

PLANNING & NATURAL SYSTEMS

ATTACHMENT B

**PLANNING PROPOSAL - 391 DIAMOND
BEACH ROAD, DIAMOND BEACH**

ORDINARY MEETING

19 APRIL 2017

PLANNING PROPOSAL

Lot 17 DP 576415, 391 Diamond Beach Road
Diamond Beach, NSW

28 March 2017

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Site Description

1.1 General

Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach is located at the northern extent of the coastal village of Diamond Beach NSW in the MidCoast Council Local Government Area. Existing tourist facilities are located on Lot 17 (the subject land), and the lot has a development consent for additional tourist facilities that will be developed in the future.

The subject land is currently zoned RU1 Primary Production under the provisions of the Greater Taree Local Environmental Plan 2010 (GT LEP 2010). Given the current and proposed tourist uses on the site, the owners of the property are of the opinion that a more suitable zone for part of the subject land is the SP3 Tourist Zone with an E2 Environmental Conservation Zone over sensitive areas of the subject land.

In addition, the owners of the land are seeking to have the opportunity to include permanent residential accommodation in the tourist facility in order to ensure the viability, safety and security of the tourist facilities in the tourist off-season and aid in the retention of local employment.

The subject land is identified on **Figures 1** and **2**. Lot details are shown in **Figure 3**, and the current zoning of the land is shown in **Figure 4**.

Figure 1 – Locality Plan



Source: Google Earth 2014

Figure 2 – Locality Plan



Source: Google Earth 2014

Figure 3 – Lot Details

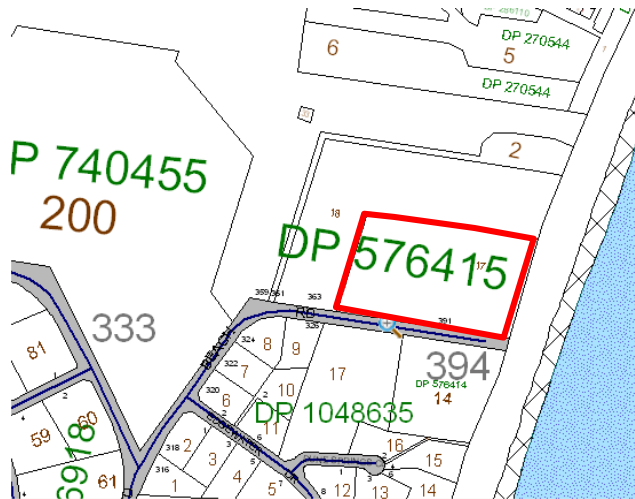


Figure 4 – Current GT LEP 2010 Zones



1.2 Lot 17 DP 576415

Lot 17 DP576415 has an area of 4.35 hectares and is currently the site of the Diamond Beach Holiday Villas that are on the southern section of the site. A two storey dwelling is also located on the site which is inhabited by the owner of the land. The existing holiday villas include six (6) rental properties used for holiday rentals.

The Land and Environment Court Proceedings No. 10667 of 2010 upheld an appeal by the owner of the land for Development Application 250/2009 and gained approval for a staged caravan park on Lot 17 DP 576415. The

caravan park will provide 90 short term site and 15 campsites with recreational facilities and amenities to be constructed over 3 stages.

The remainder of the site that is not subject to the existing development or approved development has limited development potential and is restricted by sensitive vegetation and low lying land used for drainage purposes.

1.3 Objectives of Planning Proposal

This Planning Proposal seeks to rezone land from RU1 Primary Production to SP3 Tourist and E2 Environmental Conservation. The objectives of the Planning Proposal are:

- to allow for 30% permanent occupancy of current and future tourist facilities on the SP3 land;
- to allow a maximum height limit for future development on the SP3 land of 11.5 metres;
- to allow a Floor Space Ratio (FSR) of 0.6:1 on the SP3 land which is consistent with the FSR control for other SP3 zoned land in the LGA; and
- to limit minimum lot size to 1 hectare for the SP3 land for any future subdivision which is consistent with other SP3 zoned land in the LGA.

The proposed amendment to the planning controls would enable future development of the land to a maximum height of 11.5 metres with a maximum FSR of 0.6:1 on the SP3 zoned land.

1.4 Coastal Design Guidelines

Section 117 Direction 2.2 - Coastal protection refers to the Coastal Design Guidelines being a relevant consideration when rezoning land.

Section 1.6 of the guidelines is the relevant provision that is applicable to this Planning Proposal. The design controls proposed with this Planning Proposal are consistent with the provisions of Section 1.6 of the guidelines given that:

- The proposed zoning of part of the land to E2 Environmental Conservation will result in the protection of the foreshore and other vegetation on the site that is considered to have ecological significance.
- There will be adequate separation from future development to the foreshore.
- There will be no removal of foreshore vegetation.
- The proposed floor space ratio on the SP3 land will allow for development that provides amenity and integration with surrounding land uses.
- The proposed height on the SP3 land will not result in any future visual prominence or adverse visual impact.

Part 1 Objectives or Intended Outcomes

2.1 Intended Outcomes

This Planning Proposal seeks to:

1. Rezone Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach (the subject land) to a combination of SP3 Tourist and E2 Environmental Conservation under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).
2. Allow up to 30% of the gross floor area of the tourist facilities on the SP3 land to be used for permanent residential accommodation.
3. Allow the maximum height on the SP3 zoned land to be 11.5 metres.
4. Allow a maximum Floor Space Ratio (FSR) on the SP3 zoned land of 0.6:1.
5. Allow a minimum lot size of one (1) hectare on the SP3 zoned land.

Part 2 Explanation of Provisions

If the amendment sought by this Planning Proposal occurs to the Greater Taree Local Environmental Plan 2010, the intended outcomes would be achieved by:

Amend Land Zoning Map

The Land Zoning Map of Greater Taree Local Environmental Plan 2010 is to be amended to show the site as being zoned SP3 Tourist and E2 Environmental Conservation.

Inclusion of the subject land in Schedule 1 of GT LEP 2010

Schedule 1 of GT LEP 2010 is to include the following:

7. Use of particular land identified as Area 4 on the *Additional Uses Map*

- (1) *This clause applies to land identified as Area 4 on the Additional Uses Map.*
- (2) *Development for the purposes of residential accommodation is permitted with consent if:*
 - (a) *the total gross floor area of the development does not exceed 30% of the total gross floor area of all buildings used for the purposes of tourist and visitor accommodation in Area 4, and*
 - (b) *there are existing recreational facilities (indoor) or recreational facilities (outdoor) in Area 4, and*
 - (c) *the consent authority is satisfied that there is a need for residential accommodation to ensure:*
 - (i) *the safety, security and viability of tourist and visitor accommodation through the off-season, and*
 - (ii) *the retention of local employment through the off-season.*

Amend Additional Uses Map

The *Additional Uses Map* of Greater Taree Local Environmental Plan 2010 is to be amended to include the subject land identified as Area 4.

Amend Height of Buildings Map

The Height of Building Map of Greater Taree Local Environmental Plan 2010 is to be amended to allow a maximum building height of 11.5 metres on the SP3 land.

Amend Floor Space Ratio Map

The Floor Space Ratio (FSR) Map of Greater Taree Local Environmental Plan 2010 is to be amended to allow a maximum FSR of 0.6:1 on the SP3 land.

Amend Lot Size Map

The Lot Size Map of Greater Taree Local Environmental Plan 2010 is to be amended to allow a minimum lot size of one (1) hectare for the SP3 Tourist zone. This is consistent with the minimum lot size for SP3 Tourist zones in the Greater Taree Local Environmental Plan 2010. The Lot Size Map is also to be amended to allow a minimum lot size of 40 hectares for the E2 Environmental Conservation zone.

Part 3 Justification

4.1 Section A – Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

Tourist Zone

In December 2004, the former Greater Taree City Council adopted the Hallidays Point Development Strategy 2004. This Strategy was prepared to recognise and protect the significant coastal character of the Hallidays Point locality whilst setting out the areas suitable for future development and conservation.

The Development Strategy, whilst adopted by Council, has not been endorsed by the NSW Department of Planning. A copy of the Strategy is included at **Appendix A**.

The Strategy identified the subject land as being potentially suitable for Tourism, Environmental Conservation and Mixed Use – subject to MidCoast Water's approval of water and wastewater demand management. A copy of the adopted Development Strategy plan is included as **Figure 5**.

When the Strategy was first considered by Council in 1996, it adopted a number of recommendations in response to submissions made by the community. One of these recommendations was:

11. That Council further investigate the establishment of a Tourist Facilities zone with opportunities for developments to have an extent of permanent occupancy and for community titles subdivision of individual units as part of an overall managed tourist resort.

In response to this recommendation, and as part of the work associated with the proposed changes to Council's Local Environmental Plan in 2007, Council engaged Blueprint Planning Consultants to undertake an "Investigation of a Proposed Tourist Zone Greater Taree LEP 2007". A copy of the final report is attached at **Appendix B**.

The subject land was included as part of Site 3 in the investigation as having potential for a suitable zoning as SP3 Tourist in Council's new LEP. The investigation concluded:

A total 20 year target increase in tourist accommodation is 2,448 beds. To achieve this target, incentives for investment in tourism infrastructure will be required. Three of the four sites identified in the brief (Site 2 Old Bar, Site 3 North Diamond Beach and Site 4 Diamond Beach) are capable of supplying the tourist land requirements for the Old Bar and Hallidays Point/Diamond Beach areas.

In regard to Site 3 the report concluded:

The site is located at the northern limit of the Hallidays Point Conservation Development Strategy (Review 2004), and nominated as a "Tourism, Environmental Protection and Mixed Use" precinct (the 2006 Review provides a similar nomination for the site). The Hallidays Point is also identified for growth in the draft GTCDs (2005). Hallidays Point, incorporating North Diamond Beach, Diamond Beach, Redhead and Tallwoods Village has an estimated current population of about 1000 persons (draft GTCDs 2005, p105) with a projected population in 2020 of between 2011 (low estimate) to 2481 (high estimate). It is expected to grow to be the third largest centre, behind Taree and Old Bar. It is identified as a town which is the second order level of urban centre in the settlement hierarchy under the draft GTCDs 2005.

However, facilities are limited. Family, touring and adventure travellers would be attracted because of the beach, picnic grounds, walking trails and other natural setting features. Holiday experiences would be nature and water (beach). Family travellers would desire a patrolled beach. Accommodation types would be 3 or 3-4 star, self contained cabins, cottages, bures, villas, B&Bs and camp sites.

Suitable tourist land uses on this site are:

- *Full range of tourist and visitor accommodation, including conference facility.*
- *Backpackers accommodation.*
- *Bed and breakfast accommodation.*
- *Hotel accommodation.*
- *Caravan park/holiday village.*
- *Café or restaurant.*
- *Amusement centre.*
- *Recreation facility (indoor).*
- *Recreation facility (outdoor).*
- *Function centre.*

Ramada Resort provides an indication of the direction for future development of the eastern land parcels of this precinct. Other development forms would include 3-4 star motel accommodation and caravan parks. Serviced apartments are considered unlikely in this area.

The recommendations of the investigation with regard to the proposed zonings on the subject land are shown in Figure 12.3 Site 3 Recommendations on page 60 of the report.

Upon gazettal of Greater Taree LEP 2010, the only part of Site 3 that was included in the SP3 Tourist zone was the Ramada site.

The subject land is included as a proposed Tourist Development Area in the Hallidays Point Development Strategy and endorsed as being suitable for zoning as SP3 Tourist zone in the 2007 Blueprint Investigation.

Permanent Residency

The “*Investigation of a Proposed Tourist Zone Greater Taree LEP 2007*” also addressed the issue of allowing some permanent residency in tourist facilities to assist in securing their viability during the low season and to assist employment security. In this regard the investigation found that:

It is considered necessary to offer incentives to achieve investment in tourist development as a means to increase tourism growth and associated benefits to the local economy. These incentives include allowing a proportion of permanent residential accommodation within a zone that otherwise prohibits it. Bonus height provisions may also be feasible.

Based on experience elsewhere (Tweed Council), the incentives may be in the form of permanent accommodation within a strata or community title “serviced apartments”, dispersed through community title detached buildings, or even tourist accommodation being provided in a strata title multi unit development and detached housing lots elsewhere on the land parcel. The timing of release of subdivision certificate for the dwelling house lots would be after the construction and commencement of operation of the tourist accommodation.

To ensure that tourist and visitor accommodation is not used for permanent residential accommodation, it is recommended that requirements be specified in the SLEP requiring title restrictions and other specific measures to ensure accommodation units continue to be available for tourists and visitors. The appropriate proportion of allowable permanent accommodation that is sufficient to provide the required incentive to generate developer investment in tourist and visitor accommodation is difficult to determine. An absolute

maximum of 50% permanent is considered appropriate, with a percentage of between 20-30% permanent being a preferred ratio in most instances.

In response to this issue GTLEP 2010 included provisions in Schedule 1 to allow 30% residential permanency of the gross floor area of development within the three (3) SP3 zones across the local government area, including the zoning of the Ramada land adjacent, to the north, of Lot 17.

It is submitted that justification exists to allow the 30% residential permanency to be extended over the subject land by way of an addition to Schedule 1 of GT LEP 2010.

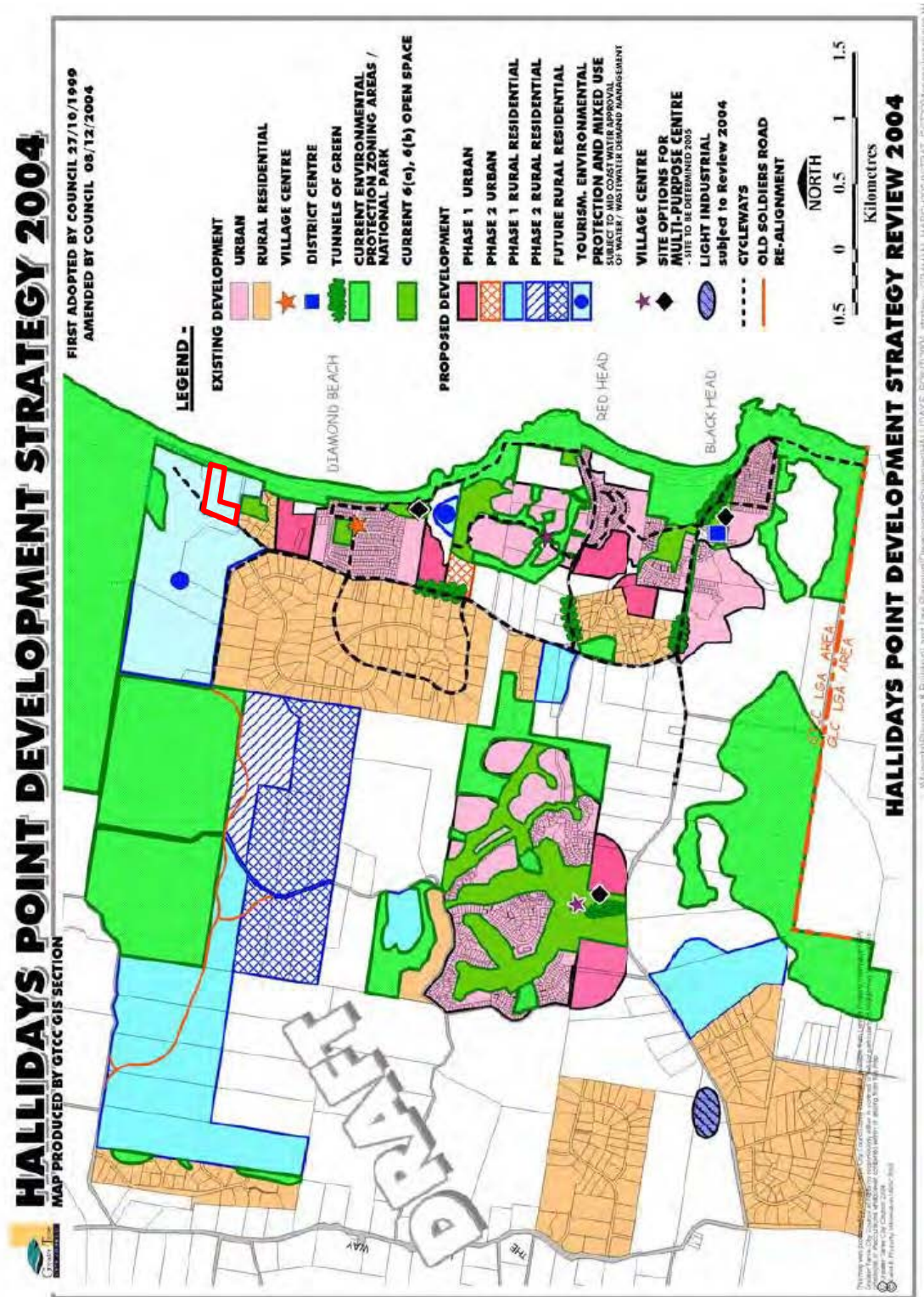
Height of Buildings

Council has approved a three storey 24-unit development on the nearby Ramada site (330/2009/DA) that has a height of 12 metres. This approval represents an acceptable height for buildings in the SP3 Tourist zone in this locality. Consequently, a 11.5 metre maximum height of building is sought.

Is the Planning Proposal the best way to achieve the objectives or intended outcomes or is there a better way?

The changing of the zoning and inclusion of a 30% residential permanency is considered the most appropriate way to achieve the intended outcomes and provide certainty for the existing and approved tourist facilities on the subject land.

Figure 5 – Hallidays Point Development Strategy Plan 2004



4.2 Section B – Relationship to Strategic Framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The subject land was included as a proposed urban area with indicative high levels constraints over part of it in Map 8 of the former Mid North Coast Regional Strategy prepared by the former Department of Planning (now the Department of Planning and Environment).

Mid North Coast Regional Strategy had the purpose to ensure that the projected housing and employment needs of the Region are catered for until 2031.

A copy of Map 8 of the Regional Strategy is included as **Figure 6** in this report.

The changing of the zoning and inclusion of the 30% residential permanency is consistent with the Regional Strategy in that some permanent accommodation will enable urban growth within the existing, and approved developments on the subject land.

The Mid North Coast Regional Strategy has now been superseded by the Hunter Regional Plan 2036.

The Hunter Regional Plan 2036 sets out four goals for the Hunter Region as follows:

- The leading regional economy in NSW
- A biodiversity - rich natural environment
- Thriving communities
- Greater housing choice and jobs

The site is located at Diamond Beach which is within the Hunter Region.

Goal 1 Direction 6 of the Plan outlines actions to grow the economy of MidCoast and Port Stephens. Action 6.3 specifically states:

"Enable economic diversity and new tourism opportunities that focus on reducing the impacts of the seasonal nature of tourism and its effect on local economics."

This Planning Proposal is consistent with Action 6.3 in that it allows for tourist use of the land that will enhance the local economy and also proposes some permanent occupancy opportunity to reduce the impacts of the seasonal nature of tourism in the locality.

Goal 1 Direction 9 of the plan outlines actions to grow tourism in the region. Action 9.2 specifically states:

"Encourage tourism development in natural areas that support conservation outcomes."

The Planning Proposal is consistent with Action 9.2 in that it will encourage development in a natural area and will lead to the zoning of land to E2 Environmental Conservation.

The Plan identifies that the new MidCoast Council will *"have to capitalise on the opportunities provided by urban centres, rural areas and the natural environment to form a thriving economy based on food production, tourism, manufacturing and services...."*

A regional priority is *"support the visitor economy by leveraging the natural beauty of the area"*. This Planning Proposal is consistent with this regional priority.

Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

The former Greater Taree City Council prepared a Community Plan for the Local Government Area that outlines the key objectives that the community wishes to achieve between the years 2010 and 2030.

The Manning Valley Community Plan covers a wide range of issues including: social needs, environmental management, land use, community infrastructure and opportunities for economic development.

Strategy 17 of the Plan is to ensure adequate provision of appropriately zoned land that is suitable for the needs of all economic sectors of the local community. The proposed rezoning will help achieve the appropriate zoning over the subject land that will meet the needs of the tourist sector of the local economy.

Strategy 18 of the Plan is to expand job opportunities through the growth of existing businesses, and encourage new businesses to establish or relocate. The proposed 30% residential permanency will provide more certainty for income to the existing tourist facilities and assist in enabling the expansion of the development to build the approved developments on the subject land. This will have the added benefit of expanding job opportunities.

Strategy 19 of the Plan is to provide a broad and skilled local workforce. The certainty for the developments on the site will assist in providing tourist opportunities for the region and in turn provide tourist related job opportunities. Such job skills will assist in the achievement of Strategy 19.

Strategy 21 of the Plan is to ensure a wide choice of housing styles and locations, with consideration of accessibility, adaptability and affordability. The proposed 30% residential permanency will assist in achieving this in the Hallidays Point locality by providing for greater housing choice that will include more accessible and affordable housing.

This Planning Proposal is consistent with the key objectives of the Manning Valley Community Plan in that it will enable the achievement of sustainable economic development of the land that will result in positive community benefits.

Figure 6 – Mid North Coast Regional Strategy Map



Is the planning proposal consistent with applicable state environmental planning policies?

This Planning Proposal is considered to be consistent with applicable state environmental planning policies.

The NSW Coastal Policy (NSW Government, 1997) sets the direction for coastal zone management, planning and conservation in NSW. This policy is also supported by the introduction of *State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71)*. The site is located within the coastal zone and accordingly SEPP 71 is applicable to the proposed development.

The objective of State Environmental Planning Policy No. 71 - Coastal Protection (SEPP 71) is to further the implementation of the NSW Coastal Policy (1997).

State Environmental Planning Policy Number 71 (SEPP 71) applies to the land. Clause 7 of the SEPP 71 states that the matters for consideration set out in Clause 8 should be taken into account by a council, when it prepares a draft local environmental plan that applies to land to which this Policy applies. These matters are considered in **Table 4.1**.

Table 4.1 - SEPP 71 Requirements		
Clause	Matter for Consideration	Comments
Clause 2 - 1(a)	to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	The Planning Proposal effectively manages the natural, cultural, recreational and economic attributes of the subject land.
Clause 2-1(b)	to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore.	The Planning Proposal will provide for access to the coastal foreshore by committing to a Planning Agreement in which a 5m strip of land adjacent to the eastern boundary of the land for the entire frontage will be dedicated to Council. Other commitments include a monetary contribution (TBD) for the construction of a 3m wide concrete pathway within this 5m strip that will provide future public access, and fencing to control access to the coastal area.
Clause 2-1(c)	to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore.	The Planning Proposal will provide for access to the coastal foreshore by committing to a Planning Agreement in which a 5m strip of land adjacent to the eastern boundary of the land for the entire frontage will be dedicated to Council. Other commitments include a monetary contribution (TBD) for the construction of a 3m wide concrete pathway within this 5m strip that will provide future public access, and fencing to control access to the coastal area.
Clause 2 - 1(d)	to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge.	The Planning Proposal will not adversely affect any Aboriginal places, values, customs, beliefs and traditional knowledge.
Clause 2- 1(e)	to ensure that the visual amenity of the coast is protected.	A Visual Impact Assessment of the potential future development of Lot 17 DP 576415 concludes that the visual amenity of the coast is protected.

Table 4.1 - SEPP 71 Requirements		
Clause	Matter for Consideration	Comments
Clause 2 -1(f)	to protect and preserve beach environments and beach amenity.	The Planning Proposal will not adversely affect beach environments. A Visual Impact Assessment of the potential future development of Lot 17 DP 576415 concludes that the beach amenity is protected.
Clause 2-1(g)	to protect and preserve native coastal vegetation.	The Planning Proposal will provide for access to the coastal foreshore by committing to a Planning Agreement in which a 5m strip of land adjacent to the eastern boundary of the land for the entire frontage will be dedicated to Council. Other commitments include a monetary contribution (TBD) for the construction of a 3m wide concrete pathway within this 5m strip that will provide future public access, and fencing to control access to the coastal area.
Clause 2-1(h)	to protect and preserve the marine environment of New South Wales.	The Planning Proposal will not adversely affect the marine environment.
Clause 2-1(i)	to protect and preserve rock platforms, and to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the <i>Protection of the Environment Administration Act 1991</i> .	The Planning Proposal will not adversely affect any rock platforms.
Clause 2-1(j)	to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area.	A Visual Impact Assessment of the potential future development of Lot 17 DP 576415 concludes that type, bulk, scale and size of any future development will protect the natural scenic quality of the surrounding area. The design of any future development can incorporate natural features that will lead to an improvement in the scenic quality of the surrounding area.
Clause 2-1(k)	to encourage a strategic approach to coastal management.	The Planning Proposal is consistent with the future strategic approach for the locality.
Clause 8 (b)	existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to	The Planning Proposal will not adversely affect public access to and along the coastal foreshore for pedestrians or persons with a disability. The Planning Proposal will provide for access to the coastal foreshore by committing to a Planning Agreement in which a 5m strip of land adjacent to

Table 4.1 - SEPP 71 Requirements		
Clause	Matter for Consideration	Comments
	and along the coastal foreshore for pedestrians or persons with a disability should be improved.	the eastern boundary of the land for the entire frontage will be dedicated to Council. Other commitments include a monetary contribution (TBD) for the construction of a 3m wide concrete pathway within this 5m strip that will provide future public access, and fencing to control access to the coastal area.
Clause 8 (c)	opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	The Planning Proposal will provide for access to the coastal foreshore by committing to a Planning Agreement in which a 5m strip of land adjacent to the eastern boundary of the land for the entire frontage will be dedicated to Council. Other commitments include a monetary contribution (TBD) for the construction of a 3m wide concrete pathway within this 5m strip that will provide future public access, and fencing to control access to the coastal area.
Clause 8 (d)	the suitability of development given its type, location and design and its relationship with the surrounding area	A Visual Impact Assessment of the potential future development of Lot 17 DP 576415 concludes that it is suitable with development in the surrounding area.
Clause 8 (e)	any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The Planning Proposal will not adversely affect the amenity of the coastal foreshore or lead to overshadowing or loss of views from a public place.
Clause 8 (f)	the scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	A Visual Impact Assessment of the potential future development of Lot 17 DP 576415 concludes that the scenic qualities of the New South Wales coast will be protected.
Clause 8 (g)	measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats.	Any habitat areas on the subject land are proposed to be zoned E2 Environmental Conservation and will be protected.
Clause 8 (h)	measures to conserve fish (within the meaning of Part 7A of the	Not Applicable.

Table 4.1 - SEPP 71 Requirements		
Clause	Matter for Consideration	Comments
	<i>Fisheries Management Act 1994</i> and marine vegetation (within the meaning of that Part), and their habitats.	
Clause 8 (i)	existing wildlife corridors and the impact of development on these corridors.	There are no known wildlife corridors on the subject land.
Clause 8 (j)	the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The Planning Proposal has considered the impact of coastal erosion and proposed an Environmental Conservation (E2) zoning over land identified as most at risk.
Clause 8 (k)	measures to reduce the potential for conflict between land-based and water-based coastal activities.	Not Applicable.
Clause 8 (l)	measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The Planning Proposal will not adversely affect any Aboriginal places, values, customs, beliefs and traditional knowledge.
Clause 8 (m)	likely impacts of development on the water quality of coastal waterbodies.	The Planning Proposal will not adversely affect the water quality of coastal waterbodies.
Clause 8 (n)	the conservation and preservation of items of heritage, archaeological or historic significance.	The Planning Proposal will not adversely affect any Aboriginal places, values, customs, beliefs and traditional knowledge.
Clause 8 (o)	only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	Not Applicable.

Is the proposal consistent with applicable Ministerial Directions (s.117 directions)?

The assessment of the Planning Proposal against the Ministerial Direction (s.117 directions) is provided **Table 4.2** below.

Table 4.2 - Ministerial Directions (s.117 directions)		
Ministerial Direction	Relevance	Comments
1.1 Business and Industrial Zones	No	The Planning Proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	Yes	The Planning Proposal seeks to rezone the land to a tourist zone. The objective of this direction is to protect the agricultural production value of rural land. In this regard it is submitted that the Planning Proposal is inconsistent with this direction however can be justified on the basis that: - The land is currently not being used for agricultural purposes nor will it in the future. The land is not suitable for agriculture given its close proximity to the coast, poor quality soils and limited access to fresh water. The rezoning of this site is therefore of minor significance; and - The former Mid North Coast Strategy identified the land as future urban.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Mining and extractive industries are not impacted by this planning proposal and consultation with Primary Industries will be undertaken to confirm this assessment.
1.4 Oyster Aquaculture	No	The Planning Proposal does not seek a change in land use which could result in adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate".
1.5 Rural Lands	Yes	The Planning Proposal seeks to rezone the land to a tourist zone. The objective of this direction is to protect the agricultural production value of rural land. In this regard it is submitted that the Planning Proposal is inconsistent with this direction however can be justified on the basis that: The land is currently not being used for agricultural purposes nor will it in the future. The land is not suitable for agriculture given its close proximity to the coast, poor quality soils and limited access to fresh water. The rezoning of this site is therefore of minor significance; and

Table 4.2 - Ministerial Directions (s.117 directions)		
Ministerial Direction	Relevance	Comments
		The former Mid North Coast Strategy identified the land as future urban.
2.1 Environment Protection Zones	Yes	The Planning Proposal includes requirements which facilitate the protection and conservation of environmentally sensitive areas. This is achieved through the proposed E2 Environmental Conservation zone and a Vegetation Management Plan.
2.2 Coastal Protection	Yes	The Planning Proposal is consistent with provisions of: - the <i>NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997</i>, - the <i>Coastal Design Guidelines 2003</i>, and - the manual relating to the management of the coastline for the purposes of section 733 of the <i>Local Government Act 1993</i> (the <i>NSW Coastline Management Manual 1990</i>). These provisions were considered by Council during the assessment process of the proposed future developments on the subject land.
2.3 Heritage Conservation	No	The Planning Proposal is considered to be consistent with this direction.
2.4 Recreation Vehicle Areas	No	The Planning Proposal does not seek to enable land to be developed for the purpose of a recreation vehicle area within the meaning of the <i>Recreation Vehicles Act 1983</i> .
3.1 Residential Zones	No	The Planning Proposal does not affect land within an existing or proposed residential zone.
3.2 Caravan Parks and Manufactured Home Estates	Yes	There is an existing development approval over the site to enable staged development of a caravan park comprising: 90 short term sites, 15 camp sites, recreational facilities and amenities to be constructed over three (3) years. These activities will continue to be permissible within the SP3 Tourist zone.
3.3 Home Occupations	No	The Planning Proposal is considered to be consistent with this direction.

Table 4.2 - Ministerial Directions (s.117 directions)		
Ministerial Direction	Relevance	Comments
3.4 Integrating Land Use and Transport	No	The Planning Proposal does not seek to create, alter or remove a zone or a provision relating to urban land.
3.5 Development Near Licensed Aerodrome	No	The Planning Proposal does not seek to create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	No	The Planning Proposal does not seek to create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
4.1 Acid Sulfate Soils	Yes	This site is mapped as containing Class 3 and 5 land on the Acid Sulfate Soils Mapping. The impact of development will be a consideration in the Development Assessment process.
4.2 Mine Subsidence and Unstable Land	No	The Planning Proposal is not within a designated mine subsidence district and is not identified as being unstable.
4.3 Flood Prone Land	No	The site is not within a designated floodplain. During significant storm events, water may overflow the banks of the intermittent natural watercourses (drainage gullies) dissecting the site. The site, however, is not considered to be flood prone land as defined by the <i>Floodplain Development Manual 2005</i> .
4.4 Planning for Bushfire Protection	Yes	The Planning Proposal is considered to be consistent with this direction. The land subject of this planning proposal is mapped as being bushfire prone land on Council's bushfire prone land mapping. This Planning Proposal seeks to consult with the NSW Rural Fire Service subsequent to gateway determination being issued and prior to undertaking community consultation.
5.1 Implementation of Regional Strategies	No	This direction does not apply to the MidCoast Local Government Area. However, it is noted that the planning proposal is generally consistent with key objectives of the Hunter Regional Plan 2036, promoting diversity in residential development, tourism and employment opportunities.
5.2 Sydney Drinking Water Catchments	No	The Planning Proposal is not within the Sydney Drinking Water Catchment.
5.3 Farmland of State and Regional	No	This direction does not apply to the Planning Proposal.

Table 4.2 - Ministerial Directions (s.117 directions)		
Ministerial Direction	Relevance	Comments
Significance on the NSW Far North Coast		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	This direction does not apply to the Planning Proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	This direction has been revoked.
5.6 Sydney to Canberra Corridor	No	This direction has been revoked.
5.7 Central Coast	No	This direction has been revoked.
5.8 Second Sydney Airport: Badgerys Creek	No	The Planning Proposal is not within the boundaries of the proposed second Sydney airport site or within the 20 ANEF contour as shown on the map entitled "Badgerys Creek–Australian Noise Exposure Forecast–Proposed Alignment–Worst Case Assumptions".
5.9 North West Rail Link Corridor Strategy	No	This direction does not apply to the Planning Proposal.
5.10 Implementation of Regional Plans	Yes	The Planning Proposal is consistent with the former Mid North Coast Regional Strategy and the Hunter Regional Plan 2036.
6.1 Approval and Referral Requirements	Yes	The Planning Proposal is considered to be consistent with this direction. The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a minister or public authority and does not identify development as designated development.
6.2 Reserving Land for Public Purposes	No	The Planning Proposal is considered to be consistent with this direction. It does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.

Table 4.2 - Ministerial Directions (s.117 directions)		
Ministerial Direction	Relevance	Comments
		Dedication of land on the site will be facilitated through a Planning Agreement, not the local environmental plan.
6.3 Site Specific Provisions	No	The Planning Proposal is considered to be consistent with this direction. The proposal does not intend to amend another environmental planning instrument in order to allow a particular development proposal to be carried out. The planning proposal does not refer to drawings for any such development.
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	This direction does not apply to the MidCoast Council Local Government Area.
7.2 Implementation of Greater Macarthur Land Release Investigation	No	This directions does not apply to the MidCoast Council Local Government Area.
7.3 Parramatta Road Corridor Urban Transformation Strategy	No	This direction does not apply to the MidCoast Council Local Government Area.

4.3 Section C – Environmental, Social and Economic Impact

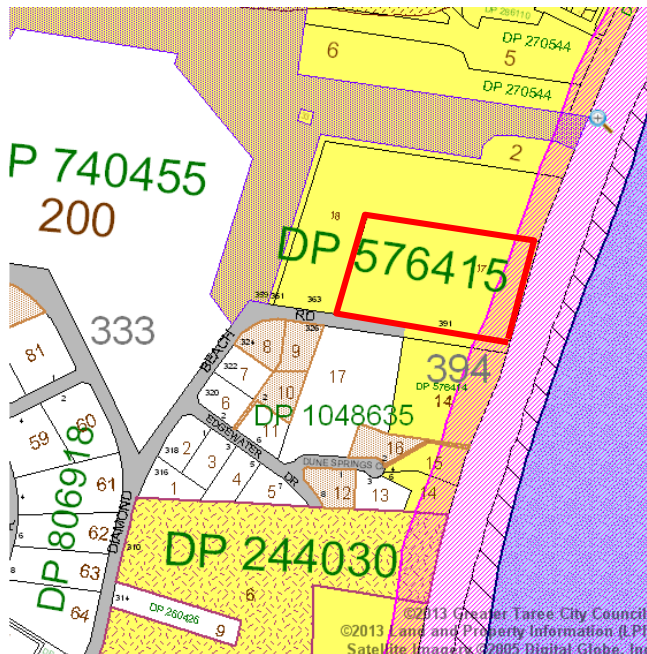
Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The mapping associated with Greater Taree Development Control Plan 2010 provides an overview of the general environmental constraints associated with the subject land. A plan of these constraints is included as **Figure 7**. The primary constraints are coastal erosion and associated setbacks. Specific environmental matters are discussed further below.

Figure 7 – GT DCP 2010 Constraints Map



Site Contamination

The subject land is not listed on Council's Site Contamination register and there are no former uses of the land that would have resulted in any site contamination.

Coastal Erosion

The NSW Government requires all coastal councils to prepare a Coastal Zone Management Plan for the coastline within each Local Government Area (LGA). The Greater Taree Coastal Zone Management Plan 2015 (CZMP 2015) identifies estimated coastal recession due to storm events and sea level rise, and possible management options that can be undertaken to address areas affected by coastal processes.

The CZMP 2015 was adopted by Council in September 2015. An assessment of the CZMP 2015 coastal setbacks for the subject land was undertaken by Royal Haskoning DHV and is included at Appendix C. This report concludes:

A number of components comprising the 2050 and 2100 coastline hazard lines in the vicinity of the subject properties at Diamond Beach, as defined in A Coastal Zone Management Plan for Greater Taree (CZMP), were found to be overly conservative. It was considered to be a reasonable technical argument (from this first pass assessment) that the hazard lines adopted in the CZMP be translated 17m seaward at 2050 and 26m seaward at 2100 in the vicinity of the subject properties.

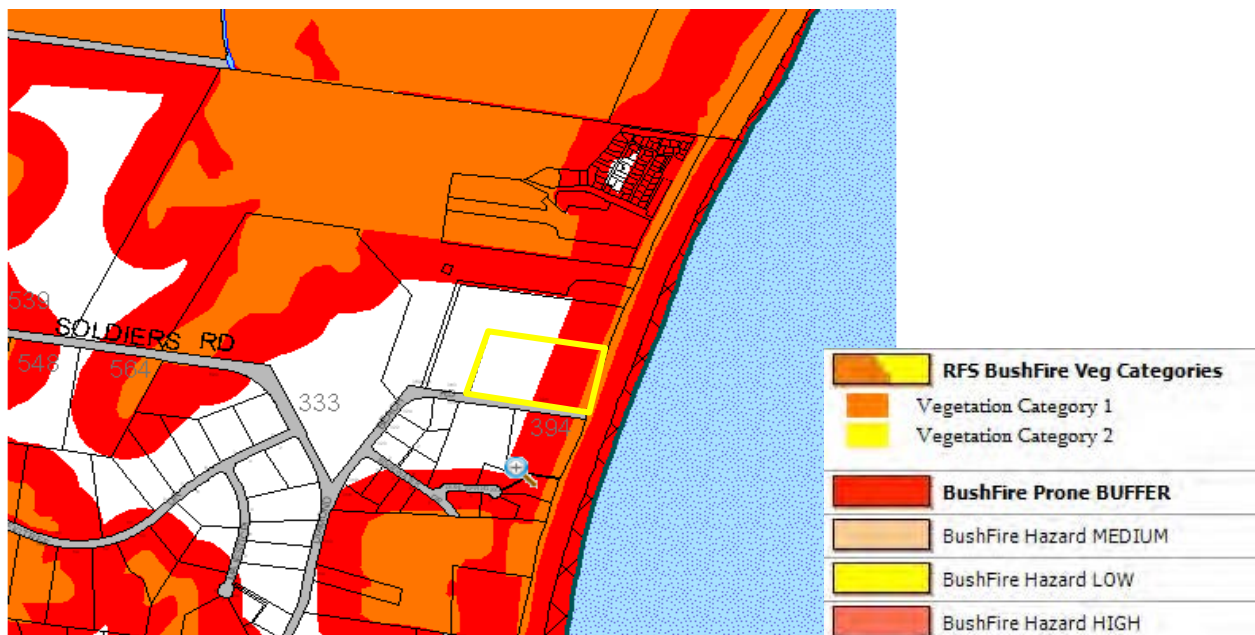
The subsurface seaward of the subject properties includes indurated sand, clay and pebble/gravel, which would be expected to limit some of the short term storm demand that could be realised in a coastal storm. The translated coastline hazard lines are therefore conservative and could potentially be translated further seaward. This seaward translation has not been quantified herein, but the geotechnical analysis reinforces that the translated hazard lines are conservative, and are reasonable to apply for planning purposes.

The proposed SP3/E2 boundary on the eastern part of the site is located to the west of the translated 2100 year (see Figure 1 of the assessment) line and is therefore appropriately located on the subject land.

Bushfire Protection

The Bushfire Prone Land mapping associated with the subject land is included as **Figure 8**. The eastern sections of the subject land are identified as being bushfire prone. During the assessment of the new development applications on the subject land the NSW Rural Fire Service issued Bushfire Safety Authority's for both developments (reference D09/2049 DA09110364644JH and D08/1983, DA08101755285JH). Consequently there will be no additional bushfire requirements will be necessary for the Planning Proposal.

Figure 8 – Bushfire Prone Land Map



Indigenous Heritage

An Aboriginal Heritage Assessment for Lot 17 was undertaken by McCardle Cultural Heritage Pty Ltd. A copy of this report is included at **Appendix D**.

The report concluded:

The survey identified no archaeological sites within the project area. One Potential Archaeological Deposit (PAD) was identified along the eastern boundary as this area appeared to have been subject to minor disturbances and is an elevated landform in relative close proximity to the beach. The PAD is located within the 30 metre designated coastal erosion zone and Asset Protection Zone and will not be impacted on by any future development. A site card for the PAD was submitted to AHIMS.

European Heritage

There are no items of European heritage significance on the subject land.

Flooding and Drainage

The subject land is not subject to flooding however some drainage across the lot occurs via existing constructed drainage channels. The channel will be unaffected by the Planning Proposal.

Access and Transport

Access to the site is by existing internal roads from Diamond Beach Road. The amended zoning and development standards allow for increased development densities, but any such proposal would require detailed assessment at the development application stage.

Vegetation

An ecological assessment (see Appendix E) on the subject land was undertaken by Naturecall which identified two vegetation communities on the subject land as shown in **Figure 9**.

Upon review of the report Council's ecologist advised:

given that the Swamp Mahogany Forest is potentially an EEC and possesses other recognised ecological values, we propose that the site be included in the Environmental Conservation (E2) zone, which is consistent with the adjoining site and:

- *the zone be applied to provide connection to the proposed E2 zoned land on the adjoining property*
- *mechanisms be put in place (eg VPA, DCP) to ensure this land is revegetated, restored and maintained as a natural habitat. The continued mowing of the understorey is not a satisfactory outcome for this part of the site*

This Planning Proposal includes the ecological conservation measures as identified by Council's ecologist.

Figure 9 – Vegetation Communities Map



Visual Amenity

A Visual Impact Assessment of potential future development of Lot 17 was undertaken by Terras Landscape Architects. This report is included at **Appendix F** and assessed potential future development of between 12 to 16 metres.

This report concludes:

This Visual Impact Assessment (VIA) has been prepared with regard to neighbouring properties, the beach and public in order to ensure there is minimal visual impact and an equitable availability of localised views is maintained. The scenic quality has been assessed in contrast with the current condition of the site with regard to the proposed development.

Views from surrounding roads and properties are generally screened as a result of the landform, existing development, existing landscaping or by remnant bushland. There are views from the neighbouring properties and surrounding roads, however, views are limited to tourist accommodation sites, and associated access roads.

Generally, the visual impact on adjoining properties and from surrounding roads is low. The future development would sit comfortably in the landscape and blend in with the local character.

It is considered that proposed development of the site would not result in development that would cause a negative impact on the existing visual quality of the area.

The proposed height of building of 11.5 would provide opportunities for intensification of development on this site, but any such proposal would be required to undertake a visual impact assessment with the development application.

How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is not expected to generate any significant adverse social or economic impacts. The proposal will enable current and future tourist facilities to remain on the land with certainty for future income. No significant adverse economic impacts have been identified as likely to result due to the proposal.

4.4 Section D – State and Commonwealth Interests

Public authorities are yet to be consulted about the Planning Proposal. The following authorities will be consulted:

- NSW Office of Environment and Heritage;
- NSW Rural Fire Service;
- Telstra;
- MidCoast Water; and
- Essential Energy.

Part 4 Maps

5.1 Maps

The proposed zonings of the subject land being sought under this Planning Proposal are shown in **Figure 10**.

The proposed Floor Space Ratio is shown in **Figure 11**.

The proposed minimum lot size is shown in **Figure 12**.

Figure 10 – Zonings (LZN) Map

LEGEND

- Site Boundary
- Sp3 - Tourist
- E2 - Environmental Conservation

Source: MidCoast Council Online Mapping
Online Mapping, March 2017

North ^



Figure 11 – Floor Space Ratios (FSR) Map

LEGEND

- Site Boundary
- 0.6:1 FSR

Source: MidCoast Council Online Mapping
Online Mapping, March 2017

North ^



Figure 12 – Minimum Lot Size (MLS) Map

LEGEND

- Site Boundary
- 1 Hectare
- 40 Hectares

Source: MidCoast Council Online Mapping
Online Mapping, March 2017

North ^



Part 5 Community Consultation

6.1 Community Consultation

There has been no Community Consultation carried out in relation to this Planning Proposal to date.

In accordance with Section 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979*, this Planning Proposal will be made publicly available for a minimum of 28 days, which will include:

- a notice in the local newspaper
- letters to potentially affected land owners
- relevant documents being available at Council's Administrative Offices (Taree and Forster) and Hallidays Point Library
- all relevant documents being available on Council's website.

Any further consultation required by the Gateway Determination will also be undertaken.

Part 6 Project Timeline

7.1 Project Timeline

An estimated project timeline for the Planning Proposal is as follows:

- Draft PP reported to Council for consideration- April 2017
- Lodgement of PP for Gateway Determination – April/May 2017
- Gateway Determination – June 2017
- Additional investigations and assessments prepared – August 2017
- Exhibition – September 2017
- Report to Council – if submissions- November 2017
- Make the Plan- December 2017- February 2018

References

Blueprint Planning Consultants (2007) *“Investigation of a Proposed Tourist Zone Greater Taree LEP 2007”*.

Department of Planning (2006) *Mid North Coast Regional Strategy*

Greater Taree City Council (2004) *Hallidays Point Development Strategy*

Greater Taree City Council (2010) *Greater Taree Local Environmental Plan 2010*

Greater Taree City Council (2010) *Greater Taree Development Control Plan 2010*

Orogen Pty Ltd (2009) *Coastal Hazard Risk Assessment, Diamond Beach Road, Diamond Beach*

Appendix A

HALLIDAYS POINT DEVELOPMENT STRATEGY 2000

Greater Taree City Council

Hallidays Point Development Strategy



June 2000

Disclaimer

The reader is advised that the Greater Taree Conservation & Development Strategy, which is currently being prepared, will replace all of Council's current strategies.

This process involves the review of all Council's strategies (whether draft, finalised or endorsed by the Department of Infrastructure, Planning and Natural Resources), and will provide a framework for rezoning and development within the Greater Taree Local Government Area for the next 20 years.

As such, this strategy should not be relied upon for property purchase or other financial decisions.

Further information can be obtained from Council's Environmental & Strategic Planning Department.

This advice is current as at June 2005, with the Greater Taree Conservation & Development Strategy expected to be finalised in December 2005.

Greater Taree City Council**Hallidays Point Development Strategy and Land Release Program****Adoption**

The Hallidays Point Development Strategy and Land Release Program was adopted by Council at its Extraordinary Meeting held on 27 October 1999, and incorporates subsequent amendments resolved by Council as at 30 June 2000 which are subject to final agreement by the Director General of the Department of Urban Affairs and Planning.

Application

The plan applies to land covered by the Hallidays Point Development Strategy, with rural residential development also acknowledged in the Local Government Area Wide Rural Residential Release Strategy (adopted 21/7/99). The Strategy is a guide for informing the community and for Council's consideration in making future decisions on release of residential and rural residential land within this area up to the year 2010. The plan will be reviewed at that time and monitored at least biannually over this period.

Relationship to Other Plans

The Strategy and Release Program is designed to implement Council's responsibilities under the Environmental Planning and Assessment Act, 1979. All of Council's regulatory instruments (namely the Greater Taree LEP 1995 and associated DCP's) will act as mechanisms to further implement the concepts and direction of this Strategy.

.....
Senior Strategic Planner

.....
Manager Environmental and Strategic Planning

.....
Director Planning & Building

.....
Date of Endorsement

Hallidays Point Development Strategy

1. Background

In 1995 Council prepared and exhibited a draft 'Development Study and Strategy' for Hallidays Point. This draft Study and Strategy focussed on two (2) primary issues being:-

- i) where - development should occur beyond the extent of existing urban zones (ie. after 2006); and
- ii) how - development should occur on land already zoned residential, as well as future zoned land.

The draft Development Study and Strategy were prepared with extensive community involvement. In 1996 Council considered a series of reports on the Draft Development Strategy.

Council adopted the Development Study and some of the recommendations for the Development Strategy. However to date, the final Development Strategy adopted by Council has not been comprehensively documented in a strategy map and supporting material.

2. Thrust of Strategy

The Hallidays Point locality comprises the three small coastal villages of Diamond Beach, Red Head and Black Head and the rural hinterland (including rural residential estates), in the south eastern corner of the Greater Taree Local Government Area.

The existing character of the locality is special. To recognise and protect this character, Council in conjunction with representatives of the Hallidays Point community, prepared a draft Development Study and Strategy. The Strategy was designed to set the limits for future urban and rural residential expansion and show the preferred pattern of growth.

The Central idea of the Development Strategy adopted by Council, was to maintain a separate identity and character for the villages of Blackhead, Red Head, Diamond Beach and the Rural Hinterland. The settlement pattern to achieve this and provide for growth is diagrammatically represented in the "Exhibited Strategy" Figure.

The basic principles include:-

- maintain physical separation of each village;
- provide spatial limits to each village;
- designation of appropriate landuses in the areas between villages to emphasise the natural and scenic qualities of these areas;

Recommendations (Tier 2)

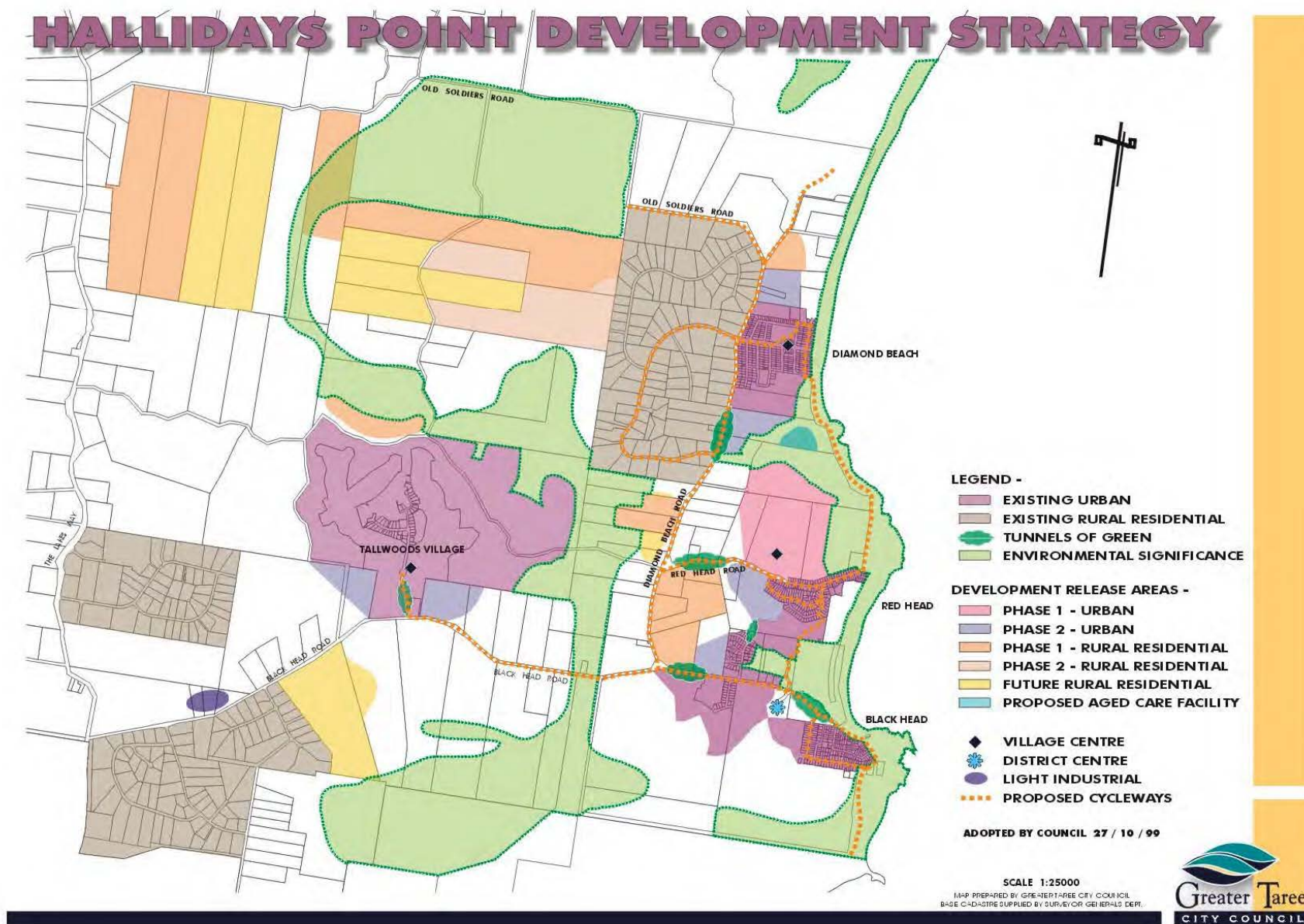
In considering the comment of local residents/landowners who responded to the exhibition of the strategy; Council in 1996 adopted the following recommendations of the Director Planning and Building Department.

Recommendations

1. That Council re-affirm the establishment of a “Green Belt” between Red Head and Black Head which included Black Head Lagoon and land zoned for future public open space and that specific uses of the public land be determined when the results of the Black Head Lagoon Study area are available.
2. That Council confirm Black Head Road as the primary sub-arterial road providing access to the study area.
3. That Council not plan for any direct road connection to the south to Tuncurry.
4. That the Strategy Plan include provision for a road link between Black Head and Red Head via James Foster Drive.
5. That the concept of establishing village centres be retained as part of the Strategy.
6. That the location of the proposed light industrial area be retained in the Development Strategy.
7. That Council incorporate minimum density provisions of 12 allotments per hectare in future Development Control Plans for the area and require subdivision proposals to designate specific sites for a variety of housing forms including detached dwellings, integrated housing, dual occupancies and multi-unit development.
8. That following the preparation of a Development Control Plan Council seek exemption from any new State Environmental Planning Policy relating to Urban Consolidation and allow dual occupancy and multi-unit housing only on designated allotments.
9. That Council further investigate the significance of the wildlife corridor between Frogalla Swamp and Kiwarra Forest as part of the future environmental management project “Natural Systems and Biodiversity” outlined in Council’s Strategic Planning Programme.
10. That Council re-affirm the principle of maintaining and enhancing roadside vegetation for all roads in the study area.
11. That Council further investigate the establishment of a Tourist Facilities zone with opportunities for developments to have an extent of permanent occupancy and for community titles subdivision of individual units as part of an overall managed tourist resort.
12. That Council review its S94 Plan for Community Facilities at Hallidays Point including further investigation on options to levy S94 Contributions for Surf Club facilities.
13. That Council approach the Geographical Names Board to change the gazetted names to reflect the locality as Hallidays Point and the villages as Black Head, Red Head and Diamond Beach.

14. That Council update its signage, mapping and documents to reflect the above nomenclature as costs and staff resources allow.
15. That the details relating to provision of a playing field and extent of residential zoning north of Diamond Beach on land owned by Yotara Pty Ltd be clarified in the Release Strategy and LEP to be prepared.
16. That Mr Riley be encouraged to proceed to lodgement of a Development Application for the proposed tourist facility on the corner of Diamond Beach Road and Black Head Road.
17. That the extent of zoning of land owned by Mr and Mrs Cullerton on Red Head Road be clarified in the Release Strategy and LEP to be prepared.
18. That Council not include land owned by Lucy Catherine Investment Pty Ltd located west of Tallwoods to enable a 2000m² lot subdivision.
19. That Council confirm the inclusion of part of Mr Davies' land adjacent to Tallwoods as part of the overall Tallwoods Village.
20. That Council enter into discussions with Mr Paterson regarding inclusion of part of his land in a slightly enlarged industrial area.

Exhibited Strategy



Issues arising from the Public Exhibition

The following summarises some of the key issues that arose out of Council's consideration of the exhibited development strategy and comments made during the exhibition.

Separation of Red Head and Diamond Beach Village.

The exhibited Strategy recommended a 500 m separation between villages to achieve the objective of a physical separation between each village. 500m was nominated as a "walkable separation". In considering a series of reports on a proposal to develop land between North Red Head and Diamond Beach, Council on 21 August 1996 resolved to adopt a minimum 200m separation between Diamond Beach and North Red Head. Some of the land between the residential zones was to be zoned Environmental Protection and publicly dedicated to Council.

Upgrade of Old Soldiers Road and Rural Residential Development

In considering a series of reports on Old Soldiers Road, Council resolved that:-

"Old Soldiers Road be upgraded, subject to detailed costing and availability of funding as part of Council's next budget consideration and in consultation with NSW State Forests."

In addition, there was a proposal before Council to rezone land off Old Soldiers Road to provide approximately 88 rural residential lots. In considering this proposal Council resolved that:-

"The land south of Kiwarra State Forest be included for rural residential development in this Strategy."

The main reason for Council's decision was that this development may facilitate the upgrade of Old Soldiers Road. The detailed costings for the Old Soldiers Road upgrade is still required.

Addition of Rural Residential Development Areas

In considering a report of 21 August 1996, Council adopted the following additional changes to the exhibited Strategy:-

- i) extension of the "Tallwoods Village" Rezoning Area;
- ii) deletion of the area identified for a new village on the corner of Blackhead and Diamond Beach Road;
- iii) land in upper reaches of Blackhead Basin identified for Rural Residential Development; and
- iv) decrease the areas identified for rural cluster west of Diamond Beach Road (James and others) and land north of Tallwoods Village (Claydon and others).

Kos Development

In September 1997, Council considered a proposal for a health resort (Kos Health Retreat) on land identified in the Hallidays Point Development Strategy as being of Environmental Significance. Consent for the Kos Development was issued in September 1997. This consent is valid for a period of 5 years.

The final strategy incorporating the above changes as adopted by Council is shown on the 'City Wide Settlement Strategy Hallidays Point Map'.

Growth Rates

The draft Strategy (1996) predicted a population of 1,370 for the Hallidays Point area for 1996, with an average annual dwelling approval of 26 dwellings per year.

Updated figures show an average dwelling approval of 16.5 dwellings per year (post 1996). This includes an average of seven (7) rural-residential dwellings and nine (9) residential dwellings. The population of the Hallidays Point area at 1996 was estimated at 1,050 (310 less than projected).

Current figures show the following availability of lots in the Hallidays Point locality:-

Residential	Estimated No. Lots
Zoned Residential with a house	738
Zoned Residential & No House	208
Zoned Residential & Not Subdivided	1491
Identified Future Residential under Strategy	831
	2530
Residential	Estimated No. Lots
Zoned Rural Residential with a House	169
Zoned Rural Residential & No House	70
Zoned Rural Residential & Not subdivided	0
Identified Future Rural Residential under strategy	216
	455

Therefore, if all land currently zoned residential/rural residential and proposed to be rezoned were developed, Hallidays Point will effectively be 5 times larger than what it is today.

A more detailed analysis of supply and demand is provided in the Hallidays Point Release Program.

Current Status

The draft Strategy (1996) originally recommended the following steps/procedures for implementation:-

- 1) Prepare DCP detailing principles of Development Strategy.
- 2) Completion Bio-diversity Study.
- 3) Completion Bike Plan
- 4) Completion Rural Roads Study
- 5) Completion Blackhead Lagoon Study
- 6) Preparation of timed release strategy for rezoning of land identified for future development.
- 7) Review current S94 Development Contribution Plans.

Accept Rezoning Application's (after 2006) for each staged rezoning.

Step 1 has not been undertaken. Step 2 and 5 are near completion. Steps 3 and 4 are complete. Step 6 (draft Release Program) is complete and Step 7 has commenced.

There was originally thought to be adequate time to complete Steps 1 to 7 before Step 8 as it was recommended that no new Rezoning Applications be accepted until 2006. This was due to a potential land supply of over 1,491 Lots within zoned land in the Hallidays Point locality.

However in subsequent reports to Council, (46/96, 21 August 1996) it was recommended that Council allow the rezoning process to be initiated at the landowners discretion.

On 20 November 1996, Council resolved to prepare a Draft Local Environmental Plan and accept rezoning applications for 5 of the potential urban/rural residential development areas. Since then, two additional rezoning applications have been submitted. Such rezoning applications would provide for 604 Residential and 216 rural residential lots. A Section 65 Certificate from the Department of Urban Affairs and Planning in respect of a rezoning application has not to date been issued for any of the current rezoning applications.

Department of Urban Affairs and Planning

The draft Hallidays Point Development Strategy was referred to the Department of Urban Affairs and Planning (DUAP) in 1996. In June 1996, DUAP responded with the advice in summary that the Department:-

- Opposes development on seaward side of current development.
- Opposes ribbon development.
- Development should be contained within existing sewer catchments.
- Concerns about northern expansion to Diamond Beach.
- Rural Residential areas should be part of a city wide strategy.
- Further attention must be given to demand/supply section of document. Clear information eg. Population thresholds to trigger further development.

Council sent a formal reply to DUAP on 25 June 1996. This reply suggested further discussion and meeting between Council and DUAP.

Council referred its adopted Development Strategy to DUAP in July 1998. The Department responded in November 1998 with the advice that DUAP:-

1. Generally endorsed the future urban areas subject to the preparation of a land release program.
2. Did not endorse the Rural Residential areas until Council assessed the Hallidays Point Rural Residential proposal within a city wide context.

This Strategy incorporates both a Land Release Program for Hallidays Point and for Rural Residential Development (City Wide).

Future Action

That a Hallidays Point residential and rural residential release program be adopted by Council. That rezoning applications be assessed in the context of this program.

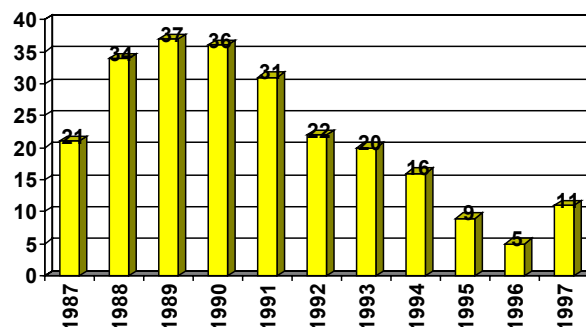
That an A3 double-sided brochure depicting the Strategy and land release program be prepared and reported to Council.

That the adopted land release program be referred to the Director General of the Department of Urban Affairs and Planning with a request for her endorsement.

Statistics Summarising Hallidays Point's Growth

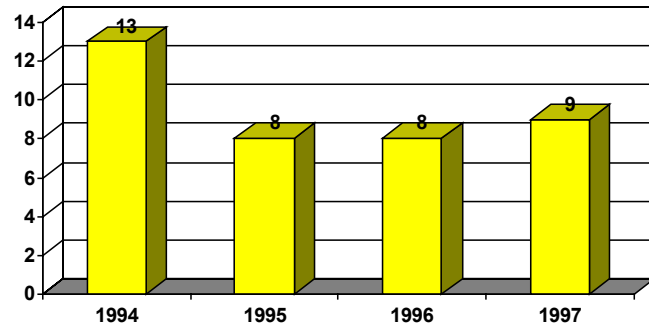
New Dwelling Approvals

Urban



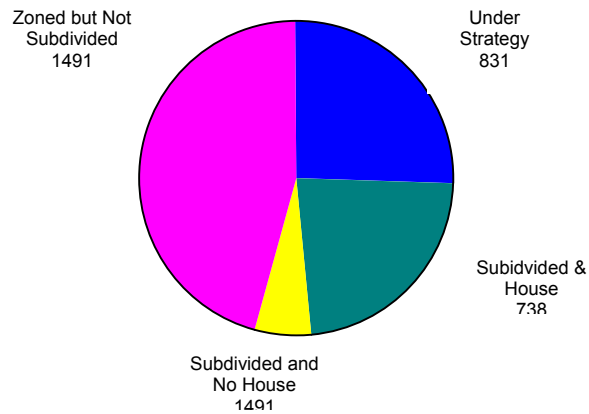
Growth peaked in Hallidays Point in 1989 with 37 dwelling approvals. The average annual growth rate between 1986-91 was 10%. This dropped each subsequent year to a low in 1996 of 5 dwellings and an average annual growth rate in this period (1991-96) of 4%. Population between 1986 and 1996 increased by 81%, being 470 people. Growth rates are expected to be below 4% per annum to 2116 with a predicted population growth of 90.5%, being 950 people.

Rural Residential



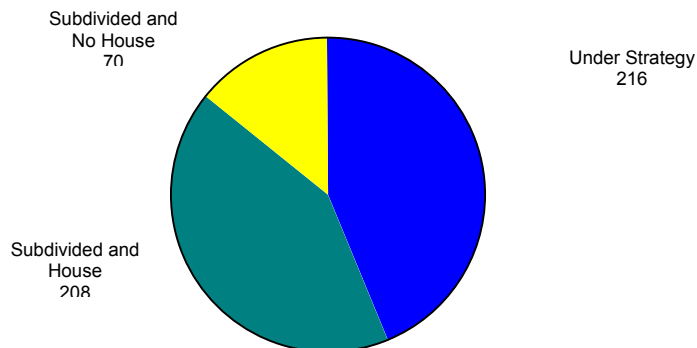
Status of Land

Urban



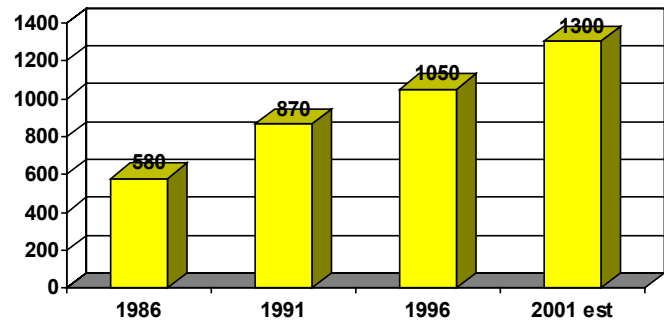
This pie graph shows that Council has planned for an increase in the size of existing urban areas four times larger than what it is today and to double Rural Residential areas. Even without undertaking any more rezoning of land, it is possible to increase the size of the existing urban areas by 202%. However, the Land Release Program recommends that development of urban and rural residential land be staggered over a period of 20 plus years.

Rural Residential

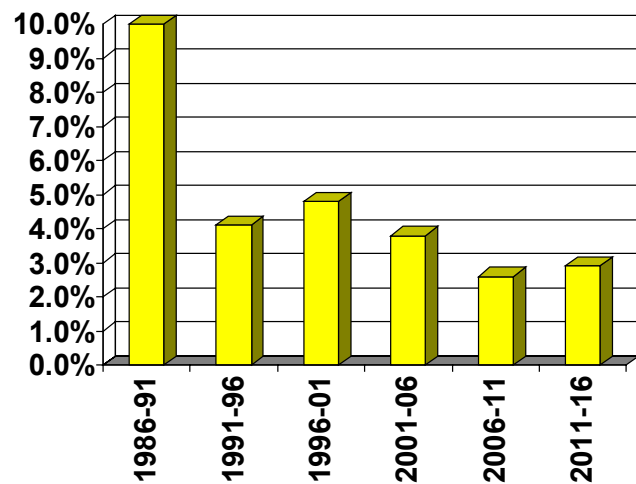


Population Growth

Population 1986-1996



Forecast Annual Growth Rates



Hallidays Point Release Program

Residential 2(a)

Demand for Housing & Residential Release

1 Population Projections

The Hallidays Point Development Strategy (1996) included three scenarios for population growth – low, medium and high. The population projections were based on 1991 and 1996 ABS Census figures utilising the “Demograph” projection program. Until new population projections are released by the Department of Urban Affairs and Planning (anticipated 1999), the 1995 Council projections will be used, adjusted for 1996 ABS Census figures. The following Table shows the adjusted figures.

Population Projections for Hallidays Point

	Low Rate	Growth	Middle Rate	Growth	High Rate	Growth
1986	580		580		580	
1991	870		870		870	
1996	1050		1050		1050	
2001	1254		1426		1490	
2006	1497		1801		1970	
2011	1780		2184		2640	
201	2104		2560		3140	

Occupancy Rates

The 1996 ABS resident population for Hallidays Point was 1050. The 1996 ABS estimated number of dwellings (urban areas) for Hallidays Point was 646 (including caravans). Therefore the average occupancy rate (number of people per dwelling) was 1.63 persons per dwelling. This estimate is probably lower than actual occupancy rates due to the number of vacant holiday dwellings. However, it has been used in assessing future housing needs so that the existing proportion of holiday homes is maintained.

Future Dwelling Requirements

Based on the high growth population projection and a dwelling occupancy of 1.63 the estimated number of new dwellings required at 5 yearly intervals is shown in the following table.

	High Growth Rate	No. of Dwellings	Additional dwellings (lots) per Census period
1986	1050	646	
2001	1490	914	268
2006	1970	1209	295
2011	2640	1620	411
2016	3140	1926	306
TOTAL			1280

Each dwelling requirement has been taken as 1 lot requirement. (Note: estimates of potential lot yields were based on existing average number of dwellings per ha). The following table, shows the additional dwellings required under a “low growth” scenario.

Low Growth Rates – Number of Dwellings

	High Rate	Growth	No. of Dwellings	Additional dwellings (lots) per Census period
1986	1050		646	
2001	1254		769	123
2006	1497		918	149
2011	1780		1092	174
2016	2104		1291	199
TOTAL				645

2 Supply of Residential Land

Lots Available

There are 738 lots zoned residential and subdivided (Council's GIS 1998). Of these 208 are vacant (based on no garbage service). Estimated lot yields from both zoned residential (unsubdivided) and future residential zoned land is shown in the following table.

Residential Lot Availability (Supply) – Hallidays Point

Number Years of Supply According to Projected Growth

Based on the high population growth projection, an estimated 1,280 lots will be required up to 2016. Therefore approximately 60 new dwellings and lots per year will be required (based on a high growth rate). The following table shows the number of years supply of lots within zoned residential land.

Lot Supply in Years (excluding Tallwoods)

Zoned Residential & No House **208**

Zoned Residential & Not Subdivided:

Diamond Beach	*187
Red Head	*127
Black Head	*369
Tallwoods	808
Sub-Total	1491

Identified future Residential Under Strategy:

Diamond Beach North	220
Diamond Beach South	16
North Red Head	384
West Red Head	128
West Hallidays Point	83
Sub-Total	831
TOTAL	2530

Lot Supply in Years (excluding Tallwoods)

	Low Growth Rate	High Growth Rate
Lots zoned residential (Vacant & Potential – refer Table)	872	872
Without Buffer Supply:	645	1280
Additional lots required 1996-2016 (20 years)		
Additional lots/year (average)	32	64
No. of years supply	27	14
	(to 2025)	(to 2013)
Including 10% Buffer Supply:		
Additional lots required 1996-2016		
(20 years)		
Additional lots/year (average)	36	71
No. of years supply	24	12
	(to 2023)	(to 2011)

The Table shows that based on a high growth rate, the provision of a buffer of 10% vacant lots and excluding Tallwoods, rezoning is not required for another 12 years being 2011. The comparative figures for a low growth rate indicate rezoning additional urban land (with 10% buffer) is not required for 27 years being 2025. However, if the lowest growth scenario is used, potential lot yield from Tallwoods is included (and no buffer) rezoning is not required for 52 years as shown in the following table.

Lot Supply in Years (including Tallwoods)

	Low Growth Rate	High Growth Rate
Lots zoned residential (including Tallwoods)	1680	1680
Vacant & potential – refer Table		
Without Buffer Supply:		
Additional lots required 1996-2016 (20 years)	645	1280
Additional lots/year (average)	32	64
No. of years supply	52	26
	(to 2051)	(to 2025)
Including 10% Buffer supply:		
Additional lots required 1992-2016 (20 years)	717	1422
No. of years supply	36	71
	47	24
	(to 2046)	(to 2023)

3 Balancing Supply & Demand

The following are options for a Release Program, to achieve a level of supply of residential zoned land that reflects demand.

Option 1 - No increase in existing supply zoned residential land.

Based on the “highest growth” scenario and:-

- Excluding potential lot yield from Tallwoods (808 lots);
- Not accounting for medium density infill in existing developed areas;
- Assuming a relatively low density in new urban areas (average 11 dwellings per ha); and
- Providing for an extra 10% of lots to allow for vacant lots for retirees /investors (Council's previous stated policy).

There is adequate supply of residential zoned land for a minimum 12 years. Considering the above factors, increasing the existing supply of residential zoned land cannot be justified under Department of Urban Affairs and Planning Regional Plan specifications (Hunter Regional Environmental Plan 1989). However, if a Release Program were to be developed for beyond 2012 (minimum), considering the Mid Coast Sewer Service Strategy (see attached map) the most logical and economic release would be from South (Blackhead) progressively extending North to Diamond Beach.

Option 2 – Transfer Residential Zone Provisions

This option fundamentally involves a “swap” – that is reducing supply of existing zoned residential land in order to enable other developers to enter the market. This can be achieved in a number of ways, for example:-

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Option 2 – Transfer Residential Zone Provisions

This option fundamentally involves a “swap” – that is reducing supply of existing zoned residential land in order to enable other developers to enter the market. This can be achieved in a number of ways, for example:-

1. Reducing the amount of residential zoned land within a number of land ownerships (i.e. Rezoning from Residential 1 to Rural General – “Back Zoning”).
2. Reducing the amount of residential zoned land in one or two land ownerships (i.e. Rezoning from Residential to Rural General – “Back Zoning”).
3. Time Limit on Existing Development Rights: Rezone all land zoned residential and unsubdivided from 2(a) Residential 1 to 1(a) Rural General. Also, Council may introduce an enabling clause into the Local Environmental Plan that maintains some development right for specified lots but places a time limit on this right (for example the land must be subdivided within 5 years).

If Council reduces the supply through one of the above techniques, it may then be possible to argue the rezoning of other land from Rural to Residential (for example, Red Head). Council may choose to include a time limit in such a rezoning application.

Option 3 – Increase Supply to Meet Developer Aspirations

Council has recently considered and supported a proposal to rezone land at North Red Head from Rural to Residential. The applicant's argument to increase the supply of residential zoned land is similar to that argued in Tallwoods, that is creating a market "new" to the Hallidays Point and Local Government Area which cannot be satisfied by existing residential zoned land. However, it is considered that the characteristics of this land are not significantly different to other available land for it to not displace some demand from other markets.

If this option were to be pursued, it has already been noted that the most appropriate sequence of development would progress from south (Blackhead) to north (Diamond Beach).

4 Discussion of Release Program Options

Next Steps

The following is a general commentary on the 3 options and the next steps that Council should take in respect of each option. At this stage, no particular option is recommended but are submitted for Councillor consideration and direction.

OPTION 1 (maintain the "Status Quo"):

Provides adequate supply of zoned land for the next 12 years minimum. Therefore, in terms of the AMOUNT of land supply, it appears a logical option. It may also facilitate the crossing of the required "Demand Thresholds" to enable existing landowners to develop. Most of the land currently zoned 2(a) Residential has adequate access to water and sewer facilities. Possibly the key constraint to this land being developed is inadequate demand. Under this Option, once a nominated percentage of existing 2(a) zoned land is developed (say for example 60%), this could then be the trigger to commence rezoning applications for other areas. However, this would not be until 2006 minimum (which was also the nominated date in the original Hallidays Point Development Strategy).

NEXT STEP:

This option would be incorporated into the draft City Wide Settlement Strategy and exhibited for one (1) month. Landowners, Rezoning Applicants, and relevant community groups would be notified of the exhibition and comment sought from the Department of Urban Affairs and Planning.

OPTION 2 (Transfer of Residential Zone Provisions):

Council may choose to pursue this Option if it believes that the development of certain land (for example North Red Head) is warranted because it will supply a housing market that can not currently be satisfied in the Hallidays Point locality. However, to balance the "Supply/ Demand" equation as required under the Hunter Regional Environmental Plan 1989, Council will need to reduce existing supply. This means "Backzoning" land from 2(a) Residential to another zone (possibly 1(a) Rural). This option cannot be recommended however, without gauging the reaction of affected landowners. It is important to note that much of the land zoned residential has access to adequate water and sewer services, whereas some of the land identified as "future urban" requires augmentation of both water and sewer provision.

NEXT STEP:

Council would initiate discussion with landowners of 2(a) zoned, unsubdivided land. In this discussion Council would canvass the advantages/ disadvantages of "back-zoning" land and seek the views of each landowner. The general results of this discussion would be submitted to Councillors for further consideration and for re-evaluation of the 3 options.

OPTION 3 (Increase Supply to meet Developer Aspirations):

The Department of Urban Affairs and Planning have verbally advised that they will not support Option 3. The disadvantage of Option 3 is that it may spread demand and growth "thinner", making it difficult for required development thresholds to be crossed. It also requires an augmentation of water and sewer services compared to other existing zoned land where augmentation is not required.

If however, Council decides to pursue Option 3, the following should be considered:

- i. A limited land release (for example 20% of the proposed North Red Head development which would be 80 lots) and;
- ii. Inserting an enabling Clause into Greater Taree Local Environmental Plan 1995 stipulating that a Deposited Plan for the subdivision must be submitted within 5 years or the development entitlement lapses.

NEXT STEP:

That Council would seek the views of the Department of Urban Affairs and Planning about a limited land release for North Red Head with a time limit on development.

Rural Residential 1(c1) (Hallidays Point)

(See also Rural Residential Release Strategy)

1 Demand for Rural Residential Housing

The annual rural residential building approvals (1994-1997) are shown on the Table below:

	Hallidays Point	Greater Taree City Council Local Government Area
New Building Approvals		
1994	13	41
1995	8	30
1996	8	28
1997	9	38
Total	38	137
Annual Average	9.5	34
Extended to 5 year total	47.5	171
+ 30% "Buffer"	62	222
Available lots zoned Rural Residential	70	

Supply Rural Residential

The supply and occupancy of Rural Residential Lots are shown on the following Table.

Zoned Rural Residential & a House	
Zoned Rural Residential & No House	
Zoned Rural Residential & Subdivided	
Zoned Rural Residential & Not Subdivided	0
Identified Rural Residential under Strategy:	
Old Soldiers Road (RA/9/95)	44
467 Tallwood Drive (RA/5/97)	88
245 Tallwood Drive (RA/19/96)	35
Diamond Beach Road (RA/4/95)	9
Black Head Basin (RA/13/96)	40
Total Additional Lots	216

Rural Residential Release Program Options

Based on 9.5 average building approvals per year + 30%, the estimated demand for the next 5 years (1998 – 2003) is 62 dwellings. There is current capacity within existing rural residential subdivisions to absorb this demand. There are two instances where more rural residential land release can be supported:

- i. Council negotiates a longer supply period (for example, 10 instead of 5 years) with the Department of Urban Affairs and Planning; or
- ii. Council re-allocates the City Wide entitlement to Hallidays Point (222 lots). This means that rezoning applications for rural residential would not be supported in areas other than Hallidays Point until 2004.

In this case of scenario 1, the recommended sequence for release is shown on the following table. This sequence is based on criteria stipulated in the Regional Plan and gives preference to land "close to existing settlements which already have services and community facilities". The Table shows current rezoning application, assessment against Department of Urban Affairs and Planning criteria, and recommended Release Program. (Please see City Wide Rural Residential Release Program for detailed analysis of staging program.)

Current Rezoning Applications against DUAP Criteria and Recommended Release Sequence

Recommended Sequence	Total Lots Proposed	Release 1 1990-2013	Release 2 2014-2019	(a) Physically capable	(b) Close to existing settlements	(c) Suitable for effluent disposal	(d) Not required for urban expansion	(e) No prime crop or pasture	(f) No environmental hazard of significant wildlife conservation values
Black Head Basin (RA/13/96)	40	40		✓	✓	✓	✓	✓	✓
Diamond Beach Road (James) (RA/4/95)	9	9		✓	✓	✓	✓	✓	✓
245 Tallwood Drive (Claydon) (RA/19/96)	35	18	17	✓	x	?	✓	✓	?
Old Soldiers Road (Crittenden & Others) (RA/9/95)	44	25	19	✓	x	✓	✓	x	✓
467 Tallwood Drive (Gould & Others) (RA/5/97)	88		88	?	✓	?	✓	✓	?

NEW INFORMATION AS PER YOUR SUPPLY

5 Proposed Release Program

Land identified in the Hallidays Point Release Program has been categorised into precincts as shown in the attached map. Each precinct has been recommended for either a Phase 1 or Phase 2 Release. Phases are defined as:-

Phase (1): Land that will be considered for rezoning and progressively developed from 2000 onwards. This land will be developed in Stages as identified in the attached Table.

Phase (2): Rural Residential: Land that will be considered for rezoning when less than 3 years potential rural residential land lot supply is available in Phase (1) category.

Residential: Land that will be considered when less than 50% of the potential lot yield in the residential category from Phase 1 and has been registered in the form of a Deposited Plan and sold to another entity (not the developer) and as determined from Council's Land Development Monitor.

An evaluation of all of the above development precincts against suitability/capability criteria is included. This valuation was also used as an input to determining the appropriate phase for development of land.

6 Servicing

As identified in the Hallidays Point Development strategy, infrastructure in the Hallidays Point locality is adequate, with amplification as development occurs, to accommodate the development included in the Strategy.

7 Review

Council will review this release program at approximately 5 yearly intervals to account for changes in anticipated supply and demand, and will monitor associated land development details on an ongoing basis to ensure agreed Council/DUAP linen lot release figures are met.

Hallidays Point Residential Release Program

Precinct	Proposed Land Use	Potential Lot Yield	Phase – Rezoning	Staging – Subdivision	Substantial Public Benefit argued and accepted by Council	Increasing housing type and location argued and accepted by Council
1 Hallidays Point – west	Urban	83	2	To be assessed at time of rezoning.		
2 Red Head – west	Urban	128	2	To be assessed at time of rezoning		
3 North Red Head (RA8/96)	Urban	384	1	Maximum 80 lots in the Stage 1 release. In maximum 50 lot increments in each progressive stage once 50% of the lots in the preceding stage have been registered in the form of a Deposited Plan and sold to an entity other than the developer as determined by Council's Land Development Monitor.	Visually important land (visual buffer between North Red Head and Diamond Beach Villages) and coastal land for proposed public dedication.	Land has unique characteristics (views to coast, access to beach) not available on other proposed urban lands.
4 South Diamond Beach Extension	Urban	90+	2	To be assessed at time of rezoning.		
5 North Diamond Beach Village Extension	Urban	-	2	To be assessed at time of rezoning.		
6 Tallwoods Extension	Urban	-	2	To be assessed at time of rezoning.		
Potential Lot Yield		Phase 1 = 384 Phase 2 = 301+				

Precinct	Proposed Land Use	Potential Lot Yield	Phase – Rezoning	Staging – Subdivision (Subject also to 10 year Lot Allocation)	Substantial Public Benefit argued and accepted by Council	Increasing housing type and location argued and accepted by Council
7 Black Head Basin (RA13/96)	Rural Residential	40+	1	In One Release		Larger urban lots (say 2000-4000m ²) close to the coast and villages.
8 Diamond Beach Road (RA4/95)	Rural Residential	9	1	In One Release		A small scale rural living cluster consistent with DUAP North Coast Rural Settlement Guidelines (1995).
9 North Diamond Beach (R10/96)	Rural Residential	16	1	In One Release	Land to be dedicated for construction of playing field for adjacent Hallidays Point Primary School.	Larger urban lots (say 2000-4000m ²) close to the coast and villages.
10 North Tallwood Drive (RA19/96)	Rural Residential	35	1	Subdivision not to be registered until sealed access available.		Small rural cluster, protecting environmental attributes of site and compatible with DUAP North Coast Rural Settlement Guidelines (1995).

11 Old Soldiers Road - East (RA5/97)	Rural Residential	88	1-46 lots 2-42 lots	Staging proposed to relate to ability to achieve realignment and construction of Old Soldiers Road Stage 1 is dependent on study to address this issue.	Proposed public benefit resulting from contribution towards sealed road access (Old Soldiers Road). Proposed benefits to be validated through examination of implications, costs, benefits of sealed road access.	
12 Old Soldiers Road- West (RA9/95)	Rural Residential	29	1	To be assessed at time of rezoning.		
Potential Lot Yield	Phase 1 = Phase 2 =	175 42	* See the "Timing of Proposed Phasing" and "Ten Year Lot Allocation" extracted from Greater Taree City Rural Residential Strategy 2000 interpreted for Hallidays Point Rural Residential Phase 1 Rezoning following this table.			

This is an extract from Greater Taree City Council Rural Residential Strategy 2000 which relates to timing of Phase 2 Land Release of Rural Residential Land. It references the Land Development Monitor associated both with City Wide Strategy and also for Hallidays Point.

“2.2 Timing of Proposed Phasing

Principles

There are two general thoughts on how phasing of land release should be implemented. One is a regulatory, interventionist approach, whereby Council may set quotas for the number of lots to be created in each phase. The other approach is to allow market forces to dictate the number of lots created. These are obvious extremes and there are, of course, various compromises in between.

In practical terms, Council sees any attempt to set annual quotas and limit the creation of lots to a specific number in the short-term (1-3 years) as an artificial constraint on supply which would be difficult for Council to manage. Such an interventionist approach would raise the problem of how to equitably distribute the quota amongst a number of owners. Even given a 'reasonable quota distribution' it is still likely that land supply would be dictated by a small number of developers.

For this reason Council believes it is important to allow a number of players to get into rural residential land development. This can be achieved more efficiently by allowing market forces and general economic circumstances to have more influence on the conversion of zoned Rural Residential land to registered lots capable of sale. Land supply provision should be influenced by market demand in addition to government intervention. Relief from short-term quota restrictions will also be of benefit where large subdivisions involving several land holdings are being planned, or where staging to provide cash flow for subsequent lot release is intended. Thus, a degree of 'market forces' approach is the preferred option.

Council acknowledges that there may be concern that a totally "uninterventionist" approach to lot creation may result in an oversupply of Rural Residential land. This in turn may have a flow on effect where the remaining zoned Rural Residential land remains undeveloped for extensive periods due to a "glut" of lots available for sale. However, with a flexible approach that has some minor interventions in the land supply market, it is believed that such a "glut" would not occur.

Such a flexible approach would involve two main processes:

- 1 Rezoning land in Phases, with each new phase commencing when less than 3 years potential supply of land left in each phase;
- 2 Developing rezoned land in accordance with long-term, 10 yearly, quotas based on historic development figures.

“Market forces” will be able to operate and “allocate” subdivisions within these time frames.

Implementation

A flexible approach to land release as discussed above will require that upon sufficient uptake of lots in Phase 1 then Phase 2 could be commenced. Specifically, Phase 2 and subsequent rezoning of rural land to rural residential will occur only when less than 3 years potential Rural Residential land lot supply is available in the Phase 1 release. Lot supply will be determined as the average of new lots sold in a year (i.e. lots registered and transferred to a purchaser other than the original englobed landowner). The annual supply will be recognized as the average of these sold lots in the full three year period from when lots are released out of land in the Phase 1 Release, or the three year period before the Strategy Review process commences.

The 412 potential lots indicated in Phase 1 of the release strategy together with the existing supply of 534 rural residential lots gives a potential total of 946 lots within the phase 1 release timeframe. With current uptake of 58 lots per year, three years supply of land is likely to be approximately 180 lots.

This would mean that approximately 766 lots (946 - 180) will need to be developed before phase 2 release. At 58 lots per year, phase 1 may last up to 13 years. This, of course, assumes that demand levels stay the same as current levels. However, demand figures may change with changing land markets. Thus, this approach to land release may lead to review of this aspect of the Strategy in an early period if rural residential proves successful.

2.3 Ten Year Lot Allocation

Whilst rezoning will occur as outlined above, a restriction will be placed on the number of lots that may be developed over 10 year periods. With an estimated demand for rural residential lots over the next 17 years of 58 lots per year an initial limit will be set of 600 lots to be developed from the period 1 July 2000 to 1 July 2010.

The 600 lots may be developed from current rezoning proposals and/or the existing supply of land already zoned for rural residential development.

The 10 year allocation of lots will be reviewed every 2 years based on the lot uptake rates at that time. Should lot uptake grow faster than the estimated demand of 58 lots per year then the lot allocation may be increased for a further 10 years. Similarly, if lot uptake rates fall then the subsequent 10-year allocation may decrease.

The initial 10 year allocation of 600 lots may be developed in any of the Phase 1 Rezoning locations across the Local Government Area. **However, given the unique catchment of Hallidays Point and that uptake rates in this locality have been historically determined at approximately 13 lots per year, the initial 10 year allocation of 600 lots will be divided as follows:-**

*** Hallidays Point 135 Lots**

* Balance of City Area 465 Lots

Note: Lot development of Hallidays Point will be monitored in the Hallidays Point Strategy. Refer to this document for details on rural residential development in Hallidays Point.

In this regard the estimated demand for rural residential lots in the remainder of the Council area will be in the order of 45 lots per year, i.e.

Total Estimated demand for Local Government area	- 58 lots / year
Estimated demand for Hallidays Point	- 13 lots / year
Estimated demand for remainder of Local Government area	- 45 lots / year

2.4 Subdivision Designs and Staging Plans

To administer the 10 year lot allocation Development Applications for Subdivision should, in addition to providing a detailed lot layout, specify any proposed staging of development.

Subdivision plans will be initially assessed in terms of number of proposed lots and checked against the current 10-year lot allocation. If proposed lot yield exceeds the balance of the lot allocation for the current 10-year period, the proposed subdivision plans will need to be amended so that number of lots does not exceed the balance. Alternatively, the Development Application should be withdrawn and resubmitted when the 10-year allocation is revised and adequate balance is available.

3. Land Monitor

3.1 General

Monitoring the effectiveness of the rural residential strategy will assist in determining its success and when it requires review. Monitoring of land supply and environmental impacts of rural residential development are areas that require particular attention. Council will establish a land monitor which will be a data base of the stock of land available for rural residential development and the rate at which dwellings are built or lots taken up.

The land monitor will be updated continuously and comparisons made annually with previous demand and supply figures. The results will also be evaluated in the light of data from surrounding Local Government areas.

Monitoring and recording of environmental impacts, especially cumulative impacts, of rural residential development annually will occur through Council's State of the Environment Report.

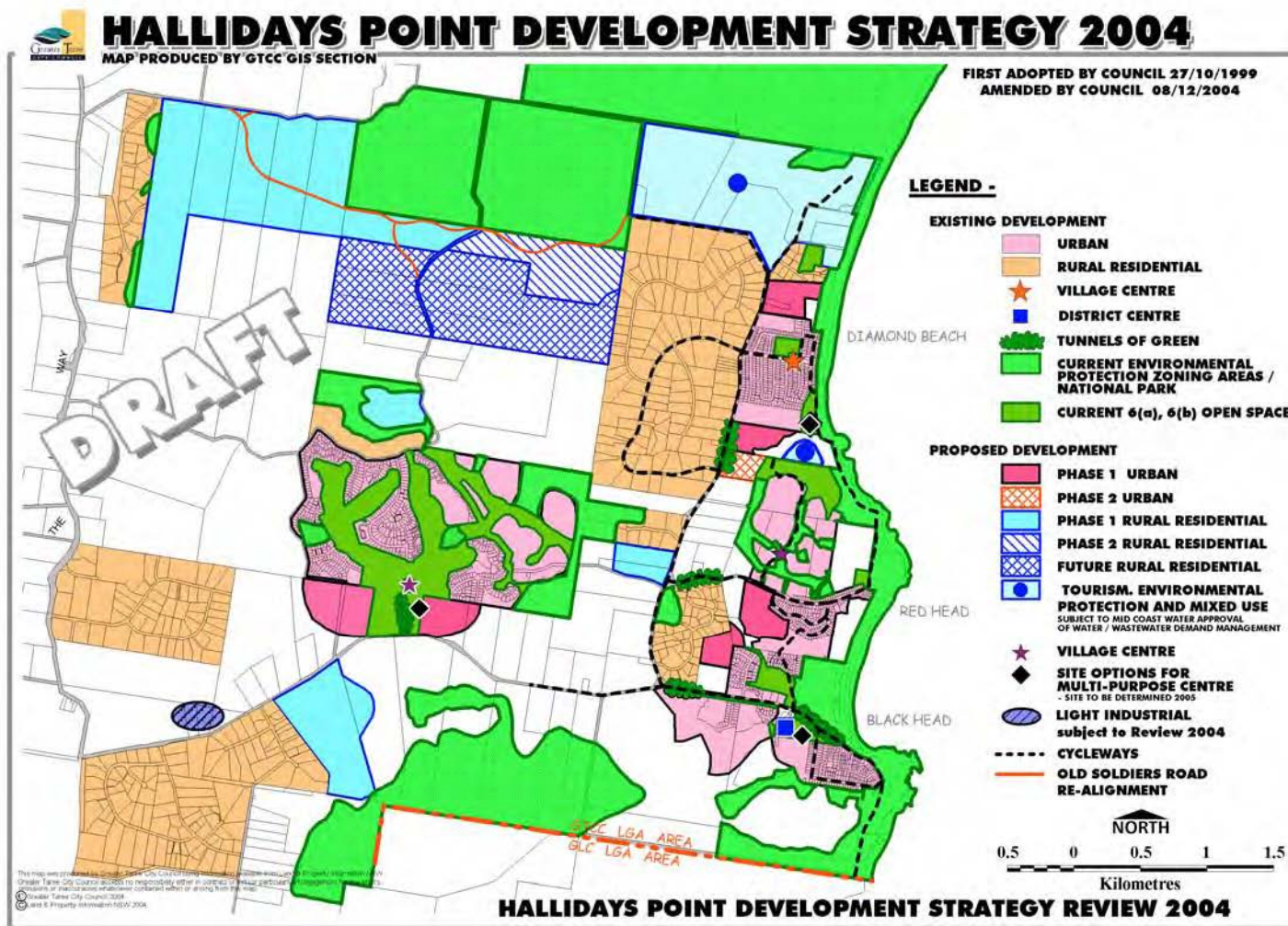
Council's land monitor will incorporate current and future rezoning proposals and be in the form of the spread sheet such as the one following, which has been adapted to reflect the Hallidays Pont situation (inserted 22/6/00 to establish Land Monitor as a component of the Hallidays Point Residential Land Release Program)."

Hallidays Point Rural Residential - Phase 1

Location of Rezoned Land (RZ File) (1)	Est. Lot Yield (2)	Total Lot Yield App'd by Subd'n Appl'n - All Stages (DA File) (3)	No. Lots Approved in DA for Release in Current 10 Year Period (4)	No Lots Created (Post Linen Release) (5)	No Lots Still to be Created (6)	No Lots Transferred from Developers ownership (7)	No Lots with Dwelling Built on (8)	No Lots Vacant (9)	Potential No Lots Still to be Developed (10)	Potential Lot Supply Left In Phase 1 (9)+(10) (11)	Est. No Years Remaining Supply ** (11)/13 (12)
Black Head Basin (RA13/96)	40+	N/A	0	N/A	N/A	N/A	N/A	N/A	40+	40+	3.08
Diamond Beach Road (RA9/95)	9	N/A	0	N/A	N/A	N/A	N/A	N/A	9	9	0.69
North Diamond Beach (R10/96)	16	N/A	0	N/A	N/A	N/A	N/A	N/A	16	16	1.23
North Tallwood Drive (R19/96)	35	N/A	0	N/A	N/A	N/A	N/A	N/A	35	35	2.69
Old Soldiers Road East (RA5/97)	88	N/A	0	N/A	N/A	N/A	N/A	N/A	88	88	6.77
Old Soldiers Road West (RA9/95)	29	N/A	0	N/A	N/A	N/A	N/A	N/A	29	29	2.23
Totals	175	N/A	0 (Max 135 in current 10 year period)	N/A	-	-	0	N/A	175	175	15.69

** Based on estimated June 2000 lot demand of 13 lots per year

NOTE: When Total of column 12 <= 3 then Phase 2 may be implemented

**ANNEXURE 1**

At its Planning Committee Meeting on 8 December 2004 Council resolved to adopt Revised Strategy Map for Hallidays Point (as shown here). Although Council adopted this, it has not been adopted by DIPNR and any clarification in this regard should be sought from Council's Environmental and Strategic Planning Section.

Appendix B

INVESTIGATION OF A PROPOSED TOURIST ZONE LEP 2007



Final Report

Council File GT 5199

Investigation of a Proposed Tourism Zone Greater Taree LEP 2007

2006/5



Monday, 26 February 2007

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1 Introduction

1.1 Background

This report has been prepared in response to the project brief (Appendix 1).

Greater Taree City Council (GTCC) has adopted a Conservation and Development Strategy (2005) that identifies the Manning Valley as a “high quality tourism destination”, but states that it is under-utilised because there is a lack of tourism infrastructure, and especially high quality accommodation resorts, and conference facilities.

Council is seeking methods to encourage:

- the development of large scale motel and resort complexes within the area,
- the development of infrastructure to promote use of the Manning River as a tourism resource, and
- the establishment of more motels, restaurants and cafes for tourists.

Council has identified four sites that are considered to be suitable, and desirable, for tourist development. These sites are located at Crowdy Head, Old Bar, Diamond Beach North and Diamond Beach.

Concurrently, GTCC is preparing a draft LEP in accordance with the Standard LEP (SLEP) Order. In preparing the SLEP, Council is seeking guidance on the use of the SP3 Tourist Zone, and advice on how to use this zone, the related controls and DCPs to achieve the desired tourism outcomes.

1.2 Methodology and Specified Outputs

The brief specified the following outputs were required. The methodology for producing each output is described.

a) Analysis of the Demand for Tourism at the Four Sites

The 20 year demand is calculated by examining the regional tourism forecasts and estimating the proportion that will occur within the GTCC area. The base figures from this estimate are compared with the estimates from the National Visitor Survey as a cross check to assess the accuracy of the estimate.

Existing tourist accommodation is then identified, based on the number of beds currently provided, by locality, within GTCC area. The estimated tourism forecast for GTCC is then apportioned by locality to determine the demand for beds for each locality.

The purpose of the project brief is to address the current inadequate provision of tourist infrastructure and identify the means to redress this. This means both the replacement of aging tourist accommodation (in poor locations with new development in prime locations), and the establishment of new development over and above the predicted apportionment of regional growth (referred to as “supply led growth”).

In this context, a 20 year target tourist accommodation figure is estimated. This target is apportioned by locality. This analysis identifies the need for tourist sites in other localities.

The provisions of the North Coast Regional Environmental Plan and the Mid North Coast Regional Strategy are considered.

The four sites (and two further identified sites) are assessed for their ability to provide the target accommodation, and meeting the desired outcome to increase the use of the Manning River for tourism. An assessment of the sites includes their suitability for tourist

development, such as character, urban form, locational factors, available services and local strategies.

An estimate of the total land requirements for achieving the target tourist accommodation is provided, based on indicative density controls for each site and the target for each locality.

b) Review of Development Control Tools for Achieving Tourism Outcomes

An examination of what constitutes tourist development is considered, to identify the types of land uses associated with tourist development.

A review of tourism zones in North Coast council LEPs is then undertaken, to identify how other councils control tourist development, and what mechanisms they use to achieve tourism outcomes.

c) Recommendations for Controls under the SLEP and by Development Control Plan

First, a detailed assessment of the provisions of the SLEP is provided. State Environmental Planning Policy (SEPP) (Seniors Living) 2005 and SEPP 21 – Caravan Parks are considered to determine the implications for the SLEP. A recent legal decision is also considered and GTCC's Exempt Development DCP (DCP 46).

The need for incentives for tourist development is discussed. Consideration of a range of development control tools to ensure that tourist development is retained, is also provided.

Based on this, general recommendations are made for tourist development, the land use table for the SP3 Tourist zone, incentives for tourist development, definition of long term and short term accommodation, consent conditions and controls on subdivision within the zone.

d) How to Apply the Recommendations to the Six Sites

Specific recommendations are provided for the four sites, and two additional sites identified through the demand analysis.

e) Consideration of Strategic Context

The brief required the following matters to be addressed under Strategic Context:

- Section 94 recommendations for the four sites: these are provided in the recommendations section.
- Urban form and character of each locality: this is provided in the demand analysis for each site, and in the site recommendations.
- Achieving genuine tourism focus: this is addressed in the recommendations for incentives, definition of long term and short term accommodation and consent conditions.
- General tourism principles in the North Coast REP and the draft Mid North Coast Regional Strategy: these are addressed in the assessment of the sites.

1.3 The Four Sites

Council identified four sites in the project brief as being potentially suitable for applying the SP3 Tourist Zone. The sites are all coastal locations, from Crowdy Head in the north, to Old Bar and then Diamond Beach in the south and are shown in Figure 1.1.

Appendix 3 – Section 1.2 Land Owners and Site Visits provides more detailed descriptions of each site.

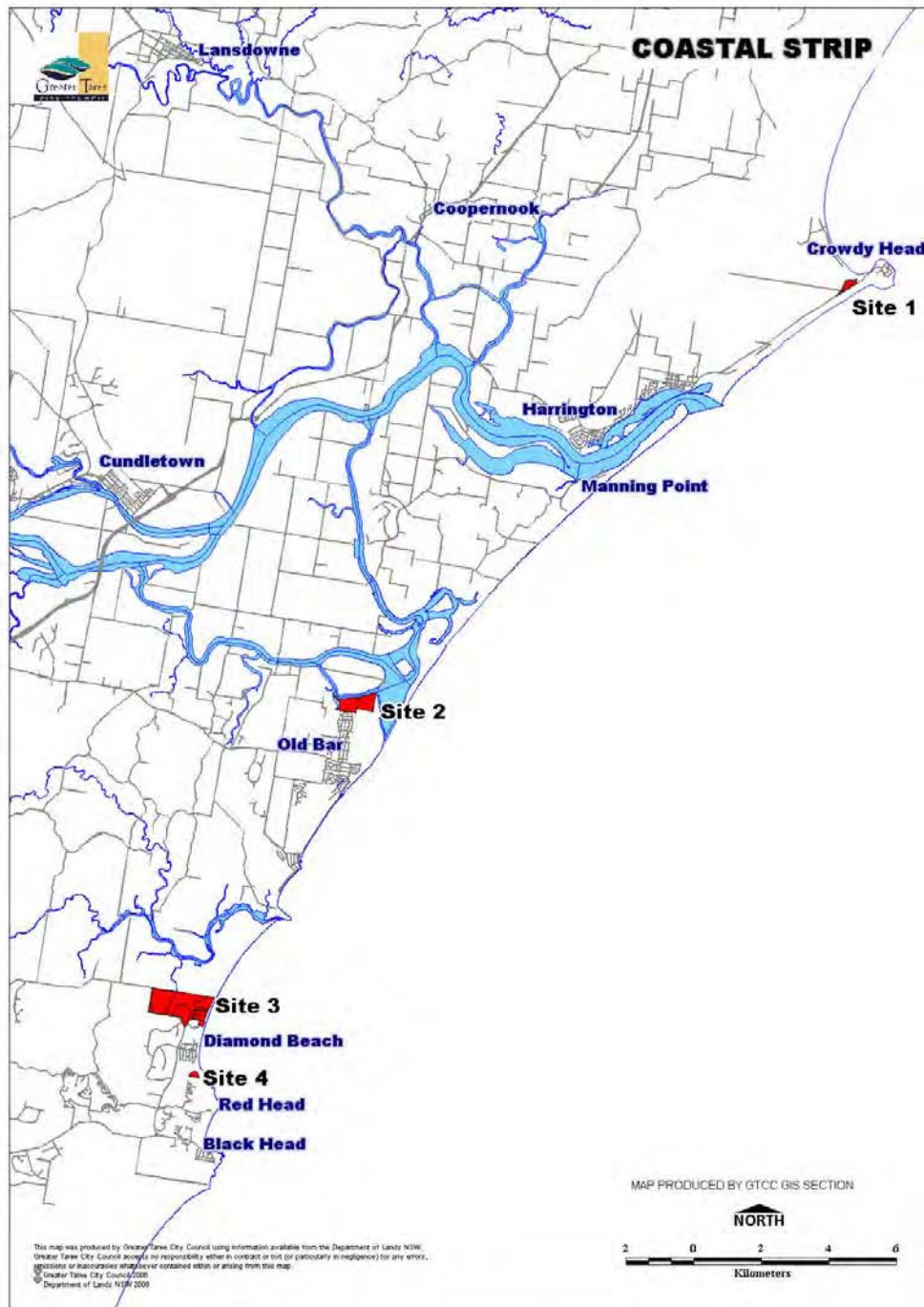


Figure 1.1: The Four Sites
Source: Greater Taree City Council GIS

a) Site 1 Crowdy Head

This site has recently been identified, in a submission to Council's Conservation and Development Strategy, as being desired to be rezoned for residential development, and has been initially supported by Council. There were formerly proposals (as Development Applications within a rural zoning) for this land, but the land has not been developed. The development of this land has been difficult due to the lack of services (particularly reticulated sewerage), but the design and implementation of a sewerage scheme for Crowdy Head is currently underway which will service development of the site. If the site was to be rezoned for Tourism then a detailed Local Environmental Study would need to be undertaken to justify this rezoning.

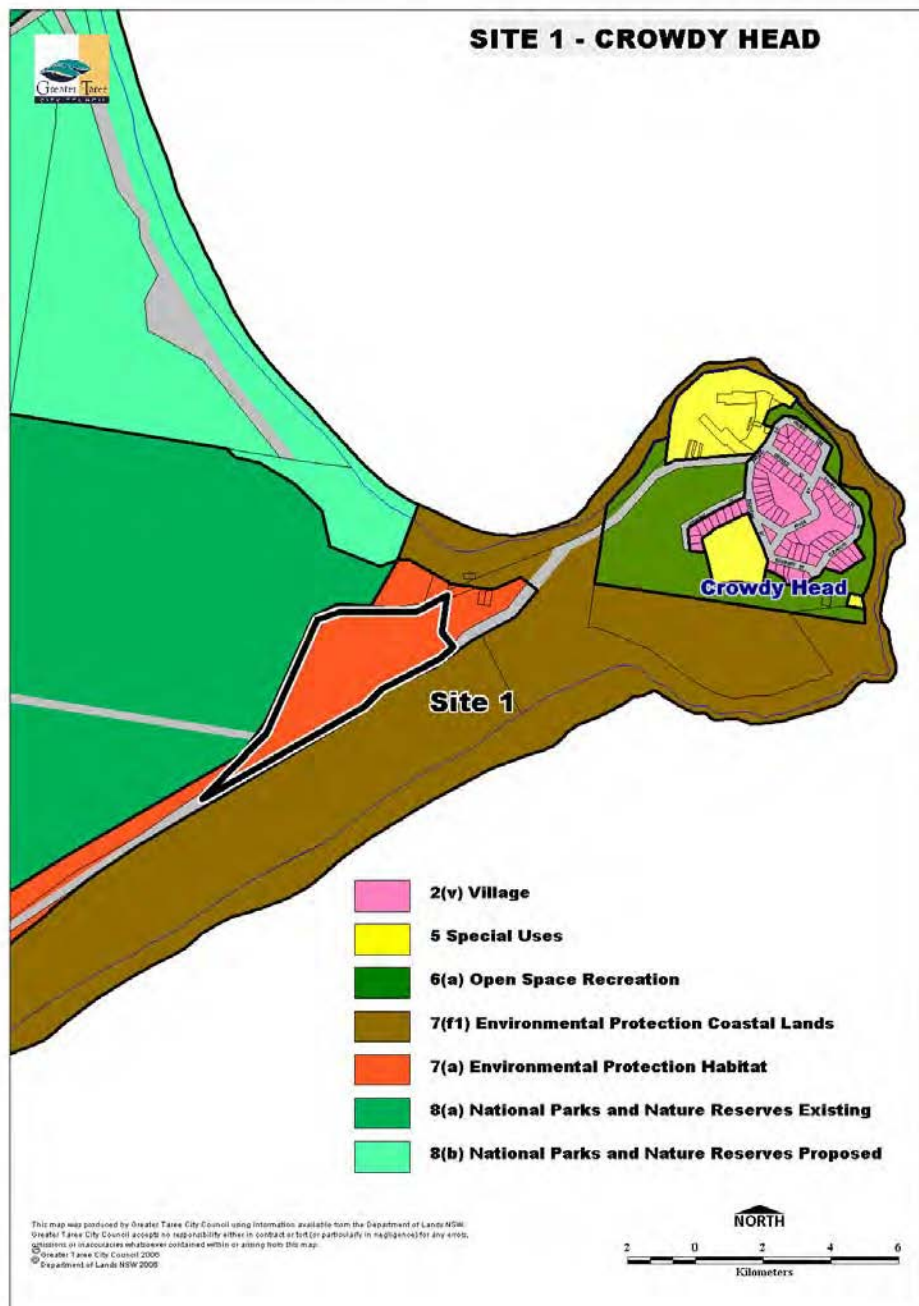


Figure 1.2: Site 1 – Crowdy Head
Source: Greater Taree City Council GIS

c) Site 3 - North Diamond Beach

This is a large site at the northern limit of the Hallidays Point locality. The site was nominated as a "Tourism, Environmental Protection and Mixed Use" precinct in the Hallidays Point Development Strategy 2004. The strategy was adopted by Council in December 2004. However, this has not yet been endorsed by the Department of Planning. There are existing tourist developments on this site, with sewerage and water reticulation connected.

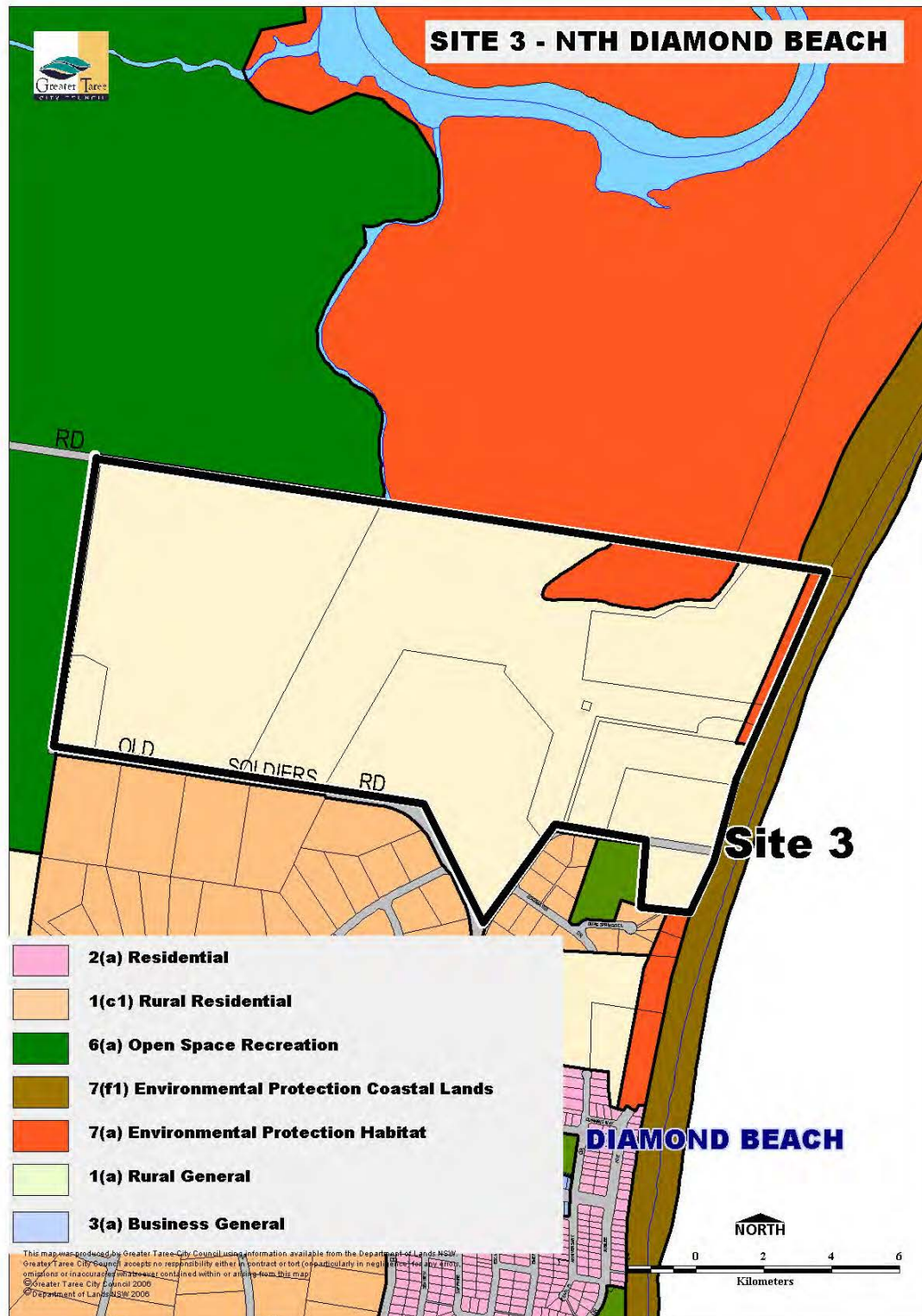


Figure 1.4: Site 3 – North Diamond Beach

Source: Greater Taree City Council GIS

d) Site 4 - Diamond Beach

This site is between the northern limit of the Red Head urban area, and the southern edge of the Diamond Beach urban area. This site was also nominated as a “Tourism, Environmental Protection and Mixed Use” precinct in the adopted but not yet endorsed Hallidays Point Development Strategy 2004. This site was approved for a Health Resort (Cos proposal), but has now changed hands. Council has resolved to rezone the land for residential (west of the creekline), and a combination of tourism, environmental protection, and mixed uses for the remainder of the site.

This site is currently the subject of a rezoning application and a Local Environmental Study is about to commence to assess the suitability of parts of the site for development. The proponents have been pro-active in meeting with Council to discuss the possible mix of future uses for the site, and this discussion has included the use of zoning or other mechanisms to achieve the tourism outcomes for this site whilst enabling a commercially viable development to occur.

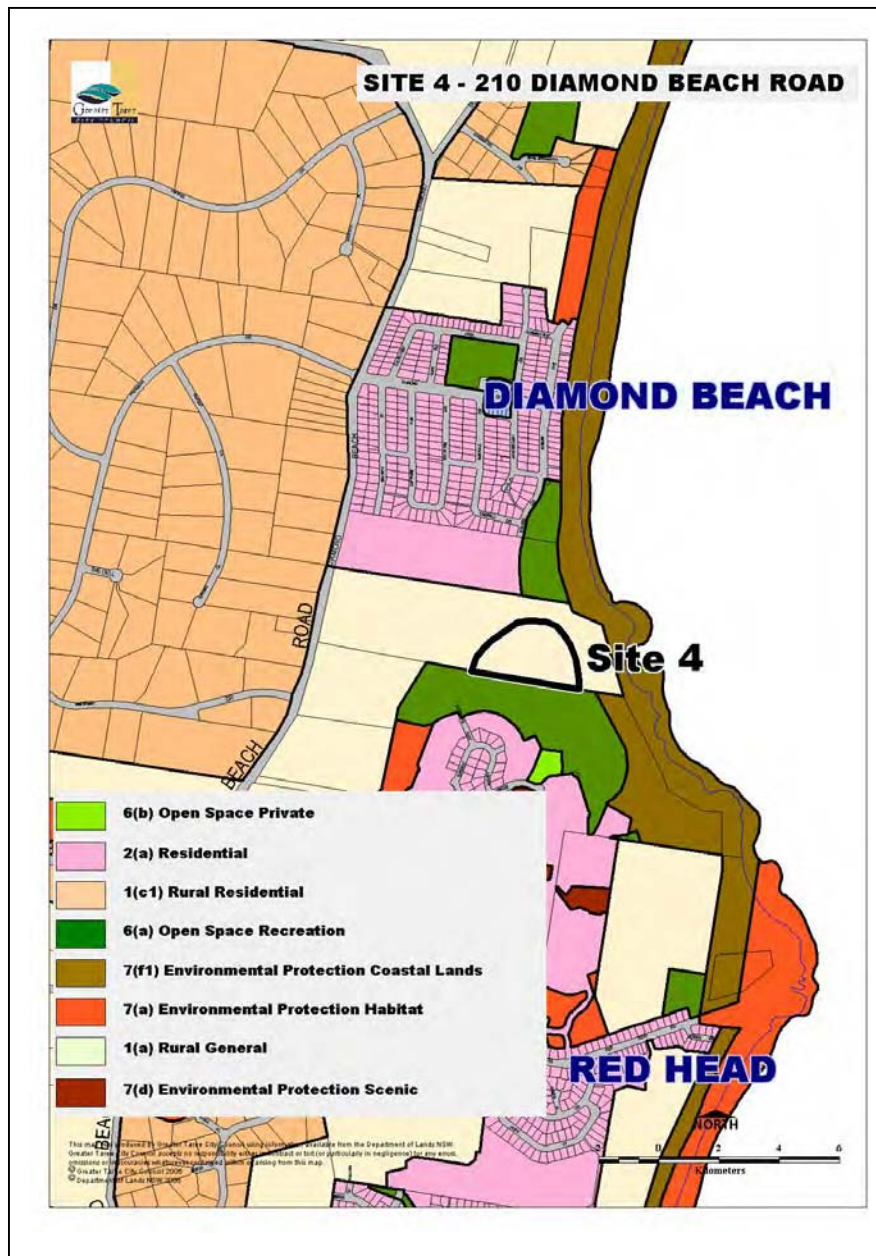


Figure 1.5:

Site 4 –

Diamond Beach
Source: Greater Taree City Council GIS

2 Executive Summary of Findings and Recommendations

A total 20 year target increase in tourist accommodation is 2,448 beds. To achieve this target, incentives for investment in tourism infrastructure will be required.

Three of the four sites identified in the brief (Site 2 Old Bar, Site 3 North Diamond Beach and Site 4 Diamond Beach) are capable of supplying the tourist land requirements for the Old Bar and Hallidays Point/Diamond Beach areas.

Site 1 will provide some of the demand for the Harrington/Manning Point area. An additional site, Pretoria Ave, Harrington, is recommended to be identified as a tourist zone. Even with this site, there may be insufficient land to achieve the target in the Manning Point/Harrington area.

To achieve the target in the Taree/Cundletown area, the Pitt Street, Taree site is identified as suitable to incorporate a mix of permanent and tourist accommodation. Together with a site in Manning Drive, Taree (current development application for tourist accommodation) would provide a significant proportion of the target for this area.

Council should consider identifying a site in Wingham for the SP3 Tourist zone to supply land to meet the target in this locality.

The six sites will provide significant opportunity to achieve the outcomes for tourism identified in the CGS 2005. In particular, Site 2 Old Bar provides opportunity for access to the Manning River, together with the Harrington and Pitt Street, Taree sites.

Tweed Council has ensured that resort development occurred at Salt Kingscliff through a restrictive tourist zone and an additional uses clause. This only allows permanent residential development if the number of units/rooms in the tourist accommodation, at all times, exceed the number of dwellings or dwelling houses. The tourist accommodation is strata-subdivided, with title restrictions limiting length of stay.

The basic premise of the SLEP is that the zone name reflects the dominant land use. It would be reasonable to use the SP3 zone flexibly, adding local objectives and compatible uses.

A list of permissible land uses has been recommended for the SP3 Tourist Zone. It is recommended that in general terms, subdivision of the SP3 Tourist zone not be permitted. Strata title, or community title, subdivision is recommended as permissible for some sites. Any lots created are to be subject to a title restriction limiting length of stay to a continuous period of not more than 3 months, and no more than 150 days in any 12 month period.

Recommended incentives for tourist development primarily focuses on allowing a percentage of permanent residential accommodation in the SP3 Tourist zone, that otherwise would prohibit it.

Specific zone recommendations are provided for the six sites and draft SLEP provisions are provided in Appendix 7. A number of recommendations for section 94 contributions are provided, including capturing tourist development in the current plans, and preparing new plans to fund tourist facilities.

3 Analysis of Demand for Tourism

3.1 The Likely Demand for Tourism in Greater Taree

a) Regional Tourism Forecasts

Table 3.1 shows that the number of visitors to regional NSW is expected to grow annually at 0.8% from 70.27M visitor nights in 2001 to 81.86M in 2020, or a net increase of about 16.5%.

Table 3.1 Tourism Projections Sydney and Regional NSW

- Projected Visitors to Sydney & Regional New South Wales 2001-2020

Nights											
	Sydney (Millions)				Reg NSW (Millions)				Total Nights (Millions)		
	Av Visitors				Av Visitors						
Year	Int	Dom	Total	per day	Int	Dom	Total	per day	Int	Dom	Total
2001 (Actual)*	35.62	25.74	61.35	168,000	6.56	63.73	70.27	193,000	42.24	89.45	131.68
2005	37.88	26.22	64.10	176,000	7.34	66.05	73.39	201,000	45.22	92.28	137.50
2010	42.97	26.57	69.54	191,000	8.62	67.55	76.17	209,000	51.59	94.11	145.70
2020	51.39	27.48	78.87	216,000	11.23	70.63	81.86	224,000	62.62	98.11	160.73
Av Annual Growth rate	1.9%	0.3%	1.3%	1.3%	2.9%	0.5%	0.8%	0.8%	2.1%	0.5%	1.1%

Visitors											
	Sydney (Millions)				Reg NSW (Millions)				Total Visitors (Millions)		
Year	Int	Dom	Total		Int	Dom	Total		Int	Dom	Total
2001 (Actual)*	2.58	8.36	10.94		0.53	18.83	19.36		2.68	26.54	29.22
2005	3.09	8.32	11.41		0.67	19.15	19.82		3.20	26.75	29.95
2010	4.03	8.43	12.46		0.97	20.16	21.13		4.19	27.93	32.12
2020	5.11	8.72	13.83		1.24	22.07	23.31		5.36	30.19	35.55
Av Annual Growth rate	3.7%	0.2%	1.2%		4.5%	0.8%	1.0%		3.7%	0.7%	1.0%

(Source: Tourism New South Wales)

(Source: Tourism New South Wales)

(Source: <http://corporate.tourism.nsw.gov.au/masterplan2003/ourFuture.html>)

The North Coast Regional Tourism Plan states that for the year ended December 2002, the region attracted approximately 5,111,730 visitors (6% of state visitation) comprising 2,908,000 domestic tourists, 126,730 international tourists and 2,077,000 day trips emanating from outside the region. The region includes Greater Taree, Great Lakes, Port Stephens, Port Macquarie-Hastings, Kempsey, Nambucca, Bellingen and Coffs Harbour.

If the North Coast Region attracts 6% of state visitation (as indicated in the North Coast Regional Tourism Plan), and state wide predictions indicate a growth of 29.05M visitor nights over a 20 year period, an increase of 1.743M (6% of 29.05M) visitor nights is estimated for the North Coast Region over the period.

It is difficult to estimate how much of that growth will need to be accommodated in Greater Taree City Council area. However, in the absence of any other figures, it is suggested that Greater Taree will account for the average proportion across the 9 council areas in the region (that is, about 11%). Given the current levels of tourist accommodation in the key centres of Port Stephens, Port Macquarie, Coffs Harbour, and also Great Lakes, it is difficult to suggest more than the average across the nine areas.

This equates to an increase of about 190,000 visitor nights over the next 20 years within Greater Taree. Assuming a 70% occupancy rate is achieved at the end of the 20 years, 190,000 visitor nights are required to be accommodated in 256 nights of the year. This requires an additional 742 visitor beds to be built in Greater Taree City Council area by the end of the 20 year period.

b) Local Tourism Statistics

Estimates from the National Visitor Survey (provided by GTCC Tourism Officer) indicate annual visitor nights within GTCC at about 1.196M in 2003. Of these, 534,000 were estimated to be staying with friends and relatives, leaving about 475,500 staying in tourist accommodation. As a cross check with the forecast in section 6.4 above, 475,500 is about 9.3% of the estimated 5,111,730 visitors to the North Coast region. This is similar to the 11% used to apportion the growth projections for GTCC

3.2 Estimate of Demand for Tourism by Locality

a) Local Tourist Accommodation

A summary of existing tourist accommodation within Greater Taree is shown in Table 3.2. A total bed capacity of 4943 was estimated to exist in October 2006. There is a projected growth of 16.5% over 20 years in regional NSW tourist visitor nights, as indicated in Section 3.1. If the total number of beds has to increase by 16.5% to accommodate this projected growth, then an additional 816 beds are required to accommodate this growth. This is higher, but similar, to the figure calculated in Section 3.1, of an additional 742 beds.

Table 3.2 Tourist Beds in Greater Taree

	Motels	Hotels	B&Bs	Country Retreats	Resorts, Apartments, Units	Caravan/Holiday Parks	Total
Taree/Cundletown	1213	118	4	4		110	1449
Belbora			6				6
Comboyne				18			18
Coopernook	63	27					90
Croki			6			10	16
Crowdy Head	13						13
Diamond Beach	48				390	429	867
Dyers Crossing			8				8
Elands				16			16
Firefly			6				6
Hallidays Point			12		108	402	522
Hannam Vale			6				6
Harrington	47	18			232	242	539
Johns River				35			35
Koorainghat			4				4
Krambach			12	6			18
Manning Point					80	274	354
Mitchells Island			31				31
Mount George						31	31
Nabiac				16		16	32
Old Bar			22	34	371	152	579
Oxley Island				8			8
Pampoolah			6	12			18
Possum Brush				20			20
Rainbow Flat			17				17
Stewarts River			4	6			10
Tinonee			8	30			38
Wingham	118	55	19				192
Total	1502	218	171	205	1181	1666	4943
Proportion	30%	4%	3%	4%	24%	34%	100%

Source: Greater Taree City Council Tourism Officer (est Oct 2005)

Table 3.3 provides a proportional summary of tourist beds by location by type of accommodation.

Table 3.3 Tourist Beds in Greater Taree - Proportions

	Motels	Hotels	B&Bs	Country Retreats	Resorts, Apartments, Units	Caravan/ Holiday Parks	Total
Taree/Cundletown	25%	2%	0%	0%	0%	2%	29%
Diamond Beach	1%	0%	0%	0%	8%	9%	18%
Hallidays Point	0%	0%	0%	0%	2%	8%	11%
Harrington	1%	0%	0%	0%	5%	5%	11%
Manning Point	0%	0%	0%	0%	2%	6%	7%
Old Bar	0%	0%	0%	1%	8%	3%	12%
Wingham	2%	1%	0%	0%	0%	0%	4%
Other	2%	1%	2%	3%	0%	1%	9%
Total	30%	4%	3%	4%	24%	34%	100%

Source: Based on Bed Counts from Greater Taree City Council Tourism Officer (est Oct 2006)

3.3 Target Tourist Accommodation

a) Demand by Locality

An estimate of the demand for tourist accommodation for GTCC, in all forms of tourist accommodation, is an increase of between 742 and 816 beds over the next 20 years.

Table 3.4 applies the proportions from Table 3.2 to the projected total additional beds of 816 to provide an estimate of beds by location by accommodation type, assuming the proportions remain the same.

Table 3.4 Projected Tourist Beds in Greater Taree - 20 Years

	Motels	Hotels	B&Bs	Country Retreats	Resorts, Apartments, Units	Caravan/ Holiday	Total
Taree/Cundletown	200	19	1	1	0	18	239
Diamond Beach	8	0	0	0	64	71	143
Hallidays Point	0	0	2	0	18	66	86
Harrington	8	3	0	0	38	40	89
Manning Point	0	0	0	0	13	45	58
Old Bar	0	0	4	6	61	25	96
Wingham	19	9	3	0	0	0	32
Other	13	4	19	28	0	9	73
Total Beds	248	36	28	34	195	275	816

Source: Based on Bed Counts from Greater Taree City Council Tourism Officer (est Oct 2006)

b) Closure and Relocation of Tourist Accommodation

The existing stock of tourist and visitor accommodation is reportedly aging and of a design that met a market demand for inexpensive accommodation in previous years. It is considered likely, and reasonable to assume, that this older style accommodation will close and due to site limitations and inappropriate location, new development will occur in the tourist precincts identified through this report.

There may also be a tendency for existing caravan parks to move towards permanent residential accommodation, or, depending on their current zoning, to be redeveloped for permanent residential accommodation. This would result in a demand for new tourist accommodation in caravan park and holiday village style developments.

It is difficult to estimate the likely extent of closures and relocations. For the purposes of this report, it is assumed that an amount equal to the demand for new accommodation over the next 20 years will be redeveloped (this equates to 16.5% of the current stock

would close and relocate to the identified precincts). That is, an additional 816 tourist beds to be provided in new tourist accommodation development.

c) Supply-Led Tourism Growth

GTCC is seeking to promote tourism growth, and by appropriate means, achieve growth over and above “natural” growth. This means GTCC would have to experience tourism growth by:

- Competing with alternative tourist destinations and achieving a higher percent of the tourism growth and existing market, or
- Creating a new market that attracts people that would not have otherwise contributed to tourism. This may be termed tourism that “taps into a new market”.

The establishment of tourist accommodation in the area that provides a market niche, a new tourist experience or expands and complements the existing range of tourist experiences may be able to create tourism growth beyond the projected demand.

It is considered that an appropriate or reasonable level of supply-led growth would not exceed the projected “natural growth”. Over a 20 year period, this would be a further 816 beds.

d) Total Target Tourist Accommodation by Locality

Based on the above estimates and assumptions, the total 20 year tourist beds target, by locality, is shown in Table 3.5, below.

Table 3.5 Target Tourist Beds in Greater Taree - 20 Years

	Demand	Relocations	Supply Led Growth	Total
Taree/Cundletown	239	239	239	718
Diamond Beach	143	143	143	429
Hallidays Point	86	86	86	259
Harrington	89	89	89	267
Manning Point	58	58	58	175
Old Bar	96	96	96	287
Wingham	32	32	32	95
Other	73	73	73	218
Total	816	816	816	2448

3.4 Ability of the Four Sites to Meet the Targets

a) Achieving Target in Taree

The largest target for tourist beds is in Taree/ Cundletown, as this is where the majority of current supply is located. In time, the proportion in Taree may reduce with increased desire for accommodation in beach side locations. None of the four identified sites will cater for this demand. It is considered that key tourist sites, or a precinct, need to be identified in Taree.

GTCC have advised of a current development application for a site in Manning Drive, Taree that proposes 62 unit tourist accommodation and conference facility. Council has also identified a large water front site in Pitt St, Taree for a large integrated residential, tourist and business development. This site is considered below.

b) Achieving Target in Hallidays Point and Diamond Beach

Sites 3 and 4 will cater for the target tourist accommodation in Hallidays Point and Diamond Beach. No site is located in Hallidays Point, however, Site 4 is nearby, and Site 3 provides significant land area to meet the target.

c) Achieving Target in Manning Point and Harrington

Manning Point is significantly constrained to future development due to flooding, and has not been identified for growth in any GTCC Conservation and Development Strategy. To accommodate the demand and target growth from Manning Point, additional land needs to be identified elsewhere.

None of the four sites are located in Harrington. The Crowdy Head site may potentially cater for the demand and growth from Manning Point and Harrington. However, it is considered that additional lands should be identified in Harrington to achieve the target for both Harrington and Manning Point.

GTCC has advised of a site to be considered for tourist zone in Harrington, which is assessed below.

d) Achieving Target in Old Bar

Site 2 is in Old Bar and is of sufficient size to achieve the target accommodation for Old Bar. The site is also well located to provide for boat access to the Manning River, to meet the criteria for better use of the river for tourism.

e) Wingham and Other

GTCC should consider identifying sites in Wingham and other locations to meet the target for tourist development.

4 Assessment of the Six Sites

4.1 Tourism Principles – North Coast Regional Environmental Plan

Greater Taree is not within the North Coast Region under the REP. However, it does provide useful guidelines on the identification of land for tourist development. Of particular interest are the following:

Clause 70 – Principles for the location of tourism development

A draft local environmental plan that will facilitate tourism development should:

- (a) contain provisions which identify and protect important natural features and ecosystems of the region, and*
- (b) permit large scale resort development with permanent residential accommodation only in, or immediately adjacent to, prime tourism development areas, and*
- (c) permit in rural or environment protection zones small scale or low key tourism development only*

Clause 71 Provision of services to tourism development

A draft local environmental plan should not zone land for tourism development unless the council is satisfied that:

- (a) adequate access by road, railway or water transport (or any combination of them) exists or will be provided, and*
- (b) reticulated water and sewerage services are or will be available, or arrangements satisfactory to the council have been or will be made for the provision of those facilities*

Clause 72 Large scale resort development

A draft local environmental plan should not zone land to permit large scale resort development unless the following criteria will, in the opinion of the council, be satisfied:

- (a) there will be adequate access to the development, and*
- (b) where the development has access to, or depends upon, the beach or other natural features, those features are able to sustain increased public usage, and*
- (c) the development will be located on land where the environment is robust enough to support major development or will be carried out in such a way as will allow valuable environmental features to be protected, and*
- (d) the land on which the development is to be carried out is within or adjacent to a prime tourism development area or adequate urban services are available.*

Clause 73 Plan preparation—residential development and tourism

A draft local environmental plan that will permit tourism development should not include provisions which permit permanent residential accommodation except:

- (a) where it is ancillary to existing tourism development, or*
- (b) where the development will be part of an area otherwise identified for urban expansion and is included in a residential development strategy approved by the council.*

Each of the sites is assessed individually against the above guidelines. Clause 70(c) relates to general zoning recommendations.

4.2 Draft Mid North Coast Regional Strategy

The draft Mid North Coast Regional Strategy was released in January 2007 for public comment. The following requirements are specified for tourism development:

Tourism development

Councils will identify appropriate locations and criteria for the development of large scale tourist facilities in an agreed local growth management strategy to be completed by mid 2007. Planning for tourist facilities and tourism development will adopt the following principles:

- > Councils will have regard for the North Coast Regional Tourism Plan 2004–2007 (or latest version) and Northern Rivers Regional Tourism Plan 2003–2006 (or latest version).
- > Agreed strategies will locate large scale tourism development in prime tourism development areas unless other proposed locations are consistent with an approved local growth management strategy.
- > Local environmental plans will provide for a range of tourism experiences and forms of tourist accommodation in urban areas, including 'bed and- breakfast'.
- > 'Farm stay' or similar small scale tourism development is supported in rural and environment protection zones if the tourism use is secondary to the primary land use on the land and will not lead to conflict with the primary land use on the land or in the locality.
- > No tourism development should be located near the Pacific Highway, except within towns.
- > Tourism developments should not include permanent residential accommodation, except where the tourism development is within an area identified for urban development in an agreed local growth management strategy.

In relation to Site 2 Old Bar, Site 3 North Diamond Beach and Site 4 Diamond Beach, it is considered that these sites are identified in agreed growth strategies, and that an allowance of a proportion of permanent residential accommodation would not be a significant variation.

GTCC have advised (pers. comm.) that Site 1 is to be recommended for consideration as a tourism precinct in the amended Conservation and Development Strategy, and that a proportion of permanent accommodation is to be supported as an incentive to the provision of reticulated sewer to Crowdy Head.

4.3 Local Strategies

Council's draft Greater Taree Draft Conservation and Development Strategy (CDS 2005) provides a framework for the planning of the City, and the individual localities. It provides the following recommendations in relation to tourism:

5.5.2 Land Use Planning

Implementation Strategy 7. *Ensure that there is adequate provision for tourist facilities.*

Policy Action 7.1 *Provide for tourist accommodation and resort style development and for small-scale bed and breakfast accommodation and tourism activities in rural zonings which are consistent with the environment capacity of the area (p191).*

5.5.4 Economic and Employment opportunities

Implementation Strategy 2. *Encourage tourism to become a key sector of the economy.*

Policy Action 2.1: *Provide more tourism infrastructure for the area including basic needs such as toilets, picnic and recreation areas.*

Implementation Strategy 2.2: *Prepare strategies to attract more accommodation providers to the area targeting the large resort style of development. (p194).*

Implementation Strategy 5.3: *Provide public access and boating facilities at Taree, Harrington, Manning Point and Old Bar. (p.195).*

The CDS 2005 recommends pursuing a waterfront high quality accommodation development in Taree (the Pitt Street precinct), and confirms the identification of tourism precincts at Site 2 (Old Bar), Site 3 (North Diamond Beach) and Site 4 (Diamond Beach) as tourism precincts.

4.4 Identifying Suitable Tourist Uses

The Hunter Regional Tourism Plan provides the following guide for matching tourism product to consumer desires.

Figure 4.1 Tourism Product

Developing tourism product to match consumer desires		
Holiday	Consumer group	Tourism product
Nature	Luxury traveller	Seclusion, romance, views, pampering, walks, accessible wilderness, World Heritage areas, countryside
	Family traveller	Easy walking trails, World Heritage areas, fossicking, seeing wildlife
	Touring traveller	Natural and cultural heritage, driving routes, walking trails, lookouts, waterfalls, fishing, picnicking, bird watching, events
	Adventure traveller	Treks, 4WD, going bush, physical/mental challenge
	Peer group traveller	Group activities – kayaking, bushwalking
Water – beach or lake	Luxury traveller	Exclusive beaches, quality dining, boat tours
	Family traveller	Safe swimming beaches, rock pools, flora/fauna, whales/dolphins, water activities, built attractions
	Touring traveller	Coastal touring routes, coastal walks, rivers, fishing, flora/fauna
	Adventure traveller	Remote beaches and hinterland, accessible flora and fauna
	Peer group traveller	Water-based activities
Food and wine	Luxury traveller	Short breaks, indulgence, romance, boutique wineries, hot air ballooning
	Family traveller	Family restaurants, take away food, familiar wines
	Touring traveller	Wine and food education, boutique cellar doors, new experiences
	Adventure traveller	Undiscovered wineries, meeting the winemaker/chef, local cuisine, fresh produce
	Peer group traveller	Wine/beer tasting coach tours, eat, drink and be merry
Arts/culture/heritage	Luxury traveller	Quality local artefacts, art galleries
	Family traveller	Interactive historical sites
	Touring traveller	Heritage buildings, antiques, craft stores
	Adventure traveller	Local artefacts, historical sites, cultural tours
	Peer group traveller	Tours

Source: Hunter Regional Tourism Plan

It also provides the following summary to differentiate tourism consumers, and the type of accommodation they use.

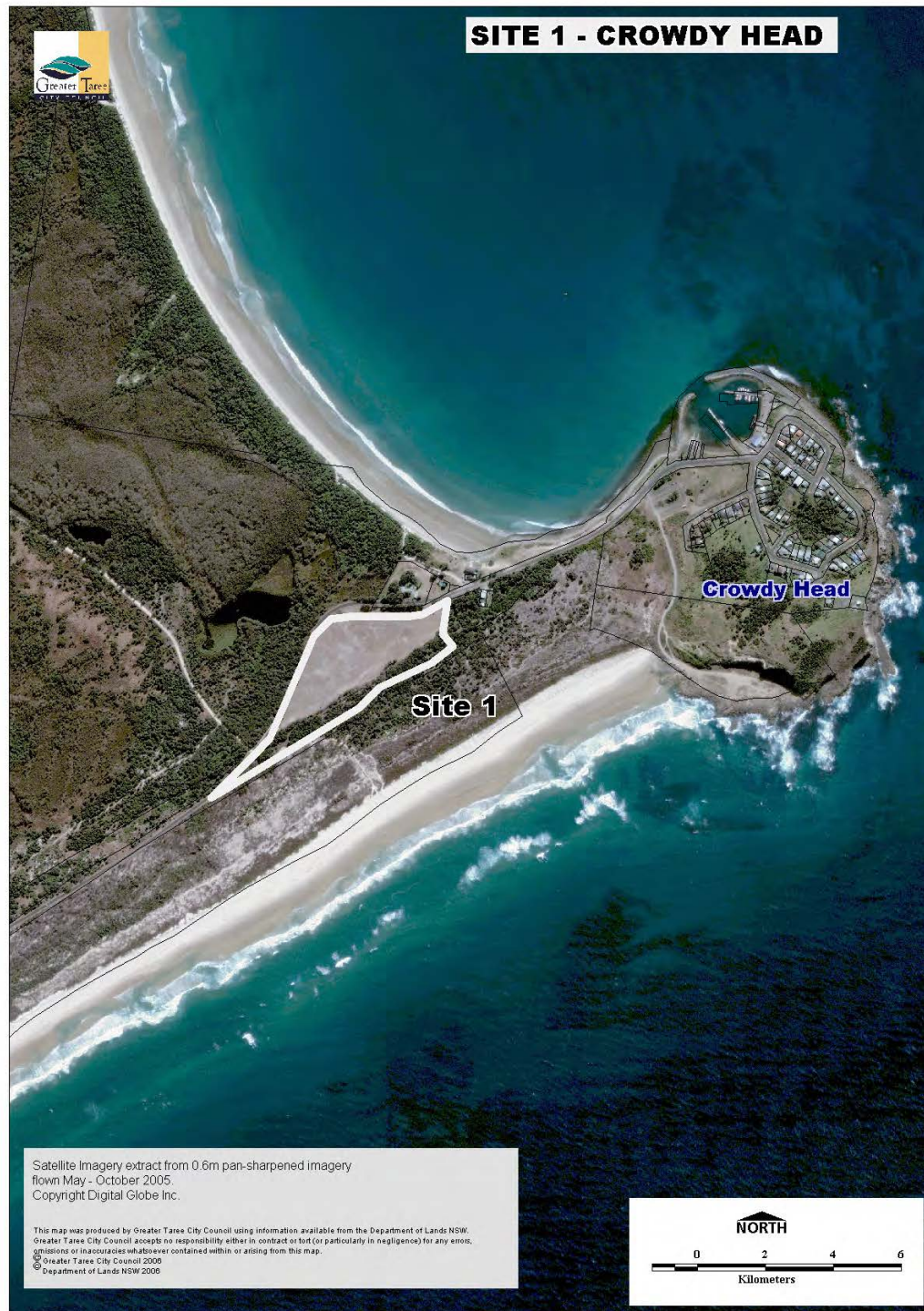
Figure 9.2 Tourism Consumers

Differentiating tourism consumers					
Mindset	Spend per day	Description	Accommodation	Transport	Desired Services and Activities
Luxury travellers (Pampadours)	\$172	Up-market; indulgent; female skew; professional skew; use o/s travel as frame of reference, travel in adult couples	5-star, separate from kids, suites, B&B	Air, limo, own car	Pools, retail, fine dining, views, wine choice, spas, salons, 24 hr services, personal guides, casinos, golf, yachts, cruisers, good coffee, patisseries
Family travellers (Compatriots)	\$111	Middle market; female skew; family-focused; role driven; activities-focused; budget conscious; aspire to resorts	3-star Self-contained cabins, cottages, burés, villas, apartments, motels	Own car, public transport	Water sports, kids clubs, theme parks, takeaway/ fast food, beer gardens, cinemas, picnic grounds, BBQs, group tours, outdoor activities, walking trails, RSLs
Touring travellers (Wanderers)	\$132	Older skew; adult couples; empty nesters; frequent tourists; off-peak market; keen observers	3-4 star, self-contained, B&B	Own car, mobile homes, coach, fly/drive	Information centres, maps & guide books, local markets, short walking trails with lookouts, souvenirs, libraries
Adventure travellers (True travellers)	\$126	Experimental; adventurous; trail-blazing; want an in-depth experience; active	Camp sites, motels, B&B	Own car, 4WD, mobile home	Maps and information, trail food, backpacks, guide books, local history and food, bush tucker, general stores
Peer group travellers (Groupies)	\$123	Younger male skew; peak period travel; strong repeat visitation; shared activities and reunions	Shared apartments, camp sites, hostels	Car, train, coach, economy air	Pubs and clubs, night clubs, beaches, fast food, laundromats, big fridges, eskies, cafes

Source: Hunter Regional Tourism Plan

4.5 Site 1 - Crowdy Head

The site is in a prime location, in easy walking distance to two spectacular beaches with a protective headland, and surrounded by national park and coastal protection land. It would offer experiences for beach and nature based holidays. Crowdy Head is a small coastal village with very few facilities for tourists or residents. Harrington is about 15 minute drive, which offers some facilities. The draft GT CDS (2005) identifies Crowdy Head as a village, with recommendations to maintain village character, with new development to have regard to the scale and form of existing development.



Limited facilities in the small village would mean that 5 star accommodation is unlikely to be sustained. Family travellers, touring travellers and adventure travellers would be attracted because of the beach, picnic grounds, walking trails and other natural setting features. Holiday experiences would be nature and water (beach). Family travellers would desire a patrolled beach. Accommodation types would be 3 or 3-4 star, self contained cabins, cottages, bureas, villas, B&Bs and camp sites. There may be some interest in a backpackers hostel, however, lack of night life may limit the attractiveness to this style of traveller.

Reticulated sewer would be a requirement for development of the site. GTCC indicate that it would support allowing up to 50% permanent residential accommodation for development of the site, as an incentive to encourage the extension of reticulated sewer from Harrington. The density of future development should be low, reflecting the character of Crowdy Head. An indicative numerical standard would be in the range of 800m² to 1,000m² per dwelling/accommodation unit.

The development is also likely to create demand for improved surf life saving facilities at Crowdy Head. Bushfire hazard would require substantial setbacks to adjoining bushland.

Suitable tourist land uses on this site are:

- Backpackers accommodation
- Bed and breakfast accommodation
- Hotel accommodation (with strict controls on height, scale, design and character)
- Caravan park/holiday village
- Low key conference facility
- Small café or restaurant ancillary to other suitable land uses

Residential use would only be considered if the Conservation and Development Strategy identifies the land as required for future residential growth.

4.6 Site 2 – Old Bar (Precinct 1)

The site is ideally located to satisfy the recommendation of the Draft GTCDs(2005) for the construction of boating facilities at Old Bar that provide public access (pp.194-5), to encourage river based tourism. The depth of the waterway limits the size of boats to canoes and small watercraft. However, there appear to be no other easily accessible sites with access to greater water depth.



The site is located adjacent to the Old Bar township, which the draft GTCDS (2005) identifies for future growth. Old Bar has an estimated current population of 1,500 persons (draft GTCDS 2005, p105) with a projected population in 2020 of between 2,922 (low estimate) to 3246 (high estimate). It is the third largest urban centre within the Local Government Area, after Taree and Wingham, but is expected to grow larger than Wingham by 2010 to be the second largest centre. It is identified as a town which is the second order level of urban centre in the settlement hierarchy under the draft GTCDS 2005. The level of services is second only to Taree.

Facilities in Old Bar provide a greater range than Crowdy Head, but are still unlikely to satisfy 5 star accommodation tourists. Family, touring and adventure travellers would be attracted because of the beach, picnic grounds and opportunity for water sports. Peer group travellers may also be attracted, as some pubs and clubs exist within Old Bar. Holiday experiences would be nature, water (beach and river potential) and some food (family restaurants and take away food). There may be opportunity to provide a restaurant offering local wine (Manning Valley) and food (seafood, oysters). Accommodation types would be 3 or 3-4 star, self contained cabins, cottages, bures, villas, B&Bs and camp sites. There may be some interest in a shared apartments and backpackers hostel. The site may also be suitable for business tourism through conference facilities, and provide for events such as wedding receptions.

Suitable tourist land uses on this site are:

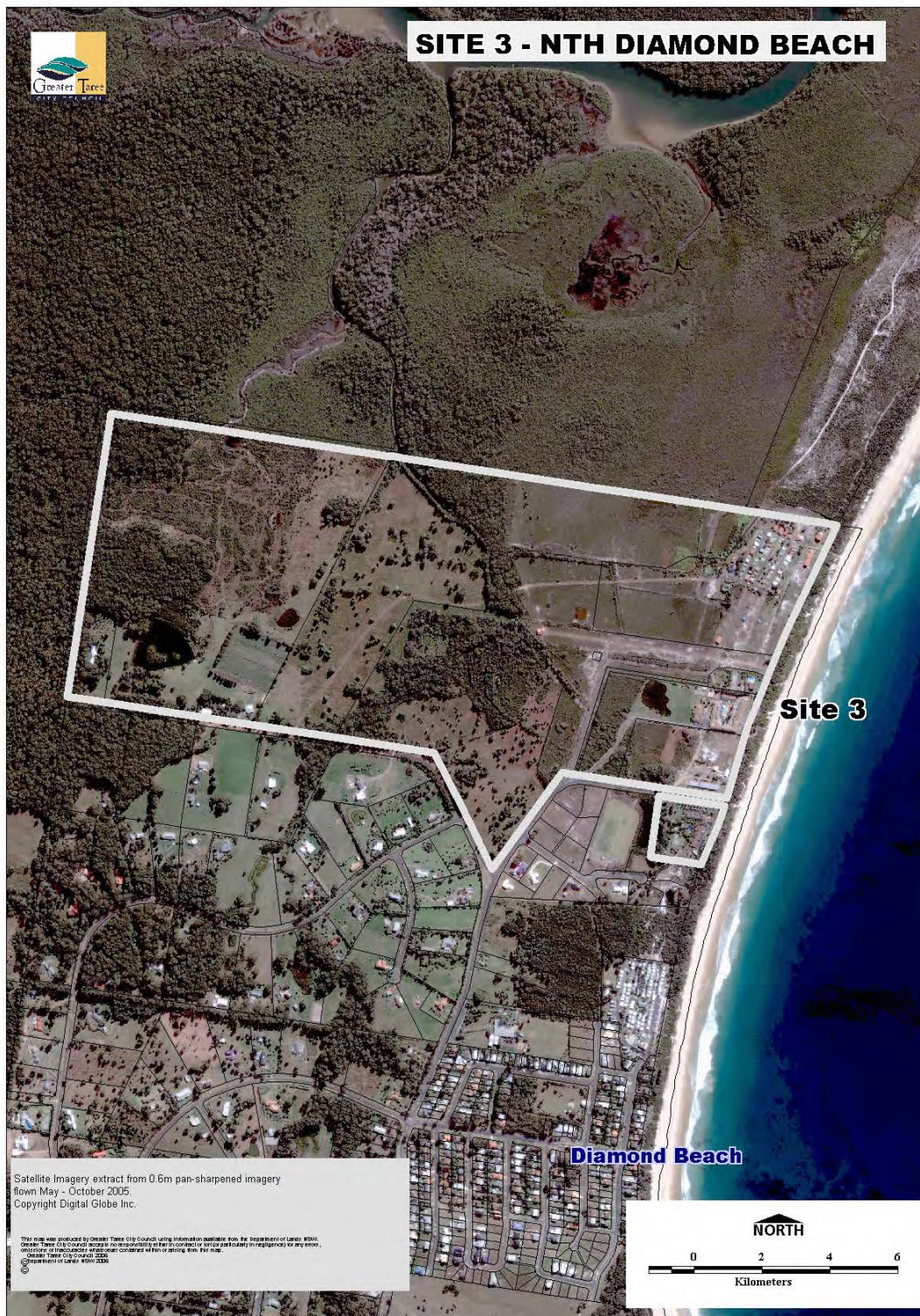
- Full range of tourist and visitor accommodation, including conference facility
- Backpackers accommodation
- Bed and breakfast accommodation
- Hotel accommodation
- Serviced apartments
- Caravan park/holiday village
- Café or restaurant
- Boat launching ramp
- Charter and tourism boating facilities
- Jetty
- Water recreation structure
- Amusement centre
- Recreation facility (indoor)
- Recreation facility (outdoor)
- Function centre
- Retail and Business premises that provide for tourists
- Neighbourhood shops

Residential development is considered acceptable as an incentive for achieving tourist development. A 4 star standard of motel, with conference facility, restaurant, function centre, with a link to a publicly accessible boat launching ramp and jetty is considered desirable and potentially feasible for this site.

The development may also incorporate a caravan park/holiday village to further assist the viability of the development. A new caravan park/holiday village style would incorporate a mix of quality of on-site cabins and caravans, together with powered ensuite sites and other powered and unpowered camp sites. The density of future development should reflect the character of Old Bar. An indicative numerical standard would be in the range of 500 m² to 800m² per dwelling/accommodation unit.

4.7 Site 3 – North Diamond Beach

The site is very large and contains 8 land parcels, with a mixture of existing tourist development. The eastern land parcels have ocean frontage, although only some have easy reasonably level access to the beach. While the site adjoins Nature Reserve to the north, management of this land limits recreational access and use. Some nature walks may be possible, but no 4WD recreational vehicles would be permitted. The area contains some significant natural features, including SEPP 14 – Coastal Wetlands, which will require site development to be designed to protect these areas.



The site is located at the northern limit of the Hallidays Point Conservation Development Strategy (Review 2004), and nominated as a "Tourism, Environmental Protection and Mixed Use" precinct (the 2006 Review provides a similar nomination for the site). The Hallidays Point is also identified for growth in the draft GTCDS (2005). Hallidays Point, incorporating North Diamond Beach, Diamond Beach, Redhead and Tallwoods Village has an estimated current population of about 1000 persons (draft GTCDS 2005, p105) with a projected population in 2020 of between 2011 (low estimate) to 2481 (high estimate). It is expected to grow to be the third largest centre, behind Taree and Old Bar. It is identified as a town which is the second order level of urban centre in the settlement hierarchy under the draft GTCDS 2005.

However, facilities are limited. Family, touring and adventure travellers would be attracted because of the beach, picnic grounds, walking trails and other natural setting features. Holiday experiences would be nature and water (beach). Family travellers would desire a patrolled beach. Accommodation types would be 3 or 3-4 star, self contained cabins, cottages, bureaux, villas, B&Bs and camp sites.

Suitable tourist land uses on this site are:

- Full range of tourist and visitor accommodation, including conference facility.
- Backpackers accommodation
- Bed and breakfast accommodation
- Hotel accommodation
- Caravan park/holiday village
- Café or restaurant
- Amusement centre
- Recreation facility (indoor)
- Recreation facility (outdoor)
- Function centre

Australis Resort provides an indication of the direction for future development of the eastern land parcels of this precinct. Other development forms would include 3-4 star motel accommodation and caravan parks. Serviced apartments are considered unlikely in this area.

Nature based holiday cabins may be a reasonable development form on the western land parcels in the area.

Zoning of this entire area (excluding the sensitive natural areas) for tourism development is likely to exceed the area of land required for tourist development, and may create an expectation for residential development as land owners find it difficult to attract interest from tourist accommodation providers. Council will need to determine whether or not this land forms part of its residential release strategy, as it is unlikely that the entire area is required for tourist development.

The density of future development is not easy to determine prior to the LES process. The eastern half of this site is considered to be suitable for low density development, with an indicative numerical standard in the range of 800m² to 1,000m² per dwelling/accommodation unit. The western half of the site is considered to require a rural or rural residential density and may not be connected to a reticulated sewerage system. On this basis, the ability to dispose of effluent on-site, and the impact on downstream wetlands, would determine a minimum site area per accommodation unit. This may be in the range of more than 1ha.

4.8 Site 4 – Diamond Beach

The site has beach frontage and gains spectacular ocean and beach views. It is planned to be within an open space precinct that forms an excellent network of recreational space through the Diamond Beach urban area.



The site is located between the urban areas of Diamond Beach to the north and Redhead to the south, and will form a final vital link for the existing open space network. As noted in the discussion on site 3, Hallidays Point is identified for growth in the draft GTCDs (2005) and is expected to grow to be the third largest centre, behind Taree and Old Bar.

Limited facilities exist in Diamond Beach, and so 5 star accommodation is also not likely in this location. However, the site lends itself to a higher standard of accommodation and would be expected to be aimed towards 4 star self contained accommodation for touring and family travellers. Holiday experiences would be nature and water (beach). Family travellers would desire a patrolled beach. Opportunity is considered to exist for providing food and wine experience on this site through a quality restaurant or pub which would enjoy spectacular views.

Suitable tourist land uses on this site are:

- Full range of tourist and visitor accommodation, including conference facility
- Bed and breakfast accommodation
- Hotel accommodation
- Food and drink premises (restaurants, pubs, take away, etc)
- Neighbourhood shops
- Business premises providing personal services
- Amusement centre
- Entertainment facility
- Function centre
- Registered club

The site is not large compared to Sites 2 and 3. Submissions on behalf of the owners indicate an expectation for residential development with tourist development presented as an option, together with a broad range of retail, commercial, business and recreation land uses. The most recent concept plan presented indicates a medium density housing proposal with a motel or serviced apartments development on a section of the site. The density of future development should reflect the character of Diamond Beach. Given its setting, an indicative numerical standard would be in the range of 350m² to 500m² per dwelling/accommodation unit.

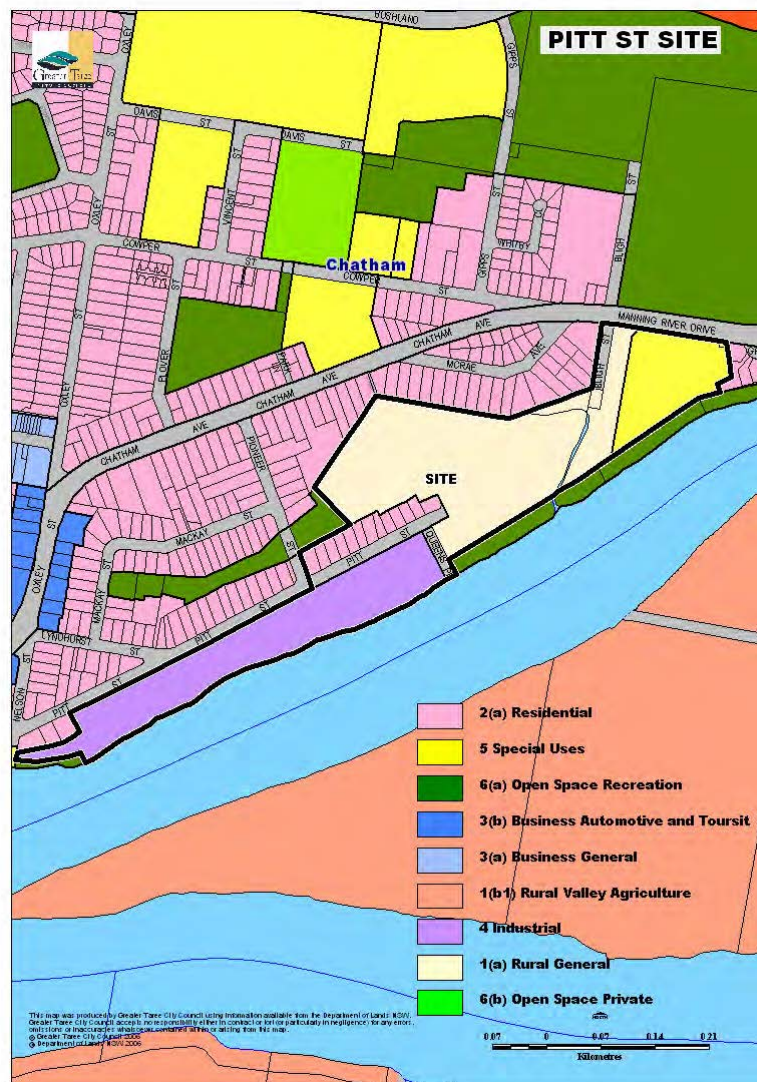
4.9 Pitt Street, Taree

This site has river frontage and is located close to the centre of Taree. Taree is the dominant centre within GTCC and is expected to remain so. It offers the full range of services for tourists, and is the centre likely to attract a large accommodation development with the highest star rating of tourist accommodation.

Suitable tourist land uses on this site are:

- Full range of tourist and visitor accommodation, including conference facility
- Hotel accommodation
- Food and drink premises (restaurants, pubs, take away, etc)
- Neighbourhood shops
- Business premises providing personal services
- Amusement centre
- Entertainment facility
- Function centre
- Registered club

It is expected that GTCC will pursue development of this site for a broad range of uses, with a mix of zonings, including residential and tourist, business and recreation. The density of future development should be medium to high density. An indicative numerical standard would be in the range of 150m² to 250m² per dwelling/accommodation unit.



4.10 Pretoria Avenue, Harrington

This site has river frontage and is located within Harrington. Harrington is identified for growth in the draft GTCDS (2005) with an estimated current population of about 1100 persons (draft GTCDS 2005, p105) with a projected population in 2020 of between 1,544 (low estimate) to 1,835 (high estimate). It is identified as a town which is the second order level of urban centre in the settlement hierarchy under the draft GTCDS 2005. It offers a modest range of services for tourists, and is well placed to add to use of the Manning River for tourism.

Suitable tourist land uses on this site are:

- Full range of tourist and visitor accommodation, including conference facility
- Hotel accommodation
- Food and drink premises (restaurants, pubs, take away, etc)
- Neighbourhood shops

The density of future development should be low to medium density. An indicative numerical standard would be in the range of 350m² to 500m² per dwelling/accommodation unit.



5 Tourist Zone Land Requirements

5.1 Total Accommodation Units to be Supplied

Section 3 provided a projected target of a total of 2,448 beds.

Assuming a bed rate of 3 per accommodation unit, the number of accommodation units is 816. Using the existing location apportionment from Section 3.2, Table 5.1 below provides projected total units by locality.

Table 5.1 Total Accommodation Units by Locality

	Projected Growth	Redevelopment/ relocations	Supply Led	Total
Taree/Cundletown	80	80	80	240
Diamond Beach	48	48	48	144
Hallidays Point	29	29	29	87
Harrington	30	30	30	90
Manning Point	20	20	20	60
Old Bar	32	32	32	96
Wingham	11	11	11	33
Other	25	25	25	75
Total	272	272	272	816

The land requirements for the provision of 816 additional tourist accommodation units is dependent upon the density of development. Section 4 provided an indicative density for each of the identified sites.

5.2 Land Balance

The six sites provide a potential supply of tourist accommodation based on available land area and density. Appendix 6 provides a summary of the estimate of supply provided by the sites, following analysis of later sections of this report.

The assessment assumes:

- The Manning Drive current application and Pitt Street Taree sites will supply the Taree/Cundletown area.
- Crowdy Head (Site 1) and Pretoria Ave, Harrington will supply the Harrington/Manning Point area.
- Old Bar (Site 2) will supply the Old Bar area.
- North Diamond Beach (Site 3) and Diamond Beach (Site 4) will supply the Diamond Beach/ Hallidays Point area.

Based on this, the six sites will provide more than enough land in Diamond Beach/Hallidays Point and Old Bar, with an insufficient supply in Crowdy Head/Harrington and Taree/Cundletown. Overall, the total supply can be provided by the six sites if the higher density rates are applied.

6 What is Tourist Development?

While this may seem a simple and obvious question, it becomes very complex when dealing with land use definitions under planning regulations. An initial description of tourist development may focus on accommodation. A more considered description would incorporate tourist attractions and activities.

To understand the full range of land uses associated with tourist development, it is helpful to identify types of tourists, types of tourist accommodation, and types of tourist products and activities.

6.1 Types of Tourists

Greater Taree City is within the North Coast Regional Tourism Plan (RTP), at its southern limit. The Hunter Region adjoins to the south. Greater Taree City would have some similarities with both regions.

The Hunter RTP defines 5 types of tourists:

- Luxury travellers
- Family travellers
- Touring travellers
- Adventure travellers
- Peer group travellers

The Hunter RTP also identifies holiday types:

- Nature
- Water (beach or lake)
- Food and wine
- Arts/culture/heritage; and a growing market is
- Business Tourism.

The North Coast Regional Tourism Plan identifies the following types of tourists:

1. The Destination Specific Tourist, and

2. The Regional Traveller - This broad segment includes:

A. The In-Transit Traveller - travelling through the region to an alternate destination or are part of a wider regional travel experience.

B. The Experiential Traveller - seeking a diversity of experiences within the region and includes the self-drive traveller and the high yield niche markets such as backpacker, nature-based, ecotourism, food and wine and cultural heritage travellers.

6.2 Types of Tourist Accommodation

The Hunter RTP identifies accommodation types used by the 5 different tourist types. In summary, these are:

- 5-star, separate from kids, suites, bed and breakfast (B&B);
- 3-star self-contained cabins, cottages, burés, villas, apartments, motels
- 3-4 star, self-contained, B&B
- Camp sites, motels, B&B
- Shared apartments, camp sites, hostels

Holiday letting of any form of permanent residential accommodation may be added to this list, as well as simply staying with friends and relatives that are permanent residents. There is also the likelihood of “holiday houses” where the owner resides elsewhere, and does not rent the house at all, and it remains empty for substantial periods of the year.

6.3 Tourist Products and Activities

The Hunter RTP provides the following list of products and activities that the 5 types of tourists seek:

- Pools, retail, fine dining, views, wine choice, spas, salons, 24 hr services, personal guides, casinos, golf, yachts, cruisers, good coffee, patisseries
- Water sports, kids clubs, theme parks, takeaway/ fast food, beer gardens, cinemas, picnic grounds, BBQs, group tours, outdoor activities, walking trails, RSLs
- Information centres, maps & guide books, local markets, short walking trails with lookouts, souvenirs, libraries
- Maps and information, trail food, backpacks, guide books, local history and food, bush tucker, general stores
- Pubs and clubs, night clubs, beaches, fast food, laundromats, cafes

6.4 Summary

Tourist development may be summarised as development that is used by tourists for accommodation or holiday activities. It comprises accommodation, recreational related facilities, retail, commercial and office based services, eating and drinking establishments, pubs, clubs, entertainment and educational land uses. Proximity to natural areas is an important locational feature.

Permanent residents have similar requirements to tourists. All the land uses listed in the above summary are uses required by permanent residents. Even highly specialised tourist facilities (eg theme parks) can provide an attractive amenity for permanent residents, particularly in the off peak seasons. Any industry servicing the local population may provide a service to tourists.

However, for the purposes of land use planning, it is useful to consider the general principles of avoiding land use conflicts and the advantages of integration of mutually beneficial land uses.

Historically, land uses have been separated into residential zones, business zones and industrial zones. Tourist development has tended to be similarly separated, with tourist accommodation allowed in residential zones, while tourist related business, such as eating and drinking establishments, pubs, retail and other commercial services for tourists allowed in business zones.

NSW coastal councils have used both *residential tourist* zones and *business tourist* zones. Generally, the residential tourist zones allow mostly accommodation uses with some tourist specific business uses allowed. The tourist business zones are located in or adjacent business centres, and allow a broad range of business and entertainment uses as well as tourist accommodation, but limit the light industrial related uses that are normally permissible in general business zones.

7 Existing Tourism Zones: North Coast

A number of councils on the North Coast have tourism zones in their existing LEP. A summary of these is provided below.

7.1 Tweed LEP 2000

- o **Zone 2(e) Residential Tourist** - allows tourist accommodation and low and medium density residential development, refreshment rooms, shops, hotels, and a broad range of other landuses. Most of the land in this zone appears to have been developed for detached housing.
- o **Zone 2(f) Tourism** – allows a broad range of tourist uses and multi unit residential, but prohibits detached dwelling-houses. Zone objectives allow high quality residential development integral and supportive of tourist development. The SALT development is within this zone. The land is also subject to a special provision in the LEP allowing single dwelling-houses provided that the number of tourist units shall always exceed the number of single dwelling houses. This provision is reproduced below. The land has been developed for the Salt development, and incorporates the Outrigger Resort and Peppers Resort. (See Appendix 3 Consultation, Section 3.4).

Development for the purpose of dwelling houses and a hotel, motel or tourist resort (or any combination of them)	(1) An application made pursuant to this item must not be granted unless the consent authority is satisfied that the development, whether or not to be carried out in stages, will include a hotel, motel or tourist resort as the primary development and the number of units/rooms in that hotel, motel or tourist resort will at all times exceed the number of dwellings or dwelling houses included in the completed development.
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Figure 7.1 Outrigger Resort, at Salt Kingscliff

Photo: www.outrigger.com/hotels_detail.

7.2 Ballina LEP 1987

- **Zone 2(t) (Tourist Area Zone)** – Ballina LEP 1987 is an objective based LEP, with most land uses permissible with consent or as advertised development. Contact with Ballina Council indicates no land is currently within this zone.

7.3 Coffs Harbour LEP 2000

- **Zone Residential 2E Tourist Zone** – allows a broad range of residential and tourist accommodation uses, but very limited retail or commercial uses. Extensive areas were zoned for tourism development in Coffs Harbour LEP 1988. It appears much of this was to achieve residential zoning ahead of population growth demand. However, it was a period that the Council was actively pursuing tourist development, including upgrade of the airport to jet standard. A number of sites on the Northern Beaches did develop for *total destination* resorts (Pacific Bay Resort, Opal Cove, Aanuka, Pelican Beach and Nautilus Resorts) in the early 1990s. A majority of the remaining 2E zoned land is expected to develop for low and medium density residential development (at North Sapphire, Hearn's Lake and North Sandy Beach).



Figure 7.2 Pacific Bay Resort, Coffs Harbour.

Photos: www.pacificbayresort.com.au/

7.4 Hastings LEP 2001

- **Zone 2 (t1) Residential Tourist** – allows permanent residential development and tourist accommodation, hotels and refreshment rooms. Zone objectives imply predominance of tourist accommodation. Areas within this zone are near Port Macquarie Town Beach, the Port Macquarie Marina and adjoining land to the west, Flynn's Beach (Port Macquarie), and a small area at the southern end of Lighthouse Beach (Port Macquarie). There has been a number of substantial redevelopment within the Town Beach precinct in recent years, involving 3-8 storey residential development with many being operated as serviced apartments. The Marina precinct contains a resort accommodation (Sails) that predates the zone. The Flynn's Beach precinct has experienced redevelopment for holiday apartment style development. Lighthouse Beach precinct contains a caravan park/holiday village that predates the zone, and recent 3 storey apartment style development.



Figure 7.3 Residential Tourist Zone, Port Macquarie

- **Zone 2 (t2) Tourist - Restricted** – allows hotels, motels, tourist facilities and refreshment rooms. Single dwellings are permissible, but special controls (clause 27) limit the total number of dwellings effectively preventing no further permanent residential housing within the zone. The zone applies to land on the western approach to Port Macquarie (Hastings River Drive) and is subject to flooding and aircraft noise. The dwelling limitation is a result of floodprone land policy, not as a means to ensure tourist accommodation.



Figure 7.4 Tourist Restricted Zone, Port Macquarie

- **Zone 3 (t) Tourist Business** – allows a range of business uses, including shops and commercial premises, refreshment rooms and multi unit development. The zone applies to land in the Port Macquarie CBD that adjoins the river, and to the site containing the retail centre known as Settlement City and the Port Panthers club. The CBD land has been progressively redeveloped for hotel, conference and managed apartment development, of 8-9 storeys. These developments have substantial views to the river and ocean. The Settlement City site adjoins the Port Shores Canal development, but the development only makes minor use of this site feature.



Figure 7.5 Tourist Business Zone, Port Macquarie

7.5 Summary

Tweed Council has ensured that resort development occurred at Salt Kingscliff through a restrictive tourist zone and an additional uses clause. This only allows permanent residential development if the number of units/rooms in the tourist accommodation, at all times, exceed the number of dwellings or dwelling houses. The tourist accommodation is strata-subdivided, with title restrictions applied limiting length of stay.

Coffs Harbour City Council has achieved resort development through zoning extensive areas for tourist development. The zone does not prevent permanent residential accommodation. It is the writer's belief that the supply of zoned land exceeded demand for residential development, and so the demand for tourist development in key locations was higher than residential development demand. The zoning of land was done in conjunction with other activities, including upgrading of the airport and extensive tourism promotion.

Port Macquarie Hastings Council has achieved resort and tourist accommodation. The residential tourist zone allows both permanent and tourist accommodation. It appears the areas that are zoned are able to attract investment in tourist accommodation without zoning restrictions.

8 The Standard LEP (SLEP)

8.1 Overview

Following the gazettal of the Standard Instrument (Local Environmental Plans) Order 2006, all Councils in NSW are under direction to prepare a LEP in accordance with the Standard Instrument within a maximum 5 year period.

The Standard LEP (SLEP) provides a selection of zones from which Council may choose, and no other zones are allowed. The zone objectives are specified, however, Council may add local objectives (provided they do not conflict with the standard objectives). Some uses are specified in the land use table as being permissible with or without consent, or prohibited. Council may add to the listed uses, although it is expected the choice of uses should reflect the zone objectives.

Land use definitions must also be chosen from the SLEP list, but not all definitions need be included. A number of clauses in the SLEP are compulsory (must be included) while others are optional (but must be used if the particular issue in the clause is to be addressed in the Council's LEP). Council may add local provisions to the compulsory or optional clauses, provided they are consistent with the SLEP provisions. Council may also add additional clauses on matters not addressed in the SLEP.

8.2 SLEP Zones

The SLEP provides 6 rural zones, 5 residential zones, 7 business zones, 4 industrial zones, 3 special purpose zones, 2 recreation zones, 4 environmental zones and 3 waterway zones.

The residential zones are:

- **R1 General Residential**
- **R2 Low Density Residential**
- **R3 Medium Density Residential**
- **R4 High Density Residential, and**
- **R5 Large Lot Residential.**

It should be noted that R5 Large Lot Residential equates to the current practice (pre-SLEP planning instruments) Rural Residential Zone, which is regarded as a rural zone. As another departure to past practice, the Village zone is a rural zone (RU5). Of the other 4 residential zones, the zone objectives and specified permissible uses imply a predominance of permanent residential use, with no mention of tourist accommodation.

The special purposes zones are:

- **SP1 Special Activities**
- **SP2 Infrastructure**
- **SP3 Tourist**

The Standard LEP specifies the following for the SP3 Tourist Zone:

Zone objective: *To provide for a variety of tourist-oriented development and related uses.*

Permitted without consent: *Nil.*

Permitted with consent: *Food and drink premises; Tourist and visitor accommodation.*

Prohibited: *Nil.*

The LEP Practice Note PN 06-002 *Preparing LEPs using the standard instrument: standard zones* dated 12 April 2006 provides the following:

SP3 Tourist

This zone is generally intended to be located where a variety of tourist-orientated land uses are to be permitted, and includes uses such as tourist and visitor accommodation, pubs and restaurants.

Contact with the Department of Planning (Newcastle and Grafton) offices during November 2006 indicated that the Department was not aware of any Council pursuing the use of this zone.

Contact with Parsons Brinckerhoff (pers. comm. Bruce Coleman) (currently preparing Standard LEPs for 5 Councils, being Tenterfield, Upper Lachlan, Goulburn, Campbelltown and Kempsey) indicated that:

- Tenterfield had considered using the zone for a Heritage Tourism precinct, but shied away. He indicated that the staff at the Department of Planning regional office in Dubbo encouraged the use of more traditional zones;
- Goulburn had considered the Tourist zone for sites like The Big Merino, but have opted for business zones.
- In summary, of the 5 Council areas, none had called up the SP3 zone.

It is relevant to note that the exhibited draft Standard LEP did not include a Tourist zone, and Department of Planning staff have confirmed that the zone was added as a result of Council submissions on the exhibited Standard LEP. The nature of these submissions are understood to have related to the need for an appropriate zone to allow the full range of tourist accommodation and support activities, which may have land use conflicts with the general residential zones in the Standard LEP.

The fact that the Tourist zone in the SLEP is not listed as a residential zone implies a deliberate intention that it not be used for allowing general residential accommodation. It also implies an intention not to consider Tourist development as a business zone. It may also indicate equivocation by the authors of the SLEP, due to the time objective to gazette the Standard Instrument without sufficient research of how to deal with tourist development.

Discussion with the Department of Planning's *Planning Reform Team* (Phil Leighton, pers. Comm. 30 November 2006) indicated that no Council SLEP currently in preparation had addressed the use of the SP3 zone. There were no further guidelines in preparation in respect to the SP3 zone. The basic premise of the SLEP is that the zone name reflects the dominant land use. It would be reasonable to use the SP3 zone flexibly, adding local objectives and compatible uses. The zone was intended to be used for multi-purpose tourist precincts, not for purely residential purposes. It was not for applying to small single motel sites, as had been proposed by some Councils and consultants.

8.3 SLEP Definitions

The LEP Practice Note PN 06-003 *Preparing LEPs using the standard instrument: definitions* dated 4 September 2006 provides advice about land use terms. Approximately half of the standard definitions are land use terms or activities, e.g. 'restaurant', 'hospital', 'horticulture' and 'mining'.

The standard Dictionary includes a number of distinct 'groups' of land use terms that are broadly related by their definitions. These include:

- agriculture
- residential accommodation
- tourist and visitor accommodation
- retail premises
- business premises

- industry.

These groups are headed by a 'group term' that covers a wide range of related land uses, often including several other defined land use terms. Group terms allow LEP provisions to easily refer to a number of land uses without needing to list them individually. Some defined land uses need to be read in the context of the group term to understand its full meaning.

The Practice Note states that "if a council considers it desirable to clarify the interpretation of a term that is intended to be used in a local provision (other than a term defined in the standard Dictionary), then the council should discuss the matter with the Department at an early stage. Depending on the circumstances, it may be possible to define a term within the locally prepared clause."

The SLEP provides the following definitions:

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

The relevant sub-group terms for ***tourist and visitor accommodation*** are provided below. Note that "motel" is not a defined use, and would appear to either simply be defined by the group term (tourist and visitor accommodation) or may fit under the "hotel accommodation" term:

backpackers' accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for a maximum of **six** guests and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note. Maximum number of guests is for Council to determine.

hotel accommodation means a building (whether or not a hotel within the meaning of the *Liquor Act 1982*) that provides tourist and visitor accommodation consisting of rooms or self-contained suites, but does not include backpackers' accommodation, a boarding house or bed and breakfast accommodation.

Note. Tourist and visitor accommodation includes hotel accommodation, which can also be part of a pub.

serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Figure 8.1 (following) shows the tourist and visitor accommodation group term in relation to the residential accommodation group term.

8.4 Other Relevant Definitions

The definition of hotel accommodation excludes boarding houses, which are under the group term of **residential accommodation** under the SLEP. Under the SLEP:

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (d) that has rooms that accommodate one or more lodgers,

but does not include backpackers' accommodation, a serviced apartment, seniors housing or hotel accommodation.

Caravan parks are listed under the *Residential Accommodation* definition in the Practice Note, however, in the diagram attached to the Practice Note, they appear as a grey area half way between residential and tourist accommodation. The term is not listed under any zone in the land use table of the SLEP. The SLEP provides the following:

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

The SLEP also groups retail and business uses, with a range of landuses included in these groups. Tourist development may include some **business premises** which include personal services such as hairdressers, and some retail premises, which includes cellar door premises and food and drink premises. Food and drink premises are a further group term that includes restaurants, take away food and drink premises and pubs. See Figure 4.2 below.

Other groups of land uses are listed in the practice note, including "Boating facilities" and "Recreation and entertainment" however, these are not defined group terms in the SLEP. Many of these may be considered as tourist related uses.

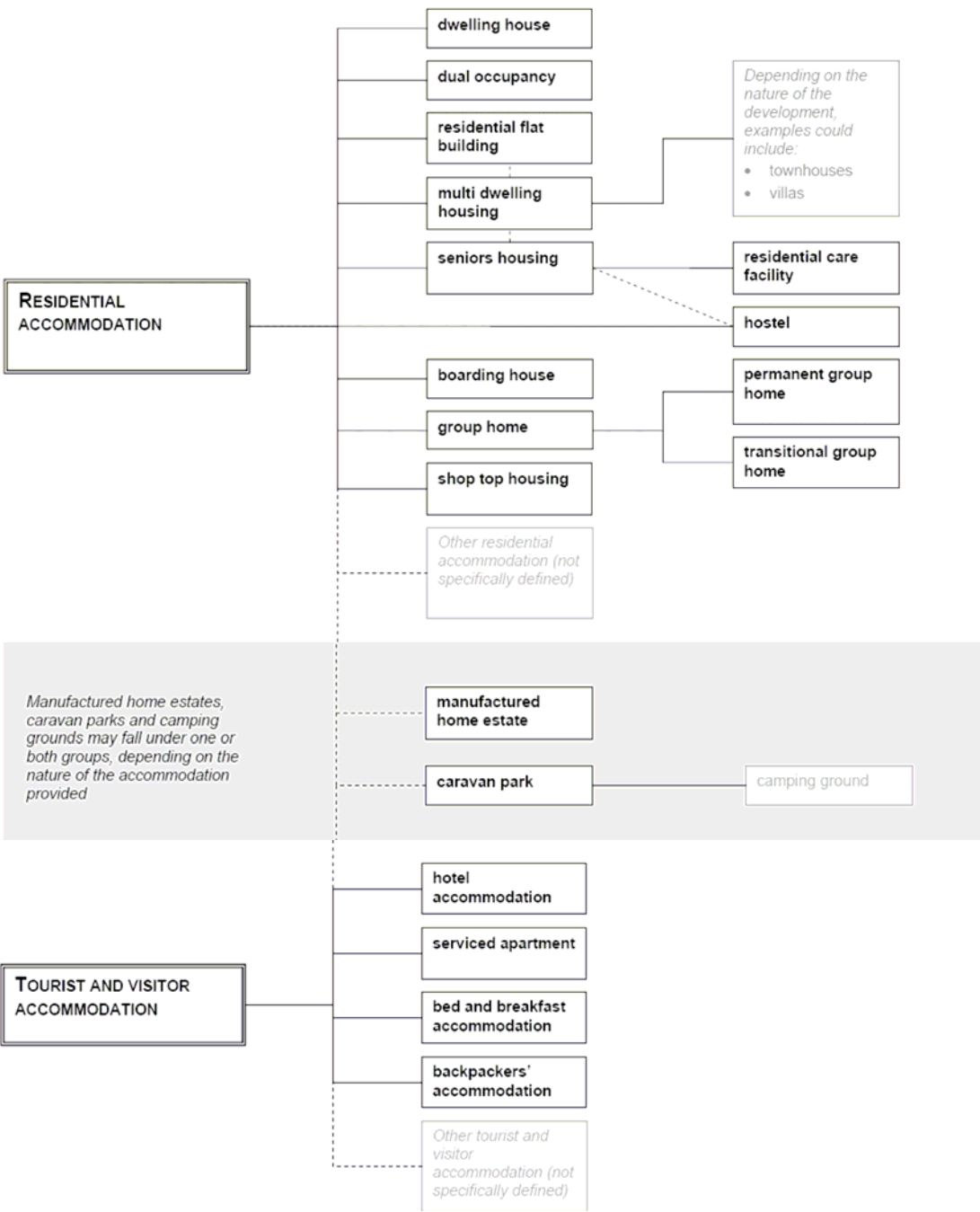
Boating facilities

boat launching ramp
boat repair facility
boat shed
charter and tourism boating facilities
jetty
mooring
water recreation structure

Recreation and entertainment

amusement centre
entertainment facility
marina
recreation area
recreation facility (indoor)
recreation facility (major)
recreation facility (outdoor)

Draft Report



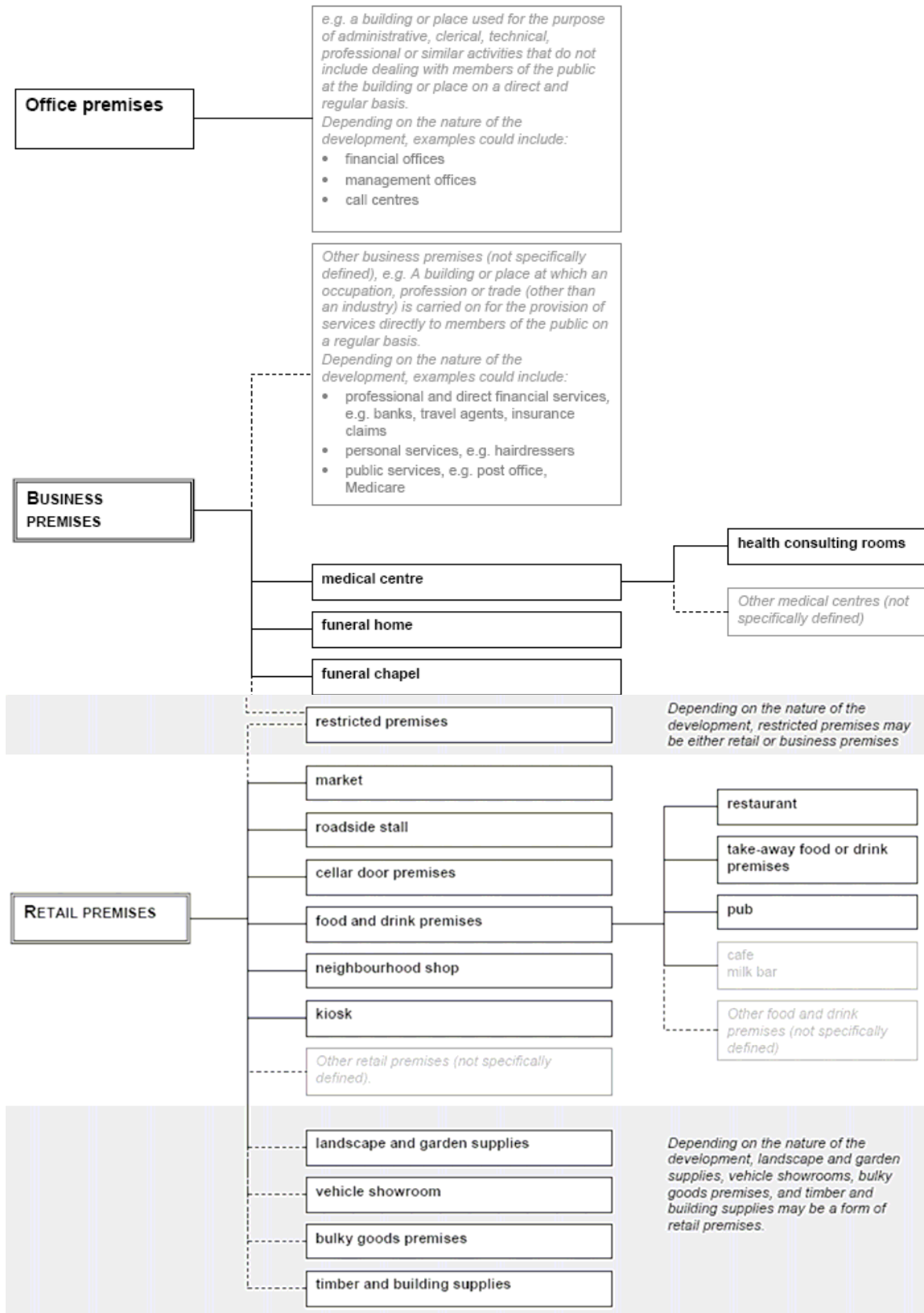


Figure 8.2 Office, Business and Retail Premises Groupings

Source: Department of Planning Practice Note PN 06-003

8.5 Wollongong City Centre Local Environmental Plan 2007

On 31 January 2007, Wollongong City Centre Local Environmental Plan 2007 was gazetted. This LEP adopted the SLEP format, and included the following:

Zone SP3 Tourist

1 Objectives of zone

- *To provide for a variety of tourist-oriented development and related uses.*
- *To allow development along the coastline to take advantage of and retain view corridors whilst avoiding a continuous built edge along the waterfront.*
- *To provide for tourism accommodation.*

2 Permitted without consent

Environmental protection works.

3 Permitted with consent

Advertisements; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Entertainment facilities; Food and drink premises; Function centres; Recreation facilities (major); Restaurants; Roads; Tourist and visitor accommodation.

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

The permissible uses are very limited and do not include residential accommodation. However, the LEP does not provide any definition of short term or long term accommodation, and does not provide any special provisions to control the use of tourist and visitor accommodation for permanent accommodation.

8.6 SEPP (Seniors Living) 2005.

State Environmental Planning Policy (Seniors Living) 2005 overrides local planning controls that would prevent the development of housing for seniors or people with a disability, provided development proposals meet the development criteria and standards specified in this Policy.

This Policy applies to land:

- (a) that is zoned primarily for urban purposes or that adjoins land zoned primarily for urban purposes, and
- (b) on which development for the purpose of any of the following is permitted:
 - (i) dwelling-houses,
 - (ii) residential flat buildings,
 - (iii) hospitals,
 - (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries.

The state policy was recently amended to only allow hostels and residential care facilities under the policy on land that was adjoining an urban zone. That is, self contained dwellings under the policy must be within an existing urban zone.

The SLEP includes a definition of “*seniors living*” and indications are that the SEPP will be repealed, and the provisions of the SLEP will give effect to the policy. The permissibility of seniors housing in the SP3 Tourist Zone may be mandated by including in the SLEP land uses, but at present, it is not included. If it is not mandated, Council will have the option to include it.

8.7 SEPP 21 - Caravan Parks

This policy requires that development consent be obtained from Council for development of caravan parks. It also requires that Council must specify in the consent the maximum number of sites that are for long-term residential purposes. Generally, “long-term” means for a continuous period of more than 3 months. Once consent has been granted, the operation of the caravan park is controlled by the Local Government Regulation, which is a licensing system. However, Council cannot prevent any approved caravan park site having a moveable dwelling installed. It can only require the maximum number of permanent sites not to be exceeded.

Under Greater Taree LEP 1995, caravan parks are not a defined land use. Under the SLEP, this is expected to change. While there is a definition in the SLEP, the term does not currently appear in the SLEP land use table, and it may be open to Council not to include the definition. However, this would require Council to determine how it would deal with an application for a caravan park, under the SLEP if it did not include the definition. It may be that the permanent residential component would be defined as *residential accommodation* and the non-permanent component considered *tourist and visitor accommodation*.

Currently, SEPP 21 effectively ensures such development requires consent, and if residential accommodation was prohibited in the zone, then consent would have to specify that no sites were to be used for long term residential purposes (other than the manager’s residence).

8.8 Legal Precedents

In *Sutherland Shire Council v Foster & Anor* [2003] NSWLEC 2, the Court ruled that the use of a unit within a residential flat building for short term accommodation (less than 90 days) was tourist development. Consequently, permissibility was determined by reference to the land use table, which in the subject case, holiday accommodation was prohibited.

This decision requires Council to consider the implications for holiday letting of houses and units in coastal areas. It is noted that Council has recently adopted an amendment to its DCP 46 Exempt and Complying Development that will allow a dwelling to be used for a holiday cabin as exempt development.

8.9 Summary

The Standard LEP specifies the following for the SP3 Tourist Zone:

Zone objective: *To provide for a variety of tourist-oriented development and related uses.*

Permitted without consent: *Nil*

Permitted with consent: *Food and drink premises; Tourist and visitor accommodation*

In the SLEP, ***tourist and visitor accommodation*** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel

accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

No definition of "temporary or short term" is provided, however, the definition of *boarding house* suggests that a continuous period of less than 3 months may be considered to be temporary or short term.

The basic premise of the SLEP is that the zone name reflects the dominant land use. It would be reasonable to use the SP3 zone flexibly, adding local objectives and compatible uses. There is no restriction on allowing permanent residential accommodation, however, the zone objectives should reflect this use if it is intended to allow them.

There are a number of other definitions in the SLEP that may be relevant to a SP3 Tourist zone, including caravan park, boating facilities, recreation and entertainment facilities and tourist related retail and business premises.

Seniors Living is able to be prohibited in the SP3 Tourist zone. Under the SLEP, caravan Parks may be residential accommodation or tourist and visitor accommodation, and may be regulated by controls on length of stay.

9 Incentives for Tourism Development

9.1 The Need for Incentives

Investment in development that relies on creating growth above projected demand requires risk taking by development companies.

To achieve investment in “supply-led” tourist development requires the offer of incentives for developers. Experience from other areas (Tweed Council area, see Section 7.1) indicates the offer of a proportion of permanent residential accommodation in an area that otherwise prohibits it, can provide sufficient incentive for investment in tourist development.

In key locations where residential zones exist, or where a mix of residential and tourist development is acceptable and desirable, provisions may be included that require a proportion of tourist and visitor accommodation to be provided.

Other incentives that may be considered are bonus height allowance to take advantage of views in return for the construction of tourist development.

9.2 The Need for Controls to Prevent Permanent Residential Use

The use of incentives to create “supply-led” tourist development gives rise to the potential for such developments to be converted to permanent residential accommodation in the event that the tourism growth does not occur. This would defeat the purpose of providing the incentive.

In addition, the Department of Planning has expressed concern with the extent of land identified for future urban release in the CDS 2005. If the SP3 Tourist zone allows residential development, the DoP are likely to further restrict the extent of land identified for urban release. To overcome this concern will require satisfactory provisions limiting, or prohibiting, permanent residential accommodation in the SP3 Tourist zone.

The brief for this project required consideration of how to control permanent residential use of tourist accommodation. The suggested methods are assessed below.

a) Maximum Percentage (Area or Number) of Permanent Residential.

The brief suggested specifying in the land use table a maximum percentage of accommodation units to be permitted as permanent accommodation. This is considered a clumsy approach, which would limit all SP3 zones to the same percentage. It is likely that different percentage would apply to different sites, due to varying levels of incentive required. It also does not allow for other criteria to be considered in determining whether Council should allow permanent accommodation. Tweed Council has successfully used the “additional uses” provisions.

The appropriate percentage is difficult to determine. Many landowners have indicated a 50% allowance as appropriate. This is the ratio that has been successfully used at the Salt development at Kingscliff. An economic analysis would require a comparison of land and development costs, likely sale price of individual units, an estimate of permanent residential rental weekly income compared to average weekly income and likely occupancy rate for holiday letting, and an allowance for management costs and investment costs.

It is suggested that the 50% ratio may be considered an absolute maximum allowance for permanent residential; to ensure that tourist development is the dominant use.

The percentage could be varied for each site depending on an assessment of the likely level of incentive required in the particular location, the level of importance for achieving tourist development on the particular site, or other considerations and desirable outcomes. Tourist statistics indicate occupancy rates for tourist accommodation is about 65%. An appropriate allowance of up to 35% permanent residential accommodation may be considered a reasonable incentive to offset the vacancy rate of tourist accommodation. If large sites are to be zoned SP3 – Tourist (eg North Diamond Beach), then a lower percentage should be considered, considering the potential yield from such a large site.

b) Restrictions on Maximum Stay Duration.

Similarly, the land use table is not considered the appropriate location for specifying maximum duration stay. The SLEP uses the words “temporary or short-term accommodation”. The only reference to a specific length of stay is in the definition of Boarding house which indicates a period of 3 months or more to be a measure of permanent residency.

It is possible to include a special control clause in the SLEP which applies to tourist and visitor accommodation. Permanent and short term residential accommodation is able to be defined within the clause.

It is common practice for consent conditions to specify a maximum continuous period of residency, and a maximum number of days in any 12 month period (Tweed, Kempsey and GTCC). This is generally enforced by requiring restriction on the title. This is to ensure any purchaser is aware that permanent residency is not permitted. This could be specified within the SLEP special provision clause.

c) DCP to Control Character and Siting

A DCP cannot prohibit a land use that is permissible under the LEP. However, the arrangement of land uses on a site by way of a masterplan contained in a DCP is feasible, and is regarded as a more flexible approach than including provisions in the LEP. However, if a tight control on permanent residential use is desired, a DCP should not be relied upon to enforce this.

Height and density are able to be specified in the SLEP by reference to a height map and a density overlay, or other special provisions. If a tight control is desired, then the control should be specified in the LEP.

d) Architectural Design Options

This option seeks to limit permanent residential use of tourist accommodation by requiring that units be limited in size, facilities being limited to kitchenettes and not allowing garages. This approach is considered undesirable as it is contrary to achieving the higher standard tourist accommodation that is stated as desirable for the future of tourism in GTCC.

In addition, the SLEP requires all tourist and visitor accommodation to be permissible within the SP3 Tourist zone. This includes self contained holiday lettings. Any such controls on design would be overridden by the SLEP provisions.

9.3 Summary

It is considered necessary to offer incentives to achieve investment in tourist development as a means to increase tourism growth and associated benefits to the local economy. These incentives include allowing a proportion of permanent residential accommodation within a zone that otherwise prohibits it. Bonus height provisions may also be feasible.

Based on experience elsewhere (Tweed Council) , the incentives may be in the form of permanent accommodation within a strata or community title “serviced apartments”, dispersed through community title detached buildings, or even tourist accommodation being provided in a strata title multi unit development and detached housing lots elsewhere on the land parcel. The timing of release of subdivision certificate for the dwelling house lots would be after the construction and commencement of operation of the tourist accommodation.

To ensure that tourist and visitor accommodation is not used for permanent residential accommodation, it is recommended that requirements be specified in the SLEP requiring title restrictions and other specific measures to ensure accommodation units continue to be available for tourists and visitors.

The appropriate proportion of allowable permanent accommodation that is sufficient to provide the required incentive to generate developer investment in tourist and visitor accommodation is difficult to determine. An absolute maximum of 50% permanent is considered appropriate, with a percentage of between 20-30% permanent being a preferred ratio in most instances.

10 Zoning and Land Use Controls

The selection and application of SLEP zones needs to be a reiterative process when prepared for the whole LGA, and not based on a single dimensional view of 4 proposed tourist sites. However, as a guide for the use of the SP3 zones, and the promoting of tourist development generally, the following recommendations are provided.

10.1 General Recommendations

a) Residential Areas

The coastal towns and villages will be the main locations preferred for holiday accommodation. There is likely to be ongoing holiday letting of houses and units in these areas. This type of tourist accommodation is a significant proportion of the available holiday accommodation that is required to be maintained for the future health of the local tourism industry. The recent change to GTCC DCP 46 – Exempt and Complying Development to allow a change of use from “dwelling” to “holiday cabin”, as exempt development, appears to address this issue. In the SLEP, the wording of the exemption will need to reflect the new definitions to be adopted, but this appears to be a simple mechanism. However, care is required to ensure that the change of use from temporary accommodation to permanent accommodation is not exempt, and within the tourist zone, may be prohibited. This explained in the following sections.

b) Rural Areas

Tourism visits to rural areas are related to a range of holiday types. The touring travellers, who are travelling through the region, or simply exploring as part of the regional travel experience. Experiential travellers are looking for different experiences, such as nature based (this could be as diverse as rock climbing and white water rafting, or koala spotting and bird watching), food and wine experiences in rustic or boutique locations, and cultural heritage, both Aboriginal and European, as well as local arts and crafts. Accommodation types will vary from the low cost family campers, to the “grey nomads” who may be travelling in high quality self contained camper vehicles (Winnebago type) or may be looking for a higher quality room accommodation.

The growth of farm stay and B&Bs in the tourism sector needs to be protected. Rural zones should include bed and breakfast accommodation as a permissible use with consent. The maximum number of guests is able to be nominated by Council.

The SLEP does not include a definition for tourist facilities, rural tourist facilities, eco-tourist facilities or motels. It may be appropriate to allow tourist and visitor accommodation in the majority of rural zones, and include a local control clause regarding requirements for such accommodation to be of appropriate scale, density, design and location to avoid inappropriate development. Control on subdivision of this form of development needs to be generally prohibited, but there may be some special circumstances that would be acceptable for community title subdivision.

If the definition of caravan parks is included in the GTCC SLEP, then it is reasonable to consider them as a permissible use in rural zones, provided a local clause is included which prevents long term residential occupation in rural zones. Other issues include locational factors (for example, main road frontage), native vegetation clearing, bushfire hazard and effluent disposal.

10.2 SP 3 – Tourist Zone Land Use Matrix

The following matrix lists the recommended appropriate land uses for the SP3 Tourist zone.

Table 12.1 Land Use Matrix

Land Use Term	Land Use Recommendations	Comments
Business premises	L	Personal Services
Caravan park	C	Used for tourist and visitor accommodation
Charter and tourism boating facilities	C	
Entertainment facility	C	
Amusement centre	C	
Environmental facilities	C	
Environmental protection works	C	
Function centre	C	
Information and education facilities	C	
Marinas	C	
Recreation facility (indoor)	C	
Recreation facility (outdoor)	C	
Registered club	C	
Residential accommodation	X	
Boarding house	X	
Dual occupancy	X	May allow attached only
Dwelling house	X	First dwelling house on land parcel only
Hostel	X	
Multi dwelling housing	X	
Residential flat building	X	
Seniors housing	X	
Residential care facility	X	
Shop top housing	X	
Retail premises	L	Tourist related only
Food and drink premises	C	
Pub	C	
Restaurant	C	
Take away food or drink premises	C	
Kiosk	C	
Neighbourhood shop	C	
Roads	C	
Tourist and visitor accommodation	C	
Backpackers' accommodation	C	
Bed and breakfast accommodation	C	
Hotel accommodation	C	
Serviced apartments	C	
Water recreation structure	C	
Boat launching ramp	C	
Jetty	C	

X	=	Prohibit
C	=	Permit with Consent
L	=	Limited - see comments column

Source: Blueprint Planning Consultants

10.3 Subdivision of SP3 Tourist Zone

It is recommended that in general terms, subdivision of the SP3 Tourist zone not be permitted, unless it is a strata title, or community title, subdivision. This would need to be a special local provision in the SLEP. The provision should also require that any lots created under the subdivision be subject to a title restriction limiting length of stay to a continuous period of not more than 3 months, and no more than 150 days in any 12 month period. This is included in the special provisions described below.

10.4 No Permanent Residential Use of Tourist Accommodation

It is recommended that “special provisions” clauses be contained within the SLEP. These provide the following:

- Define the maximum period of occupation for tourist and visitor accommodation,
- Specify that consent for a caravan park as tourist and visitor accommodation must be subject to a condition requiring no sites to be used for long term occupancy,
- Specify that tourist and visitor accommodation development will be subject to title restriction prohibiting permanent residential accommodation,
- Specify that strata title or community title subdivision of tourist and visitor accommodation will be subject to title restriction prohibiting permanent residential accommodation.
- Land subdivision is controlled by the Lot Size map. Strata title or community title subdivision is prohibited unless it is within a residential zone (except Zone R5), a business zone, or allowed by the incentives clause.

10.5 Incentives

It is recommended that incentives for carrying out tourist development be provided by allowing:

- A proportion of permanent residential use of tourist and visitor accommodation, with the ability to define a different percentage for different sites,
- Subdivision and creation of dwelling-house lots provided it is part of an integrated development that results in tourist development with the total dwelling-house lots and other permanent residential accommodation limited to the specified percentage for the site,
- Only allowing the incentives to be applied if the development incorporates tourist or visitor recreational or service facilities, and Council is satisfied the incentive is required to achieve the tourist development,
- Specifying consent conditions to be applied to ensure tourist outcomes are achieved,
- Specifying bonus height limits for tourist development,
- Specifying certain other sites, that are not zoned SP3 Tourist, are to be developed in a manner that incorporates tourist and visitor accommodation.

10.6 SLEP Provisions

Recommended draft provisions for the SLEP are contained in Appendix 7.

11 Site Recommendations

11.1 Site 1 - Crowdy Head

Subject to more detailed investigations through the LES process, Figure 11.1 shows the recommended zone boundaries. The site has an area of about 8ha. Buffering of adjoining vegetation and bushfire asset protection zones are recommended to be zoned as Environmental Management, with an area of about 5.5ha zoned as SP3 Tourist. Permanent residential use of up to 50% of accommodation units is suggested as an incentive for connecting sewer to Crowdy Head, and to achieve tourist accommodation.

It is recommended that density be investigated as part of the LES requirement for rezoning of the site, and that controls be included in the LEP to ensure the density, character and design of development is defined. Appendix 7 provides an initial suggested control.

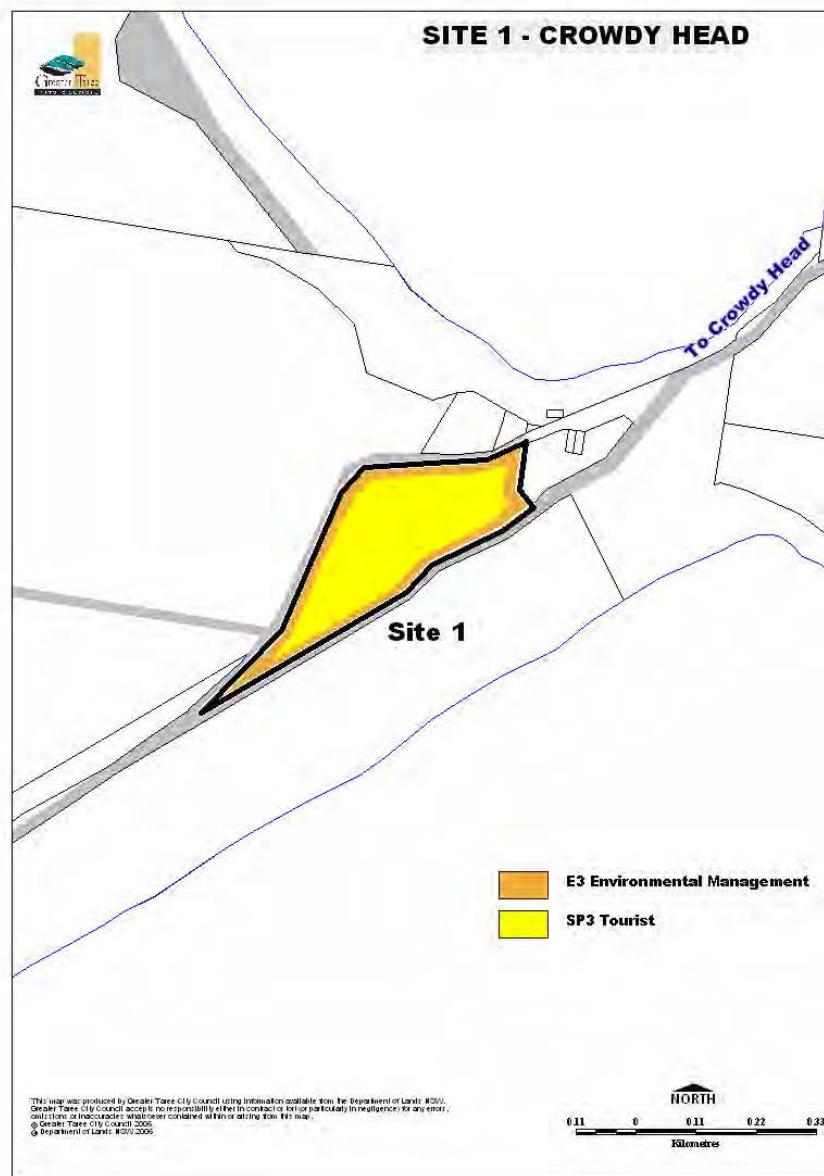


Figure 11.1 Site 1 Recommendations

11.2 Site 2 - Old Bar

The boundaries of developable land are to be determined by the current LES in preparation. Wetland and significant vegetation communities are recommended to be zoned Environment Conservation (Zone E2), with a buffer of Environmental Management (E3), or Public Recreation (RE1), which is also applied to the foreshore. A further area is also recommended for the RE1 zone to provide for public access to the foreshore, boat ramps, car and boat trailer parking, picnic facilities, and fish cleaning tables. Part of the land is proposed for the SP3 zone, with the balance subject to the identification of the land for future residential growth in Old Bar. To provide an incentive for the provision of tourist accommodation on this site, permanent residential accommodation of up to 30%, as shown in Appendix 7, is recommended.

It is recommended that a masterplan be developed for the site that incorporates the provision of boating facilities, resort/apartments and/or units, together with a caravan park/holiday incorporating a mix of quality on-site cabins and caravans, together with powered ensuite sites and other powered and unpowered camp sites. A precinct containing food and drink premises (restaurant, pub, take away food premises), and tourist related business uses should also be considered. An assessment of the advantages and impacts of development up to 4 storeys is also recommended. The foreshore, together with an area of sufficient size to accommodate a range of boating related facilities, should be dedicated for public use, and connect to the public open space land to the east and south west.



Figure 12.2 Site 2 Recommendations

11.3 Site 3 – North Diamond Beach

Site 3 is very large and it is recommended that it be considered as two separate precincts – East and West.

a) East Precinct

Rezoning of the land for tourist development is recommended, subject to the LES process to identify environmental sensitive issues, including flora and fauna, stormwater quality, bushfire hazard and infrastructure provision.

The east precinct is proposed to contain the SP3 Tourist zone, with the balance subject to environmental assessment. To provide an incentive for the provision of tourist accommodation on this site, permanent residential accommodation of up to 20%, as is recommended (see Appendix 7).

It is recommended that a masterplan be developed for the site that incorporates the provision of resort/apartments and/or units, together with a caravan park/holiday cabins incorporating a mix of quality on-site cabins and caravans, powered ensuite sites and other powered and unpowered camp sites. A precinct containing food and drink premises (restaurant, pub, take away food premises), and tourist related business uses, including a petrol retail outlet, should also be considered. An assessment of the advantages and impacts of development up to 4 storeys immediately adjacent the beach front is also recommended. The foreshore dedicated for public use, and a public walkway connection provided throughout the precinct and connecting to the west precinct is recommended. This should also provide connection to walking tracks into the national park land to the north.

b) West Precinct

It is recommended that this land be investigated for rezoning for low key eco tourism development and/or large lot residential development. The SLEP “E4 Environmental Living” zone may be applicable. The dwelling yield will need to be examined in the context of the Rural Residential Release Strategy, and the draft Hallidays Point CDS 2006. It is likely that release of this land may not be required for the foreseeable future.

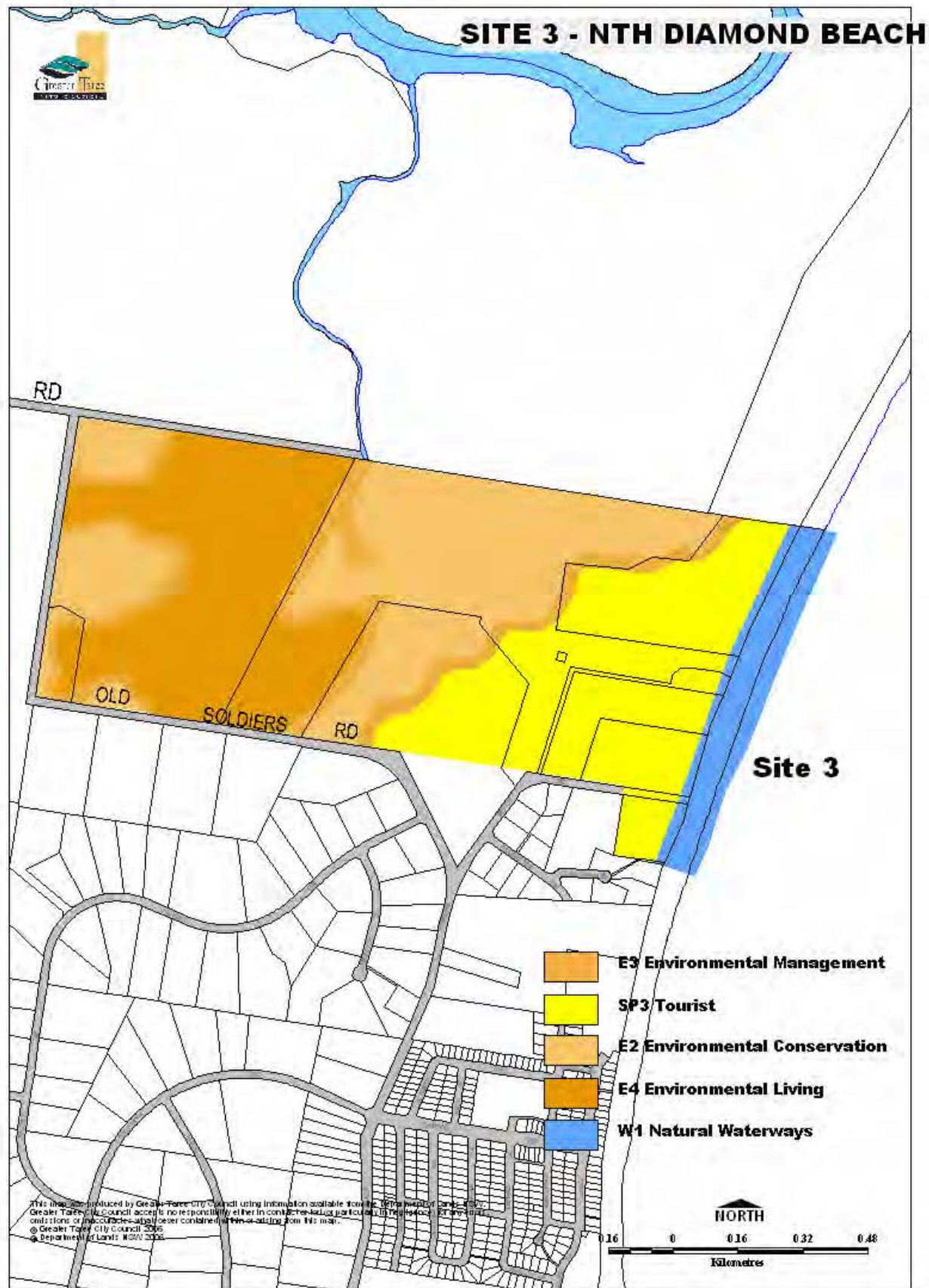


Figure 12.3 Site 3 Recommendations

11.4 Site 4 – Diamond Beach

The site is recommended to be part zoned SP3 Tourist and part zoned R3 Medium Density Residential. Council may consider additional tourist business uses in this precinct, however, access to the site is through a proposed residential area and the range of uses may need to be carefully considered. Density is recommended to be low to medium, in the range of 350m² to 500m².

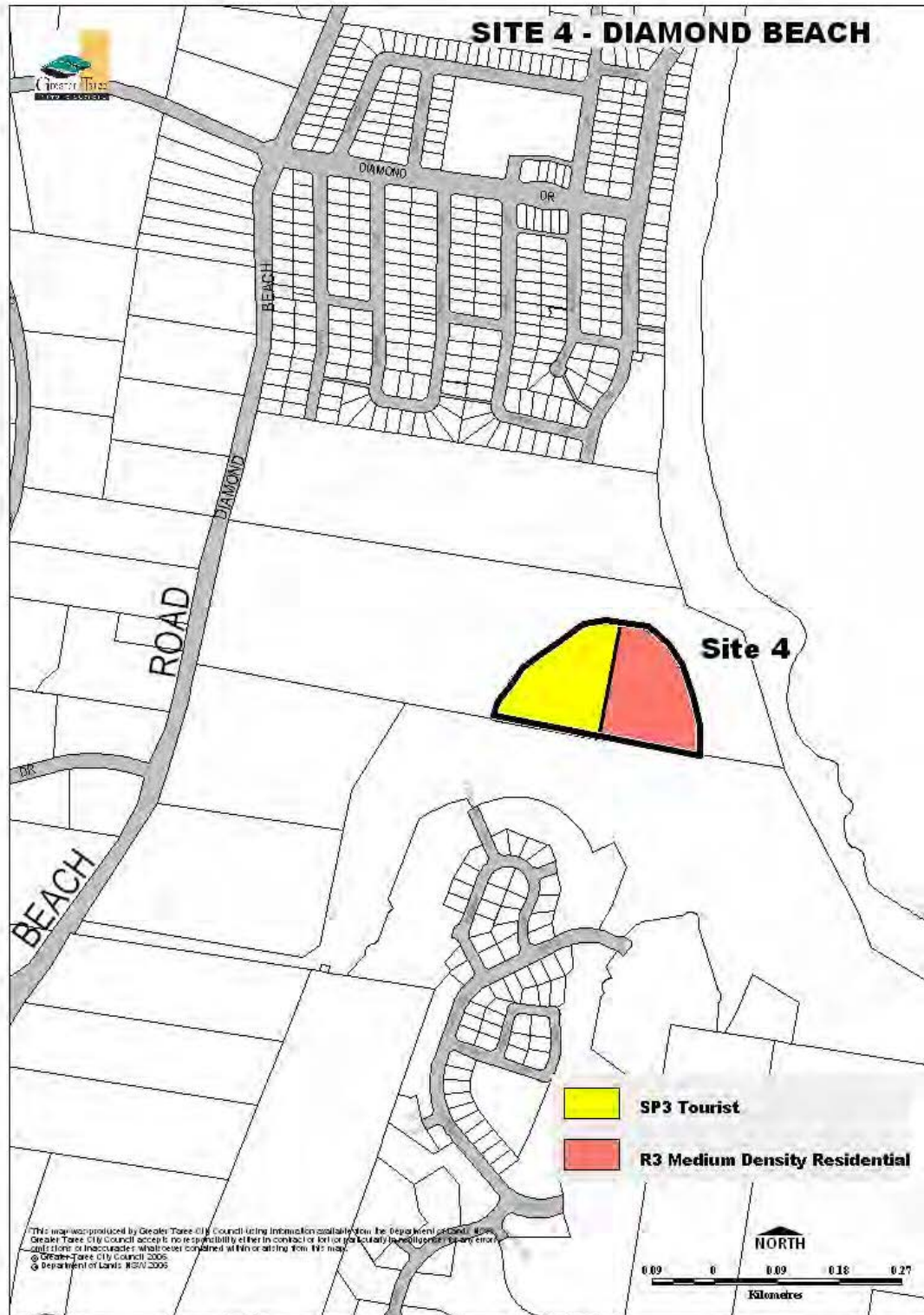


Figure 12.4 Site 4 Recommendations

11.5 Pitt Street, Taree

The promotion of the river for water based tourism is a key factor for selection of tourist zoning. The Pitt Street site would provide a key location for water based tourism: accommodation, boating facilities and food and drink premises. However, the site is large (over 18ha) and is suited for medium to high density development. The dominant use is expected to be residential, with components of tourist accommodation and facilities, business and retail premises and water based recreational facilities.

A combination of zones may be suited to this site. It is recommended that the LES process identify the appropriate zone or zones. To ensure a component of tourist accommodation is provided, a draft LEP special provision has been included in the draft LEP (Appendix 7).

11.6 Pretoria Street, Harrington

The land use balance sheet (Section 5.2 and Appendix 6) identified a shortfall in land supply to meet the target tourist accommodation for Harrington/Manning Point, even allowing for the Crowdy Head (Site 1) to be developed for 50% tourist accommodation with a density of 800m². It is recommended that the Pretoria Street, Harrington site be zoned SP3 Tourist and a maximum of about 20% permanent residential accommodation be considered. A density of 350m² to 500m² is recommended as a control. This may be applied by way of overlay in the LEP or by DCP.

11.7 Other Sites

The demand analysis and tourist bed targets identified in Section 5.2 indicated that GTCC should identify a site in Wingham for the SP3 Tourist zone.

12 Section 94 Implications

12.1 Regional Contributions

All four sites are captured by the Greater Taree Contributions Plan which requires contributions towards:

- Central Library
- Aquatic Centre
- Rural Fire Fighting
- Surf Life Saving
- Regional Open Space
- S94 Plan Preparation

However, the plan only applies to residential development, and does not capture tourism accommodation. It is considered that tourist accommodation development would create a demand for these public facilities. Apportionment rates obtained from Port Macquarie-Hastings Council provides the indicative rates shown on the following page, which are recommended for adoption in the Greater Taree Contributions Plan.

Council should also consider the identification of regional tourism facilities that may be funded by section 94. Such facilities would include facilities for assisting boating and other water based activities on the Manning River. This may include preparation of a strategy, river markers, wharves and landing areas, etc.

12.2 Crowdy Head and Harrington

Development of Crowdy Head will give rise to a demand to improve local roads, particularly the road from Harrington to Crowdy Head. The Harrington Contributions Plan should be extended to include the site for local contribution to surf life saving, local roads, and other local facilities. The plan needs to be amended to capture tourist development, utilising the apportionment rates indicated on the following page.

The need for tourist facilities in Harrington should also be considered, including, picnic and barbecue areas, surf life saving, boat ramps and car/boat trailer parking, and fish cleaning tables.

12.3 Old Bar

Site 2 is within the Old Bar CP Area (including open space). This plan requires contributions towards:

- Open Space
- Roads
- Community facilities
- Rural fire fighting facilities

The plan needs to be amended to capture tourist development, utilising the apportionment rates indicated on the following page.

The need for tourist facilities in Old Bar should also be considered. The plan should be amended to include the acquisition of the proposed RE1 zone on this site, including the provision of picnic and barbecue areas, boat ramps and car/boat trailer parking, and fish cleaning tables. Contribution towards surf life saving facilities should also be included.

12.4 Hallidays Point and Diamond Beach

Sites 3 and 4 are within the Hallidays Point CP Area (including open space). This plan requires contributions towards:

- Open Space
- Roads
- Community facilities
- Rural fire fighting facilities

The plan needs to be amended to capture tourist development, utilising the apportionment rates indicated on the following page.

The need for tourist facilities in Hallidays Point/Diamond Beach should also be considered, including the provision of bush walking trails, picnic and barbecue areas, beach access steps and dune care restoration. Contribution towards surf life saving facilities should also be included.

Many owners within Area 3 – North Diamond Beach considered upgrading of Old Soldiers Road as an important factor in the development of the area for tourism. This should also be investigated for funding by way of section 94 contributions.

Table 4 - Contributions Ratios for Residential Development

Description	Percentage
A house - single density (one lot with one dwelling entitlement) detached dwelling in Rural 1(a1), 1(a3) or 1(a4) zones (eg managers residence or rural worker's dwelling) Lots > 450	100
Flats, units, town houses, villas, dual occupancies, Integrated Housing designed for lots less than 450m ² etc. and permanent self-contained caravan park accommodation	
• one (1) bedroom	50
• two (2) bedroom	67
• three (3) bedroom	90
• four (4) or more bedrooms	100
High density (3 or more storeys)	
• one (1) bedroom	50
• two (2) bedroom	67
• three (3) bedroom	90
• four (4) or more bedrooms	100
Boarding houses, guest houses, hostels, B&Bs etc	
• not self-contained, shared facilities for cooking, laundry and bathrooms per bedroom not dormitory or bunk rooms	25
• partially self contained, shared facilities for cooking & laundry but own ensuite per bedroom not dormitory or bunk rooms	35
• not self-contained, shared facilities for cooking, laundry and bathrooms per bed, dormitory or bunk rooms	12.5
• partially self contained, shared facilities for cooking & laundry but own ensuite per bed, dormitory or bunk rooms	17.5
• B&Bs are currently contributions exempt for a trial period	Nil
Motel unit	
• partially self contained (shared facilities for cooking & laundry but own ensuite)	25
• self contained (ensuite and kitchen) Equates to a 1 bedroom unit. For motel suites in excess of 1 bedroom, apply the percentages for high density units	50
Caravan parks and or camping sites	
• transient, not permanent (not self-contained)	25
• transient, not permanent (partially self-contained)	35
• permanent (not self-contained)	25
• permanent (partially self-contained, ensuite)	35
• permanent (self-contained, ensuite & kitchen)	see flats, units, townhouses etc

Note: Residential Development means any use listed in this table whether or not the use is intended for temporary, short term, long term, permanent, or tourist accommodation.

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Holiday Accommodation in the Manning Valley

Manning Valley – Caravan, Holiday & Camping Parks

Manning Valley Tourism Strategic Business Plan... Towards 2008.

Motels – Taree & Manning Valley

National Visitor Survey, 2003.

Room Capacity Spreadsheet, (estimated) October 2005.

Appendices

Appendix 1 – Project Brief

Brief For Consultancy to Investigate aspects of a proposed Tourism Zoning for Greater Taree LEP 2007

Environmental and Strategic Planning Section
Greater Taree City Council

Version 8, October 2006

File GT 5199

Background

GTCC is currently considering the introduction of a Local Environmental Plan Tourism Zone through the development of a new comprehensive Local Environmental Plan. There are a range of implications for the control of this zone, and in particular the delivery of Tourism outcomes for Greater Taree.

The Greater Taree Conservation and Development Strategy (CDS) states that the Manning Valley is a “high quality tourism destination” due to our landscapes, beaches, and natural environment. The CDS identifies that there is a lack of tourism infrastructure, and especially high quality accommodation, resorts, and conference facilities. The CDS states (p90):

“ The built infrastructure to support this tourism is lacking. There are no large scale motels within the region that would cater for the high end of the tourism market. There is a need to develop a four star motel and resort complex in the area. There is also very little use of the Manning river as a tourism resource and the infrastructure to utilise this is needed. There is also a need to establish more motels, restaurants and cafes to cater for the tourists who are coming to the area to stay.”

The seasonal nature of tourism is also a factor, as the summer peak tourist season makes it difficult to provide a year-round base income exclusively from tourism operations. Development proponents have suggested to Council that a zone exclusively for Tourism is too restrictive, and that the seasonal return from such areas is not sufficient to make them viable, necessitating the introduction of additional uses unrelated to Tourism as well as opportunities for limited permanent residential accommodation.

A number of these issues related to a Tourism zone need to be explored. This project brief is to examine possible planning approaches for use within this proposed Tourism Zone, especially permanent residential accommodation as a component of tourism development at selected localities in Greater Taree, as well as generally within the Local Government Area (LGA).

Greater Taree City Council is seeking a proposal to undertake the work outlined in this brief – to investigate options and make recommendations for a proposed new Tourism Zone to be included in the new comprehensive LEP.

Purpose

To develop in Greater Taree City Council a local response to ensure and encourage positive Tourism outcomes and landuses occur at the following locations:

- Diamond Beach
- North Diamond Beach
- Old Bar (Precinct 1)
- Crowdy Head (west of Crowdy Head and south of the Surf Club)

(Note: no access has been granted to Crowdy Head sites, and these are included in the study on the basis that no site access is permitted. A contact list for access to other sites will be provided to the successful consultant)

As well as these locations, the planning principles for general Tourism development elsewhere within the LGA which could benefit or be assisted by allowing permanent residential accommodation but without detriment to positive Tourism outcomes, need to be developed.

This project shall explore the issues surrounding the use of a Tourism Zone, and make recommendations about the use of a range of planning and development controls including land use zoning, development of local provisions within the comprehensive LEP, development control plans, and Council planning policies.

Outputs

1. An analysis of the likely demand for tourism at each of the sites over the next 10-20 year period. This should explore a range of Tourism related products such as motels, hotels, tourist accommodation, conference facilities, and tourism recreation facilities.
2. Review of available landuse and development control tools in terms of their sustainability and applicability for achieving tourism outcomes in the various sites (listed in this brief) within the Greater Taree City Council Area. It is expected that a number of possible solutions may be required to meet the needs of the different areas, and that a combination of zoning and DCPs would be likely for different types of controls and outcomes.
3. Consideration should be given to, and recommendations made about, which controls are appropriate for the zone and LEP landuse table, and which should be delivered via a DCP. Provide an analysis of, and recommend suitable landuse and development controls (including height controls) for Greater Taree City Council to include in it new comprehensive LEP (based on zones identified in the Department of Planning's LEP Template/Standard Instrument).
4. Ensure the strategic context is considered in the assessment of options and development of recommendations, and in particular:

- a. Consider implications for s94 contributions, and make specific recommendations about how s94 contributions should be collected.
- b. Consider the urban form and unique local character of each of the proposed locations individually
- c. Consider the achievement of genuine tourism focuses for each area, and avoid them being used to achieve quasi-residential outcomes.
- d. Address the general principles of Tourism development planning embodied in the North Coast Regional Environmental Plan (see Attachment 3) as they may apply to Greater Taree.
- e. A draft Mid North Coast Regional Strategy should become available during the completion of this study, and will be provided when/if it becomes available.

Consultation

The consultant should consult, seek the opinions of, and liaise with the following to incorporate their views about a proposed Tourism Zone:

The Department of Planning, Taree Planning Team, at Newcastle
(Gary Freeland is team leader)

Manning Valley Tourism
(Val Schaefer is Council officer contact)

Landowners of each of the proposed locations within GTCC area.

Other Local Councils:

- Those listed below (in Attachment 1 Case Studies), and others as appropriate

Information/Resources Available for Consultant

1. This information package and attachments
2. Site access, subject to landholder consent, in the company of Council planning staff.
3. Copies of information relating to the zonings, landuses and proposed purposes of each precinct provided to Council by the landholders, for the consultant to be able to fully understand landholder proposals.
4. Extracts from the draft Conservation and Development Strategy which relate to the precincts or tourism outcomes.
5. Locality plans for each of the tourism precincts (included in brief as part of Attachment 2)
6. Contact person and contact details for each landholder in all of the Tourism Precincts.
7. Proponent proposals for several of the sites.

Outputs from Consultant

1. Electronic copy plus hardcopy report including proposed planning provisions for inclusion in Local Environmental Plan, and documentation details of all research and investigations.
2. Executive summary of recommendations and analysis undertaken.

Timing & Costs

Council desire the project to be completed within 4 weeks of commencement. We are seeking tenders for the project, and have a budget of \$5-7,000 for the study.

References

Power, C. (2006) Investigation, report and unpublished recommendations to Greater Taree City Council regarding the use of a Tourism Zone.

Attachment 1:
Initial Issues Identified by Greater Taree City Council Staff, and
Research Results into the Experience of Selected Councils with various
Town Planning Controls relating to Tourism.

(please note that the consultant should check the accuracy and currency of these comments as situations may have changed)

There are a number of issues related to the use of a Tourism zone (from the Standard Instrument – LEP Template) with the development of local provisions and/or in conjunction with more detailed development controls (eg Development Control Plans).

Currently the Standard Instrument (LEP Template) requires:
“To provide for a variety of tourist-oriented development and related uses”

Other objectives for this zone could consider:

- some minor residential to improve year-round security in tourism zones
- interfaces with water and other recreational opportunities
- seasonal festivals, markets, and similar activities

1. Maximum % (area or number) of permanent residential

One way to enable some limited residential use within the Tourism zone is to specify, within the landuse table in the new comprehensive LEP, a maximum % (by area of the site or number of the available accommodation units. Some of the landholders have expressed a preference for the number of units to be used rather than the % of area of the site for certainty about their yields) to be permitted for permanent residential use. Further detailed investigation is required to determine what the appropriate maximum should be set at, and which option (area or number) is the best option.

2. Restrictions on maximum stay duration

Another option to enable some residential use is to allow residential uses only up to a maximum stay period, and to specify this within the new comprehensive LEP landuse table. Further detailed investigation is required to determine if this is a viable option and what the appropriate maximum stay duration period should be set at and how this is best able to be effectively controlled and managed with minimal impacts upon Council resources. For example the title arrangement allowed within a Tourist zone, as Community Title rather than Torrens Title may be a suitable mechanism to ensure short-term rather than permanent residential uses, though this needs further investigation. Some of the landholders have expressed concern about the use of a maximum stay duration due to difficulties with enforcement, and have expressed support for a % permanent residential as a preferable approach.

3. DCP to control character and siting of Components of the Tourism Complex

The use of a proposed Tourism zone could be done in conjunction with the establishment of a specific DCP for a development, and the DCP can specify the intended character of the proposed development. It may be possible to favour tourism uses by location of accommodation units surrounding communal open space and community facilities (whilst reflecting the commercial impacts of any such siting). Private residential areas, should they be intended, could be located in more secluded/private locations, but the impacts of the locational separation of these uses on the demand for permanent residential should also be considered

4. Architectural design options

Through purposeful design approaches tourism, as an alternative to providing permanent residential uses, may be fostered through detailed design choices like:

- Open-air carparks rather than carports/garages
- Small bedrooms with no or limited wardrobe space
- Kitchenettes rather than full kitchens

The use of Architectural design options will need to be carefully considered in relation to the potential impacts on the quality outcomes desired for each of the sites.

5. Relationship to Seniors Living SEPP

Investigation needs to consider the relationship between a Tourism Zone and the Seniors Living SEPP, in relation to the way in which either may be used to deliver quasi-residential outcomes. Consideration of any controls over residential use of a Tourism Zone should also consider the relationship to Seniors Living outcomes.

6. Prohibition of permanent residential

To ensure that Tourism zoned areas are not used exclusively for residential purposes, residential could be prohibited. If some residential usage was desirable within Tourism areas, then it could be enabled with the maximum % allowed for residential use specified (see below). Other methods to achieve Tourism outcomes instead of residential could also be considered (see others discussed above). The implications of the prohibition of permanent residential should be considered, particularly the impacts on the sale of units/properties in relation to how they qualify as investment properties.

7. Other Prohibitions

Currently the Standard Instrument (LEP Template) has no required prohibitions, but others (in addition to retirement village and residential) could also be considered:

- Industry
- Business premises

8. Permitted without consent

Currently the Standard Instrument (LEP Template) has no uses listed as being permitted without consent. In use of this zone Council could consider some uses permitted without consent, such as:

- Kiosk
- Markets

9. Permitted with consent

In the Standard Instrument (LEP Template) the following are permitted with consent:

- Food and drink premises
- Tourist and visitor accommodation

Other activities which could also be considered (the consultant is to investigate these and additional activities) for listing as permitted with consent include:

- Backpackers accommodation
- Bed and Breakfast accommodation
- Boat Launching facility
- Boat Shed
- Caravan Park
- Cellar door premises
- Child care centres
- Environmental facility
- Environmental protection works
- Function Centre
- Home business
- Kiosk
- Market
- Neighbourhood shop
- Restaurant

10. Not using Residential Zone

It may be important to use a Tourism zone with additional refinements to the permitted uses to enable some residential use, rather than a residential zone with controls to favour Tourism for several reasons:

- Residential zoning may give prospective purchasers the wrong impression of the intended landuse for the area, and should Tourism be the desired outcome then the zone should be Tourism
- Land ownership may change, and design aspects modified over time to enable permanent residential use

11. Use of an Enabling Clause

It may be possible to establish Tourism uses in other zones with an enabling clause, but the Department of Plannings current preferred approach is not to use enabling clauses, but to use a primary zone where this is possible

Experience of Selected Councils

<i>Council</i>	<i>Control</i>	<i>Experience/Comments</i>
Ballina	Several different zones	perhaps better to zone part of the site tourism and part residential
	Title options	mgt structure with community or company title makes compliance easier. Stopping individual ownership is the key issue - timeshare a good option
	Conflicts with permanent residential	conflicts occur (eg Byron) between holiday letting and permanent residential
Byron	Conflicts with permanent residential	they have had problems with conflicts between holiday letting and permanent residential area amenity, and have now excluded holiday letting from residential areas. Holiday letting is now only permitted in medium density areas -in serviced apartments.
	Commercial maximisation of return from tourism season	they have also experienced issues with permanent residential uses in holiday letting areas, where leases are designed and terminated prior to the holiday season to allow the lucrative holiday letting market to be maximised at the expense of provision of permanent residential opportunities.
Eurobodalla	Title options	company title is their preferred option and gives them the best results. They are encountering similar problems with commercial areas -the higher returns on residential uses, resulting in commercial areas are becoming quasi-residential areas and not providing the intended commercial outcomes
	Maximum % or #	they require full plans of management for the mechanisms to control the occupancy to be provided prior to approval, so that management mechanisms are in place to limit the proportion of

		permanent residential use
	Shared community facilities	dual facilities to cater for tourism outcomes and local community facilities in non-tourism times are desirable, but still difficult to deliver in terms of commercial viability.
	Flexibility to achieve in the long-term	our area is similar to theirs in not being a huge tourism attraction, so that the outcomes may need to be flexible and deliver short term outcomes which are viable, and flexibility to deliver other outcomes in the future as they become viable.
Great Lakes	Several different zones or Maximum % or #	they consider a Tourism zone with some capped/limited permanent residential component to be one way to achieve Tourism outcomes and still ensure commercial viability, with the other option being using two zonings -Tourism and Residential.
	Conflicts with permanent residential	they have had some difficulties with tourism operations impacting on the amenity values of permanent residents, and suggest that buffering between these uses or careful design treatments may be important to the management of this potential conflict.
Port Macquarie-Hastings	Several different zones	their approach is to use two zonings -one which permits residential within a tourism zone, and one which does not. They have not had a major problem with tensions between the two, as there is a commercial demand in their area for both.
Tweed	Control of duration of stay	duration of stay controls are almost impossible to enforce
	Maximum % or #	max % or # controls are easier to do through development controls DCP needs to require s94 contributions from permanent residential component
	Architectural design options	architectural controls not reliable - purchasers can retro-fit, but will have some impact
	Title options	community title option a good idea

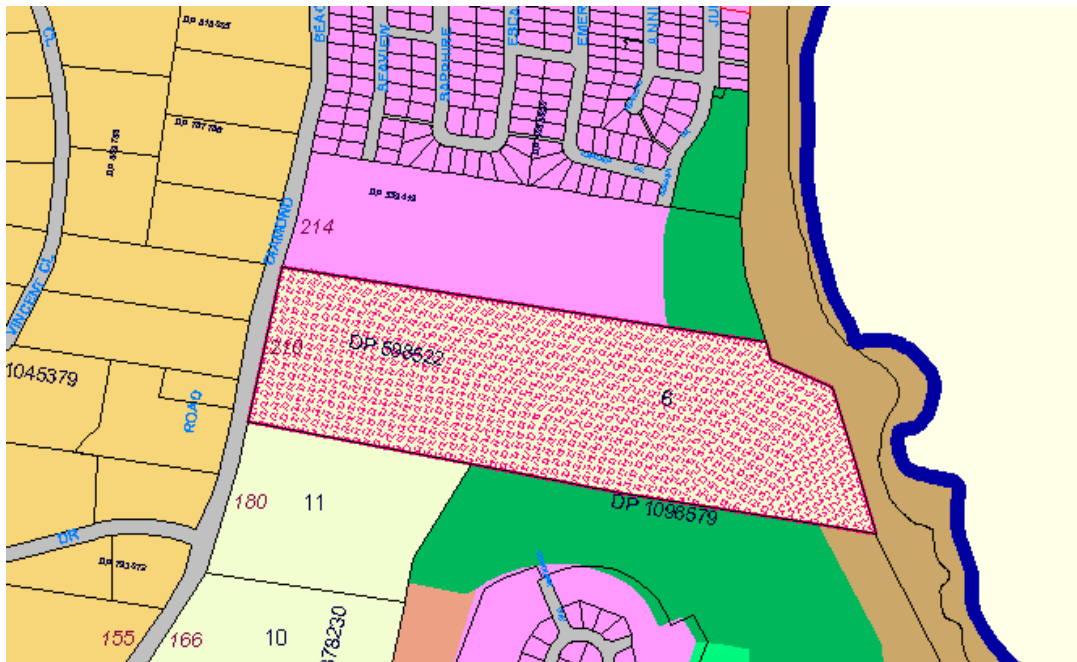
Attachment 2

Background on proposed Greater Taree Tourism Areas

Diamond Beach

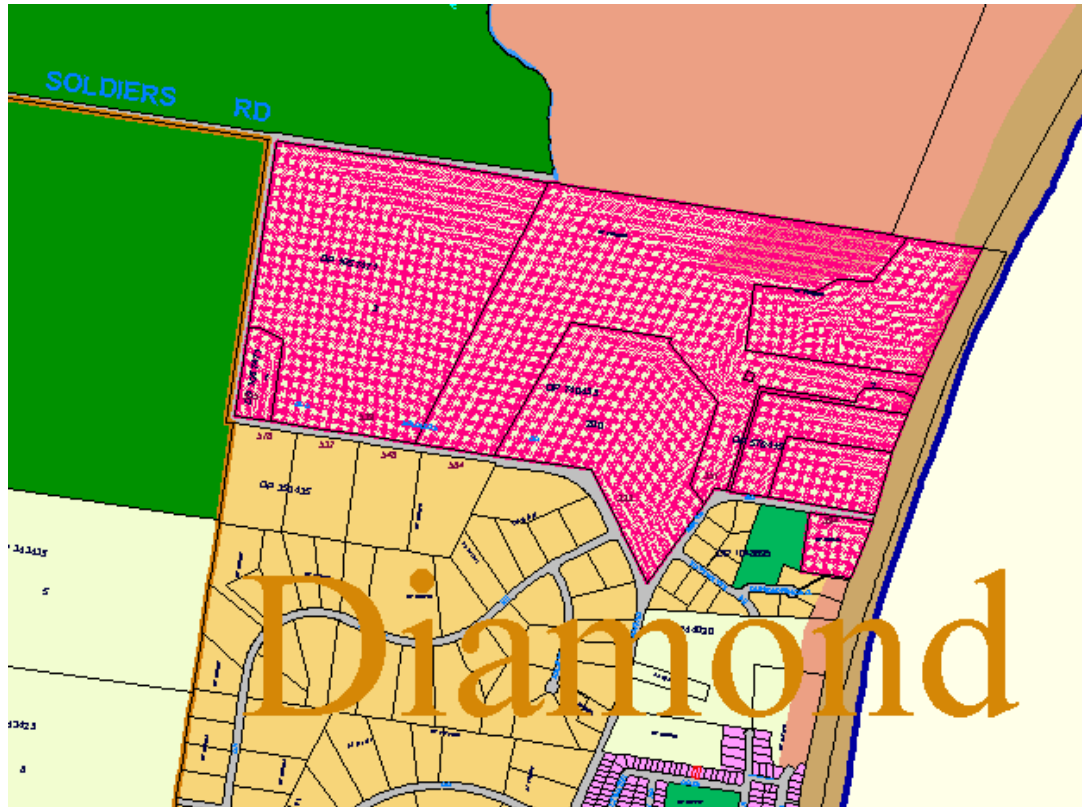
This site was the proposed location for a Health Resort (Cos proposal). The site has now changed hands and Council has resolved to rezone the land for residential (west of the creekline), and a combination of Tourism, environmental protection, and mixed uses for the remainder of the site.

This site is currently the subject of a rezoning application and a Local Environmental Study is about to commence to assess the suitability of parts of the site for development. The proponents have been pro-active in meeting with Council to discuss the possible mix of future uses for the site, and this discussion has included the use of zoning or other mechanisms to achieve the tourism outcomes for this site whilst enabling a commercially viable development to occur.



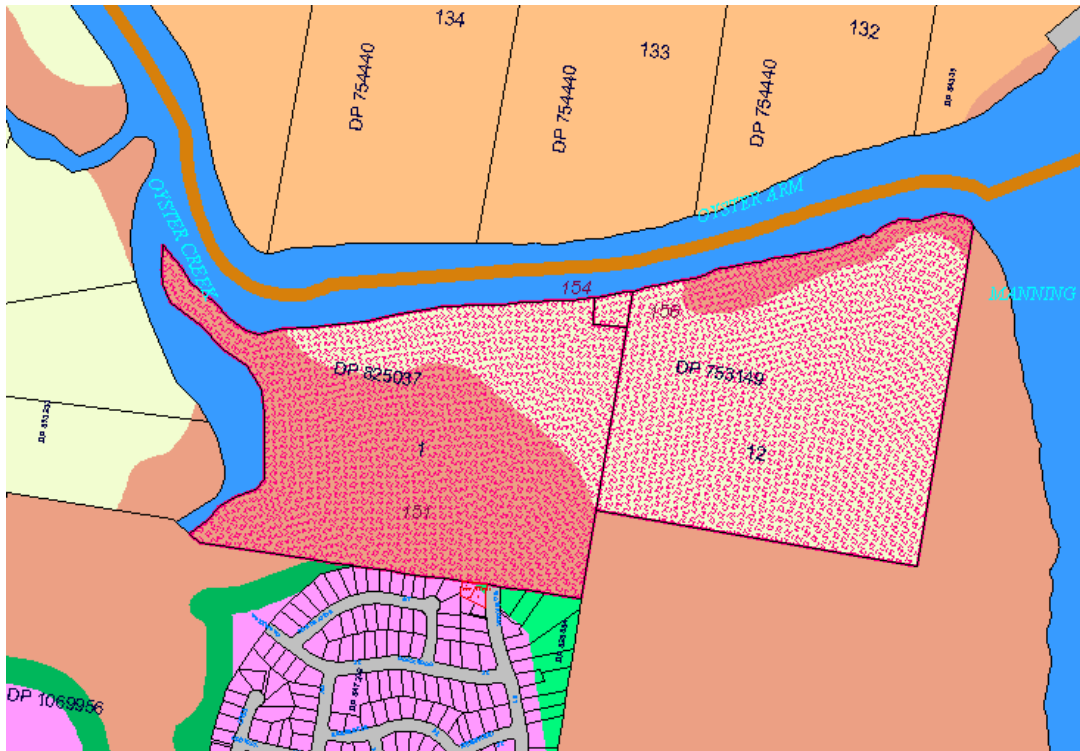
North Diamond Beach

Council, in its adopted Hallidays Point Development Strategy (yet to be endorsed by the Department of Planning), has identified the North Diamond Beach location as a major tourism precinct at Hallidays Point. Currently the area has a caravan park and holiday cabin accommodation, and there are a number of proposals for development of land within this precinct.



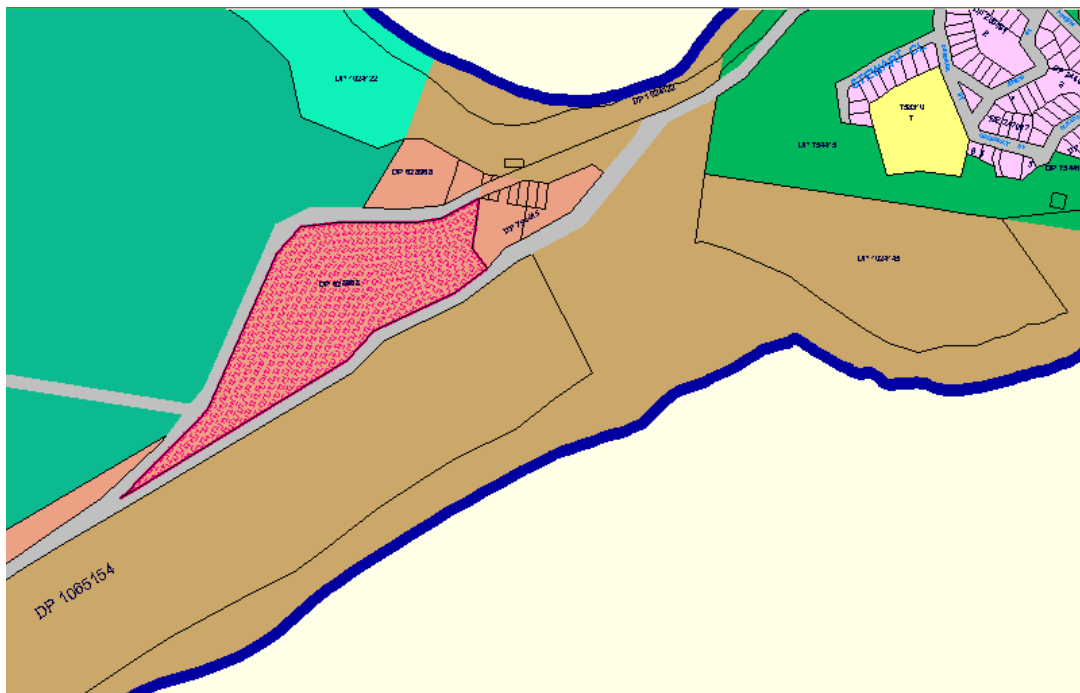
Old Bar (Precinct 1)

On the north edge of Old Bar (on the Manning River, Oyster Arm) there is a proposed location (known as Precinct 1) of a tourism zone. This area is an important interface between the river and Old Bar, and has potential for a range of mixed uses to take advantage of this unique location. The site has been subject to a detailed Local Environmental Study, which is currently being finalised and recommendations about zones for this area will be proposed in this finalised LES. The same issues have arisen here as elsewhere – the relationship with residential, the use of some residential to ensure viability and security issues are addressed, and how to achieve tourism outcomes.



Crowdy Head (west of Crowdy Head and south of the Surf Club)

This site has recently been identified, in a submission to Council's Conservation and Development Strategy, as being desired to be rezoned as a Tourism precinct. There were formerly proposals (as Development Applications within a rural zoning) for this land, and the land has not been developed. Some regrowth of vegetation had occurred on this site, and this has recently been cleared. The development of this land has been difficult due to the lack of services (particularly reticulated sewerage), but the design and implementation of a sewerage scheme for Crowdy Head is currently underway and will provide this service for development of this site. No Development Application has been approved for this site, and if the site was to be rezoned for Tourism then a detailed Local Environmental Study would need to be undertaken to justify this rezoning.



Attachment 3: Extracts from N Coast REP and Hunter REP re Tourism

NOTE: Hunter REP applies to GTCC LGA, but N Coast REP has more detailed information about Tourism, which may be useful as a reference

HUNTER REP

Objectives

21 Objectives

The objectives of this plan in relation to planning strategies concerning tourism are:

- (a) to encourage the co-ordinated development of the region as an important tourist destination area within the State,
- (b) to encourage appropriate leisure and tourism developments on land which is environmentally capable and suitably located, as a means of improving the region's economic diversity and employment prospects,
- (c) to encourage the recognition of natural and heritage conservation values as a means of improving tourism opportunities, and
- (d) to encourage the adoption of planning controls containing incentives for tourism development where appropriate.

Policies for plan preparation

22 Policies for plan preparation

- (1) In preparing a draft local environmental plan or development control plan, a council:
 - (a) should take into consideration plans prepared by Tourism New South Wales for areas within the region, and
 - (b) should take into consideration the impact of any proposed tourist development on the existing and future supply of permanent residential accommodation.
- (2) A draft local environmental plan or development control plan should, where appropriate, incorporate incentives and provide flexibility aimed at encouraging developments for tourism purposes.

N COAST REP

Part 6 Tourism and recreation

Division 1 Tourism

67 Objectives

The objectives of this plan in relation to tourism development are:

- (a) to encourage tourism activity that will complement the existing natural and man-made features of the region and be of positive benefit to the region's economy, and
- (b) to encourage a range of tourism facilities in the region without degrading important environmental or agricultural features of the region, and
- (c) to encourage the location of tourism facilities so that they may benefit from existing air, road and rail services, physical service infrastructure, other tourist attractions, natural features and urban facilities, and
- (d) to encourage large scale resort development in places that are easily accessible to tourists by roads, railways or water transport (or any combination of them) of a high standard and that are in proximity to urban services.

68 Definitions

In this Division:

large scale resort development includes holiday unit complexes, hotels, motels and integrated resorts which may incorporate convention and recreation facilities, commercial facilities, golf courses and permanent residential accommodation.

prime tourism development areas means the urban areas of Port Macquarie, Coffs Harbour, Tweed Heads, Kingscliff, Ballina and Byron Bay.

small scale or low key tourism development includes rural retreats holiday cabins, caravan parks and camping grounds available for temporary accommodation only, guest houses and hostels.

69 Plan preparation—environmental features and hazards

A draft local environmental plan should not zone land for tourism development unless the council is satisfied that:

- (a) the land is without environmental features worthy of preservation or protection or is free from significant environmental hazards, or

- (b) there are acceptable design, engineering or other solutions that will allow preservation of environmental features or will allay concerns about the hazard.

70 Plan preparation—principles for location of tourism development

A draft local environmental plan that will facilitate tourism development should:

- (a) contain provisions which identify and protect important natural features and ecosystems of the region, and
- (b) permit large scale resort development with permanent residential accommodation only in, or immediately adjacent to, prime tourism development areas, and
- (c) permit in rural or environment protection zones small scale or low key tourism development only, and
- (d) have regard to the North Coast Region Tourism Development Strategy and the Tourism Development Along the New South Wales Coast: Guidelines.

71 Plan preparation—provision of services to tourism development

A draft local environmental plan should not zone land for tourism development unless the council is satisfied that:

- (a) adequate access by road, railway or water transport (or any combination of them) exists or will be provided, and
- (b) reticulated water and sewerage services are or will be available,

or arrangements satisfactory to the council have been or will be made for the provision of those facilities.

72 Plan preparation—large scale resort development

A draft local environmental plan should not zone land to permit large scale resort development unless the following criteria will, in the opinion of the council, be satisfied:

- (a) there will be adequate access to the development, and
- (b) where the development has access to, or depends upon, the beach or other natural features, those features are able to sustain increased public usage, and
- (c) the development will be located on land where the environment is robust enough to support major development or will be carried out in such a way as will allow valuable environmental features to be protected, and

- (d) the land on which the development is to be carried out is within or adjacent to a prime tourism development area or adequate urban services are available.

73 Plan preparation—residential development and tourism

A draft local environmental plan that will permit tourism development should not include provisions which permit permanent residential accommodation except:

- (a) where it is ancillary to existing tourism development, or
- (b) where the development will be part of an area otherwise identified for urban expansion and is included in a residential development strategy approved by the council.

74 Plan preparation—tourism development on farms

A draft local environmental plan allowing tourism development on farms should contain provisions that:

- (a) require the tourism accommodation to be ancillary to the principal and continuing use of the land for the purpose of agriculture, and
- (b) permit tourism development only where it is compatible with existing neighbouring land uses and does not prejudice continuing agricultural activity.

75 Development control—tourism development

- (1) The council must not grant consent to tourism development unless it is satisfied that:
 - (a) adequate access by road, railway or water transport (or any combination of them) exists or will be provided to service the development, taking into account the scale of the development proposed, and
 - (b) if the proposal involves permanent residential accommodation, all social and community services reasonably required by those residents exist in close proximity to the development, and
 - (c) the development will not be detrimental to the scenery or other significant features of the natural environment, and
 - (d) reticulated water and sewerage are available, or arrangements satisfactory to the council have been made for the provision of those facilities.
- (2) In considering an application for consent to tourism development, the council must have regard to principles contained in the Tourism Development Along the New South Wales Coast: Guidelines.

- (3) The council must not approve an application for large scale resort development unless it is within or adjacent to a prime tourism development area or adequate urban services are available.

76 Development control—natural tourism areas

- (1) In this clause:

natural tourism area means an area within the region which:

- (a) adjoins a national park, nature reserve or state recreation area within the meaning of the National Parks and Wildlife Act 1974, or a State forest,
 - (b) comprises or is adjacent to predominantly Crown land, or
 - (c) is, in the opinion of the council, a natural area with qualities which make it a major attraction.
- (2) Before granting consent for the development of a natural tourism area for tourism purposes, the council must have regard to the Tourism Development Near Natural Areas: Guidelines for the North Coast regarding the location of facilities, the intensity of development and the means of access available from the development to any adjoining natural areas.

Appendix 2 – Submission by Chris Power

Submission by Chris Power

Consultant in Relation to Site 4

THE KNOLL

The Knoll was identified for "Tourism, Environmental Protection and Mixed Use" in the amended Hallidays Point Development Strategy adopted by Council in December 2005, following public exhibition and extensive community and Government agency input. It was later re-identified as "Tourism Precinct" in the Hallidays Point Conservation and Development Strategy adopted by Council in May 2006. We understand that the purpose of the change in designation was to provide consistency with identified tourism-related sites throughout the wider GTCC area.

Conservation and Public Open Space zonings

The Eastern Coastal and Central Riparian Conservation Areas on the Knoll are proposed to be included within **Zone E2 -- Environmental Conservation**, consistent with the recommendations of Insite (2006). **Zone RE1 – Public Recreation** is proposed for the identified public recreation area on the Knoll.

Development area and GTCC Zone Investigations

GTCC planners and SAF Property Group have been liaising for an extended period of time about the preferred form and character of development on the Knoll's proposed development area. In those discussions it was agreed that the "developable" area of the Knoll should incorporate a mix of tourist accommodation facilities, tourism-related retail/ recreational/ restaurant/ community facilities and a range of residential dwelling accommodation styles. This mix of development is preferred primarily because of:

- The Knoll's role as a vital urban precinct and link located between Diamond Beach and Redhead Villages;
- The important community facilities and services that will be provided to residents and visitors to both those Villages as a direct result of the development on the Knoll;
- The Knoll's unique siting, character and environmental characteristics; and
- The need to ensure year-round activity and people-presence in this area.

For those reasons it is essential that the Knoll retains the life and activity characteristic of an active living/residential area, while at the same time allowing for tourists and visitors to benefit from its special character and siting.

GTCC has engaged an independent consultant to investigate options and make recommendations for proposed new zoning provisions on various tourism-related sites along the coast, consistent with the Standard Instrument (Local Environmental Plans) Order 2006. It is intended that the new zoning provisions will be included in the Council's forthcoming comprehensive LEP for the Local Government area. The Knoll is one of the four sites that the Council has identified specifically for tourist-oriented development. The other sites under consideration are at North Diamond Beach, Old Bar and Crowdy Head.

Whilst each of the four nominated sites is identified as appropriate for tourism-related purposes, there are important planning differences between the Knoll and the other sites. These include differences in role in their locality's urban fabric, locational characteristics, current approvals status and achievement of important community benefits and strategic **planning objectives**. Those differences require different planning and zoning approaches to the Knoll than for the other sites.

In that regard, the Knoll is an integral part of the Diamond Beach urban area, and forms a vital link in the urban fabric that connects Diamond Beach Village with the newly emerging North Redhead Village. In addition to providing tourist and residential accommodation, it will:

- Provide a crucial link in the Council's planned coastal parkland, linking the Seascape and Redhead open space areas in the South with the Diamond Beach coastal open space area in the North.
- Accommodate the Council's planned North -- South coastal cycle and pedestrian systems within the coastal parkland.
- Provide important cycle and pedestrian links connecting the coastal cycleway through the residential area and its open space networks westward to Diamond Beach Road, and to the Diamond Beach Village centre via Jubilee Parade.
- Provide substantial active and passive public open space lands and facilities to serve both local residents and visitors. Facilities to be provided include children's play areas, picnic areas, tennis courts and an associated facilities building which can function as a local tennis club to serve the needs of local residents.
- Provide important commercial and community facilities, restaurants, recreation facilities and relaxation areas in a highly scenic environment, to serve both tourists and local residents.
- Incorporate ecological repair and rehabilitation of the riparian and coastal habitat corridors surrounding the Knoll.
- Provide the southernmost "walkable" public access to the beach for the Diamond Beach/North Redhead area, which will enable at-grade beach access for residents and tourists in both Diamond Beach and Redhead villages.

The proposed development on the Knoll is intended to replace the approved "Koz" tourist facility, which retains a current valid development consent in perpetuity. As such, the environmental and community facilities now proposed on the Knoll would not be achieved if the Koz development were to proceed.

By contrast, the other tourist related sites identified by GTCC are essentially transitional precincts between the adjoining urban/village areas and the adjacent natural areas, waterways and, for the Crowdy Head Site, the Crowdy Bay National Park. As such, those sites provide a role as transitional, primarily tourist oriented precincts, connecting the nearby residential areas with their adjoining natural environment areas.

Consequently, due to their differing circumstances, planning objectives and site characteristics a single, "one size fits all" tourism zone may not be appropriate to achieve the desired outcomes for all the identified tourism-related sites.

Development area zoning options

SAF's previous proposals for zoning of this part of the Knoll were set out in its submission to GTCC of 7 June 2006 (CPEP, 2006). The Objectives of that submission were to examine and define an appropriate zoning structure for the tourist accommodation and residential components of the "Knoll" that will:

- Achieve the outcomes for the "Knoll" proposed by the Hallidays Point Development Strategy;
- Be consistent with the Standard Instrument (Local Environmental Plans) Order 2006;

- Facilitate and promote an appropriate balance and mix of tourist and residential accommodation on the “Knoll” consistent with the particular characteristics and attractions of that part of the site;
- Ensure that the development of the “Knoll” can be undertaken in an orderly and economically viable manner; and
- Provide for optimum flexibility to respond to varying circumstances and conditions over time.

To that end, the report accompanying the submission examined zonings that currently apply in similar circumstances along the New South Wales coast, as well as the particular requirements of the Standard Instrument. That process identified the following two preferred options for zoning at the Knoll:

Option 1 – Comprehensive zone for the Knoll development area

This option assumes that the entire "Development Area Footprint" on the Knoll would be incorporated in a single, comprehensive zone, ie it assumed that all development area outside the conservation and public open space areas would be incorporated in a SP3 Tourist zone. The proposed zoning table for option one is as follows:

Zone SP3 Tourist (Option 1)

1 Objectives of zone

- *To provide for a variety of tourist-orientated development and related uses.*
- *To encourage the provision of family-oriented tourist accommodation and compatible facilities in association with residential development including a variety of forms of low and medium density housing.*
- *To provide for and encourage a variety of indoor and outdoor community and tourism-related facilities such as restaurants, galleries, shops, business premises and recreation facilities that are compatible with tourist and residential accommodation.*

2 Permitted without consent

Nil.

3 Permitted with consent

Advertisements; Advertising structures; Affordable housing; Amusement centres; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Business identification signs; Business premises; Child care centres; Community facilities; Dual occupancies; Dwellings; Dwelling Houses; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; filming; Food and drink premises; Function centres; Health consulting rooms; Home-based child care; Home businesses; Home industries; Home occupations; Information and education facilities; Kiosks; Markets; Medical centres; Mixed use development; Multi dwelling housing; Neighbourhood shops; Office premises; Parking spaces; Places of public worship; Pubs; Public administration buildings; Public entertainment; Public halls; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Residential care facilities; Residential flat buildings; Restaurants; Retail premises; Roads; Seniors housing; Service stations; Serviced

apartments; Shop top housing; Take away food or drink premises; Tourist and visitor accommodation.

4 Prohibited

Any other development not otherwise specified in Items 2 or 3.

Option 2 – specific tourism/ residential accommodation zone

This option assumes that only the tourist and residential accommodation areas would be included in Zone SP3 Tourist, and the commercial/community component of the development would be included in Zone B2 Local Centre. The proposed zoning table for the SP3 Tourist Zone component of option 2 is as follows:

Zone SP3 Tourist (Option 2)

1 Objectives of zone

- *To provide for a variety of tourist-orientated development and related uses.*
- *To encourage the provision of family-oriented tourist accommodation and compatible facilities and services in association with residential development including a variety of forms of low and medium density housing.*

2 Permitted without consent

Nil.

3 Permitted with consent

Affordable housing; Bed and breakfast accommodation; Boarding houses; Child care centres; Dual occupancies; Dwellings; Dwelling Houses; Environmental facilities; Environmental protection works; Food and drink premises; Home-based child care; Home businesses; Home industries; Home occupations; Multi dwelling housing; Residential accommodation; Residential care facilities; Residential flat buildings; Seniors housing; Serviced apartments; Tourist and visitor accommodation.

4 Prohibited

Any other development not otherwise specified in Items 2 or 3.

Option 3 -- Mixed Use or Special Activities Zone

Having regard to the provisions of the LEP Template and Practice Notes, Council and its zoning consultant may decide that the role and the range of land uses proposed for the Knoll is so different from the three other tourist-related areas presently being investigated that a single, across-the-board zone is not appropriate to all three sites. In that event, SAF proposes that the entire "Development Area Footprint" on the Knoll be incorporated in a single, comprehensive zone, either Zone B4 Mixed Use, or Zone SP1 Special Activities. Either of those two options would achieve the desired outcome, however based on the Zone objectives and the Practise Notes, Zone B4 Mixed Use is considered the more appropriate.

The proposed zoning table for the B4 Mixed Use Zone for option three is as follows:

Zone B4 Mixed Use (Option 3)

1 Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage the provision of family-oriented tourist accommodation and compatible facilities and services in association with residential development including a variety of forms of low and medium density housing.*

2 Permitted without consent

Nil.

3 Permitted with consent

Advertisements; Advertising structures; Affordable housing; Amusement centres; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Business identification signs; Business premises; Child care centres; Community facilities; Dual occupancies; Dwellings; Dwelling Houses; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; filming; Food and drink premises; Function centres; Health consulting rooms; Home-based child care; Home businesses; Home industries; Home occupations; Hotel accommodation; Information and education facilities; Kiosks; Markets; Medical centres; Mixed use development; Multi dwelling housing; Neighbourhood shops; Office premises; Parking spaces; Passenger transport facilities; Places of public worship; Pubs; Public administration buildings; Public entertainment; Public halls; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Residential care facilities; Residential flat buildings; Restaurants; Retail premises; Roads; Seniors housing; Service stations; Serviced apartments; Shop top housing; Take away food or drink premises; Tourist and visitor accommodation.

4 Prohibited

Any other development not otherwise specified in Items 2 or 3.

SAF's preference is for option one, ie a Comprehensive **SP3 Tourist Zone** for the proposed development area on the Knoll. It is submitted that this option will achieve the objectives defined above and will achieve the Council's desired planning outcome for the Knoll.

SAF accepts however that the Council may form a view that a single comprehensive SP3 Tourist Zone may not achieve the Council's strategic objectives for all identified tourist related sites in the Local Government area. In that event, SAF proposes implementation of option three above at the Knoll, ie **Zone B4 Mixed Use** applied to the entire "Development Area Footprint" on the Knoll. **Zone SP1 Special Activities** could also be applied in a similar way.

Appendix 3 – Consultation

A3.1 Department of Planning

a) Grafton Office

Contact was made with the department on 29 November 2006. In discussion, reference was made to the Practice Note on the SLEP zones, but staff were unable to provide any further advice in relation to experience with the use of the SP3 zone. They were not aware of any other Council in the region using the zone in the preparation of SLEP. It was suggested that questions be emailed to their office, and then these would be sent to head office. An email was sent on 29 November 2006 (Attachment 1). No reply has been received to date.

b) Newcastle Office

Contact was made on 30 November 2006. Staff advised that Greater Taree City Council are the furthest advanced with preparation of the SLEP of any Council in the region, and they could not provide any advice of experience with use of the Tourist zone. They suggested contact be made with the Planning Reform Team in the Sydney office.

c) Planning Reform Team, Sydney Office

Discussion with the Department of Planning's *Planning Reform Team* (Phil Leighton, pers. comm. 30 November 2006) indicated that he was not aware of any Council currently preparing the SLEP that had addressed the use of the SP3 zone. He also advised there were no further guidelines in preparation in respect to the SP3 zone. The basic premise of the SLEP is that the zone name reflects the dominant land use. It would be reasonable to use the SP3 zone flexibly, adding local objectives and compatible uses. The zone was intended to be used for multi-purpose tourist precincts, not for purely residential and accommodation purposes. It was not for applying to small single motel sites, as had been proposed by some Councils and consultants.

It was also suggested that the General Residential Zone under the SLEP may be suitable for using as a broad use zone, for both permanent residential and tourist accommodation. This would then lead to the use of the Low Density Residential Zone for the traditional detached housing areas.

A3.2 Land Owners and Site Visits

Site visits were conducted on 22 November 2006 with Council's Strategic Planner.

a) Site 1 – Crowdy Head

The site was viewed from Lighthouse headland, and also from the road frontage of the site. Crowdy Head is a small village, of about 70 houses. There is also a small fishing fleet within protective breakwalls. This site consists of a single land parcel. The land owners were not willing to meet on site to discuss future potential landuses.

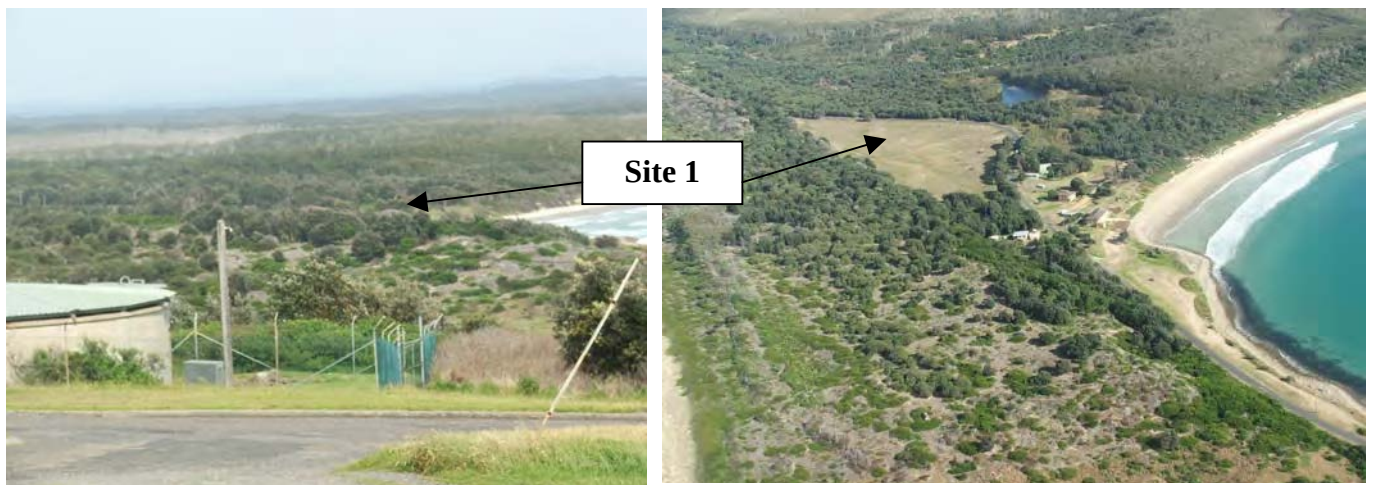


Figure 7.1: Site 1 – Crowdy Head

b) Site 2 – Old Bar (Precinct 1).

The site is made up of two main land parcels, and the site was inspected in the company of the land owners representatives, Bob Peet and Bill Knight. The owners' main concern was to ensure any recommendations were consistent with the LES currently nearing completion. The owners believed the site had excellent potential given its frontage to the creek, which could accommodate small water craft (tinnies and canoes). They believed that tourist development, because of its seasonality, would need to allow at least 50% of the development to be permanent residential, to make it viable.

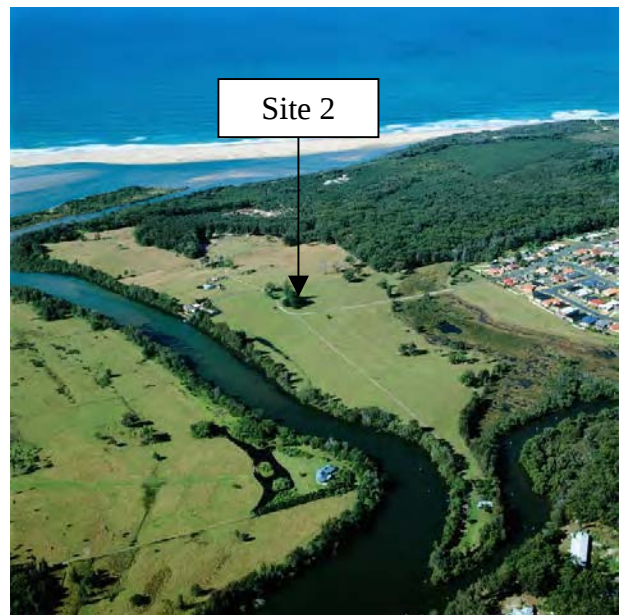


Figure 7.2: Site 2 – Old Bar (Precinct 1)

In addition to the onsite discussions with the land owners, two extended phone conversations were held on 17 November and 29 November, with Richard Bennett of Hilltop Planners, who represents the landowners. He also provided the aerial oblique photos of the site. He was of the view that the site was most suited for Masterplanned, community title Seniors Living development. However, that it was likely to be up to 10 years before the site would be developed for this purpose. He was of the view that the site was very large, and that tourist demand in Old Bar was not at a sufficient level to require the whole of the site for tourist development. He also believed that an area of the site could be identified for tourist accommodation, and did not believe that this would create a conflict for use of the remainder of the site for Seniors Living.

c) Site 4 – North Diamond Beach

This precinct is in 7 main parcels. Each site was inspected in the company of the owner or a representative of the owner.

Diamond Beach Resort is an ageing beachfront 12 unit motel with tennis court and swimming pool. The owner-managers, K and G Duncan, reside in the 3 bedroom residence also on site. The site is for sale, and the owner believes the current rural zone is affecting the marketability of the site, and wants a tourist zone that allows at least a 50% proportion of permanent residential accommodation.



Figure 7.3: Diamond Beach Resort
12 Unit Motel

391 Diamond Beach Road contains a small ageing 6 unit motel, with a recently constructed 2 storey dwelling house on the beachfront. The owner, Denis Balson, resides in the new dwelling house. He believes tourist development would require a 30-50% permanent residential component to be viable due to seasonality.



Figure 7.4: 391 Diamond Beach Road
House and 6 Unit Motel

Seashells Resort is a beach front property occupied by a time share motel with 38 units, swimming pool and tennis court. The site was inspected in the company of David Chapman, the site manager. Ownership is under a company title arrangement, with shareholders in the company. The multiplicity of owners results in a multiplicity of views about the future of the site. A concept plan by architects Rohan Dickson and Associates was submitted to Council, which proposes 3 concepts. Concept 1 is a holiday resort 2, 3 and 4 storey apartments, together with a small caravan park. Concept 2 incorporates a conference facility with 3 and 4 storey apartments on the beach side, with 2 storey villas on the western side. Concept 3 proposes a 4 storey resort complex and 2 storey townhouses on the beach side, with the western portion developed as a 36 lot residential subdivision. Some of the owners have a view that the existing motel development could be refurbished, and a new complex built on the western side of the lot to create an additional 35-40 motel units.



Figure 7.5: Seashells Resort, North Diamond Beach
38 Unit Time Share

Australis Resort is a managed beachfront resort that is part of the Constellation Hotel group, which includes Country Comfort motels, and Chifley Hotels. The site was inspected with the Architect who designed this major refurbishment of an approved beachfront caravan park, incorporating architecturally designed manufactured homes, set amongst refurbished holiday cabins, and a significantly renovated manager's residence containing 6 holiday units. There are 58 cabins, plus 75 proposed "holiday cottage" community title lots. The development includes a swimming pool and tennis courts. Approval includes community title subdivision, however, there is title restriction limiting maximum period of stay in any one year. There has been previous discussion concerning permanent residential occupation, however, at this stage, the limited permanent occupancy is accepted by the owner.



Figure 7.6: Australis Resort, North Diamond Beach

Cocos Properties is a large parcel containing a single dwelling house. No meeting was held with the landowner; however, indications are that the owner, Sam Cocos, is in discussions with the Australis Resort for a joint development.

Khappinghat Eco-Sanctuary, Old Soldiers Road, is a site at the western edge of the precinct, and adjoins Nature Reserve to the north and west. There are 2 lots, both owned by J and M Benson. The site was inspected with Dennis Jeffers, who manages the site. The site has been fenced as a voluntary wildlife sanctuary, and contains a single dwelling house on each of the lots. There is a rezoning request prepared by consultants Glendinning Minto and Associates to allow a 41 lot community title residential subdivision on about half the combined sites, with a tourist development of 20 cabins on the western half of the site. The site is a mix of vegetation types, with cleared areas on the eastern half.



Figure 7.7: Khappinghat Eco-Sanctuary , North Diamond Beach

d) Site 4 – Diamond Beach

This site is within a larger parcel which has been identified for standard residential development on the western portion, with substantial areas identified for addition to the public open space system and the area referred to as The Knoll identified as a tourism precinct. The site is owned by SAF Property Group. The site was inspected in the company of Chris Power, planning consultant representing the owners, and Morris Symonds and Karen Berg of the SAF Property Group. Contact was made with Chris Power a number of times, with the most recent submission attached as Appendix 2, which sets out the owners request for zoning of the site. Generally, the submission seeks the broadest possible uses to be permissible on the site.



Figure 7.8: Site 4 - The Knoll, Diamond Beach

A3.3 Greater Taree Council Staff

Meetings were held on 23 November 2006, with the following staff:

a) Economic Development Officer and Tourism Officer

Discussion addressed the issue of determining the demand for tourist development within Greater Taree City. Generally, the perception is that there is demand for 4 star motel accommodation within the area, with none existing currently. It was advised that there were a number of 4 star B&Bs but no motels. There was a perception that there was opportunity for business tourism facilities ie conference and accommodation, with a current facility in Wingham achieving high occupancy rates. There was a desire for future expansion of event based tourism, such as the existing speed boat national event held on the river in Taree. The river was regarded as being a significant tourist resource that was not being utilised. The only boat hire in the area was at Manning Point, which appeared to be a thriving business, but could not advise why further similar businesses had not established. Hard data demonstrating demand was difficult to obtain down to the region or local level. The Tourism Officer undertook to provide as much information as possible for consideration in the preparation of this report. Reference was made to recent developments of Australis Resort, a managed manufactured-home style tourist facility at North Diamond Beach, and to a new motel that had not yet opened at Harrington Waters that would be 4 stars.

b) Development Contributions Coordinator

The Coordinator was recently appointed. Brief discussion indicated amendment of current section 94 plans to capture tourist development is not unreasonable, and contact with neighbouring Councils should provide an indication of the method of apportioning tourist development. It was noted that GTCC is within the MidCoast Water catchment, which is the authority for water and sewerage reticulation.

c) Development Control Planners

Discussion on recent tourist style development related to the Australis Resort at North Diamond Beach. The development consists of a mix of refurbished cabins and dwelling-house, and the placement of new manufactured home type buildings, together with a range of facilities, including swimming pool, tennis courts, gym, children's gym and a restaurant. A conference room is also proposed.

This was a redevelopment of an existing approved caravan park within the Rural General Zone under Greater Taree LEP 1995. Permissibility within the zone is predominately determined by reference to the zone objectives. The current LEP does not define "caravan parks" as a land use, but it appears the caravan park was originally approved as such under the previous planning instrument. Under GTLEP 1995, the use is defined as a Tourist Facility. Approval has been granted for a Community Title subdivision, creating 139 lots, two of which contain strata title lots. Clause 13 of the LEP sets a minimum lot size of 40ha within the zone. However, clause 14 provides an exception that allows Council to approve a subdivision to create lots of any size, if it is satisfied that the lot is to be used for a purpose permissible in the zone, other than agriculture, a dwelling or duplex dwelling. The Council obtained legal advice that the subdivision could be approved if the lots were to contain holiday cabins, as that would then constitute subdivision for the purpose of a tourist facility, which is permissible within the zone.

A3.4 Other Councils

a) Tweed Shire Council

Contact with the development manager (Lindsay MacGavin) led to a discussion on the Salt development, south of Kingscliff. The land is within Zone 2(f) Tourism, in which the zone table prohibits single dwelling houses. An additional uses clause allows single dwelling houses to be erected as part of a hotel, motel or tourist resort development provided the number of units in the tourist accommodation always exceeds the number of dwellings or dwelling houses in the completed development. Consent was subject to this requirement. The tourist accommodation was strata subdivided, and there is a title restriction on all the units limiting length of stay of six weeks, and no more than 150 days in any year. The intent is to ensure purchasers are aware that they are not going to be able to reside in the units if they are looking for a property for retirement. It was also indicated that the title restriction affected the amount banks were prepared to lend if the property was the security for the loan. Indications were that the restrictions had worked, and the motel (The Outrigger) was operating.

Salt Village

http://www.saltvillagerealestate.com.au/saltvillage_project.aspx

- 433 individual homes
- Three resorts
 1. Peppers Beach House (5-star plus) – 41 high luxury strata titled apartments and Peppers Hotel Resort (five star) – 164 strata titled apartments
 2. Outrigger (4.5 stars) - strata titled, 318 rooms, was the first major international hotel operation to open in far northern New South Wales
 3. Third (3.5 star) creek side resort planned with 250 rooms
- Medium density development
- Golden Door Health Spa – the facility became Golden Door's largest resort spa when it opened in March 2006
- Saltbar Beachbar and Bistro – ocean front family tavern including sports bar and gaming room caters for all people of all ages
- Retail precinct – including a supermarket, bottle shop, boutiques, restaurants and bars; and
- Salt Surf Life Saving Club – the first new surf lifesaving club in NSW in more than a decade.

b) Ballina Shire Council

Contact with the duty planner indicated no land was currently zoned specifically for tourism under the LEP.

c) Coffs Harbour City Council

Viability of the total destination resorts has been an issue, despite the high profile tourism industry to Coffs Harbour. Opal Cove Resort villas are strata titled and have sold as permanent residential accommodation, with use of the resort facilities. Pelican Beach resort is proposed for redevelopment to incorporate residential apartments and holiday accommodation. The balance of the large Pacific Bay site, zoned Residential Tourist, has been progressively developed for permanent residential accommodation. It is likely that the tourist market will lead to demand for holiday letting of permanent residential dwellings, which already occurs in many of the beachside locations, from Sawtell to Arrawarra.

d) Port Macquarie Hastings Council.

Motels and tourist facilities are permitted in the Residential Zone (Zone 2(a1)), which applies to the majority of residential areas within the council area. Market forces compete to determine the mix of residential and tourist development that occurs. The Residential Tourist zone allows additional uses such as hotels, recreation facilities, refreshment rooms and small shops that create additional activity levels that may discourage purchasers looking for a quieter residential lifestyle. However, permanent residential development is not restricted.

A3.5 Attachment 1

A3.6 Email to Grafton DoP, 29 November 2006

As discussed, I have been commissioned by Greater Taree City Council (GTCC) to investigate the use of the SP3 Tourist Zone in their Standard LEP currently under preparation. They have identified 4 sites as possible candidates for this zone. Three of the sites are actually nominated in their release strategies (Conservation and Development Strategies as they call them) for Tourist Purposes.

The Standard LEP specifies the following for the SP3 zone:

Zone objective: To provide for a variety of tourist-oriented development and related uses.

Permitted without consent: Nil

Permitted with consent: Food and drink premises; Tourist and visitor accommodation

Prohibited: Nil

The LEP Practice Note PN 06-002 dated 12 April 2006 provides the following:

"SP3 Tourist

This zone is generally intended to be located where a variety of tourist-orientated land uses are to be permitted, and includes uses such as tourist and visitor accommodation, pubs and restaurants."

GTCC are seeking advice as to what the intention for the SP3 zone? The sites in question are either within or on the periphery of residential areas, and all are capable of water and sewerage connection.

Was the SP3 zone intended to allow residential development as well? Or by not calling it a Residential Zone, was there a deliberate intention to prohibit or significantly restrict tourist uses?

Are there any Standard LEPs in preparation, any where else in the State, that may have started considering this issue? Can you provide any contact details?

Appendix 4 – Room Capacity Statistics

MOTELS								
Accommodation	Manager	Address 1	Address 2	3	Ph. No.	Rating	No.rooms	Capacity
Alabaster Lodge Motor	Jan & Gina	23 Oxley St	Taree	2430	6552 1455	***+	20	73
Agincourt Motel	Gina	9 Commerce Street	Taree	2430	6552 1614	***+	21	60
All Season Country Lod	Fay & Terry	110 Manning River D	Taree	2430	6552 1677	***	21	64
Aquatic Motor Inn	The M	1 Crescent Avenue	Taree	2430	6551 2822		19	69
Arlite Motel	Vicki	Cnr Bligh St & Chatham	Taree	2430	6552 2433		20	68
Blackboy Tree Motel	Steve	55 Chatham Avenue	Taree	2430	6552 1009		12	38
Breakwater Motel	Peter	89 Beach Street	Harrington	2437	6556 1208		7	20
Caravilla Motor Inn	Fred	33 Victoria St	Taree	2430	6552 1822	***+	27	77
Chatham Motel	Keith	39 Chatham Avenue	Taree	2430	6552 1659		10	33
Comfort Inn City Centre	Terry	44 Crescent Avenue	Taree	2430	6552 5244	***+	20	51
Comfort Inn Marco Polo	Rick	30-32 Crescent Ave	Taree	2430	6552 3866	***+	19	60
Crowdy Head Motel	Barry	7 Geoffrey St	Crowdy Head	2427	6556 1206	***	6	13
Cundle Motor Lodge	Colin	67 Princes St	Cundletown	2430	6553 9709	***+	28	96
Harrington Village Mote	Bob	255 Beach St	Harrington	2427	6556 1386	***+	9	27
Hereford Lodge Motel	Athol	134 Manning River D	Taree	2430	6552 1911	***	12	36
Highway Motor Inn	Janell	40-42 Crescent Ave	Taree	2430	6552 5444	***	22	68
Intown Motor Inn	John	77 Victoria Street	Taree	2430	6552 3966	***+	20	63
Jolly Swagman	Aldo	1 Commerce Street	Taree	2430	6552 3511	***	22	75
Midlands Motel	Jane	42 Victoria Street	Taree	2430	6552 2877	***+	20	53
Pacific Motel	Ron	51 Victoria Street	Taree	2430	6552 1977	***+	24	87
Palm Oasis	Holly	Pacific Highway	Coopernook	2426	6556 3305	***	16	63
Rainbow Gardens	Martha	28 Crescent Avenue	Taree	2430	6551 7311	***	8	21
Riverview Motor Inn	Sue	Crescent Avenue	Taree	2430	6552 2122	***+	21	67
Taree Country Motel	Mario	145 Manning River D	Taree	2430	6552 2491	***	17	54
Wingham Country Lodg	Gail	Country Club Drive	Wingham	2429	6553 0300	****	27	71
Wingham Motel	Roger	13 Bent Street	Wingham	2429	6553 4295	***+	16	47
Diamond Beach Resort		Diamond Beach Roa	Diamond Beach				12	36
391 Diamond Beach Rd		Diamond Beach Roa	Diamond Beach				6	12
							482	1502
Summary Motels	Rooms	Capacity						
Taree/Cundletown	383	1213						
Wingham	43	118						
Harrington	16	47						
Coopernook	16	63						
Crowdy Head	6	13						
Diamond Beach		48						
	464	1502						
HOTELS								
Accommodation	Manager	Address 1	Address 2	3	Ph. No.	Rating	No.rooms	Capacity
Airport Tavern	Tony	Lansdowne Road	Cundletown	2430	6553 9408		4	8
Australian Hotel	Steve	24 Bent Street	Wingham	2429	6553 4511		14	28
Coopernook Hotel	Bruce	Pacific Highway	Coopernook	2426	6556 3150		10	27
Exchange Hotel	Garry	154 Victoria Street	Taree	2430	6552 1160		20	30
Fotheringham Hotel	Julie	Victoria Street	Taree	2430	6552 1153		38	56
Harrington Hotel	Adam	Beach Street	Harrington	2427	6556 1205		8	18
Manning River Hotel	Peter	20 Oxley Street	Taree	2430	6551 2822		19	24
Wingham Hotel	Dean	Isabella Street	Wingham	2430	6553 4007		9	27
							122	218
Summary Hotels	Rooms	Capacity						
Taree/Cundletown	81	118						
Wingham	23	55						
Harrington	8	18						
Coopernook	10	27						
	122	218						

BED & BREAKFAST/COTTAGES								
Azalea Cottage	Jeanne	84 Warwiba Road	Old Bar	2430	6553 6636		2	4
Belbora House	Steve	139 Belbora Creek Road	Belbora	2422	6550 2665		3	6
Benbellen Country Retreat	Peter	60 Cherry Tree Lane	Hannam Vale	2443	6556 7788	****+	3	6
Blackhead Beach B & B	Margaret	23 Woodlands Drive	Hallidays Point	2430	6559 2143	****	3	6
Cockatoo Country B & B	Chris	357 Avalon Road	Krambach	2429	6559 1378		3	6
Cranford Cottage (self catered)	Jeanne	5 Ferry Road	Croki	2430	6842 1929		3	6
Deans Creek Lodge	Brian	42 Deans Creek Road	Tinonee	2430	6553 1187		4	8
Eagles Rest Mt. Retreat	Tom	166 Bunyah Road	Firefly	2429	6550 0004		3	6
Katamaya B & B	Anna	1773 The Lakes Way	Rainbow Flat	2430	6553 6365		4	12
Mescal's at Pampoolah	Rod	53 Malcolms Road	Pampoolah	2430	6557 8578		3	6
Melaleuca Retreat	Ronald	108 Sandridge Road	Mitchells Island	2430	6553 2985		4	14
Jackson's Luxury Farm	Robert	333 Kings Creek Road	Krambach	2429	6559 1228		3	6
Old Bar Beach B & B	Trish	425 Old Bar Road	Old Bar	2430	6553 7032	****	3	8
Rainbow Cottage	Albert	1535 The Lakes Way	Rainbow Flat	2430	6553 6355	****+	2	5
Seachange	Grace	23 Bryan Street	Old Bar	2430	6553 2929	****	2	5
Orange Octopus	Marian	15 Hall Street	Old Bar	2430	6553 7700		2	4
Palm Gables	Janelle	77 Templetons Lane	Oxley Island	2430	6553 1190		6	12
Shoesmiths Holiday Retreat	Brian	47 Main Road	Manning Point	2430	6553 2633		2	5
Stewarts River B&B	Gary	14 Crosses Lane	Stewarts River	2443	6556 5163	****	2	4
Tallowood Ridge B&B/C	Shirley	79 Moorall Creek Road	Via Wingham	2429	6557 0438		3	7
The Bank Guest House	Paul	48 Bent Street	Wingham	2429	6553 0006		6	12
The Forrest Terrace B&B	Bill	316 Metz Road	Koorainghat	2430	6553 3013		1	5
Waves on High Street	Vince	36 High Street	Hallidays Point	2430	6559 3600		3	6
The White House B&B	Pam	9 Alban Street	Taree	2430	6551 3983		2	4
							72	163
Summary Bed & Breakfast	Rooms	Capacity						
Taree	2	4						
Wingham	9	19						
Belbora	3	6						
Croki	3	6						
Dyers Crossing	4	8						
Firefly	3	6						
Hallidays Point	6	12						
Hannam Vale	3	6						
Koorainghat	1	4						
Krambach	6	12						
Mitchells Island	12	31						
Old Bar	9	22						
Pampoolah	3	6						
Rainbow Flat	6	17						
Stewarts River	2	4						
Tinonee	4	8						
	76	171						
Accommodation	Manager	Address 1	Address 2	3	Ph. No.	Rating	No.rooms	Capacity
COUNTRY RETREATS & FARMSTAYS								
Country Roads	Ken & Margaret	3736 Wallanbah Rd	Nabiac	2312	6554 1396	****	2	14
Chiltern Lodge	Grant	139 Metz Road	Old Bar		6553 3190	****	4	24
Clarendon Forest Retreat	Rex	Coates Road	Possum Brush	2430	6554 3162	*****	8	20
Comboyne Hideaway	Meredith	Cnr Koppin Yarrat Rd	Comboyne	2429	6550 4230		3	18
Elands Cottages	Richard	Elands	Elands	2429	6550 4444		3	6
The Falls Forest Retreat	Derek	318 Isaacs Lane	Johns River	2443	6556 5000	****+	14	35
Kiwarra Country Retreat	Pat	239 Half Chain Road	Old Bar	2430	6553 7391	****	3	6
Mansfield On The Mann	Christi	Lot 95 Beaulieu Road	Tinonee	2430	6553 1800		6	32
NunDoo-bah Retreat	Maurie	200 Woola Road	Taree	2430	6552 7766		2	4
Penlan Cottage	Peter	661 Hannam Vale Rd	Stewarts River	2443	6556 7788		2	6
Riverside Drop Inn	Dot	215 Red Gum Road	Old Bar	2430	0412 120 314		2	4
215 Red Gum Road	Bob	181 Newby Road	Pampoolah	2430	6551 0364		3	12
Scotts Creek Homestead	Carol	150 Lauries Lane	Oxley Island	2430	6553 2536		3	8
Tallow-wood Rural Retreat	Coralie	Bucketts Way	Krambach	2429	6550 2541		3	6
Buddhas View Mountain	Stan	625 Glenwarrin	Elands	2429	6550 4533		3	10
							61	205
Summary Country Retreats	Rooms	Capacity						
Taree	2	4						
Comboyne	3	18						
Elands	6	16						
Johns River	14	35						
Krambach	3	6						
Nabiac	2	16						
Old Bar	9	34						
Oxley Island	3	8						
Pampoolah	3	12						
Possum Brush	8	20						
Stewarts River	2	6						
Tinonee	6	30						
	61	205						

Accommodation	Manager	Address 1	Address 2	3	Ph. No.	Rating	No.rooms	Capacity
RESORTS, APARTMENTS & UNITS								
Namaste Beach	Stuart	31 David Street	Old Bar	2430	6557 4224		10	29
Cabana Units	Jan &	109-11 Beach Street	Harrington	2427	6556 1141		4	18
Lauders Real Estate Pty	The M	Old Bar Road	Old Bar	2430	6553 7700		8	40
LJ Hooker Harrington H	The M	23 Beach Street	Harrington	2427	6556 1000		35 properties	210
L J Hooker Manning Po	The M	39-41 Old Bar Road	Old Bar	2430	6553 7133		2 Properties	14
Manning Point Hideawa	Colin	16a Manning Street	Manning Point	2430	6553 2928		6 Cabins	34
Meridian Resort	Joy &	32 Lewis Street	Old Bar	2430	6553 3441	****+	35 Units	145
Ocean Dreaming Holida	Alan &	2 Redhead Road	Hallidays Point	2430	6559 3365		2	8
Ocean Sounds	Jill Go	1/68 Wyden St	Old Bar	2430	6557 4224		10	29
L J Hooker Old Bar Holi	LJ Ho	39-41 Old Bar Road	Old Bar	2430	6553 7133		15 properties	100
Pacific Rose Retreat	Peter	45 Pacific Parade	Old Bar	2430	6553 7133		2 Units	14
Palm Court Units	LJ Ho	2 Minumurra Drive	Harrington	2427	6556 1000		1	4
The Pines at the Point	LJ Ho	91 Main Road	Manning Point	2430	6553 7133		10 Units	46
Ray White Holiday Accom	David	Shop 3, Diamond Dr	Diamond Beach	2430	6559 2144		43	220
Seashells Beachfront R	David	Diamond Beach Road	Diamond Beach	2430	6559 2779	***+	38	170
Tallwoods	Courtr	Black Head Road	Hallidays Point	2430	1300 135 456	****+	54 Apartments	100
								1181
Summary Resorts, Apartments & Units								
Diamond Beach							390	
Hallidays Point							108	
Harrington							232	
Manning Point							80	
Old Bar							371	
							1181	
CARAVAN & HOLIDAY PARKS								
Beachfront Holiday Res	Gordo	21 Redhead Road	Hallidays Point	2430	1800 888 706	****	42 Cabins	228
Coastal Resort Caravan	Bernie	Diamond Beach Rd	Diamond Beach	2430	6559 2719	***+	15 Cabins	77
Colonial Leisure Village	Neville	716 Harrington Road	Harrington	2427	6556 3312	***+	8 Cabins/2 vans	52
Cundle Flat Farm		Cundle Flat	Via Mt George	2429	6550 7565		Bunkhouse/cab	31
Dawson River Caravan	Philip	Main Street	Cundletown	2430	6553 9237	*** Cabin	11 Cabins	66
Diamond Beach Holiday	Darrer	Jubilee Parade	Diamond Beach	2430	6559 2910	****	16 Cabins	112
Happy Hallidays Holiday	Adrian	146 Blackhead Road	Hallidays Point	2430	1800 555 454	****+	29 Cabins	174
Harrington Beach Holiday	M & B	Crowdy Road	Harrington	2427	6556 1228	****	27 Cabins	130
Lanis at the Beach	Wendy	Old Bar Rd	Old Bar	2430	6553 7274	****	19 Cabins/6 vans	152
East's Ocean Shores Holiday	Alan &	32 Manning Street	Manning Point	2430	6553 2624	****	12 Cabins	166
Nabiac Caravan Park	Brian	Pacific Highway	Nabiac	2312	6554 1213	**	4 Cabins	16
Oxley Anchorage Caravan	Ron &	71-83 Beach Street	Harrington	2427	6556 1250	***+	5 Cabins/5 Vans	60
Riverside Caravan Park	Trevor	Reid Street	Croki	2430	6556 3274		2 cabins/3 vans	10
Twilight Caravan Park	Joy &	146 Manning River Dr	Taree	2430	6552 2857	***+ cabin	9 cabins/1 van	44
Weeroona Caravan Park	Terry	21 Main Road	Manning Point	2430	6553 2635	**** Park	4 cabins/6 cottages	108
Australis Resort		Old Soldiers/Diamond	Diamond Beach				6motel units, 58 cabins	240
								1666
Summary Caravan/Holiday Parks								
Taree/Cundletown	21 cabins						110	
Croki	2 cabins						10	
Diamond Beach	29 cabins						429	
Hallidays Point	71 cabins						402	
Harrington	26 cabins						242	
Manning Point	16 cabins						274	
Mount George	1 Bunkhouse						31	
Nabiac	4 cabins						16	
Old Bar	4 cabins						152	
							1666	

GRAND TOTAL	motel	Motels	Hotels	Hotels	B&Bs	B&Bs	Country Retre	Country Retreats	Resorts, Apartments, Units	Caravan/ Holiday Parks	Total
Taree/Cundletown	383	1213	81	118	2	4	2	4		110	1449
Belbora					3	6					6
Comboyne							3	18			18
Coopernook	16	63	10	27							90
Croki					3	6				10	16
Crowdy Head	6	13									13
Diamond Beach		48							390	429	867
Dyers Crossing					4	8					8
Elands							6	16			16
Firefly					3	6					6
Hallidays Point					6	12			108	402	522
Hannam Vale					3	6					6
Harrington	16	47	8	18					232	242	539
Johns River							14	35			35
Koorainghat					1	4					4
Krambach					6	12	3	6			18
Manning Point									80	274	354
Mitchells Island					12	31					31
Mount George										31	31
Nabiac							2	16		16	32
Old Bar					9	22	9	34	371	152	579
Oxley Island							3	8			8
Pampoolah					3	6	3	12			18
Possum Brush							8	20			20
Rainbow Flat					6	17					17
Stewarts River					2	4	2	6			10
Tinonee					4	8	6	30			38
Wingham	43	118	23	55	9	19					192
Total	464	1502	122	218	76	171	61	205	1181	1666	4943
Proportion		30%	2%	4%	2%	3%	1%	4%	24%	34%	100%

Appendix 5 – Tourism Statistics

A5.1 Recent Tourism Accommodation Developments

Recent tourist development activity may provide an indication of the demand for tourist accommodation. Council staff advise that the only recent developments have been:

- Australis Resort, North Diamond Head
- 27 unit motel, Harrington Waters (4 Star – yet to open)

Both these developments represent substantial capital investment, and provide an indication of a reasonable level of demand for tourist accommodation. In addition there is a current development application for 62 Units and Function/Conference Centre at 9 Manning Drive Taree (near Taree Aquatic Centre).

A5.2 Economic Profile

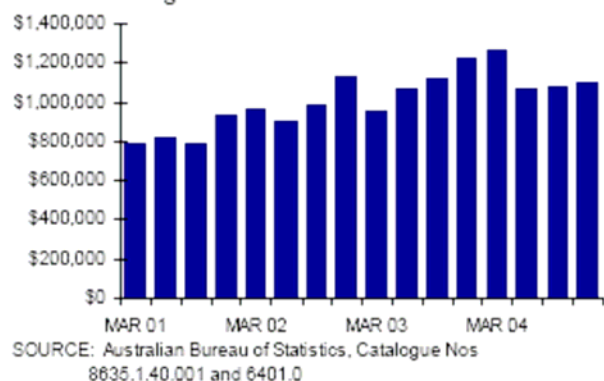
The Greater Taree Economic Profile provides a range of findings and recommendations for economic development for the area, including the following relevant statements:

- *Tourism is regarded as “a growing sector of the economy. The sector was seen as a vital part of the industry mix but not one that should predominate.*
- *It was also noted that the tourism industry is becoming increasingly competitive and subject to changing consumer patterns.*
- *The product mix in the tourism sector was observed to be diversifying with growth at the boutique or bed and breakfast end of the market.*
- *The region’s visitors were primarily families and retirees travelling with caravans and campervans so that more emphasis needed to be placed upon branding and marketing to that section of the community.*
- *The emerging industry of eco-tourism and the importance of the area’s unique natural environment.*
- *The untapped potential of the river and its recreational and lifestyle possibilities.*
- *The natural environment of Greater Taree as one of its principal attributes. The suggested utilisation of these environmental values was in eco-tourism, recreational pursuits on the river and in the hinterland, and in high quality lifestyle developments.*

The Economic Profile contains many anecdotal statements about the future of tourism. It is difficult to obtain hard data on tourism, for the Council area, as data is collected either at the national, state or regional level. Some data can be derived from regional statistics.

The ABS collects information on tourist accommodation businesses with 15 or more beds. This indicates that there has been steady growth in takings between March 2001 and March 2004.

Table 6.1 *Greater Taree: Real value - Accommodation takings*



Discussion with the Economic Development Manager and the Tourism Manager provided the following observations:

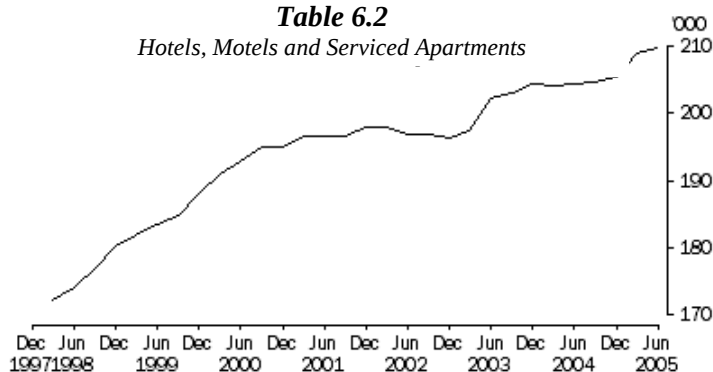
- A need to identify market segments: recreational tourism, business tourism, and sporting and other event based tourism.
- A need to give opportunity for the market to build a range of tourism accommodation by appropriate zoning, not restricting development opportunities.
- A latent demand for business conferencing accommodation that is not currently available.
- Increasing visitor activity associated with natural and cultural experiences.

A5.3 National Trends

a) Tourist Accommodation Capacity

Capacity in terms of rooms/units/apartments/suites is the maximum number available to accommodate paying guests. The total recorded capacity for hotels, motels and serviced apartments with 15 or more rooms has generally increased since 1997. Capacity reached 209,823 rooms in the June quarter 2005 (up 2.6% from the June quarter of 2004).

Table 6.2
Hotels, Motels and Serviced Apartments



Source: Tourist Accommodation, Australia, cat. no. 8635.0.

b) Room Occupancy Rates

Occupancy rates for hotels, motels and serviced apartments have steadily increased over the last 6 years to about 65%.

Table 6.3
Occupancy Rates



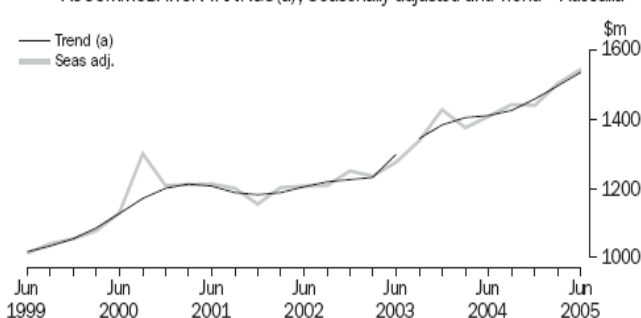
(a) Room occupancy rates are not subject to a break in series.

c) Accommodation Takings

The total accommodation takings for hotels, motels and serviced apartments with 15 or more rooms combined continued to increase, reflecting the combined effect of increased demand for higher quality accommodation, higher tariffs (including the effects of inflation) and an increase in the average number of guests per room.

Table 6.4

ACCOMMODATION TAKINGS(a), Seasonally adjusted and Trend—Australia



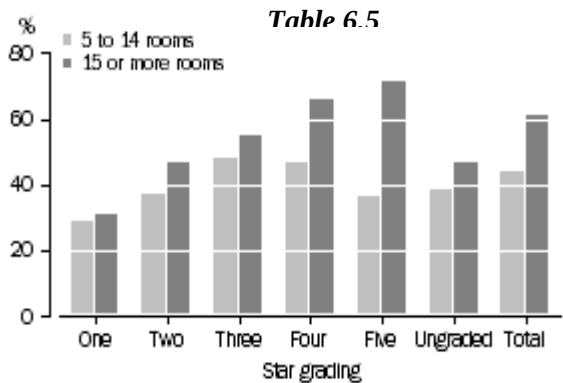
(a) Break in time series between the March and June quarters 2003.

Source: Tourist Accommodation, Australia, cat. no. 8635.0.

d) Occupancy Rates by Star Grading

In June quarter 2006, the room occupancy rate for five-star hotels, motels and serviced apartments with 5 or more rooms was 70.9% compared with 30.3% for one-star. For hotels, motels and serviced apartments with 15 or more rooms, the room occupancy rate was 71.1% for five-star establishments compared with 31.1% for one-star.

For establishments with 5 to 14 rooms, three-star (48.3%) and four-star (46.5%) establishments had the highest room occupancy rates, compared with one-star establishments at 28.8%.



e) New Registered Caravans

The number of new registered caravans continues to grow. Between 1998-99 and 2000-2001 there was a 30% increase in the number of new caravans registered.

The ABS recently released Motor Vehicle Census, 31 March 2002 (cat. no. 9309.0). This publication includes data on registered campervans and caravans. There were 285,423 registered caravans at 31 March 2002, up 5% on the number of registered caravans at 31 March 2001 (273,106). There were 35,164 campervans on register at 31 March 2002.

Appendix 6 – Land Supply Balance Sheet

Blueprint Planning Consultants

		Area of Land (ha)	Permanent residential	Tourist Land (ha)	Density	Yield
Site 1	Crowdy Head	5.48	50%	2.74	800	34
Site 2	Old Bar	12	30%	8.4	500	168
Site 3 East	North Diamond Beach east	35.5	20%	28.4	800	355
Site 3 West	North Diamond Beach west	33.14	20%	26.5	10000	27
Site 4	Diamond Beach south	1.9	50%	1.0	350	27
Site 5	Pitt Street Taree	18.33	90%	1.8	150	122
	9 Manning Dr Taree					62
Site 6	Pretoria Ave Harrington	1.39	20%	1.1	350	32
	Total	107.74		69.9		827

Summary					
			Supply	Demand	Balance
Crowdy Head/Harrington/Manning Point			66	150	-84
Diamond Beach/Hallidays Point			409	234	175
Old Bar			168	96	72
Taree			184	240	-56
Total			827	720	107

Appendix 7 – Standard LEP Recommendations

Land Use Table

Direction 1. Additional objectives may be included in a zone at the end of the listed objectives to reflect particular local objectives of development, but only if they are consistent with the core objectives for development in the zone as set out in the Table.

Direction 2. Specified uses may be added to (but not removed from) the list of development that is permitted or prohibited in a zone. Additional uses may be added to an item of a zone even if some uses are already specified in that item. Additional permitted uses for particular land (but not all land in a particular zone) may be set out in Schedule 1.

Direction 3. Items 2, 3 and 4 of each zone require a relevant entry to be inserted. The following may be entered:

- (a) particular uses,
 - (b) the word "Nil",
 - (c) the words "Any other development not otherwise specified in item [specify item number or numbers]",
- so long as all residual (ie non-specified) uses are covered.

Zone SP3 Tourist

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To facilitate and encourage tourist based development so as to increase the economic base within the City of Greater Taree.
- To provide employment opportunities in the tourism sector as part of a balanced growth strategy for the City.
- To allow additional development under clause 40B as an incentive to the creation of tourist based development.

2 Permitted without consent

Nil

3 Permitted with consent

Compulsory

Food and drink premises; Tourist and visitor accommodation.

Roads (*may be without consent*)

Recommended inclusions

Business premises (associated with tourist and visitor accommodation), Caravan parks (used for tourist and visitor accommodation), Entertainment facilities, Environmental facilities, Environmental protection works, Food and drink premises, Function centres, Information and education facilities, Kiosks, Marinas, Recreation areas, Recreational facilities (indoor), Recreational facilities (outdoor), Registered clubs, Neighbourhood shops, Signage, Water recreation structures.

Optional inclusions

Car parks, Child care centres, Community facilities, Dual occupancies, Dwelling-houses,

4 Prohibited

Recommended

Any other development not otherwise specified in item 2 or item 3.

Part 4 Principal development standards

19 Minimum subdivision lot size [optional]

- (1) This clause applies to a subdivision of any land shown on the Lot Size Map that requires consent and that is carried out after the commencement of this Plan.
- (2) The size of any lot resulting from any such subdivision of land is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Note: Lot Size Map is to generally apply minimum lot size of:

- 40ha for rural zones
- SP3 Tourist zone to be a lot size that effectively prevents further subdivision of any of the parcels, could be just generally 40ha, or could be different for each of the 4 sites.
- Residential zones will vary between 450m² to 800m² (I assume), with R5 zone to reflect past rural residential lot sizes – probably between 4000m² and up to 4ha

20 Rural subdivision [compulsory if clause 19 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]

- 1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Rural Small Holdings,
 - (d) Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

20A Lot sizes for dwelling houses and dual occupancies

- (1) Consent may be granted for the erection of a dwelling house or dual occupancy on a lot within any zone only if the area of the land is at least the minimum required by clause 19.
- (2) *(I assume an existing entitlement/existing holding provision will be required for rural zones)*
- (3) In this clause, “attached dual occupancy” means the dwellings have a common roof line or share a common dividing wall, and that any separation of the dwellings only be by covered parking spaces.
- (4) Council shall not grant consent to an application for dual occupancy on land within any zone other than a residential zone, excluding Zone R5, unless it is an attached dual occupancy.

21 Height of buildings [optional]

- (1) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Direction. Different heights may be shown on the map for different zones or for different land in the same zone. The objectives of the particular building height restrictions must be added to this clause.

Part 6 Greater Taree City special provisions

39A Aims of Part 6

The aims of this Part are as follows:

- (a) To specify local controls for the City of Taree in relation to matters that are not addressed by the Standard Instrument (Local Environmental Plans) Order,
- (b) To implement Council's strategies in relation to urban growth, economic development, conservation, etc (Council to add as required)

40A Tourist and Visitor Accommodation Development *(may be a higher number clause, depending on the other matters to be addressed in part 6)*

- (1) The aims of this clause are:
- (a) to specify the maximum period of occupation of tourist and visitor accommodation, and
 - (b) to regulate the tenure of the land to achieve the desired land uses.
- (2) This clause applies to all applications for tourist and visitor accommodation development.
- (3) In this clause, "permanent residential accommodation" means accommodation that is occupied by the same person or household group, for a continuous period of more than 90 days, or for more than 150 days in any 12 month period, and tourist and visitor accommodation is accommodation that is not permanent residential accommodation.
- (4) Council shall not grant consent to an application for tourist and visitor accommodation development, unless it is satisfied that the development will not be used for permanent residential accommodation.
- (5) For the purposes of subclause (4), Council shall not be satisfied unless:
- (a) in relation to a development for a caravan park, consent is subject to a condition specifying that none of the sites are to be used for long term residential purposes.
 - (b) in relation to development not involving subdivision, a restriction is created on the title of the land, prior to the issue of an occupation certificate and prior to commencement of the use, prohibiting the use of the development for permanent residential accommodation.
 - (c) in relation to development involving strata-title or community title subdivision, a restriction is placed on the title of the individual lots that prohibits use of the lot for permanent residential accommodation.
- (6) Council shall not grant consent to the strata title or community title subdivision of tourist and visitor accommodation development unless:
- (a) the development is within a residential zone other than Zone R5 or
 - (b) the development is within a business zone, or
 - (c) it is allowed under clause 40B.

40B Incentives for development within Zone SP3 - Tourist

- (1) The aim of this clause is to provide incentives for the development of tourist and visitor accommodation and tourist related facilities, within Zone SP 3 - Tourist..
- (2) This clause applies to land within Zone SP 3 – Tourist.
- (3) The sites listed in Column 1 of the Table to this clause are shown in the Greater Taree Tourist Development Sites Overlay.
- (4) In this clause, “permanent residential accommodation” has the same meaning as it has in clause 40A.
- (5) Council shall not grant consent to an application under this clause unless:
 - (a) the development incorporates tourist or visitor recreational or service facilities such as swimming pools, tennis courts, children’s playgrounds, barbecue and picnic facilities, cafes, restaurants, conference facilities, meeting rooms, or boating or other water based facilities and services, and
 - (b) it is satisfied that the particular incentive provided by this clause will facilitate the construction of tourist and visitor facilities and accommodation, or other tourist related development, and that the development would not occur without the incentive.
- (6) Council may require an application made under this clause to be accompanied by such information that demonstrates that the financial feasibility of the development relies upon the benefits derived from the incentive.
- (7) Despite the provisions of clause 12 and the Table to Part 2 of this Plan, Council may allow the use of tourist and visitor accommodation development within Zone SP3 – Tourist for permanent residential accommodation, where the number of permanent accommodation units, as a percentage of the total number of accommodation units, does not exceed the maximum percentage shown in Column 2 of the Table to this clause.
- (8) Despite the provisions of clause 19 and 20A, Council may grant consent to an application which proposes the creation of lots with a size less than that allowed under clause 19, and the erection of a dwelling-house on each lot, provided:
 - (a) the application is for an integrated development incorporating tourist and visitor facilities and accommodation, and residential development, and
 - (b) the total number of lots created, as a percentage of the total number of dwelling house lots and tourist and visitor accommodation units, does not exceed the maximum percentage shown in Column 3 of the Table to this clause, and
 - (c) any lot created under sub-clause (8)(b) shall have an area not less than that shown in Column 5 of the Table to this clause,
- (9) Council shall require as a condition of consent to an application made under sub-clause (8) that a Subdivision Certificate for any lot to be created shall not be issued until the tourist and visitor accommodation development that allows the subdivision, has been constructed and has commenced operation.
- (10) The total number of permanent accommodation units approved under sub-clause (7) (if any) plus dwelling-house lots approved under sub-clause (8) (if any) expressed as a percentage of the total number of permanent accommodation units plus tourist and visitor accommodation units plus dwelling-house lots, shall not exceed the maximum percentage shown in Column 4 of the Table to this clause,
- (11) Council may grant consent to the construction of a new building that contains tourist and visitor accommodation that has a height of up to 1 storey greater, or up to 3m greater, than that allowed by clause 21, but only if:

- (a) Council is satisfied that the development incorporates a high standard of architectural design, and uses materials and detailing appropriate to the building type and location, and
 - (b) the building complies with the Greater Taree City Tourist Zone Sites DCP.
- (12) Council shall not grant consent to the strata title or community title subdivision of tourist and visitor accommodation development unless it is on land within a site that is shown in Column 6 of the Table to this clause, as permitting the subdivision.

Table to Clause 40B

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Site Description	Maximum number of accommodation units allowed to be used for permanent residential accommodation.	Maximum number of lots that may be created by a subdivision for the erection of a dwelling-house.	Maximum total that may be created under Columns 2 and 3.	Minimum lot size.	Permissibility of strata title or community title subdivision.
Crowdy Head Site	50%	Nil	50%	NA	No
Old Bar Site	30%	30%	30%	450m2	Yes
North Diamond Beach Site	20%	20%	20%	800m2	Yes
Diamond Beach Site	30%	30%	30%	450m2	Yes

40C Encouragement for tourist development within Residential Zones

- (1) The aim of this clause is to encourage development of tourist and visitor accommodation.
- (2) The sites listed in Column 1 of the Table to this clause are shown in the Greater Taree Tourist Zone Sites Overlay.
- (3) In this clause, “permanent residential accommodation” has the same meaning as it has in clause 40A.
- (4) Council shall not grant consent to an application for development of land referred to in Column 1 to the Table to this clause unless the development includes tourist and visitor accommodation and the number of permanent accommodation units, as a percentage of the total number of accommodation units, does not exceed the amount shown in Column 2 of the Table to this clause.

Table to Clause 40B

Column 1	Column 2
Site Description	Maximum number of accommodation units allowed to be used for permanent residential accommodation.
Pretoria Parade, Harrington Site	75%
Taree (Pitt Street) Site	90%

Appendix C

COASTAL SETBACK REVIEW

Ramada Resort Diamond Beach
Attention: Mr Matt Wooldridge
357 Diamond Beach Road
Diamond Beach NSW 2430
(sent by email only to Tony Fish from PDA Services,
tfish@pdaservices.com.au)

Level 14
56 Berry Street
NORTH SYDNEY NSW 2060
+61 2 8854 5000
www.royalhaskoningdhv.com

ABN 66 153 656 252

Our reference: PA1004
Date: 30 June 2015

Subject: Coastal Engineering Advice in Relation to Ramada Resort Diamond Beach

1 BACKGROUND

It is understood that Ramada Resort Diamond Beach ("Ramada") has purchased land to the south of the existing resort development, with the purchased land located south of Seashells Resort Road. This purchased land is zoned rural, and Ramada is seeking to have the zoning changed to "SP3 Tourist" as applies at the existing resort. Based on advice from Greater Taree Council, in considering such a rezoning the NSW Department of Planning and Environment (DPE) generally require the rezoning to be landward of the 2100 year coastline hazard line (understood to be more of an unofficial policy stance rather than written code).

A Coastal Zone Management Plan (CZMP) has been adopted by Council for the study area, namely WorleyParsons (2013), although note that this has not been certified by the Minister for the Environment. Based on the DPE stance noted above, the 2100 hazard line in the CZMP would apply as the zoning setback. The area seaward of the 2100 hazard line would be zoned "E3 Environmental Management" based on the DPE position, and tourist structures would be prohibited in this area.

For the existing resort (which has 8 lots approved for subdivision) and purchased land to the south, the CZMP and Greater Taree Development Control Plan 2010¹ ("DCP") require developments seaward of the 2050 hazard line to be modular and relocatable in construction. Land between the 2050 and 2100 lines can have 'normal' construction materials and techniques but all land development within the 2100 erosion area will have a condition of consent imposed requiring demolition or relocation should certain erosion triggers be reached. This causes difficulties for owners, as it is understood that financial institutions generally avoid financing owners who have this condition of consent imposed on the construction of a dwelling.

Ramada engaged Haskoning Australia Pty Ltd to provide advice, as set out herein, as to the validity (from a coastal engineering perspective) of:

- permitting the SP3 Tourist zone within the 2100 hazard area; and
- seeking a revision of the CZMP and DCP to remove the conditions on demolition and relocation.

¹ Version 9, effective from 6 January 2015. Part D1 of the DCP applies to coastline management.

The report is set out as follows:

- in Section 2, an assessment of the validity of the Immediate, 2050 and 2100 coastline hazard lines adopted as part of the CZMP is undertaken;
- in Section 3, there is discussion on subsurface conditions seaward of the subject properties;
- in Section 4, the implications of an alternative “acceptable risk” approach to hazard definition are outlined;
- in Section 5, trigger conditions are considered;
- in Section 6, recommendations are given for future work; and
- conclusions and references are provided in Section 7 and Section 8 respectively.

The report author is Peter Horton [BE (Hons 1) MEngSc MIEAust CPEng]. Peter has postgraduate qualifications in coastal engineering and 23 years of coastal engineering experience. Note that all levels given herein are to Australian Height Datum (AHD). Zero metres AHD is approximately equal to mean sea level at present.

2 ASSESSMENT OF VALIDITY OF IMMEDIATE, 2050 AND 2100 HAZARD LINES IN CZMP

2.1 Summary of Hazard Components

The following components were defined to develop the coastline hazard line positions for the CZMP, as outlined in WorleyParsons (2010):

1. storm cut (100 year ARI storm demand or beach erosion) of 220m³/m;
2. long term recession due to net sediment loss of 0.1m/year;
3. high-range sea level rise of 0.4m at 2050 and 0.9m at 2100²;
4. inverse slope for use in the Bruun Rule of 50;
5. long term recession due to sea level rise of 20m at 2050 and 45m at 2100;
6. no discounting of sea level rise that actually occurred between 1990 (the date upon which sea level rise estimates of 0.4m and 0.9m are generally determined relative to) and 2008 (the base profile date for hazard definition);
7. unquantified adjustment of profiles from 2006 (the last photogrammetric data date) to 2008 date to account for recession;
8. hazard lines delineated at the landward edge of the Zone of Slope Adjustment; and
9. recession applied by translating Zone of Wave Impact and recalculating Zone of Slope Adjustment position.

Discussion on these Items is provided below. It is recognised that the terminology adopted above and below is relatively technical, so accordingly the discussion includes simple summary statements on the implications on hazard line positions.

Note that in WorleyParsons (2010), Immediate, 2058 and 2108 hazard line positions were delineated. However, in the CZMP, these were renamed as 2050 and 2100 hazard lines without any translation of the line positions, which is conservative. Also note that the hazard line

² Mid-range sea level rise values were also considered (lower than the high-range values), but the hazard lines adopted in the CZMP were ultimately based on the high-range sea level rise values, so only the high-range values are considered herein.

components were developed assuming an entirely sandy subsurface, which as discussed in Section 3 is conservative given that there is indurated sand and clay within the hazard zones.

2.2 Item 1 (Storm Demand)

Item 1 is conservative, but can be considered to be reasonable based on the uncertainties involved, unless further analysis can justify a lower value.

2.3 Item 2 (Long Term Recession due to Net Sediment Loss)

It is considered that Item 2 is overly conservative. Figure B4 of WorleyParsons (2010) indicates that the southern 3.5km of Diamond Beach, which includes the subject properties, had net volume accretion between 1963 and 2006 at almost all profiles. Furthermore, the area in the vicinity of the subject properties generally had progradation of the 5m AHD contour position over this period of about 0.1m/year. It is considered that adopting zero long term recession due to net sediment loss would be more reasonable as a best estimate. This would translate hazard lines about 5m seaward at 2050 and 10m seaward at 2100.

2.4 Item 3 (Sea Level Rise)

Item 3 was based on the former *NSW Sea Level Policy Statement* (DECCW, 2010). Based on Whitehead & Associates (2014), Greater Taree Council has recently considered (as per the agenda for the Ordinary Meeting of Council on 18 February 2015) adopting sea level rise benchmarks of 0.26m at 2050 and 0.98m at 2100, which are relative to the start of 2015. It is considered that these values are conservatively high in combination with other conservative hazard definition parameters, being estimated as having only a 15% probability of exceedance by Whitehead & Associates (2014), and it would be more appropriate to include sea level rise in a probabilistic framework for hazard definition.

2.5 Item 4 (Bruun Slope)

For Item 4, the use of an inverse slope of 50 may be considered to be overly conservative, given that the best estimate for Diamond Beach noted in WorleyParsons (2010), based on a depth of closure of 10m, was 30. The effect of this is discussed in Section 2.6.

2.6 Item 5 (Long Term Recession due to Sea Level Rise)

Regarding Item 5, if the Greater Taree Council sea level rise estimates noted above in Section 2.4 were used with a Bruun inverse slope of 30 (Section 2.5), this would be equivalent to long term recession due to sea level rise of 7.8m at 2050 and 29.4m at 2100 (if 2006 base profiles were accepted as being valid at the start of 2015, which can be considered as likely to be conservative on a generally prograding profile). This would translate hazard lines about 12.2m seaward at 2050 and 15.6m seaward at 2100. This is independent of the seaward shift of the hazard lines referred to in Section 2.3.

2.7 Item 6 (Discounting Historical Sea Level Rise)

Discounting of historical sea level rise is not required if the Greater Taree Council sea level rise estimates are used, which were defined relative to the start of 2015.

2.8 Item 7 (Adjustment from 2006 to 2008)

It is unknown how this adjustment was applied at Diamond Beach but it is expected that this should have been small. No adjustment would be required on a prograding beach such as Diamond Beach, but the effect on translation of hazard lines is unknown without knowledge of the adjustment applied.

2.9 Item 8 (Zone of Slope Adjustment)

It is considered to be reasonable to use the landward edge of the Zone of Slope Adjustment to define coastline hazard lines.

2.10 Item 9 (Translation of Zone of Wave Impact)

It is considered to be a reasonable to apply recession by translating the Zone of Wave Impact positions.

2.11 Effect on Hazard Line Positions

Based on Item 2 (Section 2.3) and Item 5 (Section 2.6), it is considered to be a reasonable technical argument (from this first pass assessment) that the hazard lines adopted in the CZMP be translated about 17m seaward at 2050 and 26m seaward at 2100 in the vicinity of the subject properties at Diamond Beach. If the 2100 hazard line was so translated and this argument was accepted as being reasonable by Council, the NSW Office of Environment and Heritage (OEH) and DPE, then presumably the seaward edge of the SP3 zone could be at the translated 2100 hazard line location.

The effect of such a translation is illustrated in Figure 1. The green shaded area represents the boundary covering 8 lots approved for subdivision on the existing Ramada site. About 80% of the area of the green shaded lots is seaward of the CZMP 2100 Hazard Line, reducing to about 30% for the translated 2100 hazard line. For the purchased land to the south, about 16% of the area of the lot is seaward of the CZMP 2100 Hazard Line, reducing to about 8% for the translated 2100 hazard line.

Note that the 2100 hazard line position and hence zoning boundary is considered to be a suitable setback (from a coastal engineering perspective) for building structures. That is, unless planning considerations required it, it is not considered necessary to apply an additional rear boundary setback landward of the 2100 hazard line / zoning boundary³.

³ Note that a lot boundary may be seaward of the zoning boundary.

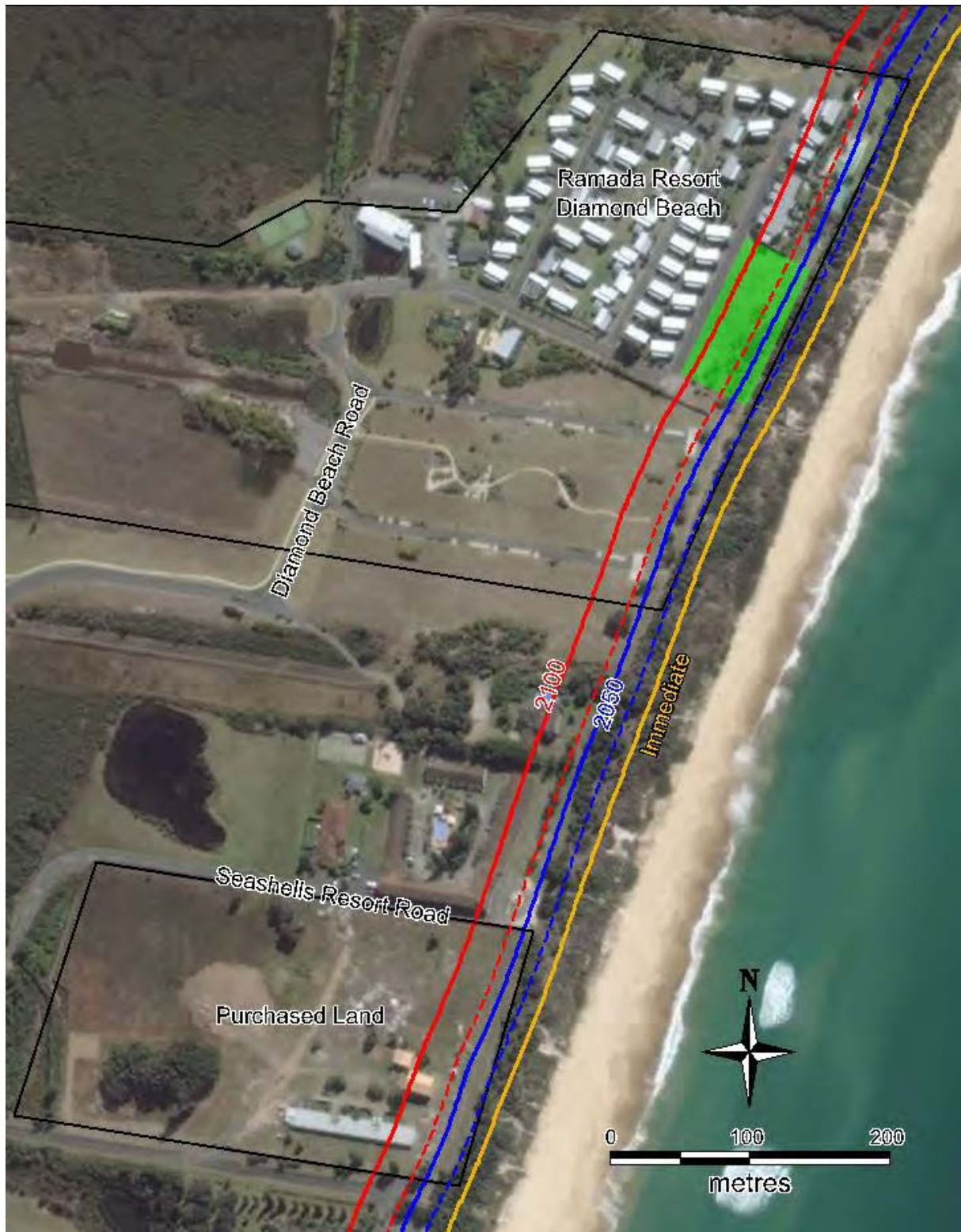


Figure 1: Translated coastline hazard lines (dashed) based on analysis above, compared to existing hazard lines (solid lines) adopted in CZMP, with 8 lots approved for subdivision on existing Ramada site shown shaded in green

3 SUBSURFACE CONDITIONS

3.1 Review of Geotechnical Investigations

A geotechnical investigation covering the subject properties (existing resort and purchased land) has been completed by Regional Geotechnical Solutions Pty Ltd (2015). Regional Geotechnical Solutions drilled three boreholes, with a summary of the subsurface conditions encountered at each borehole provided in Table 1. Note that the surface level at each borehole was estimated based on LiDAR elevation data held by Haskoning Australia. The borehole locations are depicted in Figure 2 as BH1, BH2 and BH3.

Table 1: Conditions encountered at Regional Geotechnical Solutions (2015) boreholes

Borehole	Surface level (m AHD)	Subsurface
BH1	9.0	Sand (medium dense to dense) from 9m to 5m AHD Indurated sand from 5m to 0.8m AHD Sand and silty sand (loose to medium dense) from 0.8m to -0.2m AHD Clay (residual soil), very stiff, from -0.2m to -1.2m AHD Mudstone rock (extremely weathered, extremely low strength gravelly clay) from -1.2m to -1.5m AHD
BH2	9.8	Sand (medium dense to dense) from 9.8m to 5.6m AHD Indurated sand from 5.6m to 2.3m AHD Sand and silty sand (loose to medium dense) from 2.3m to 1.6m AHD Marine clay (ranging from soft to stiff) from 1.6m AHD to -0.7m AHD
BH3	10.0	Sand (medium dense to dense) from 10m to 4m AHD Indurated sand from 4m to 0.5m AHD Sand and silty sand (loose to medium dense) from 0.5m to -0.5m AHD

Key observations from Table 1 are that indurated sand was encountered at all boreholes over a depth range of 4.2m (BH1), 3.3m (BH2) and 3.5m (BH3). At all of these boreholes, multiple Standard Penetrometer Tests had refusal in the indurated sand. In BH1, very stiff clay was encountered between -0.2m to -1.2m AHD, which would be expected to limit the beach scour level to -0.2m AHD at that location (a scour level of -1m AHD was assumed in previous hazard definition). The soft nature of the marine clay in BH2, which had Standard Penetrometer Test values of zero at a level of 1.3m AHD, would mean that this material could not be assumed to limit erosion/recession.

There is also some geotechnical information on the study area in PWD (1981). They considered that the indurated sand at Diamond Beach would retard localised erosion during a severe coastal storm, and noted indurated sand outcrops at the beach face at the location shown in Figure 2. PWD (1981) reported on boreholes A, B, C and D collected in 1979, and showed geological cross sections denoted as 35N and 70N, at the approximate locations shown in Figure 2. Conditions encountered at the boreholes are summarised in Table 2.

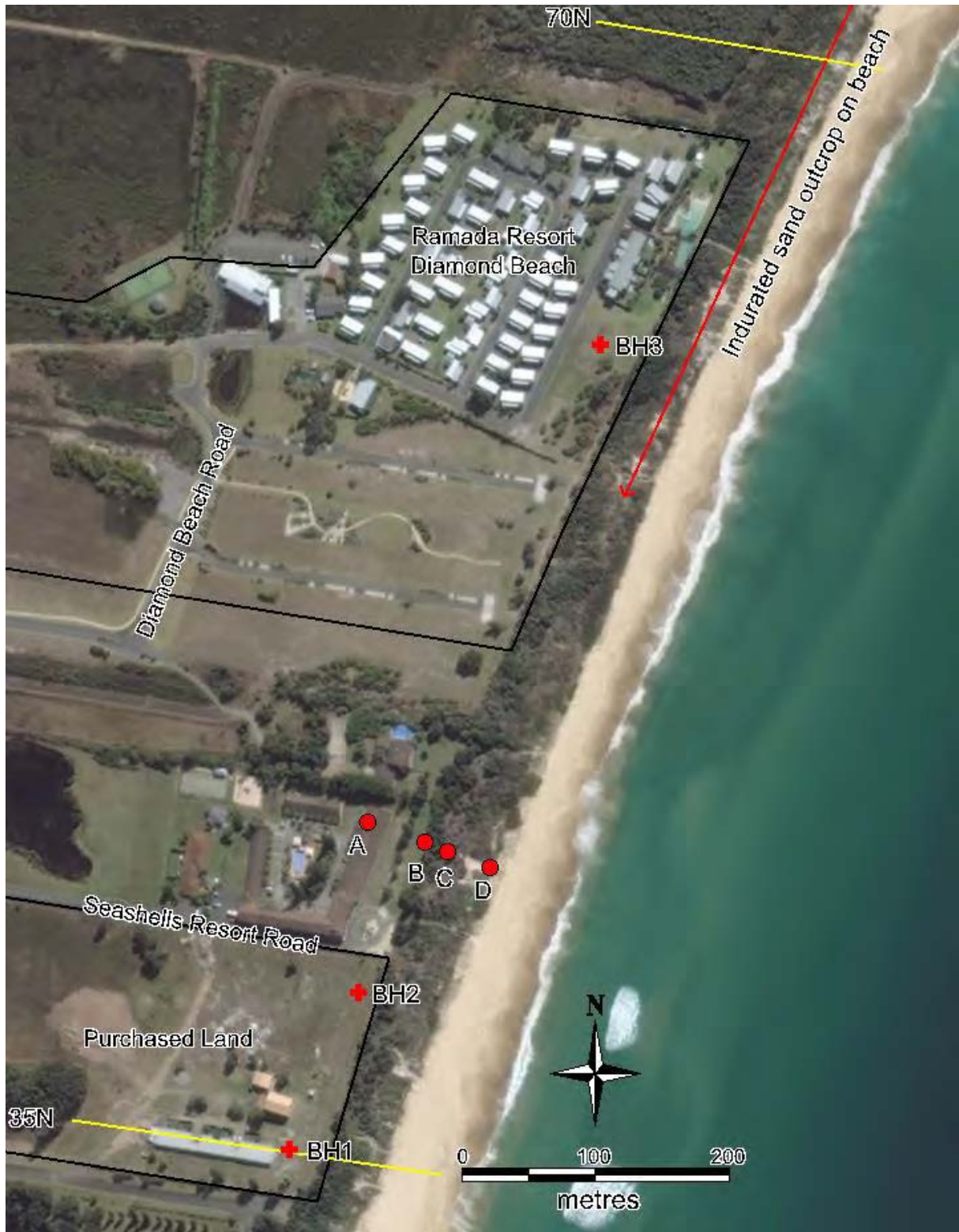


Figure 2: Location of Regional Geotechnical Solutions (2015) and PWD (1981) boreholes and sections

Table 2: Conditions encountered at PWD (1981) boreholes

Borehole	Surface level (m AHD)	Subsurface
A	8.5	Sand from 8.5m to 6m AHD Sand, probably indurated, from 6m to 1.7m AHD Clay from 1.7m to 0.2m AHD
B	10.1	Sand from 10.1m to 7.2m AHD Sand, probably indurated, from 7.2m to 5.3m AHD Sand from 5.3 to 4.7m AHD Clay from 4.7m to 1.6m AHD
C	10.2	Sand from 10.2m to 8.2m AHD Sand, probably indurated, from 8.2m to 7.2m AHD Indurated sand from 7.2m to 4.8m AHD Gravel from 4.8 to 3.1m AHD Clay from 3.1m to 1.8m AHD
D	4.8	Pebble lag deposit noted at 2.8m AHD

It is evident from Table 2 that indurated sand, or probable indurated sand, was noted at Boreholes A, B and C. Clay was noted below 1.7m AHD at A, 4.7m AHD at B and 3.1m AHD at C. A lag deposit occurs when finer material in a sedimentary deposit is removed by physical processes, leaving the coarser material behind. The pebble lag deposit noted at D may limit future scour depending on its vertical and lateral extent.

The 35N and 70N sections are depicted in Figure 3. From this it can be observed that the indurated sand and pebble/gravel layer is extensive in the cross-shore direction at both 70N and 35N, while the clay layer is extensive in the cross-shore direction at 35N, with a top level of around 1m to 2m AHD. The BH1 results in Table 1 match the 35N section in Figure 3 well, except that the boreholes used to develop Figure 3 did not extend into the weathered rock layer.

In summary, it can be concluded that the existing Ramada resort has:

- an indurated sand layer extending seaward of the property to the beach over a distance of about 45m, and several metres thick in the vertical direction (based on Section 70N and BH3); and
- a gravel layer under the beach sand at a top level of about 2m AHD (based on Section 70N).

For the purchased land, it can be concluded that it has:

- an indurated sand layer extending seaward of the property to the beach over a distance of about 60m, and several metres thick in the vertical direction (based on Section 35N and BH1 and 2);
- a stiff clay layer extending seaward of the property to the beach over a distance of about 60m, that would limit scour below about 0m to 1m AHD (based on Section 35N, BH1 and Boreholes A to C); and
- a pebble/gravel layer under the beach sand at a top level of about 0m to 2m AHD (based on Section 35N and Borehole D).

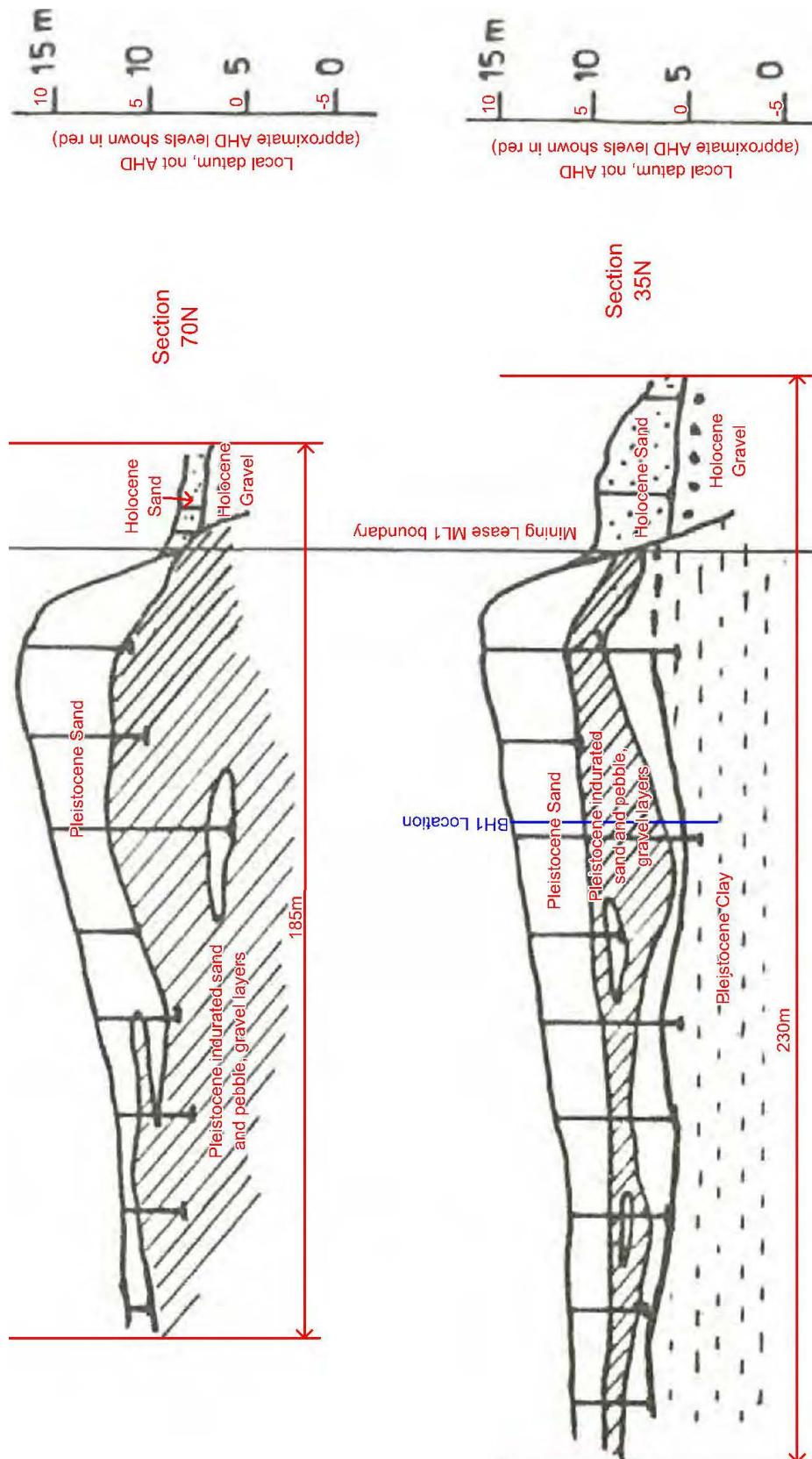


Figure 3: Geological cross sections 35N and 70N, modified from PWD (1981), with modifications shown in colour

3.2 Effect on Coastline Hazards

As noted in Section 3.1, the subsurface conditions seaward of the subject properties include:

- indurated sand layers several metres thick extending all the way to the beach;
- a clay layer seaward of the purchased land extending all the way to the beach that would limit scour below 0 to 1m AHD; and
- and a pebble/gravel layer under the beach sand at about 0m to 2m AHD that may also limit scour.

Although indurated sand can recede over the long term (Lord and Burgess, 1987), such as though progressive undercutting and slumping of indurated layers, the vertical and cross-shore extent and strength of indurated sand at and seaward of the subject properties would be expected to limit some of the short term storm demand that could be realised in a coastal storm (as well as reduce the extent of post-storm slumping) compared to if the beach profile was composed entirely of non-cohesive sand. The clay and pebble/gravel layers would also be expected to limit storm demand and reduce the extent of post-storm slumping, compared to if the beach profile was composed entirely of non-cohesive sand above -1m AHD as was assumed in the CZMP.

The design storm cut adopted in the CZMP was 220m³/m, which is applicable to non-cohesive sandy beaches fully exposed to wave action, and was not based on any site-specific analyses. It is expected that the design storm cut at the subject properties would be less than this value, and that the translated coastline hazard lines depicted in Figure 1 are therefore conservative and could potentially be translated further seaward. This seaward translation has not been quantified herein, but it can be noted that the geotechnical analysis reinforces that the translated hazard lines in Figure 1 are conservative, and are reasonable to apply for planning purposes.

4 ACCEPTABLE RISK APPROACH

As documented in Haskoning Australia (2014a, b) and Horton et al (2014), Haskoning Australia has developed an innovative approach to defining the appropriate location for beachfront development based on consideration of acceptable risk to property. The framework of the adopted risk assessment methodology came from Australian Geomechanics Society procedures for landslide risk management, modified to be appropriate for “sandy beach” coastal hazards.

The acceptable risk approach has numerous advantages over traditional hazard line definition, in particular that a single probabilistic “acceptable risk” line for a fixed planning period (typically 60 years) is defined, rather than the application of multiple lines with varying planning periods and uncertainty as to the level of risk and appropriate controls to apply in each zone. The method has been peer reviewed by coastal engineering, geotechnical engineering and legal experts, and has support in OEH. It is also consistent with the OEH (2013) document *Guidelines for Preparing Coastal Zone Management Plans*.

Based on discussions with Mr Richard Pamplin, Senior Leader Strategic Planning at Council, Council could accept a zoning line equivalent to the acceptable risk line for development on conventional foundations, as long as DPE was supportive.

Based on discussions with Mr Ken Phelan from DPE, it is understood that DPE may accept an alternative hazard line (such as an acceptable risk line) if it is demonstrated that the alternative is consistent with the *NSW Coastal Policy 1997*. DPE would also rely on advice from OEH.

It is considered that the acceptable risk approach would be found to be consistent with the *NSW Coastal Policy 1997*, and that therefore there is no impediment for the acceptable risk approach to be considered at the subject properties.

5 TRIGGER CONDITIONS

Depending on whether the translated 2100 hazard line (or an alternative acceptable risk line) could be accepted as a zoning setback, issues relating to trigger conditions for structures located seaward of the 2100 hazard line may not be significant. That is, if the 2100 line or acceptable risk line allowed an adequate development area, then presumably these triggers would be inconsequential.

Assuming that the triggers are significant, it can be noted that in the CZMP it is stated that “all approvals for new development located wholly or partially seaward of the 2100 year hazard line will include a condition of consent requiring removal of structures if any of the three triggers mentioned...below occur”. These triggers are:

- “where the most landward part of an erosion escarpment is within a predefined trigger distance (10m in the vicinity of the subject properties) of the most seaward point of a development or structure”;
- “where a public road can not provide legal access, unless it can be shown that legal access to the lot can be achieved by other means”; or
- “when water, sewage or electricity to the lot is no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards”.

It is possible that the fact that the CZMP has not been certified would mean the above could be challenged. In Part D1 of the DCP it is stated that “where a ‘Coastal Zone Management Plan’ is in place, development is to be guided by this plan in regard to any works to be carried out in the hazard area”.

However, until certified, the CZMP is presumably not “in place”. As noted in the DCP, where a CZMP is not yet in place, “any proposed development on an allotment that is affected by the identified Coastal Zone Hazard Area or Coastal Zone Hazard Investigation Area is to be accompanied by an assessment of the impact and suitability of such development within a risk assessment framework”. This seemingly opens the door to consideration of an acceptable risk line as not only a zoning setback (Section 4), but also a setback landward of which there is no requirement for development to have trigger conditions applied. This is not completely a coastal engineering matter so should be investigated further by a planner if considered relevant.

If the triggers are found to apply at the subject properties, it is recommended that there is consideration of seeking legal advice as to alternative criteria that could be used that would be acceptable to financiers, and also acceptable to Council in meeting its duty of care. As an example, under the *Local Government Act 1993*, it may be possible for Council to make an order for a structure to be removed or relocated if it was a threat to public health or public safety; is causing or is likely to cause danger, annoyance or inconvenience to the public; or the land or premises are not in a safe or healthy condition. If this is the case it may be argued that Council

could achieve its objectives by making an order under the *Local Government Act 1993*, without adopting trigger conditions and hence potentially preventing owners from obtaining finance.

6 RECOMMENDATIONS FOR FUTURE WORK

It is recommended that there is consideration of additional investigations as outlined below:

1. apply the acceptable risk methodology at the subject properties to determine the appropriate setback for development on conventional foundations, that is the line landward of which no particular controls are considered necessary from a coastal engineering perspective;
2. alternatively, submit a formal investigation noting that the CZMP 2100 Hazard Line is considered to be overly conservative in the vicinity of the subject properties and putting forward the translated 2100 hazard line; and
3. investigate the possibility of an alternative to trigger conditions, including legal advice, if issues relating to the triggers are still significant once rezoning considerations have been made in relation to a translated or acceptable risk hazard line.

7 CONCLUSIONS

A number of components comprising the 2050 and 2100 coastline hazard lines in the vicinity of the subject properties at Diamond Beach, as defined in *A Coastal Zone Management Plan for Greater Taree* (CZMP), were found to be overly conservative. It was considered to be a reasonable technical argument (from this first pass assessment) that the hazard lines adopted in the CZMP be translated 17m seaward at 2050 and 26m seaward at 2100 in the vicinity of the subject properties.

The subsurface seaward of the subject properties includes indurated sand, clay and pebble/gravel, which would be expected to limit some of the short term storm demand that could be realised in a coastal storm. The translated coastline hazard lines are therefore conservative and could potentially be translated further seaward. This seaward translation has not been quantified herein, but the geotechnical analysis reinforces that the translated hazard lines are conservative, and are reasonable to apply for planning purposes.

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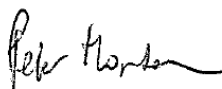
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9 SALUTATION

If you have any further queries, please do not hesitate to contact the undersigned on 8854 5110.

Yours faithfully
HASKONING AUSTRALIA



Peter Horton
Principal Coastal Engineer

Review / Verification by Date



.....30/6/15
Greg Britton, Director

Appendix D

CULTURAL HERITAGE ASSESSMENT

Oceanic Realty

M

Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach, NSW

LGA: Greater Taree City Council

Aboriginal Heritage Impact Assessment

25 July 2016

McCARDLE CULTURAL HERITAGE PTY LTD

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Report No: J15026

Approved by: Penny McCardle

Position: Director

Signed: 

Date: 25 July 2016

This report has been prepared in accordance with the scope of services described in the contract or agreement between McCardle Cultural Heritage Pty Ltd (MCH), ACN: 104 590 141, ABN: 89 104 590 141, and Oceanic Realty. The report relies upon data, surveys, measurements and specific times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by Oceanic Realty. Furthermore, the report has been prepared solely for use by Oceanic Realty and MCH accepts no responsibility for its use by other parties.

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EXECUTIVE SUMMARY

McCardle Cultural Heritage Pty Ltd (MCH) was commissioned by Oceanic realty to prepare an Aboriginal Heritage Impact Assessment for the proposed rezoning of land located at Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach. The objective of the project is to rezone the subject land from Rural to SP3 Tourist zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). The study area is currently the site of the Diamond Beachfront Holiday Units and lies within the Greater Taree Local Government Area (LGA). The eastern boundary of the project area also includes a 30 metre designated coastal erosion zone and Asset Protection Zone. The assessment was undertaken to meet the NSW Department of Environment, Climate Change and Water (DECCW), now known as the Office of Environment and Heritage (OEH), Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), the OEH Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), the DECCW Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b), and the brief.

The study area was located along Diamond Beach and consisted of a very low gentle eastern facing slope that forms part of the coastal dunal system and flows west into low lying flats that is subject to regular water logging. Moor Creek (3rd Order) is located approximately 200 metres to the north west of the study area and Diamond Beach is located approximately 80 metres to the east. The flats in the west may have provided for hunting/gathering whilst the ocean would have provided an abundance of resources. Actual camping may have occurred on the slope in the project area in between these two resource locations. The slope within the project area was considered moderate in terms of suitable camping in relation to resources of fresh water availability and associated resources and suitable for access to the ocean resources. The eastern boundary of the project had been subject to clearing and power easement only whilst the remainder of the project area had been cleared and excavation and fill works associated with the construction of the existing tourist cabins, house, sheds, access roads and associated infrastructure.

The survey identified no archaeological sites within the project area. One Potential Archaeological Pad (PAD) was identified along the eastern boundary as this area appeared to have been subject to minor disturbances and is an elevated landform in relative close proximity to the beach. The PAD is located within the 30 metre designated coastal erosion zone and Asset Protection Zone and will not be impacted on by any future development. A site card for the PAD was submitted to AHIMS.

MCH recommend that:

- 1) The persons responsible for the management of an onsite will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974;
- 2) If the identified PAD will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW. The PAD area will be fenced with high visibility fencing to ensure no impacts during construction; and
- 3) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.

