Brunswick Heads Boat Harbour, Brunswick Heads

for:

NSW Industry
Department of Industry—Lands

December 2015
<table>
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<th>Date</th>
<th>Checked By</th>
<th>Issued By</th>
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1 Introduction

This report relates to the land based uses component of the Brunswick Heads Boat Harbour Masterplan Project. The report forms part of the response to the Masterplan brief from the NSW Industry Department of Primary Industries – Crown Lands (DPI) to Ardill Payne and Partners (APP) to investigate a range of land and marine based issues for preparation of a Masterplan.

This report refers to item 1.1.7 in the Introduction in the Masterplan Scope, Vision and Planning Objectives document (MSZPO) and is confined to the area within the Brunswick Heads Boat Harbour Precinct within the area defined in Figure 3 overleaf. This report includes the preparation of a commercial evaluation of development potential and options for development for privately funded redevelopment.

In detail the following deliverables are required for the investigation and evaluation of the Boat Harbour Land Based Uses.

1a) Review Co-op Planning Proposal (per Plannit Consulting) re potential uses of Co-op land including FSR, Height and GFA, parking, access etc.
1b) Attend Meetings
1c) Prepare Benchmarking study of similar marina Precincts
1d) Complete demand study for boating activities
1e) Complete demand analysis for various development opportunities
1f) Provide Draft recommendations and assist in Vision making statements for Development
1g) Provide Draft report
1h) Provide final report

The detail of this report is focused on the land based component of the Boat Harbour as described in Item 1.1.7 of the Introduction in the MSZPO document. Other site issues identified in Section 1.1 of the Introduction in the MSZPO document, such as small boat launch and retrieval, large boat launch and retrieval and marina layout, are included herein by reference.
2 Site Details: Current Situation

The site’s location and cadastral features are identified in figures 1 and 2. The site constraints and opportunities are identified in Figure 3 and discussed below.

Figure 1 Site Location

The location and leasehold arrangements for the Boat Harbour are provided on Figure 2, with the Fisherman’s Co-operative area labelled as 2, and the BHCYC area labelled as 4.

The land based components of the site consist of

- The Fisherman’s Co-operative building as a retail outlet for fish related sales
- The Fisherman’s Co-operative building as a refreshment room with outdoor dining
- Parking in support of the water based components of the site
- Miscellaneous storage facilities

Currently the area under investigation has the following zoning descriptions under Council’s 2014 LEP

- Zone SP2 Infrastructure (Wharf and boating facility) – BLEP 2014
- Zone W2 Recreational Waterways – BLEP 2014
- Zone 5(a) Special Uses – BLEP 1988

The permissible uses under these zones are:

- Zone SP2 Infrastructure (Wharf and boating facility) – BLEP 2014
  Environmental facilities; Roads; Wharf and Boating Facilities
• Zone W2 Recreational Waterways – BLEP 2014

- Boat building and repair facilities; Boat launching ramps; Boat sheds; Business identification signs; Charter and tourism boating facilities; Environmental facilities; Flood mitigation works; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (outdoor); Water recreation structures; Wharf or boating facilities

• Zone 5(a) Special Uses – BLEP 1988

- Drainage; markets; roads; the particular purpose indicated by black lettering on the map; utility installations; any other public purpose

Pursuant to Byron Local Environmental Plan 2014 (BLEP 2014), the Co-operative is Zoned SP2 Infrastructure (Wharf and boating facilities). Wharf and boating facilities are defined as:

“wharf or boating facilities means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities:

(a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

(b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,

(c) wharves for commercial fishing operations,

(d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

(e) sea walls or training walls,

(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car park”

It is considered that the existing uses being ‘refreshment room and outdoor dining area, fishmonger and sales counter, leisure craft hire and fishing charter hire’ are mostly now prohibited uses as they do not fall under the umbrella of the ‘wharf and boating facility’ definition. This would result in the current use of the site operating via ‘existing use rights’.

This places severe restrictions on the current and future owners of the land in relation to changing the approved use or expanding the current business. Clauses 39 – 46 of the Environmental Planning and Assessment Regulations 2000 provides the controls and restrictions in relation to developments that rely on ‘existing use rights’.
Figure 2 Cadastral Land Holdings and Summary

1. Crown Land managed by Byron Shire Council
1a. Crown Land managed by DPI - Lands
2. Fishing Co-op Freehold Land
   Includes:
   - 24 Berths
   - Slipway / Hardstand
   - Fuel Shed
   - Storage Sheds
3. Fishing Co-op License
4. Brunswick Heads Cruising Yacht Club License
5. Marine Rescue License
Figure 3
Constraints & Opportunities

1 Access Points
Two existing vehicular entrances from the Old Pacific Highway to the Harbour Precinct.

2 Constricted access to Beach Ramp
Single Lane width access with small turning circle at the end.

3 Small Beach Ramp
Access for canoes and kayaks to the river.

4 Decommissioned Slipway
Decommissioned slipway suitable grade & width for new Ramp. Contamination issues are reported in Marina sediments around the slipway.

5a SEPP 14 Vegetation
Existing vegetation to be protected and retained.

5b Isolated Vegetation Communities
Existing vegetation to be assessed.

6 Existing Boat Ramp
Existing Boat Ramp access to the river.

7 Existing Marine Rescue Slipway
Existing Slipway access to river for Emergency Services.

8 New Boat Ramp Pontoon
New Boat Ramp Pontoon located between existing boat ramp and Emergency Services Slipway.

9 Water Depth
Water depth in Marina is generally adequate for shallow draft boats. Water depth in river, especially at bar crossing is a major constraint. Periodic dredging occurs subject to dredging availability.

10 River Currents
Adverse currents from tidal effects in river cause difficulties for Launch and Retrieval for boat users.

11 Parking & Amenities
Inadequate parking & amenities for existing Ramp.
3 Demand

3.1 Commercial Demand

Jones Laing Laselle (JLL) undertook a preliminary commercial development appraisal of the site concentrating on demand for boating and on shore related development models. The JLL report is referenced as Appendix 4. In summary it proposes that a commercial mix to achieve highest use potential could include up to 40 boutique (tourist) apartments and retail/commercial facilities.

JLL advises that such facilities would assist and complement the existing facilities in the town centre. Their estimates of possible building development areas and development options are summarised below in Table 1.

JLL have based their proposal on a premise that the commercial development may fund, or return revenue, sufficient to offset funding for marina development/s.

It is noted that the current zoning for the freehold parcel and the Boatharbour generally prohibits any new commercial development. A Planning Report would be a pre-requisite to any change in zoning which would require a detailed proposal and a public consultation process. In this context the JLL report provides an illustration of a possible commercial mix and consequently the floor area requirements to support future planning for the site.

Commercial development of the freehold parcel would generate additional parking requirements and may require a larger footprint i.e. spill onto adjoining Crown land.

<table>
<thead>
<tr>
<th>Description</th>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Only</td>
<td>Cafe/casual dining 50-150</td>
<td>50-150</td>
<td>50-150</td>
</tr>
<tr>
<td>Restaurants/Micro Brewery</td>
<td>250-400</td>
<td>250-400</td>
<td>250-400</td>
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<tr>
<td>Yacht Club</td>
<td>400-500</td>
<td>400-500</td>
<td>400-500</td>
</tr>
<tr>
<td>Hotel Related Services</td>
<td>n/a</td>
<td>50-80</td>
<td>n/a</td>
</tr>
<tr>
<td>Ancillary Marina Services*</td>
<td>100-250</td>
<td>100-250</td>
<td>100-250</td>
</tr>
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<td><strong>Total</strong></td>
<td>800-1300</td>
<td>850-1380</td>
<td>800-1300</td>
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<table>
<thead>
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<th>Accommodation</th>
<th>No.</th>
<th>Size Sqm net</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>One Bedroom/Studio</td>
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<td>15</td>
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<tr>
<td>Two Bedroom</td>
<td>n/a</td>
<td>80</td>
<td>1600</td>
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<tr>
<td>Three Bedroom</td>
<td>n/a</td>
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<td>360</td>
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<td>Hotel Room</td>
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<tr>
<td><strong>Total</strong></td>
<td>38</td>
<td>250</td>
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</table>

* If marina berths provided

Table 1 Proposed Land Use Options
3.2 Maritime Generated Land Demands

Marine based users of the Boat Harbour require extensive car parking and manoeuvring areas. In addition there is a requirement for amenities and ablutions. Any Masterplan will need to identify these needs and indicate locations.

The amount of car parking, traffic aisles and their location have been identified in Report No. 1 Small Boat Launch and Retrieval and Report No.3 Marina Layouts. These car parking demands are summarised below in Table 2.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
<th>Rate required</th>
<th>Large Car/Trailer</th>
<th>Normal Car Space</th>
<th>Total Spaces shown on Figure 4</th>
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</thead>
<tbody>
<tr>
<td>Small Boat Launch/Retrieval</td>
<td>Marina Code</td>
<td>40</td>
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<td>64</td>
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<tr>
<td>Marina (1)</td>
<td>65 berths</td>
<td>.33/ berth</td>
<td></td>
<td>20</td>
<td>20</td>
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<tr>
<td>Marina (1)</td>
<td>35 berths</td>
<td>.33/berth</td>
<td></td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Accommodation (2)</td>
<td>40 Rooms</td>
<td>1.25/room</td>
<td></td>
<td>50</td>
<td>162</td>
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<tr>
<td>Retail/ Commercial (2)</td>
<td>2000 sqm</td>
<td>3.5/100sqm</td>
<td></td>
<td>70</td>
<td></td>
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<tr>
<td>Paddle Craft (3)</td>
<td></td>
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<td>10</td>
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<tr>
<td>Total Normal Car Spaces</td>
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<td></td>
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<td>140-150</td>
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<td>Total Large Car/Trailer</td>
<td></td>
<td></td>
<td>40</td>
<td></td>
<td>64</td>
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</tbody>
</table>

Table 2 Investigations for the car parking and trailer demand for the land and water based uses

Table Information Sources
1. Marina Guidelines refer Marina Options report
2. JLL report and Council indicative rates
3. Estimate only

3.3 Community Purposes

Community purposes will be driven by the need for:

- Community foreshore access,
- Connection with Council’s pedestrian and bicycle strategies and
- Access to commercial facilities

It is noted that land must be allocated for community purposes including public access to the foreshore, passive recreation (e.g. seating) and pedestrian and bicycle pathway/s that link with strategies prepared by local council.
3.4 Car Parking

Car parking is a key issue in the overall layout of the project area. The layout of car parking, assuming the maximum car parks required for each of the boat launching, marina and possible commercial uses (including accommodation) is shown in Figure 4.

Parking requirements would be substantially less under the following circumstances:

- Parking for commercial use of the freehold premises is located on the freehold parcel and or on the public (Council) road.
- Parking for small boat launching is reduced to approximately 40, given the constraints of the surrounding vegetation.
Figure 4
Carparking Layout
Sheet 1 General Arrangement

Carpark Numbers

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<th>Available</th>
<th>Required</th>
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<td>Marina (65 berth)</td>
<td>20</td>
<td>20</td>
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<tr>
<td>Paddle Craft</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Small Boat Launch/Retrieval</td>
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<td>40</td>
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Marina Land Based Uses Report
Brunswick Heads Boat Harbour Masterplan
Page 11
## 4 Summary of Constraints and Opportunities (Refer to Figure 3)

### 4.1 Constraints

**Land Based Constraints**

Major constraints for the land based uses are as follows:

- Titling issues for expansion of commercial uses from Freehold Title
- Titling issues for services to Freehold title across crown land
- Vegetation removal for car parking and traffic aisles
- Different leases and management regimes prevent integrated redevelopment
- Zonings restrict potential development from meeting community demand and Masterplan goals

### 4.2 Opportunities

- Limited alternative sites within the Byron Shire Area.
- If Council and Crown Land site is combined ample room around all of the site is available to provide formalised, landscaped parking and amenities to meet demand.
- The Boat Harbour Precinct is on sandy level terrain with little environmental constraints and is close to main roads and town facilities. Expansion of facilities therefore would not be constrained by buildability issues.
- Strong Community Support for Master planned redevelopment
A Planning Proposal for the Fisherman’s Co Operative was lodged with Byron Shire Council by Plannit Consulting on behalf of the Fisherman’s Co Operative in July 2014.

The main objective of Plannit’s Planning Proposal was to:
- Enable the redevelopment of the existing Co-op site for a variety of compatible uses commensurate with the current and potential function of the Brunswick Boat Harbour Precinct.

The Planning Proposal intended on achieving this objective by amending schedule 1 (additional permitted uses) of Byron Shire Council Local Environmental Plan 2014 (BLEP) to include the following:

1. This clause applies to land at Old Pacific Highway, Brunswick Heads, being Lot 328 in DP 755692.
2. Development for the purposes of an entertainment facility, function centre, education establishment, information and education facility, commercial premises, food and drink premises, port facilities, registered club, restaurant, shop, passenger transport facility, dwelling house for on-site caretaker and ancillary uses is permitted with development consent.

The review of Plannit’s Planning proposal by APP indicated that:
- The list of uses permitted with consent is overly restrictive in some areas mainly in relation to shop top housing, hotel or motel accommodation and serviced apartments.
- The list of uses permitted with consent is overly generous as it would permit the following uses which are not considered suitable for the site; bulky good premises, cellar door premises, garden centres, hardware and building supplies, landscaping material supplies, plant nurseries, rural supplies, timber yards and vehicle sales and hire premises amongst others.
- A number of the uses are listed twice as the parent use ‘commercial premises’ would permit the following: food and drink premises, restaurant or café, shops.
- There is no definition of a ‘dwelling for an on-site caretaker’ in BLEP 2014 and the ability to restrict it purely to a ‘caretaker’ is questionable.
- The use of the reference ‘ancillary uses’ needs to be related to a use to be ancillary to and cannot refer to all uses as currently worded.

APP consider the planning proposal as submitted requires attention/review to align coherently with the BLEP 2014, the community’s expectations and the ‘simple pleasures’ tag line which defines Brunswick Heads.
6 Stakeholder Inputs

6.1 Stakeholder Workshops and One-on-One Meetings Input Methodology

A major part of the Masterplan process has been to interview Stakeholders at a preliminary workshop to capture their ideas and observations about the shortcomings of the existing facilities and requirements for future facilities. From this information, ideas were captured on the Stakeholder Worksheets and subsequent one on one interviews held to discuss what had been presented. Stakeholders ranged from the Public to Private domain, industry, community and services sectors.

The Masterplan is then developed by distilling these ideas into Strategic Objectives and Design Principles. Constraints, Opportunities, Design requirements and feasibility are used to filter Objectives in an appraisal. From these options, single or preferred options are developed for subsequent review in a further Stakeholder Workshop.

To date one Stakeholder Workshop and a series of one-on-one meetings have been undertaken. A further Stakeholder Workshop will be held to discuss the outcomes of this report.

A record of the First Stakeholder Workshop is provided in Attachment 1.

6.2 Feedback from Stakeholder Workshop One

Stakeholder inputs concerning land based development were summarised on Stakeholder Worksheets 1-3. Copies are provided in Appendix 2. In summary the Stakeholder Workshops produced the following proposals for the Land Based Component of the Site.

- Club facilities for the BHCYC
- Maintenance facilities for the BHCYC
- Improved Public amenities
- Improved car and trailer parking for water based activities
- Access to the foreshore
- Improved fire and waste infrastructure
- Various residential options
- Restaurants and boutique shopping
- Infrastructure for large boat retrieval

Investigations based on this input were undertaken taking into consideration:

- Costs to supply the required infrastructure
- Integration of this component with other Stakeholder requirements
- Spatial limitations of the Boat Harbour Precinct
- Code and environmental constraints.
- Review in context of Masterplan Guidelines
6.3 Feedback from One-on-One Meetings.

The Stakeholder Worksheets were used as discussion points in subsequent one-on-one meetings with Stakeholders to confirm that their opinions had been captured in the options. Records of interviews are provided in Appendix 3.

The majority of Stakeholders supported the proposals and considered their views had been captured. However, the BHCYC considered their input was not included as a dedicated maintenance work site, secure car parking and dedicated club facilities were not shown. These requests were excluded from the Stakeholder Worksheets during the review process described above, as the exclusivity of the BHCYC proposal created clashes with other land uses and Masterplan Guidelines and the need to optimise and prioritise land uses. Most of the other BHCYC requests were included.

A summary of the meetings is provided overleaf in Table 3. This summary only refers to Land Based Uses. Comments made by the stakeholders to other issues pertaining to the Masterplan are not included in this Table.
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<th>Group</th>
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<th>B</th>
<th>C</th>
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<td>Trailer parking &amp; turning</td>
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<td></td>
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<td>Ensure pedestrian access and movements along foreshore</td>
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<td>Visitor parking</td>
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<td>Parking - Worksheet 1</td>
<td>Do not want to see carpark on way to town. Concealed car parking</td>
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<td>Alfresco at Commercial</td>
<td>Noted</td>
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<td>Accommodation</td>
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<td>If possible would prefer to have unit accommodation</td>
<td>Unit development on top of commercial</td>
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<td>Business</td>
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<td>Noted</td>
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<td></td>
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<td>Sheds and fuel,</td>
<td>Noted</td>
<td>Provision for shed</td>
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<td></td>
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<td>Require 20m x 15m Shed</td>
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<tr>
<td>Toilet, shower amenities</td>
<td>Noted</td>
<td>Toilets and storage noted</td>
<td>Supply, Holding tank sewage removal option</td>
<td>Desire power/existing water power toilets</td>
<td>Link toilets and storage to Marina for cost</td>
<td>Water-power toilets</td>
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<tr>
<td>Provision for shed</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail, commercial, conference, toilets, offices</td>
<td>Workspace 1 OK. No to Worksheet 2 Commercial area to stay where WS1 is</td>
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<td></td>
<td></td>
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<td>Keep commercial where it is Minimise vehicle and pedestrian conflicts</td>
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<td>Boating storage SLS, Byron, FNC</td>
<td>Noted</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Would like to see on rescue/SLS Shed (West)</td>
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<tr>
<td>Hardstand emergency haul out, carpark, crane pad</td>
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<td></td>
<td></td>
<td></td>
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<td>Yacht club firefighting shed, storage men's shed</td>
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<td></td>
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<td></td>
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<td>Firefighting and training</td>
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<td>Multi boat club house community</td>
<td>Noted</td>
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<td>Manager office residence</td>
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<td>Byron/Brunswick Heads existing containers to store</td>
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<td>No additional storage needed</td>
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<td>Combined point for ambulance collection</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Clear area-helipad. Preferred option for retrieval along small craft launch pontoon</td>
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<tr>
<td>Helicopter landing point</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Possible 60m² area for heli-pad</td>
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<tr>
<td>Night time RV Daytime boats</td>
<td>Rangers to patrol</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>Noted</td>
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<tr>
<td>Surf lifesaving accommodation 2 x jet skis</td>
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<td>Fish cleaning area</td>
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<td>A is Byron / Brunswick Angling &amp; Deep Sea Fishing Club</td>
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<td>H is College of Marine Studies</td>
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**Table 3 Summary of One on One Meetings**
7 Options

There are a complex set of options to consider prior to the preparation of a Masterplan. Further consultation with stakeholders and community members is necessary to identify the best option.

Land based options consist of:

- The provision of public infrastructure including:
  a. Foreshore Access and amenities
  b. Walking trails
  c. Car parking
  d. Maneuvering Aisles
  e. Ablutions
  f. Sewer, water, power and communications provisions
  g. Infrastructure for large boat retrieval
  h. Emergency Rescue and Ambulance provisions

Commercial options and preferences are subject to separate consultation with the freehold owners and community.
8 Recommendation

A recommendation will be derived from further discussion with Stakeholders and Crown Land.

9 Scope of Engagement

This report has been prepared by Ardill Payne & Partners (APP) at the request of The Department of Trade and Investment, Regional Infrastructure and Services, Lands and Natural Resources Division for the purpose of investigations for expansion opportunities for small boat launch and retrieval at Brunswick Heads Boat Harbour and is not to be used for any other purpose or by any other person or corporation.

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