAPs to the project and the Jali Local Aboriginal Land Council. A plan of management for the preservation of the remains must be put in place prior to works recommencing and it must be developed in consultation with the RAPs."*

8.4 Acid Sulphate Soils

That part of the site to which BLEP2012 applies is mapped as Class 5 as indicated on **Figure 9**. Clause 7.1 of BLEP2012 requires an Acid Sulphate Soil Management Plan for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

That part of the site to which BLEP1987 applies is mapped as Class 5 and the same provisions in Clause 7.1 of BLEP 2012 apply under Clause 36 of BLEP 1987.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

It is highly unlikely that the proposed works (minimal excavation required) within the Class 5 land would trigger the need for an Acid Sulphate Soil Management Plan.

BLEP 1987 also indicates that the Lake Ainsworth water body is mapped as Class 1. In accordance with the provisions of Clause 36 of BLEP 1987, an Acid Sulphate Soil Management Plan is required for any works on Class 1 land. As minor excavation is proposed in and adjacent to Lake Ainsworth to remediate bank erosion and provide for disabled access, it is recommended that an Acid Sulphate Soil Management Plan be prepared prior to work commencing.



Figure 9 – Acid Sulphate Soils Map
Source: BLEP2012 and BLEP 1987

9.0 CONCLUSION

Improvements to the Lake Ainsworth foreshore are foreshadowed in the Plans of Management identified in Section 7.0 of this Report. The proposed Lake Ainsworth foreshore works shown on the Application Plans at **Annexure B** and described in this Report are generally consistent with the Management Plans and Master Plan.

The design and siting of the key elements of foreshore works will avoid or mitigate significant adverse impacts, including tree removal, Lake foreshore erosion and disturbance of the dunal system.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Significant public benefit will flow from the proposed work, including improved amenity and safety for residents and tourists, improved water quality, bank erosion repairs and improved stormwater management measures.

Subject to compliance with the recommendations contained in the Specialist Reports at **Annexures E to G**, it is concluded that the proposed activity will not significantly affect the environment and therefore an Environmental Impact Statement is not required. It is further concluded that the proposed foreshore works will deliver significant public benefit and therefore approval of the activity would be in the public interest.



ANNEXURE A Aerial Photograph of Site – Source: Six Maps, Printed July 2017

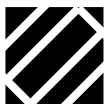


ANNEXURE B	Application Plans (13 Sheets), Rev B – Ballina Shire Council, 3 November 2017
Annexure B1	Cover Sheet/Locality, Plan No. LHR30.061
Annexure B2	Overall Plan No. LHR30.061/OP
Annexure B3	Southern Foreshore General Works, Plan No. LHR 30.061/WP (CH0 to CH105)
Annexure B4	Southern Foreshore General Works, Plan No. LHR 30.061/WP (CH105 to CH255)
Annexure B5	Southern Foreshore General Works, Plan No. LHR 30.061/WP (CH255 to CH380)
Annexure B6	Intersection General Works, Plan No. LHR 30.061/WP
Annexure B7	Eastern Foreshore General Works Plan and Longitudinal Section, Plan No. LHR 30.061/WP (CH0 to CH120)
Annexure B8	Eastern Foreshore General Works Plan and Longitudinal Section, Plan No. LHR 30.061/WP (CH120 to CH240)
Annexure B9	Eastern Foreshore General Works Plan and Longitudinal Section, Plan No. LHR 30.061/WP (CH240 to CH360)
Annexure B10	Eastern Foreshore General Works Plan and Longitudinal Section, Plan No. LHR 30.061/WP (CH360 to CH440)
Annexure B11	Southern Road Alignment Plan and Longitudinal Section, Plan No. LHR 30.061/LS (CH0 to CH300)
Annexure B12	Southern Road Alignment Plan and Longitudinal Section, Plan No. LHR 30.061/LS (CH300 to CH380)
Annexure B13	Log Revetment and Beach Access Ramp Typical Detail, Plan No. LHR 30.061/DT

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



ANNEXURE C

**Ballina Local Environmental Plan 2012 Land Zoning Map, Sheet 005C – Source:
NSW Legislation Website**

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



ANNEXURE D **Ballina Local Environmental Plan 1987 Land Zoning Map, Sheet 005C – Source:
Ballina Shire Council**

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



ANNEXURE E Engineering Services Report, Version B – Ballina Shire Council, 3 November 2017

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



ANNEXURE F Ecological Assessment, Final – Blackwoods Ecological Services, 2 November 2017

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



ANNEXURE G **Cultural Heritage Assessment – Remnant Archaeology (Graham Knuckey),
2 November 2017**

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



ANNEXURE H Part 5 Activity Approval Issued on 27 October 2016

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants