

**TITLE: [EO-OC] Bay Street Road Closure**

**ORIGIN:**

**Design**

**SUMMARY OF REPORT:**

Following the meeting held on 9 October, 2008, an advertisement was published in the Tweed Link on 28 October, seeking submissions from the public about the Bay Street proposal.

This report provides an overview of the issues raised in the submissions, together with a review of the historical background of the road closure proposal which places it within the context of the development of the Jack Evans Boat Harbour.

All this material has been publicly available, however, it is clear that details of this history of various Bay Street proposals has been lost to the community over time.

**RECOMMENDATION:**

**That given the additional information now available:-**

- 1. Council extends the submission period for a further period to expire on 13 January, 2009; and**
- 2. A workshop be arranged following the expiry of the submission period to allow the councillors to review the submissions prior to a formal report and recommendation being made regarding the road closure at a subsequent Council meeting.**
- 3. A copy of this report and non-confidential attachments be placed separately on Council's internet site for public information.**

## **REPORT:**

### **1. Advertising Proposal Part Closure of Bay Street, Tweed Heads**

Following the meeting held on 9 October, 2008, an advertisement was published in the Tweed Link on 28 October, seeking submissions from the public until end of November 2008..

This report provides an overview of the issues raised in the submissions, together with a review of the historical background of the road closure proposal which places it within the context of the development of the Jack Evans Boat Harbour.

### **2. Historical Background – Jack Evans Boat harbour**

The Jack Evans Boat Harbour has been the subject of various plans of management.

#### **2.1 1987 Crown Lands Plan**

In 1987 the Crown Lands Office prepared a plan of management for the Department of Lands. The objectives of the plan was to provide for formal parks and gardens; informal parklands; walking track through the reserve from Bay Street to the lighthouse at Point Danger; public car parking to suit the needs of the reserve; public amenities; day visitor and park related tourist facilities; picnic facilities and children's playgrounds; an improved beach profile within the northern boat harbour; low intensity use cultural centre site (eg art gallery) (optional); beach front erosion control and storage space for Public Works Department training wall repairs. The plan also suggested a timetable for development.

It is to be noted that the plan included reference to the caravan park operating from the northern precinct of the boat harbour. In 1983 the Lands Department advised Council and the occupants that any right to occupy would cease on 31 December 1993. The plan identifies the closure of the caravan park in the 1993/94 financial year with landscaping and car parking to replace the area vacated.

One of the components upon termination of the caravan park was the relocation of the Tweed Heads Rowing and Aquatic Club (THRAC) and Waterworld, whereupon the areas used would be cleared and landscaped.

THRAC sought an extension to October 1996 as they had encountered difficulties in funding their relocation to a Dry Dock Road site, which the Minister granted. This decision impacted on the timing for the implementation of the scheduled works under the 1987 plan.

#### **2.2 1992 Jack Evans Boat Harbour Plan of Management**

Council was then directed by the Department of Lands to prepare a revised plan for the area affected by the Minister's decision. Following discussions between Council officers and Lands Department officers, it became apparent that a broader approach to the planning of the whole area was necessary.

Council formed the Jack Evans Boat Harbour Review Committee (the Committee) to ensure wide-ranging public input on all consultative matters pertaining to the future development of the plan of management.

The Committee established the requirements, assessed the prospects for developing a new plan of management and recommended the appointment of the McInnes Group to undertake a 3 stage plan of management. The consultants were required to:

1. identify a theme for the development of the areas and prepare options and a concept plan for that development;
2. based on the concept plan, prepare a plan of management; and
3. prepare a programme for the implementation of the management plan.

The consultants were commissioned in October 1991 and stage 1 was adopted by the Committee and placed on public exhibition between December 1991 to end of January 1992.

In June 1992 the draft Jack Evans Boat Harbour Plan of Management (JEBHPM) was completed, following analysis of public submissions, and discussions with the Department of Lands, the Committee and other interested parties.

The JEBHPM contained wide ranging recommendations aimed at embellishing the quality, diversity, protection and general attractiveness of the entire Jack Evans Boat Harbour to afford both the resident and tourist populations with a portfolio of major attractions in the Tweed shire.

The JEBHMP identified 9 management areas, according to proposed use and development. Under Management Unit 8 – Public Open Space, Plaza, Walkways, Bridge and Parking, the plan refers to the development and management of a wide range of leisure, recreation and tourism activities.

Reference is also made to proposed extensions to the Tweed Mall which were redesigned to provide pedestrian access to Chris Cunningham Park, adding additional amenity to the users of both the shopping centre and the Jack Evans Boat Harbour. It was envisaged that the plan would allow the maximisation of investment opportunities to redevelop the land to finance the implementation of the plan. Attachment 1 to this report is the excerpt from the JEBHPM referring to Tweed Mall, together with the plan attached to JEBHPM, illustrating the bridge.

### **2.3 1998 Jack Evans Boat Harbour Plan of Management**

In February 1996, Tweed Shire Council as the trustees for the now amalgamated Crown Reserves in the Jack Evans Boat Harbour sought a consultant to assist in the review and implementation of the JEBHPM. The scope of the works of the plan required review to reflect the material changes that had occurred since the adoption of the plan.

Council, as the managers of the Jack Evans Boat Harbour Reserve Trust, commissioned Master Planning Services to:

- ❖ Review the 1992 Plan of Management and assess the material changes that had occurred and any changes that were likely to occur in the foreseeable future;
- ❖ Prepare a revised Master Plan that addresses necessary and/or beneficial changes to the development mix, site structure, scale and theme of the commercial and public areas;
- ❖ Prepare a broad feasibility study to assess the viability of the project and to provide financial information for investors;

- ❖ Make recommendations to the JEBHPM so that the Reserve Trust could call for expressions of interest from developers/investors;
- ❖ Develop an implementation programme with appropriate staging.

Master Planning Services commenced the review in April 1996 and presented a draft report "Recommendations for Amendments to Jack Evans Boat Harbour Plan of Management" on 15 August 1996.

The second development principle identified in the review, titled "Integration with Tweed Heads" noted that *"The Jack Evans Boat Harbour development should be integrated with the upgrading of Tweed Heads generally, and creating a pedestrian friendly area between Wharf Street/Bay Street and the harbour precinct. Development of the harbour precinct should take into consideration recommendations of the Tweed Heads 2000+ Strategic Plan"*.

The review also identified 27 development precincts to aid in identifying the development areas, costing and staging.

Precinct 3 – Tweed Mall Plaza on page 16, included in this report as attachment 2, states:

*"It is proposed to build a bridge extension over Bay Street from the Food Hall of Tweed Mall. The bridge will form a direct link from Jack Evans Boat Harbour to the Tweed Mall and will provide an outdoor plaza space for 'Al Fresco' dining, a meeting place and performance space. Terraced areas and paths will connect the Tweed Mall with the harbour as well as providing a strong outdoor vista for internal spaces of the building. Views to the harbour from the "Harbour View" food hall will be improved. The park land will have formal paved areas, seating and night lighting."*

In its discussion of the staging of the Plan, the construction of the Tweed Mall bridge was included in stage 5, where it was noted on pages 25 and 26, included in this report as attachment 3:

*"This is a bridge with al fresco dining area linking the first level food hall of Tweed Mall shopping centre to Chris Cunningham Park.*

*It is important that agreement is reached between Council and the Tweed Mall owners so that construction can commence at an early date, creating a focus on the southern side of the harbour and providing for upgrading of landscaping and facilities in Chris Cunningham Park.*

*Tweed Mall would be expected to undertake the landscaping and enhancement of Chris Cunningham Park (Precinct 3) as part of construction.*

*Agreement is also required for the use of Tweed Mall's new multi-storey car parking facilities on Bay Street as an overflow area for car parking."*

In January 1997 the Tweed Coast Reserves Trust received notification that a National Native Title Claim was lodged over the Jack Evans Boat Harbour by the Koombumerri people.

On Wednesday 18 February 1998 The Tweed Reserves Trust approved the new Jack Evans Boat Harbour Plan of Management and resolved to refer it to the Department of Land and Water Conservation for consideration and public exhibition.

However, the Plan of Management was not forwarded to the Department due to various circumstances.

The Native Title Claim, as it was over land subject of the Plan of Management, appears to have impacted the progress of the Plan as negotiations with the Koombumerri extended into 1999. There were several obstacles that frustrated settlement, including several changes of legal representation for the claimant group, changes to the statutory requirements for a native title claim, changes in settlement terms during the course of negotiations with the claimant group and indications that other potential claims were to be lodged over the subject land.

Despite ongoing negotiations up to early 2001, the claim was discontinued.

The 1998 Plan of Management was never formally adopted.

#### **2.4 2004 Ministerial Task Force Plan of Management**

In June 2002, Andrew Refshauge MP, the then Minister for Urban Affairs and Planning, announced the establishment of a Ministerial Taskforce for Tweed Heads. The Taskforce was established after numerous requests were made to the Minister to establish comprehensive planning controls for Tweed Heads after the development application was received for the Latitude 29 high rise.

In December 2002 the Tweed Heads Town Centre Ministerial Taskforce advised Council that the 1993 Plan of Management for the Jack Evans Boat Harbour required a review and that the Taskforce had appointed a subcommittee to co ordinate the process of review and develop a new master plan and development a concept plan of management for the precinct.

On 26 February 2003 Council received a presentation from the Tweed Heads Central Business District Revitalisation Task Force, which included an outline of the importance of the Jack Evans Boat Harbour precinct to the overall redevelopment planning process.

At its meeting held on 9 April 2003 the Jack Evans Boat Harbour Reserve trust resolved that *“the Trust, in principle, supports a review of the 1998 Draft Jack Evans Boatharbour Plan of Management in consultation with the Tweed Heads Town Centre Revitalisation Task Force”*.

It was proposed that a steering committee be established to review the 1998 draft Plan of Management and that the committee be comprised of representatives from the Tweed Heads Central Business District Revitalisation Task Force, Planning NSW, Department of Land and Water Conservation, Jack Evans Boat Harbour Reserve Trust and officers of Council. A copy of the 9 April 2003 report is attachment 4.

Between 11 to 31 May of 2004 the Taskforce publicly exhibited a draft Masterplan for Tweed Heads. The Masterplan was intended to be a broad scale strategic document providing a future vision for Tweed Heads, it was not a formal policy document and did not make any specific recommendations to amend the Tweed LEP 2000, any DCP's or s94 plans. The responsibility to adopt and implement the plan remained with Council.

On 2 June 2004, the Jack Evans Boat Barbour Reserve Trust resolved that the Trust *“generally supports the vision in the Tweed Heads Masterplan for the Jack Evans Boatharbour as expressed in the draft Masterplan....”*

At its meeting held on 6 October 2004, Council resolved to adopt the Masterplan as a vision document for Tweed Heads conditional upon capital and recurrent costs being suitably linked to funding sources. Upon successful adoption Council would implement the recommendations of the Masterplan through the reserves trust as well as amendments to Council’s policy documents. Council also resolved to recommend to the Jack Evans Reserve Trust that it notify the Minister for Lands requesting consent to prepare, and funds for the preparation of a draft Plan of Management for Jack Evans Boat Harbour to implement the vision and objectives of the Tweed Heads Masterplan. The report and resolution are included as attachments 5 and 6.

The Tweed Heads Masterplan, for easy reference, is included in this report as attachment 7. The Illustrative Masterplan, shown as figure 5.01, is referenced as providing *“the overall framework for the Town Centre against which all of the precincts have been set”*, Bay Street sits on the common boundary between the Jack Evans Boat Harbour precinct and the Town Centre Core precinct. Tweed Centro is identified in the Illustrated Masterplan as point 15 which notes: *“New terrace to food hall and activated street. New residential above”*

The Masterplan objectives for the Jack Evans Boat Harbour precinct is discussed at 5.6 of the Masterplan and includes to *improve connections to the surrounding precincts in particular Bay Street and Duranbah Beach* and in its urban design principles to *‘establish strong visual and activity connections between Tweed Mall and the Harbour zone, including establishing a plaza/market area along Bay Street’*.

The Town Centre Core is discussed at 5.7 and includes as an objective to *“integrate the Tweed Mall and Bay Street Precincts into a coherent Town Centre Core; activate the street frontages along Wharf and Bay Streets in particular adjacent to the Jack Evans Boat Harbour”*.

In the Design Guidelines at 6.2 specific reference is made to Tweed Mall, where it states:-

*“The Tweed Mall site offers the potential for a range of high rise and mid rise development opportunities which, if controlled appropriately, would help transform the Town Centre Core. The corner of Bay Street and Wharf Street, in particular has the potential to unlock the missing nexus between the Town Centre and the Jack Evans Boat Harbour. The corner should be clearly articulated to create a new urban structure to the town centre core with active frontages along Bay Street and overlooking Jack Evans Boat Harbour from north facing balconies.”*

## 2.5 Tweed Heads Development Control Plan

It is to be noted that the Development Control Plan for Tweed Heads adopted by Council on 31 July 2001, notes in section 3.3.2:-

### ***"Tweed Mall***

*Any redevelopment or extension to the Tweed Mall shopping centre should focus outwards onto Wharf and Bay Streets and the Jack Evans Boat Harbour. Ideally, redevelopment should incorporate active street frontages with shopfronts built up to the public footpath. The building should become an active part of the streetscape. Car parking should be provided to the rear or underneath the building, not between the street edge and the building front. Redevelopment may incorporate a multi-level convention centre, or tourist and residential accommodation, with a focus on the attributes of the site's location opposite the Boat Harbour."*

This provision has been transposed unaltered into the new DCP at B2.3.3 on page B2-15 in the same terms, a copy of that page is attachment 8 of this report.

## 3. Tweed Mall (now Centro) Extensions

On 3 March 1994, Tweed Mall Pty Ltd, the owners of Tweed Mall, lodged a development application for the extension and refurbishment of the existing shopping centre. The development was to proceed in four stages:

1. North car park
2. Food court and specialty shop extensions to Bay Street boundary
3. Refurbishment of the existing shops and southern extension, and
4. Bridge over Bay Street (restaurants), upgrade of parklands

An architectural drawing of the development is attachment 9 of this report.

On 31 March 1994, Tweed Mall Pty Ltd formally requested Council to give consideration to the closure of Bay Street from Wharf Street to the eastern boundary of the property owned by Tweed Mall Pty Ltd and the subsequent sale of the closed road to Tweed Mall Pty Ltd, at an amount to be agreed upon, either by cash contract or by a contribution of site works to the adjacent Jack Evans Boat Harbour.

At its meeting held on 20 July 1994, Council resolved to approve DA 94/87, with consent condition 21 which stated:-

21. *Satisfactory arrangements are to be completed with Council for the closure and purchase of that part of Bay Street required for the implementation of Stage 2 of this approval, prior to the issue of Building Approval for that stage.*
22. *Satisfactory arrangements are to be completed with Council for the embellishment of the open space area in Chris Cunningham Park adjacent to Stage 2 prior to the issue of building approval for that stage. In this regard, particular attention is to be given to the transition between the private commercial area and the public open space."*

Council also resolved that:-

*“The owners of the subject land enter into a legally binding agreement which ensures that both Stage One and Stage Two are completed. Such agreement to be completed prior to release of building approval for Stage One.”*

On 26 July 1994, development consent was issued to Tweed Mall Pty Ltd.

Meeting notes from Council’s former Director Development Services, Mr David Broyd, provide a background and context to the proposed development. Mr Broyd noted, in August 1995:-

*“The original Tweed Mall proposal emerged from discussions involving Gary Shiels (consultant for Tweed Heads Strategic Plan), myself and David Savenake from Tweed Mall Pty Ltd. David Savenake subsequently presented a plan – generally in accordance with that given approval – to the Tweed Heads Steering Committee and Jack Evans Boat Harbour Committee, both of whom responded with enthusiasm. The Tweed Heads Steering Committee/Tweed Heads Strategic Plan advocated linkages between Jack Evans Boat Harbour and Tweed Mall as an activity/people/tourist focus with substantial ‘public benefit’. It was also the Jack Evans Boat Harbour Committee position that the means of upgrading Chris Cunningham Park should be derived from financial negotiations with Tweed Mall Pty Ltd”*

Council and Tweed Mall Pty Ltd entered into a legal agreement on 19 October 1994 which provided in part for the developer confirming liability and commitment to undertake improvements to Chris Cunningham Park and possibly other public areas in the vicinity of Tweed Mall as soon as possible subject to clauses 3 and 4.

Clause 3 provides that the parties acknowledge that despite there only being conceptual plans for the Stage 2 improvements in Chris Cunningham at that time, it was an integral part of the consent issued that the developers carry out works of public benefit in Chris Cunningham Park (ie paving and landscaping etc) which is equal to or in excess of the valuation of the land consumed as part of the Bay Street road reserve and the air space over Bay Street road reserve occupied by the second stage of development.

Clause 4 provided that the parties acknowledge that there would be a possibility the eventual design plans for Chris Cunningham Park may result in works which are valued less than the valuation of the road reserve land and air space, then the parties would negotiate the remaining value of work to be undertaken on Wharf Street between Bay Street and Frances Street in accordance with plans to be published in the Tweed Heads Strategic Plan public exhibition.

Clause 5 provided that the developer would proceed with the required works subject to development approval 94/87 within a reasonable time after the road closure.

On 15 March 1995, Council resolved to apply to the Department of Conservation and Land Management (CALM) for the partial closure of the Bay Street road reserve as shown on the plan attached to the report. The report, included as attachment 10, noted:-



*“After leadup (sic) presentations and negotiations with the Jack Evans Boat Harbour Committee and the Tweed Heads 2000 Plus Plan Steering Committee, Tweed Mall Pty Ltd submitted plans for the refurbishment and extensions of Tweed Mall- including construction over the current Bay Street road reserve and substantial embellishments to Chris Cunningham Park”*

The report described the partial road closure as:-

*“It is a partial road closure with the retention of a seven (7) metre road with two (2) metre footpaths each side – hence an eleven (11) metre road reserve.”*

And the report further noted:-

*“The partial road closure of the Bay Street road reserve was given extended public exposure and debate during the processing of the development application for the Tweed Mall refurbishment and extensions. As has always been a fundamental premise of plan implementation, public exhibition and formal decision making on the proposed partial closure is now recommended for initiation.”*

On 21 March 1995, Council requested a valuation from the Valuer General for the road closure parcel and the rental for the air space for the bridge over the remaining road width of the road reserve. A plan showing the areas of road to be closed and leased is attachment 11.

On 5 April 1995, Council forwarded a formal application to CALM for the partial road closure, noting that the plan of road closure was being lodged for registration and that the consent of the adjoining owner, Government Insurance Office of NSW (GIO) was being pursued.

On 11 April 1995, Council received the valuation from Valuer General, the valuation of the land was determined to be \$1,300,000 and the rental value of the stratum air space for the bridge only was \$37,000 per annum, and the lettable floor space on part of the bridge as \$45,000 per annum.

On 19 April 1995, the plan of road closure was registered as DP 848723.

On 3 June 1995, CALM advertised the road closure proposal, inviting submissions to the proposal. CALM, by letter dated 9 August 1995, provided Council with copies of letters of objection, numbering five. Most significantly, two of these objections were from Woolworths (Q'land) Pty Ltd and acting for GIO Life Ltd, Australian City Planners and Walker Taylors, Edwards and Smith, solicitors for GIO Asset Management.

Woolworths requested and were granted an extension of the submission period to allow them to seek expert advice from a traffic engineering consultant as they were of the view that *“the closure of Bay Street would drastically alter the current accessing arrangements to its supermarket, with a serious potential impact on the continuing operation of the store”*.

Australian City Planners indicated that their client's objections related to the potential physical impediment to vehicular access to the supermarket (Woolworths were leasing the site from GIO).

On 13 September 1995, Council received a copy of the report from Roger Bramfield Consulting Pty Ltd, consultant traffic engineers from Woolworths. An assessment of the report by Council resulted in discussions with Woolworths regarding alternate access arrangements to their loading dock. Ultimately Woolworths withdrew their objection to the road closure by letter dated 21 March 1996.

Notwithstanding the agreement reached with Woolworths, GIO did not formally approve the alternate access arrangements.

In a letter dated 8 March 2000, from the Land Water Conservation (formerly CALM) Council was advised that the *“road closing application has now been terminated by the Department on the basis that there is no indication GIO intends on withdrawing or altering its objection to the proposal...This matter is now considered to be finalised. Should Council wish to pursue road closing action in the future at this location, it will be necessary to lodge a new road closing application”*.

As the road closure did not proceed, Stage 2 of the refurbishment which included the bridge or the embellishment of Chris Cunningham Park did not occur.

#### **4. The Current Proposal to Part Close Bay Street**

The Tweed Heads Masterplan Project Facilitation Team (PFT), created in response to the launch of the Tweed Heads Town Centre Masterplan in 2004, was comprised of representatives from the Department of State and Regional Development (DSRD), the Department of Lands, department of Infrastructure Planning and Natural Resources, Tweed Economic Development Corporation and Tweed Shire Council. The team was created to advance and implement the Masterplan.

Centro Properties purchased the Tweed Mall property in 1997 and the GIO property in 2003.

In October 2005 Centro entered into discussions with DSRD in relation to the utilisation of the road closure parcel for the redevelopment of Tweed Centro (formerly Tweed Mall) in accordance with the Masterplan. These discussions were tabled at meetings of the Project Facilitation Team and the Team was advised that the Walker Corporation and Centro intended to proceed with the redevelopment as a joint venture. The joint venture team gave a presentation to the PFT in December 2005.

A report was received by Council on 6 March 2007, forming part of this report as confidential attachment 1, which details Council’s response to the overtures from the joint venturers. It was resolved at that meeting to proceed with the road closure application and to engage a probity officer to provide advice regarding the disposal of the land.

At a meeting held on 13 November 2007 a confidential report was received by Council which discussed the probity plan that was drafted for the disposal of Bay Street and advice in relation to the probity implications regarding the overtures from the joint venturers. Council adopted the probity plan for the disposal of the Bay Street road closure parcel. A copy of the report is attachment 12 of this report.

A further confidential report was received by Council on 9 October 2008, which noted:-

*"The plan provided that there is an opportunity to directly negotiate with the joint venturers, Centro Properties , the owners of Centro Tweed Mall shopping centre, and Walker Corporation Pty Ltd. This opportunity arises because the road closure parcel, Lot 1 in DP 848723, is immediately adjacent to the land owned by Centro and the Department of Lands, as owner of the Crown Land across the road, will not grant any sale, lease or licence over the surface of the land"*

The Probity Plan adopted on 13 November 2007 provides strict rules that must govern the conduct of any negotiation and sale of the subject part of Bay Street. It also explicitly provides for the adherence to the preservation of confidential information as well as stating that the probity plan applies to the Councillors, members of the Project Team, other members of Council staff and any external advisers.

All persons listed above are required to adhere to the requirements for confidentiality and ensure that there is no breach of commercial confidentiality from which pecuniary liability may arise.

The plan provides in section 7:-

*"The issue of confidentiality must be weighed explicitly against the need to be open and transparent. In general terms Council must assess each document and piece of information gathered in connection with direct negotiations against its obligations under section 12 of the LGA (Local Government Act 1993), the Freedom of Information Act 1989, the Privacy and Personal Information Protection Act 1998 and general commercial law"*

In adherence to the requirements of confidentiality, the plans submitted by the joint venturers are not to be made available for public exhibition as they form part of the documentation *"gathered in connection with direct negotiations"*.

The Probity Plan is attached as confidential attachment 2 to ensure that each Councillor is aware of their responsibilities in relation to probity in the circumstances.

## **5. Advertisement to Part Close Bay Street - Submissions Received**

The submission period expired on 30 November, 2008. At the time of writing this report, 337 submissions and 3 petitions were received.

The majority of the initial submissions received were from individuals who raised the issues of concern to them in relation to the sale of the Bay Street road reserve, the majority of the latter submissions were a pro forma list of issues with a space for name, address and signature. Other submissions were a plain pro forma with a space for name, address and signature and a blank area for individual comments.

There were common concerns that were raised in the individual submissions and plain pro forma submissions, these are as follows:-

- ❖ Congestion of traffic
- ❖ Access for semi-trailers to off loading docks
- ❖ Bus parking in Bay Street and Endeavour Parade
- ❖ Loss of open space/public land, being the grassed area of Chris Cunningham Park for road pavement to compensate for road closure
- ❖ Perceived loss of crown land for the benefit of a developer

- ❖ Inappropriateness of high rise development in the precinct
- ❖ Under utilised commercial space in Tweed, no need for more commercial space to be created
- ❖ Loss of trees in median strip
- ❖ Use of area from Chris Cunningham Park for road pavement

The pro forma submissions with issues raised these issues:-

- ❖ The utilisation of the proceeds of the sale of the road closure parcel
- ❖ The one off commercial gain for the community and the greater benefit to the developer at the expense of loss of the amenity of open space

The breakdown of the submissions is as follows:

<b>Individual Submissions</b>	<b>Pro forma with issues</b>	<b>Plain Pro forma</b>
125	112	100

The question and answer sheet posted on Council's internet, and attached to this report, provides a reply to some of the issues raised, specifically:

- ❖ the egress and entry of semi-trailers to the Woolworths loading dock;
- ❖ that there will be no loss of space from Chris Cunningham Park, (see Note 1) and
- ❖ the unauthorised use of Bay Street by terminated buses between services.

**Note 1:** The northern boundary of the Bay Street road reserve marks the limit of any road or associated works with the partial road closure. Some submissions have identified that this boundary is north of the current kerb and gutter of Bay Street, includes some grassed area and should therefore be considered to be part of Chris Cunningham Park. The answers provided on the internet refer to the road reserve boundary in the literal sense and it is acknowledged that some parts of the road reserve now contain grassed areas.

Council's Traffic Engineer replied to the traffic issues raised as follows:-

- ❖ Regarding the current congestion of the Wharf St/Bay St intersection – Council response is that the intersection is currently operating at a satisfactory level of service. Any redevelopment of Tweed Centro would require a detailed traffic impact report in relation to the proposed level of the service at the signals.
- ❖ There are currently no turn arrows at the existing signals – Council response is that the imposition of turn arrows will generally provide a lower level of service for the intersection as a whole, as above, any redevelopment would require a detailed analysis of the performance of the intersection to be carried out.
- ❖ There is no access for semi-trailers and semi-trailer manoeuvres will be hazardous to other motorists – Council response is that semi-trailer access will also need to be assessed as part of any development application
- ❖ Loss of car parking and a restriction on car parking for visitors to Jack Evans Boat Harbour – Council response is that existing car parking will not be lost, any reduction in existing car parking caused by any development will be compensated by the construction of car parking nearby – again this will need to be assessed as part of any development application.

Some submissions referred to other unrelated issues, and will not be dealt with in this report, but will be submitted to the relevant officers for comment and response.

## **6. Conclusion**

The proposal to close part of Bay Street to encourage an active streetscape, addressing Jack Evans Boat Harbour to the north has been the subject of Council consideration for many years.

The proposal was formally advertised to the community in November, 2008 and submissions have been received.

There has been a strong community response to the proposal and the submissions have identified many adverse impacts that will/may arise if this proposal proceeds.

Given this level of public interest it is considered that the period for submissions should be extended until 13 January 2009 and that this should be followed by a Council Workshop to review the submissions and Council's strategies and objectives for this area of Tweed Heads.

It is anticipated a formal report to Council on this proposal would be prepared and submitted after this Workshop.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The legal obligations arising from the Probity Plan relating to the requirement to maintain confidentiality is a legal implication to be borne by each Councillor and officer of Council.

### **POLICY IMPLICATIONS:**

Nil.

### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Excerpt 1992 Jack Evans Boat Harbour Plan of Management with plan (DW1946188)
2. Excerpt from draft 1998 JEBHPM, page 16 (DW1946131)
3. Excerpt from draft 1998 JEBHPM, pages 25 & 26 (DW1946136)
4. Jack Evans Boat Harbour Reserve Trust report dated 9 April 2003 (DW1946133)
5. Council report dated 6 October 2004 (DW1104328)
6. Council resolution dated 6 October 2004 (DW1104322)
7. Tweed Heads Masterplan (DW1104152) (provided to Councillors only)
8. Excerpt from Tweed Shire DCP, Section B2 – Tweed Heads, page B2-15 (DW1946183)
9. Architectural plan of Tweed Mall refurbishment, including bridge and embellishment of Chris Cunningham Park (DW1945523)
10. Council report minutes for meeting held 1 March 1995 (DW1946162)
11. Site Plan dated 21 February 1995 showing bridge as part of stage 2 Works (DW1945525)

12. Operations Committee report dated 13 November 2007 (DW1705811)  
Operations Committee resolution dated 13 November 2007 (DW1705811)
13. Bay Street information posted on Council's internet site (DW1946113)
14. Council Resolution from Meeting held 6 March 2007 (DW1555385)

**Confidential Attachments**

1. Confidential Report dated 9 October 2008 (DW1901947)
  2. Probity Plan for the Disposal of Bay Street – November 2007 (DW1703755)
  3. Confidential Report dated 6 March 2007 (DW1550835)
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