GLOSSARY

Aboriginal Cultural Heritage Values: traditional values of Aboriginal people, handed down in spiritual beliefs, stories and community practices and may include local plant and animal species, places that are important and ways of showing respect for other people.

Aboriginal Place: are locations that have been recognised by the Minister for Climate Change and the Environment (and gazetted under the *National Parks and Wildlife Act 1974*) as having special cultural significance to the Aboriginal community. An Aboriginal Place may or may not include archaeological materials.

Aboriginal Site: an Aboriginal site is the location of one or more Aboriginal archaeological objects, including flaked stone artefacts, midden shell, grinding grooves, archaeological deposits, scarred trees etc.

Artefact: any object that is physically modified by humans.

Artefact scatter: a collection of artefacts scattered across the surface of the ground. Also referred to as open camp sites.

Assemblage: a collection of artefacts associated by a particular place or time, assumed generated by a single group of people, and can comprise different artefact types.

Axe: a stone-headed axe usually having two ground surfaces that meet at a bevel.

Backed artefact: a stone tool where the margin of a flake is retouched at a steep angle and that margin is opposite a sharp edge.

Background scatter: a term used to describe low density scatter of isolated finds that are distributed across the landscape without any obvious focal point.

Blade: a flake that is at least twice as long as it is wide.

Bondi point: a small asymmetrical backed artefact with a point at one end and backing retouch.

Ceremonial Sites: Included in the OEH AHIMS database are sites which were associated with the spiritual beliefs and activities of Aboriginal people. They may be natural places in the landscape or places where structures were made as part of particular ceremonies. Structures include bora rings, stone arrangements etc.

Contact site: a site that displays interaction between early colonists and Aboriginal Australians.

Core: a chunk of stone from which flakes are removed and will have one or more negative flake scars but no positive flake scars. The core itself can be shaped into a tool or used as a source of flakes to be formed into tools.

Cortex: the rough outer weathered surface of a rock, usually chemically altered and removed during knapping.

Cultural deposit: sediments and materials laid down by, or heavily modified by human activity.

Cultural Heritage Sensitivity: This term is used to denote not just the value of a place in the landscape to Aboriginal people, but also the vulnerability of the value. For instance, places with important spiritual values may be very sensitive because the rocks, pools or trees are easily damaged by the activities of others, or only a very few examples remain.

Debitage: small pieces of stone debris that break off during the manufacturing of stone tools. These are usually considered waste and are the by product of production (also referred to as flake piece).

Edge damage: the removal of small flakes, or crushing, from the edge of an artefact.

Elders: Older Aboriginal people in the local community for whom there is great respect because of their knowledge, dignity or communication skills. These people are not necessarily the descendants of traditional Aboriginal people from the area.

Exposure: an area of land surface where the ground surface is visible, usually as a result of thinner vegetation cover, erosion or human caused disturbances. In archaeological surveys, the percentage of ground surface exposed is recorded and the used to calculate effective survey coverage.

Flake: any piece of stone struck off a core and has a number of characteristics including ring cracks showing where the hammer hit the core and a bulb of percussion. May be used as a tool with no further working, may be retouched or serve as a platform for further reduction.

Flaked piece/waste flake: an unmodified and unused flake, usually the by product of tool manufacture or core preparation (also referred to asdebitage).

Formation processes: human caused (land uses etc) or natural processes (geological, animal, plant growth etc) by which an archaeological site is modified during or after occupation and abandonment. These processes have a large effect on the provenience of artefacts or features.

Grinding Grooves: Aboriginal people made a range of edge ground implements such as 'axes' and 'hatchets'. The sharp edge of these tools was maintained by grinding it on sandstone outcrops, most often in stream beds where pools of water were available to wet the grindstone. Spear shafts were also sometimes shaped by grinding. The grinding sites can be identified by elongated grooves in the sandstone surface in sets of 2 to more than 100. Some portable grindstones are also reported from Aboriginal sites.

Grinding stone: an abrasive stone used to abrade another artefact or to process food.

Ground edge hatchet: a stone axe that is oval or rounded in shape, has edges formed by grinding and sharpening, and were hafted to wooden handles using resin, wax or a combination of materials.

Hammer stone: a stone that has been used to strike a core to remove a flake, often causing pitting or other wear on the stone's surface.

Harm: is defined as an act that may destroy, deface or damage an Aboriginal object or place. In relation to an object, this means the movement or removal of an object from the land in which it has been situated

In situ: archaeological items are said to be "in situ" when they are found in the location where they were last deposited.

Isolated find: a single artefact not located with any other.

Retouched flake: a flake that has been flaked again in a manner that modified the edge for the purpose of resharpening that edge.

Scarred tree: a tree that bears a scar or scars which are wounds formed from the deliberate removal of bark or wood by Aboriginal people and are usually an indicator of an activity area.

Site: an area where archaeological evidence is observed.

Spiritual Significance: the importance of a place in the landscape that is valued by Aboriginal people because it is part of their spiritual culture. Examples include places associated with totem species or places that are the subject of traditional cultural stories.

Stratified Archaeological Deposits: Aboriginal archaeological objects may be observed in soil deposits and within rock shelters or caves. Where layers can be detected within the soil or sediments, which are attributable to separate depositional events in the past, the deposit is said to be stratified. The integrity of sediments and soils are usually affected by 200 years of European settlement and activities such as land clearing, cultivation and construction of industrial, commercial and residential developments.

Surface scatter: archaeological materials found distributed over the ground surface.

Test excavation: excavation of small sections (a sample) of an area to determine the archaeological remains and significance.

Traditional Aboriginal Owners: Aboriginal people who are listed in the Register of Aboriginal owners pursuant to Division 3 of the *Aboriginal Land Register Act (1983)*. The Registrar must give priority to registering Aboriginal people for lands listed in Schedule 14 of the *National Parks and Wildlife Act 1974* or land subject to a claim under 36A of the *Aboriginal Land Rights Act 1983*.

Traditional Knowledge: Information about the roles, responsibilities and practices set out in the cultural beliefs of the Aboriginal community. Only certain individuals have traditional knowledge and different aspects of traditional knowledge may be known by different people, e.g. information about men's initiation sites and practices, women's sites, special pathways, proper responsibilities of people fishing or gathering food for the community, ways of sharing and looking after others, etc.

Use wear: the wear displayed on an artefact as a result of use.

ACRONYMS

ACHMP Aboriginal Cultural Heritage Management Plan

AHIMS Aboriginal Heritage Information Management System. Data base of recorded sites across NSW managed by OEH

OEH Office of Environment and Heritage

OEH AHIMS SITE ACRONYMS

ACD Aboriginal ceremonial and dreaming

AFT Artefact (stone, bone, shell, glass, ceramic and metal)

ARG Aboriginal resource and gathering

ART Art (pigment or engraving)

BOM Non-human bone and organic material

BUR Burial

CFT Conflict site

CMR Ceremonial ring (stone or earth)

ETM Earth mound

FSH Fish trap

GDG Grinding groove

HAB Habitation structure

HTH Hearth

OCQ Ochre quarry

PAD Potential archaeological Deposit. Used to define an area of the landscape that is believed to contain subsurface archaeological deposits.

SHL Shell

STA Stone arrangement

STQ Stone quarry

TRE Modified tree (carved or scarred)

WTR Water hole

1 INTRODUCTION

1.1 INTRODUCTION

McCardle Cultural Heritage Pty Ltd (MCH) has been commissioned by Oceanic Realty to prepare an Aboriginal Heritage Impact Assessment for the proposed rezoning of land located at Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach. The objective of the project is to rezone the subject land from Rural to ~~SP3 Tourist zone~~ under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). The study area is currently the site of the Diamond Beachfront Holiday Units and lies within the Greater Taree Local Government Area (LGA) and includes a 3m metres coastal erosion setback zone along the eastern boundary. There is also a 30 metre Asset Protection Zone requirement from the coastal vegetation on the dune. Both of these constraints mean that there will be no development of that 30 metre area in the future.

The subject land is currently zoned RU1 Primary Production under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

The assessment has been undertaken to meet the NSW Department of Environment, Climate Change and Water (DECCW), now known as the Office of Environment and Heritage (OEH), Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), the OEH Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), the DECCW Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b), and the brief.

1.2 PROPONENT DETAILS

Oceanic Realty

1.3 THE STUDY AREA

The study area is defined by the proponent and is located approximately at the northern extent of the coastal village of Diamond Beach. Including 17 DP 576415, 391 Diamond Beach Road, Diamond Beach, the study area is 43,500m² in size and is currently the site of the Diamond Beachfront Holiday Units. The location and extent of the study area is illustrated in *Figures 1.1 to 1.3*.

Figure 1.2 Local location of the study area

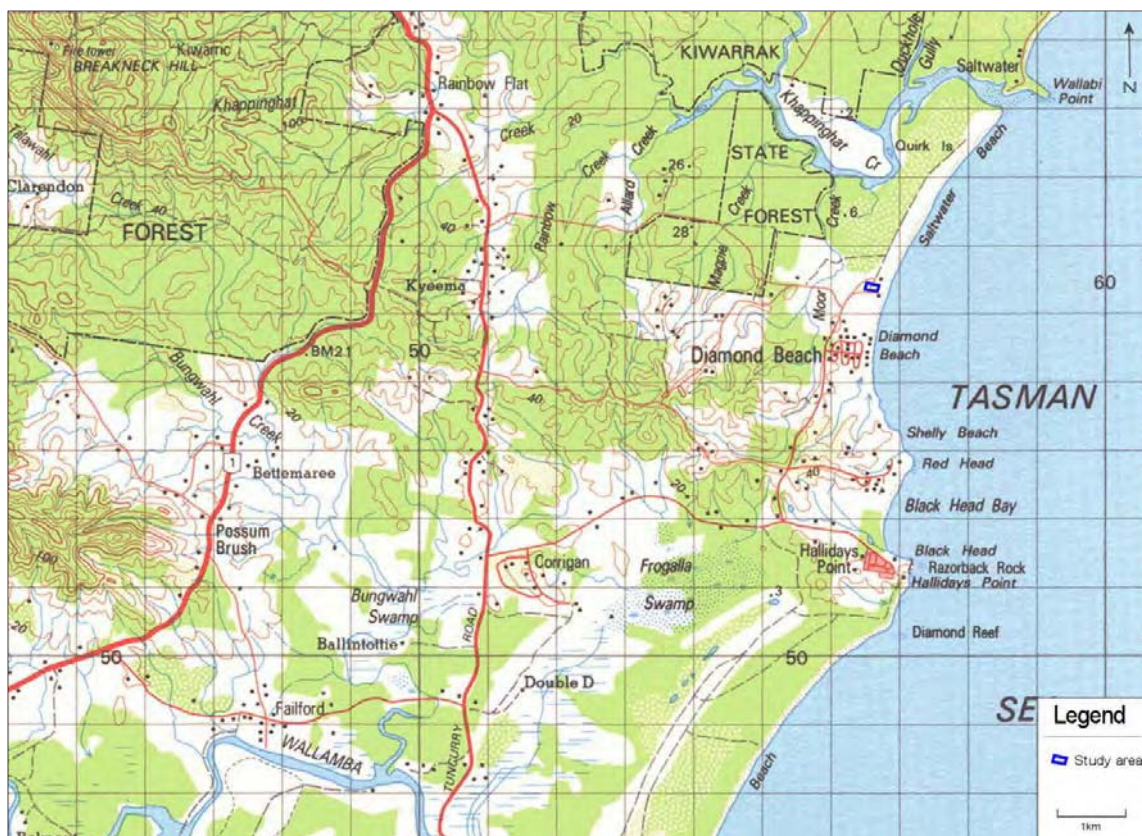


Figure 1.1 Regional location of the study area

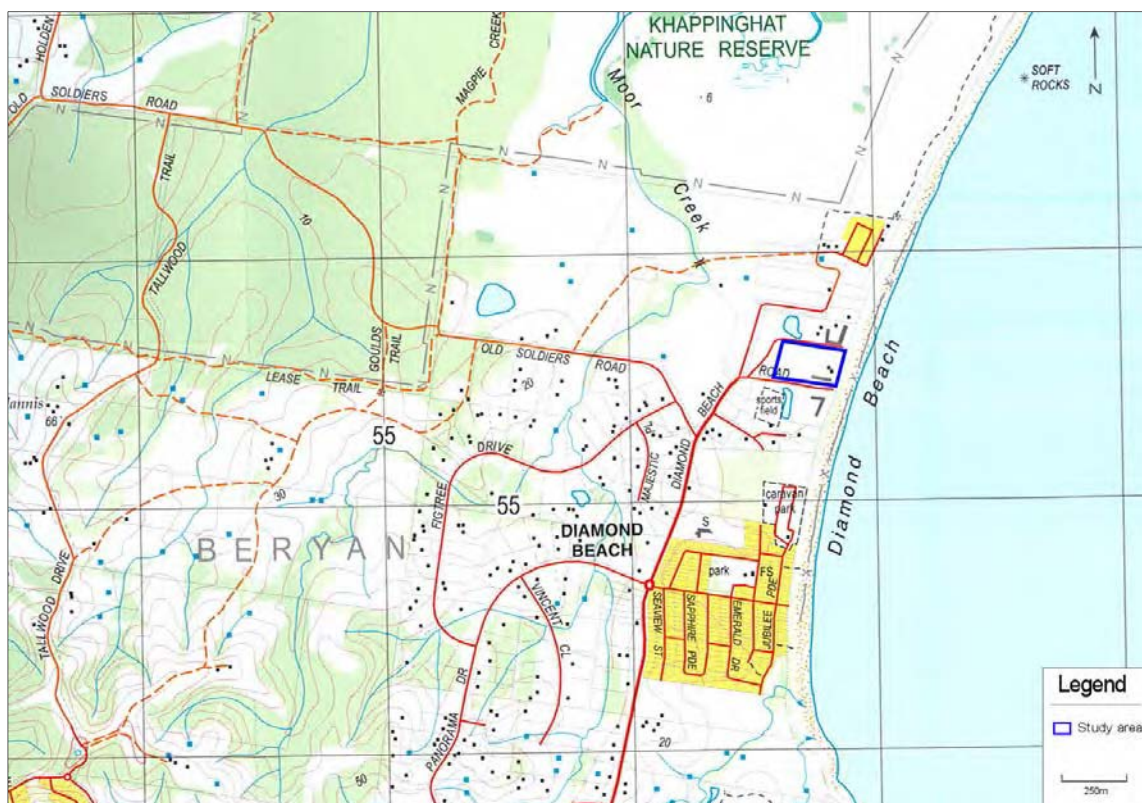


Figure 1.3 Aerial location of the study area



1.4 DESCRIPTION OF THE PROPOSED DEVELOPMENT

As the project is in the planning stage and seeking re-zoning approval, no detailed plans or impacts are known at this time. However, the proponent confirms that every effort will be made with future development to avoid impacting on any Aboriginal objects. We note that detailed design plans have not been prepared at this early stage but where feasible and practical any future design will avoid disturbance of the nominated Potential Archaeological Deposit (PAD's) 1 and 2 as identified in the McCardle Cultural Heritage Pty Ltd report dated September 2011.

Any future development application for the development of the site will have regard to the requirements and provision of the National Parks and Wildlife Act 1974.

1.5 PURPOSE OF THE ARCAHEOLOGICAL ASSESSMENT

The purpose of the assessment is to assess any archaeological constraints to support the re-zoning and to provide opportunities and options to ensure any Aboriginal objects and/or places present are protected in an appropriate manner.

1.6 OBJECTIVE OF THE ASSESSMENT

The objective of the assessment is to identify areas of indigenous cultural heritage value, to determine possible impacts on any indigenous cultural heritage identified (including potential subsurface evidence) and to develop management recommendations where appropriate. The assessment employs a regional approach, taking into consideration both the landscape of the study area (landforms, water resources, soils, geology etc) and the regional archaeological patterning identified by past studies.

1.7 PROJECT BRIEF/SCOPE OF WORK

The following tasks were carried out:

- a review of relevant statutory registers and inventories for indigenous cultural heritage including the NSW Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) for known archaeological sites, the State Heritage Register, the Australian Heritage Database (includes data from the World Heritage List UNESCO, National Heritage List, Commonwealth Heritage List, Register of the National Estate) and the Greater Taree City Council Local Environmental Plan;
- a review of local environmental information (topographic, geological, soil, geomorphological and vegetation descriptions) to determine the likelihood of archaeological sites and specific site types, prior and existing land uses and site disturbance that may effect site integrity;
- a review of previous cultural heritage investigations to determine the extent of archaeological investigations in the area and any archaeological patterns;
- the development of a predictive archaeological statement based on the data searches and literature review;
- identification of human and natural impacts in relation to the known and any new archaeological sites archaeological potential of the study area;
- consultation with the Aboriginal stakeholders as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010);
- undertake a site inspection with the participation of the registered Aboriginal stakeholders, and
- the development of mitigation and conservation measures in consultation with the registered Aboriginal stakeholders.

1.8 LEGISLATIVE CONTEXT

The following overview of the legislative framework, is provided solely for information purposes for the client, and should not be interpreted as legal advice. MCH will not be liable for any actions taken by any person, body or group as a result of this general overview and MCH recommends that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the general summary below.

Land managers are required to consider the affects of their activities or proposed development on the environment under several pieces of legislation. Although there are a number of Acts and regulations protecting Aboriginal heritage, including places, sites and objects, within NSW, the three main ones include:

- National Parks and Wildlife Act (1974, as amended)
- National Parks and Wildlife Regulation (2009)
- Environmental Planning and Assessment Act (1979)

1.8.1 NATIONAL PARKS AND WILDLIFE ACT (1974, AS AMENDED)

The National Parks and Wildlife Act (1974), Amended 2010, is the primary legislation for the protection of Aboriginal cultural heritage in New South Wales. The NPW Act protects Aboriginal

heritage (places, sites and objects) within NSW and the Protection of Aboriginal heritage is outlined in s86 of the Act, as follows:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object” s86(1)
- “A person must not harm an Aboriginal object” s86(2)
- “A person must not harm or desecrate an Aboriginal place” s86(4)

Penalties apply for harming an Aboriginal object, site or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 for an individual and/or imprisonment for 2 years; and in the case of a corporation the penalty is up to \$1.1 million. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the National Parks and Wildlife Act (1974, as amended) is defined as any act that; destroys defaces or damages the object, moves the object from the land on which it has been situated, causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate that;

1. harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed), or
2. the proponent exercised due diligence in respect to Aboriginal heritage.

The ‘due diligence’ defence (s87[2]), states that if a person or company has applied due diligence to determine that no Aboriginal object, site or place was likely to be harmed as a result of the activities proposed for the Project Area, then liability from prosecution under the NPW Act 1974 will be removed or mitigated if it later transpires that an Aboriginal object, site or place was harmed. If any Aboriginal objects are identified during the activity, then works should cease in that area and OEH notified (DECCW 2010:13). The due diligence defence does not authorise continuing harm.

The archaeological due diligence assessment and report has been carried out in compliance with the NSW DECCW 2010 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.

1.8.2 NATIONAL PARKS AND WILDLIFE REGULATION (2009)

The National Parks and Wildlife Regulation 2009 provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The Regulation (2009) recognises various due diligence codes of practice, including the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW which is pertinent to this report, but it also outlines procedures for Aboriginal Heritage Impact Permit (AHIP) applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs); amongst other regulatory processes.

1.8.3 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT)

EP&A Act establishes the statutory framework for planning and environmental assessment in NSW and the implementation of the EP&A Act is the responsibility of the Minister for Planning, statutory authorities and local councils. The EP&A Act contains three parts which impose requirements for planning approval:

- Part 3 of the EP&A Act relates to the preparation and making of Environmental Planning Instruments (EPIs), State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs).
- Part 4 of the EP&A Act establishes the framework for assessing development under an EPI. The consent authority for Part 4 development is generally the local council, however the consent authority may be the Minister, the Planning Assessment Commission or a joint regional planning panel depending upon the nature of the development.
- Part 4, Division 4.1 of the EP&A Act establishes the assessment pathway for State significant development (SSD) declared by the State Environmental Planning Policy (State and Regional Development) 2011 (NSW). Once a development is declared as SSD, the Director-General will issue Director-General Requirements (DGRs) outlining what issues must be considered in the EIS.
- Part 5 of the EP&A Act provides for the control of 'activities' that do not require development consent and are undertaken or approved by a determining authority. Development under Part 5 that are likely to significantly affect the environment is required to have an EIS prepared for the proposed activity.
- Part 5.1 of the EP&A Act establishes the assessment pathways for State significant infrastructure (SSI). Development applications made for SSI can only be approved by the Minister. Once a development is declared as SSI, the Director-General will issue DGRs outlining what issues must be addressed in the EIS.

The applicable approval process is determined by reference to the relevant environmental planning instruments and other controls, LEPs and State Environmental Planning Policies (SEPPs).

This project falls under Part 4.

1.9 QUALIFICATIONS OF THE INVESTIGATOR

Penny McCardle: Principal Archaeologist & Forensic Anthropologist has 10 years experience in Indigenous archaeological assessments, excavation, research, reporting, analysis and consultation. Six years in skeletal identification, biological profiling and skeletal trauma identification.

- BA (Archaeology and Palaeoanthropology, University of New England 1999
- Hons (Archaeology and Palaeoanthropology): Physical Anthropology, University of New England 2001
- Forensic Anthropology Course, University of New England 2003
- Armed Forces Institute of Pathology Forensic Anthropology Course, Ashburn, VA 2008
- Analysis of Bone trauma and Pseudo-Trauma in Suspected Violent Death Course, Erie College, Pennsylvania, 2009
- Currently undertaking a PhD, University of Newcastle, 2015

1.10 REPORT STRUCTURE

The report includes Section 1 which outlines the project, Section 2 provides the consultation, Section 3 presents the environmental context, Section 4 presents ethno historic context, Section 5 provides the archaeological background, Section 6 provides the results of the fieldwork, analysis and discussion; Section 7 presents the significance assessment, Section 8 provides the development impact assessment, Section 9 presents the mitigation strategies and Section 10 presents the management recommendations.

2 CONSULTATION

As per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010), MCH followed the four stages of consultation as set out below. All correspondences for each stage are provided in Annex A.

In relation to cultural significance, MCH recognises and supports the indigenous system of knowledge. That is, that knowledge is not 'open' in the sense that everyone has access and an equal right to it. Knowledge is not always definitive (in the sense that there is only one right answer) and knowledge is often restricted. As access to this knowledge is power, it must be controlled by people with the appropriate qualifications (usually based on age seniority, but may be based on other factors). Thus, it is important to obtain information from the correct people: those that hold the appropriate knowledge of those sites and/or areas relevant to the project. It is noted that only the Aboriginal community can identify and determine the accepted knowledge holder(s) may be not archaeologists or proponents.

If knowledge is shared, that information must be used correctly and per the wishes of the knowledge holder. Whilst an archaeologist may view this information as data, a custodian may view this information as highly sensitive, secret/sacred information and may place restrictions on its use. Thus it is important for MCH to engage in affective and long term consultation to ensure knowledge is shared and managed in a suitable manner that will allow for the appropriate management of that site/area.

MCH also know that archaeologists do not have the capability nor the right to adjudicate on the spirituality of a particular location or site as this is the exclusive right of the traditional owners who have the cultural and hereditary association with the land of their own ancestors. For these reasons, consultation forms an integral component of all projects and this information is sought from the registered stakeholders to be included in the report in the appropriate manner that is stipulated by those with the information.

2.1 STAGE 1: NOTIFICATION OF PROJECT PROPOSAL & REGISTRATION OF INTEREST

The aim of this stage is to identify, notify and register Aboriginal people and/or groups who hold cultural knowledge that is relevant to the project area, and who can determine the cultural significance of any Aboriginal objects and/or places within the proposed project area. In order to do this, the sources identified by OEH (2010:10) and listed in *Table 2.1*, to provide the names of people who may hold cultural knowledge that is relevant to determining the significance of Aboriginal objects and/or places were contacted by letter on 30/3/2016. A reply was requested by the 14/4/2016 and it was stipulated that if no response was received, the project and consultation will proceed. Information included in the correspondence to the sources listed in *Table 2.1* included the name and contact details of the proponent, an overview of the proposed project including the location and a map showing the location.

Table 2.1 Sources contacted

Organisations contacted	Response
Office of Environment and Heritage	7 possible stakeholders
Forster Local Aboriginal Land Council	No response
Greater Taree City Council	10 groups
Registrar Aboriginal Land Rights Act 1983	Purfleet Taree LALC
National Native Title Tribunal	No response
Native Title Services Corporation Limited	Do not respond
HLLS (previously: Catchment Authority)	Do not respond

Following this, MCH compiled a list of people/groups to contact (Refer to Annex A). As per the Aboriginal cultural heritage consultation requirements for proponents (April 2010), archaeologists and proponents must write to all those groups provided asking if they would like to register their interest in the project. Unfortunately some Government departments written to requesting a list of groups to consult with do not differentiate groups from different traditional boundaries and provide an exhaustive list of groups from across the region including those outside their traditional boundaries.

MCH wrote to all parties identified on 6/10/2015, and an advertisement was placed in the Manning River Times on 7/10/15. The correspondence and advertisement included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010) and requested to nominate the preferred option for the presentation of information about the proposed project: an information packet or a meeting and information packet (Refer to Stage 2). Lakkari Traditional Aboriginal Owners Group Incorporated (Mick Leon) and Elvina Oxley registered for the project.

2.2 STAGE 2: PRESENTATION OF INFORMATION

The aim of this stage is to provide the RAPs with information regarding the scope of the proposed project and the cultural heritage assessment process.

An information packet was sent to all RAPs on 29/4/16 and included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010). The pack included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010). A written response to the survey methods and the preferred method of sharing traditional knowledge was due no later than 23/5/16.

The information pack also stipulated that consultation was not employment, and requested that in order to assist the proponent in the engagement of field workers, that the groups provide information that will assist in the selection of field staff who may be paid on a contractual basis). This included, but was not limited to, experience in field work and in providing cultural heritage advice (asked to nominate at least two individuals who will be available and fit for work) and their relevant experience; and to provide a CV and insurance details.

The information pack also noted that failure to provide the required information by the date provided will result in a missed opportunity for the RAPs to contribute to their cultural heritage and the project will proceed.

No response to the information packet was received by MCH.

2.3 STAGE 3: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE

The aim of this stage is to facilitate a process whereby the RAPs can contribute to culturally appropriate information gathering and the research methodology, provide information that will enable the cultural significance of any Aboriginal objects and or/places within the proposed project area to be determined and have input into the development of any cultural heritage management options and mitigation measures. In order to do this, included in the information pack sent for Stage 2, was information pertaining to the gathering of cultural knowledge. This included the following information;

- MCH noted that information provided by RAPs may be sensitive and MCH and the proponent will not share that information with all RAPs or others without the express permission of the individual. MCH and the proponent extended an invitation to develop and implement appropriate protocols for sourcing and holding cultural information including any restrictions to place on information, as well as the preferred method of providing information;
- request for traditional/cultural knowledge or information associated with ceremonial, spiritual, mythological beliefs, traditions and known sites from the pre-contact period;
- request for traditional/cultural knowledge or information regarding sites or places with historical associations and/or cultural significance which date from the post-contact period and that are remembered by people today (e.g. plant and animal resource use areas, known camp sites); and
- request for traditional/cultural knowledge or information in relation to any sites or places of contemporary cultural significance (apart from the above) which has acquired significance recently.

During this process, the RAPs did not disclose any specific traditional/cultural knowledge or information of sites or places associated with spiritual, mythological, ceremonies or beliefs from the pre contact period within the study area or surrounding area. The stakeholders did not disclose any information pertaining to sites or places of cultural significance associated with the historic or contemporary periods within the study area or surrounding area. However, it must be noted that traditional/cultural knowledge and/or information regarding sites and/or places of cultural significance may exist that were not divulged to MCH by those consulted.

On the morning of the survey Elvina Oxley rang MCH archaeologist stating there may be sacred sites/burials in the area. No further information was provided and Ms Oxley decided not to attend the survey (refer to Section 2.4)..

2.4 SURVEY

All RAPs were invited to participate in the survey on 17/6/16. Elvina Oxley notified MCH by phone on 15/6/16 that she would be attending the survey. Unfortunately, MCH was notified by Elvina Oxley after the survey was due to start that she would not be attending due to remuneration issues and requesting that a male also be present during the survey due to the potential for a sacred site being in the area. MCH archaeologist Penny McCardle attempted to reconcile these issues by stating a male could attend and consultation was not related to remuneration which was set by the proponent in the absence of rates provided by the RAPs, but the issue could not be reconciled and the survey proceeded with MCH agreeing to consult further with the proponent regarding these issues.

During the survey MCH archaeologist also received two phone calls from the Forster LALC (Mr Robert Yettica and Mr Jay Currie) stating the LALC should be involved in the survey. MCH explained the consultation process and that the FLALC did not register or respond to any letters of the advertisement placed in the paper and as such were not registered for the project and were not able to register but MCH would forward a copy of the report to them if they wished.

2.5 STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT

Copies of the DRAFT report were forwarded to all RAPs for their review and were asked to provide a written or verbal response to the report no later than 21 July 2016.

A reminder letter was also sent to the RAPs (7/7/2016) requesting their cultural heritage report and also stipulated that failure to provide the required cultural heritage report by the date provided will result in a missed opportunity to contribute to their cultural heritage and the project will proceed.

MCH received no response to the draft report and no cultural heritage reports from the RAPs..

All comments received from the RAPs were considered in the final report, all submissions responded to and the draft report altered to include their comments. All RAPs were provided a copy of the final report. All documentation regarding the consultation process is provided in Annex A.

3 LANDSCAPE AND ENVIRONMENTAL CONTEXT

3.1 INTRODUCTION

The nature and distribution of Aboriginal cultural materials in a landscape are strongly influenced by environmental factors such as topography, geology, landforms, climate, geomorphology, hydrology and the associated soils and vegetation (Hughes and Sullivan 1984). These factors influence the availability of plants, animals, water, raw materials, the location of suitable camping places, ceremonial grounds, burials, and suitable surfaces for the application of rock art. As site locations may differ between landforms due to differing environmental constraints that result in the physical manifestation of different spatial distributions and forms of archaeological evidence, these environmental factors are used in constructing predictive models of Aboriginal site locations.

Environmental factors also effect the degree to which cultural materials have survived in the face of both natural and human influences and affect the likelihood of sites being detected during ground surface survey. Site detection is dependent on a number of environmental factors including surface visibility (which is determined by the nature and extent of ground cover including grass and leaf litter etc) and the survival of the original land surface and associated cultural materials (by flood alluvium and slope wash materials). It is also dependant on the exposure of the original landscape and associated cultural materials (by water, sheet and gully erosion, ploughing, vehicle tracks etc), (Hughes and Sullivan 1984). Combined, these processes and activities are used in determining the likelihood of both surface and subsurface cultural materials surviving and being detected.

It is therefore necessary to have an understanding of the environmental factors, processes and activities, all of which affect site location, preservation, detection during surface survey and the likelihood of in situ subsurface cultural materials being present. The environmental factors, processes and disturbances of the surrounding environment and specific study area are discussed below.

3.2 TOPOGRAPHY

The topographical context is important to identify potential factors relating to past Aboriginal land use patterns. The study area is located along Diamond Beach, more specifically, it consists of a very low gentle eastern facing slope (part of the dunal system) that continues into flats that is subject to water logging.

3.3 GEOLOGY & SOILS

The underlying regional geology plays a major role in the structure of the surrounding environment (landforms, topography, geomorphology, vegetation, climate etc), and also influences patterns of past occupation and their manifestation in the archaeological record. This is primarily relevant to past Aboriginal land use in regard to the location of stone resources or raw materials and their procurement for the manufacturing and modification of stone tools.

The specific study area is situated on the Quaternary deposits including sand, silt, mud and gravel (Hastings 1:250,000 Geological Map Series 1970). No sources of raw materials are in close proximity to the study area and any artefacts located would have therefore have been transported/traded. Materials most dominant in stone tool manufacture throughout the Diamond Beach area are indurated mudstone/tuff and silcrete (Kuskie 2000) and are commonly found in creek line deposits,

such as those observed at Black Hill and Woods Gully (Kuskie and Kamminga 2000:183). Others include quartz, chert, porcellanite, quartzite and basalt.

3.4 CLIMATE

Climatic conditions would also have played a part in past occupation of an area as well as impacted upon the soils and vegetation and associated cultural materials. The highest temperature is 28° C and lowest is 6° C. The highest rainfall is from January to March and being up to 180mm and the lowest is August to October being up to 62mm (Department of Meteorology). During summer, the increased rainfall rate and reduced ground cover is reflected in a proportionately higher risk of erosion.

3.5 WATERWAYS

One of the major environmental factors influencing human behaviour is water as it is essential for survival and as such people will not travel far from reliable water sources. In those situations where people did travel far from reliable water, this indicates a different behaviour such as travelling to obtain rare or prized resources and/or trade. Proximity to water not only influences the number of sites likely to be found but also artefact densities. The highest number of sites and the highest density are usually found in close proximity to water and usually on an elevated landform. This assertion is undisputedly supported by the regional archaeological investigations carried out in the region where by such patterns are typically within 50 metres of a reliable water source.

The main types of water sources include permanent (rivers and soaks), semi-permanent (large streams, swamps and billabongs), ephemeral (small stream and creeks) and underground (artesian). Stream order assessment is one way of determining the reliability of streams as a water source. Stream order is determined by applying the Strahler method to 1:25 000 topographic maps. Based on the climatic analysis, the study area will typically experience comparatively reliable rainfalls under normal conditions and thus it is assumed that any streams above a third order classification will constitute a relatively permanent water source.

The Strahler method dictates that upper tributaries do not exhibit flow permanence and are defined as first order streams. When two first order streams meet they form a second order stream. Where two-second order streams converge, a third order stream is formed and so on. When a stream of lower order joins a stream of higher order, the downstream section of the stream will retain the order of the higher order upstream section (Anon 2003; Wheeling Jesuit University 2002).

The closest fresh water source is Moor Creek (3rd Order) which is located approximately 500 metres to the north west of the study area and Diamond Beach is located approximately 80 metres to the east. Therefore the study area may be considered moderate to high in relation to resources in terms of ocean resources but low in relation to fresh water availability and associated resources. Whilst the flats may have been utilised for hunting/gathering, flats were generally not used for camping due to the water logging of such a landform.

When assessing the relationship between sites and water sources it must be noted that the Australian continent has undergone significant environmental changes during the past 60,000 years that people have lived here and that Pleistocene sites (older than 10,000 years) would have been located in relation to Pleistocene water sources that may not exist today. Stone tool type will assist with the age of sites (Pleistocene or Holocene).

3.6 FLORA AND FAUNA

The availability of flora and associated water sources affect fauna resources, all of which are primary factors influencing patterns of past Aboriginal land use and occupation. The assessment of flora have two factors that assist in an assessment including a guide to the range of plant resources used for food and medicine and to manufacture objects including nets, string bags, shields and canoes which would have been available to Indigenous people in the past. The second is what it may imply about current and past land uses and to affect survey conditions such as visibility, access and disturbances.

European settlers extensively cleared the original native vegetation in the 1800's and the present vegetation within the investigation area being limited to the western portion that consists of open woodland and scrub. The remainder of the study area has been impacted by the existing tourist facility. The drainage throughout the study area would have supported a limited range of faunal populations including kangaroo, wallaby, goanna, snakes and a variety of birds. A wider variety of resources would have been available in areas to the west where more reliable water would have been available and to the east where ocean resources were available.

Typically, due to vegetation cover, most artefacts identified through surface inspection are identified when they are visible on exposures created by erosion or ground surface disturbances (Dean-Jones and Mitchell 1993; Kuskie and Kamminga 2000). The grass ground cover throughout the study area expected to result in limited visibility, hence reducing the detection of surface cultural materials.

3.7 LAND USES AND DISTURBANCES

Based upon archaeological evidence, the occupation of Australia extends back some 40,000 years (Mulvaney and Kamminga 1999) whilst Aboriginal people have been present within the Hunter Valley for at least 20,000 years (Koettig 1987). Although the impact of past Aboriginal occupation on the natural landscape is thought to have been relatively minimal, it cannot simply be assumed that 20,000 years of land use have passed without affecting various environmental variables. The practice of 'firestick farming' whereby the cautious setting of fires served to drive game from cover, provide protection and alter vegetation communities significantly influenced seed germination, thus increasing diversity within the floral community.

Following European settlement of the area in the 1820s, the landscape has been subjected to a range of different modifactory activities including extensive logging and clearing, agricultural cultivation (ploughing), pastoral grazing, residential developments and mining (Turner 1985). The associated high degree of landscape disturbance has resulted in the alteration of large tracts of land and the cultural materials contained within these areas. The specific study area has been cleared and initially used for pastoral purposes (grazing), involving the wholesale clearance of native vegetation, followed by the existing tourist development with its construction of buildings, fencing, access road and associated infrastructure (water, electricity, telephone).

Although pastoralism is a comparatively low impact activity, it does result in disturbances due to vegetation clearance and the trampling and compaction of grazed areas. These factors accelerate the natural processes of sheet and gully erosion, which in turn can cause the horizontal and lateral displacement of artefacts. Furthermore, grazing by hoofed animals can affect the archaeological record due to the displacement and breakage of artefacts resulting from trampling (Yorston *et al* 1990). Pastoral land uses are also closely linked to alterations in the landscape due to the construction of dams, fence lines and associated structures.

Excavation works required for building construction and the laying of infrastructure (roads, water, telephone, electricity) would require the removal of soils thus displacing and destroying any cultural materials that may have been present. All of the above also result in loss of vegetation and erosion to some extent.

3.8 NATURAL DISTURBANCES

It must be recognised that the disturbance of cultural materials can also be a result of natural processes. The patterns of deposition and erosion within a locality can influence the formation and/or destruction of archaeological sites. Within an environment where the rate of sediment accumulation is generally very high, artefacts deposited in such an environment will be buried shortly after being abandoned. Frequent and lengthy depositional events will also increase the likelihood of the presence of well-stratified cultural deposits (Waters 2000:538,540).

In a stable landscape with few episodes of deposition and minimal to moderate erosion, soils will form and cultural materials will remain on the surface until they are buried. Repeated and extended periods of stability will result in the compression of the archaeological record with multiple occupational episodes being located on one surface prior to burial (Waters 2000:538-539). Within the duplex soils artefacts typically stay within the A horizon on the interface between the A and B horizons.

If erosion occurs after cultural material is deposited, it will disturb or destroy sections of archaeological sites even if they were initially in a good state of preservation. The more frequent and severe the episodes of erosional events, the more likely it is that the archaeological record in that area will be disturbed or destroyed (Waters 2000:539; Waters and Kuehn 1996:484). Regional erosional events may entirely remove older sediments, soils and cultural deposits so that archaeological material or deposits of a certain time interval no longer exist within a region (Waters and Kuehn 1996:484-485).

The role of bioturbation is another significant factor in the formation of the archaeological record. Post-depositional processes can disturb and destroy artefacts and sites as well as preserve cultural materials. Redistribution and mixing of cultural deposits occurs as a result of burrowing and mounding by earthworms, ants and other species of burrowing animals. Artefacts can move downwards through root holes as well as through sorting and settling due to gravity. Translocation can also occur as a result of tree falls (Balek 2002:41-42; Peacock and Fant 2002:92). Depth of artefact burial and movement as a result of bioturbation corresponds to the limit of major biologic activity (Balek 2002:43). Artefacts may also be moved as a result of an oscillating water table causing alternate drying and wetting of sediments, and by percolating rainwater (Villa 1982:279).

Experiments to assess the degree that bioturbation can affect material have been undertaken. In abandoned cultivated fields in South Carolina, Michie (summarised in Balek 2002:42-43) found that over a 100 year period 35% of shell fragments that had been previously used to fertilise the fields were found between 15 and 60 centimetres below the surface, inferred to be as a result of bioturbation and gravity. Earthworms have been known to completely destroy stratification within 450 years (Balek 2002:48). At sites in Africa, conjoined artefacts have been found over a metre apart within the soil profile. The vertical distribution of artefacts from reconstructed cores did not follow the order in which they were struck off (Cahen and Moeyersons 1977:813). These kinds of variations in the depths of conjoined artefacts can occur without any other visible trace of disturbance (Villa 1982:287). However, bioturbation does not always destroy the stratigraphy of cultural deposits. In upland sites in America, temporally-distinct cultural horizons were found to move downwards through the soil as a layer within minimal mixing of artefacts (Balek 2002:48).

3.9 DISCUSSION

The mid north coast regional environment provided resources, including raw materials, fauna, flora and water, that would have allowed for sustainable occupation of the area. Within the study area, the landforms of gentle slope in relatively close proximity to the beach are likely to have been considered suitable for camping and/or hunting/gathering. The absence of reliable fresh water in close proximity indicates the location would not have been favourable for long term camping but utilised more for resource/subsistence used.

European land uses such as clearing and grazing, may have displaced cultural materials, and the works associated with the development of the tourist facility and associated infrastructure would have significantly impacted on the landscape and cultural materials that may have been present. However in less disturbed areas, such as the simple slope located along the eastern boundary, it is possible that archaeological deposits that may be present may remain relatively intact.

4 ETHNO-HISTORIC BACKGROUND

Unfortunately, due to European settlement and associated destruction of past Aboriginal communities, their culture, social structure, activities and beliefs, little information with regards to the early traditional way of life of past Aboriginal societies remains.

4.1 USING ETHNO-HISTORIC DATA

Anthropologists and ethnographers have attempted to piece together a picture of past Aboriginal societies throughout the Hunter Valley. Although providing a glimpse into the past, one must be aware that information obtained on cultural and social practices were commonly biased and generally obtained from informants including white settlers, bureaucrats, officials and explorers. Problems encountered with such sources are well documented (e.g. Barwick 1984; L'Oste-Brown et al 1998). There is little information about who collected information or their skills. There were language barrier and interpretation issues, and the degree of interest and attitudes towards Aboriginal people varied in light of the violent settlement history. Access to view certain ceremonies was limited. Cultural practices (such as initiation ceremonies and burial practices) were commonly only viewed once by an informant who would then interpret what he saw based on his own understanding and then generalise about those practices.

4.2 ETHNO-HISTORIC ACCOUNTS

In 1770 when Captain James Cook sailed the Endeavour along the eastern coast of Australia, both he and his officers noted seeing smoke rising from Aboriginal fires (Byrne & Nugent, 2004). As they sailed past the Diamond Beach area they were seeing the fires of the Biripi people. According to Horton's Map of Aboriginal Australia (1996), the Diamond Beach area, just north of Halliday's Point in NSW, was the area of the Biripi language group (also spelt Birripai, Bripi, Biripai, Birpai and Birrbay). Their traditional country stretched from Foster-Tuncurry in the south to Port Macquarie in the north, from the coast at its eastern extent to around Niangala in the west. Today the area includes towns like Taree, Wingham, Nabad and Tinonee, where contemporary Aboriginal people continue to live. Other Aboriginal language groups surrounding the traditional country of the Biripi included the Dainggatti to the north, the Worimi to the south and the Geawegal and Kamilaroi to the west.

The contemporary Diamond Beach area contains evidence of the Biripi past in such Aboriginal sites as shell middens, rockshelters and culturally modified trees. The surrounding area is also known to contain bush foods that were utilised by the Biripi, including vegetation such as wombat berry (*Eustrephus latifolius*), lilly pilly (*Syzygium smithii*) and scrambling lilly (*Geitonoplesium cymosum*). Cunjevoi or native lily (*Alocasia brisbanensis*), red ash (*Alphitonia excelsa*), paperbark (*Melaleuca linariifolia*) and brush kurrajong (*Commersonia fraseri*) were also utilised as resources for medicine and tool materials. Faunal resources in the area included wallabies and goannas, with coastal access also providing the opportunity for a diet rich with shellfish and fish (Hallidays Point Landcare Group, 2014). The broader Biripi diet included fish, oyster, koala, possum, pademelon, emu and kangaroo (Maslin and Leon, 2004:8). As different resources were found in alternate locations across the seasons, each annual cycle saw the Biripi traverse a variety of different landforms, including the rugged foothills of the Great Dividing Range, the open woodland of the Gloucester Valley, the banks of the Manning River, rainforest belts, swamps, creeks and estuary islands (Byrne & Nugent, 2004:6).

Some records indicate that there was social segregation between men and women, particularly with regards to initiation ceremonies, during the Aboriginal past in this area (Maslin and Leon,

2004:9). Ethnographic records also indicate that tools and weapons used by the Biripi included canoes, spears, nets and fish-hooks for fishing, shields, tomahawks and boomerangs for hunting and fighting. Quartz flakes were noted as regularly utilised for the points and barbs on fishing spears (Byrne & Nugent, 2004:35). Other sources state that fire was used to control grassland areas and assist in hunting, the leaves of the Bangalow Palms were formed into water carriers, and the glue made from the yellow resin of *Xanthorrhoea* plants was both used locally and traded to other inland areas. Huts were formed from bark and timber and generally housed between eight and ten people, protecting them from the elements. A treat in the Biripi diet was honey, collected from the hives of the native *Trigona* bees. Some ethnographic descriptions of ceremonies describe dancing and the beating of shields, with the participants said to have decorated their bodies with different designs in white and red ochre (Birpai Land Council, 2002).

In 1818 surveyor-explorer John Oxley led an expedition into the traditional country of the Biripi. He recorded seeing Aboriginal people at a distance, arranged around camp-fires on the Forster side of the Lake's entrance. Oxley did not interact directly with the Biripi, but one of his party was speared by an unseen assailant in the area. In 1824 a land parcel of 1,000,000 acres was granted to the Australian Agricultural Company, covering an area from the Manning River to Port Stephens. This led to surveyors Henry Dangar and John Armstrong mapping the region for potential agricultural and pastoral uses (Byrne & Nugent, 2004:15-16). The result of their findings was that settlers started to spread across the region, developing the land for cultivation and grazing, making access to resources increasingly restricted. Conflicts arose which, combined with the effects of disease, saw the deaths of many Aboriginal people. The high impact of new diseases brought to the area by settlers was due to a lack of immunity for Aboriginal people to such ailments as smallpox, influenza, measles and tuberculosis (Maslin and Leon, 2004:9). There are also references to two massacres of Aboriginal people in the 1930s, one documented as occurring in 1835 at Belbora, where poisoned damper bread was distributed to Aboriginal people (Byrne & Nugent, 2004:22).

Those local Aboriginal people who survived disease and conflict were eventually marginalised in Aboriginal Reserves beyond the bounds of the main towns. Loss of access to landscape resources meant that as well as being marginalised by the dominant culture of the developed area, they had also become dependent on the settler economy for survival. In 1894 the Aboriginal Reserve at Karuah was officially gazetted, followed soon after by Forster in 1895 and Purfleet in 1900 (Maslin and Leon, 2004:9).

Around 1915 photographer Thomas Dick, a resident of the Port Macquarie area, undertook extensive work compiling a photographic record of the traditional life of the Biripi Aboriginal people. Due to the dislocation that had occurred for communities by this time, his photographs were by necessity staged and may have involved bringing Aboriginal people from peripheral areas into Port Macquarie for image production. Despite their nature as reconstructions of the past they do provide ethnographic insight into the traditional practices of the area, illustrating such scenes as collecting the nuts of the *Lepidozamia* and *Macrozamia* for food and removing bark from trees for shield manufacture. In 1923 Dick wrote: "I went into the mountains with them, gained their confidence and their secrets connected with their laws... I was fortunate for some of the old men were most intelligent and they recognised that their race was run, as it were, so they gave me under the conditions named, the history of their race. Now by these means I secured all of the marks on the sacred trees, and their meaning, all of the rules of the 'Waipara' or man making ceremony" (Australian National Herbarium, 2015).

Dick's interpretation that, as he put it, the Biripi's "race was run" was a common attitude prevailing through the dominant culture of Australia in the early nineteenth century. By the 1920s it was thought by many that Aboriginal people would become extinct, as disease, violence and cultural colonisation had reduced population numbers to somewhere between 50,000 and 90,000

(Jamison, 2004). In South Australia in the 1930s the Jindyworobak Movement saw white Australians appropriating Aboriginal language for prose and poetry with the aim of preserving Indigenous ideas and customs. The movement's poems described the Australian landscape as a place haunted by the ghostly remnants of Aboriginal tribes, presented as a fading part of the country's history (Elliot, 1979). Their reasoning for using Aboriginality in their creative works was to raise awareness of Aboriginal culture, because the then accepted notion was that soon Aboriginal people would disappear. This proved to be a false assumption and in the decades that have followed the Aboriginal population of Australia has continued to increase.

In 2004 a study was undertaken of the then contemporary country of the Biripi, focussing on post-contact culture through spatial analysis, oral history recordings and research into the Aboriginal heritage landscapes of such areas as Purfleet, Saltwater, Taree, Killawarra, Dingo Creek, Forster-Tuncurry and Wallis Lake. The resulting recordings collected memories of friendly and hostile farmers, hiding places, routes, bush havens and water places. There were even stories of spirits in the landscape where contemporary events were fused with traditional culture. Stories were told of the Tusk Woman, the spirit of a dead woman who haunted the Pacific Highway, and the Hairy Man. Local Aboriginal mother Faith Saunders noted there was a specific purpose in the contemporary spirit stories of the Aboriginal community. "The hairy man," Saunders stated, "we said you're not to go into the bush late in the afternoon. You got to be careful. The old hairy man will get ya out there and he'll put ya down a hole, and he'll put frogs in your ears, and when he hears us comin' lookin' for ya, coming to get ya, he'll run the other way. But there was a moral to the story... the hairy man was the molester. Today, we still tell the stories to the little kids at school. That they're not to get into any cars and they're not to take lollies from men, old men" (Byrne & Nugent, 2004:82-83). This demonstrates that although cultural colonisation and marginalisation had a devastating effect on the traditional way of life, Aboriginal culture and community continue to flourish in the traditional country of the Biripi.

5 ARCHAEOLOGICAL CONTEXT

A review of the archaeological literature of the region, and more specifically the Diamond Beach area and the results of a OEH AHIMS search provide essential contextual information for the current assessment. Thus, it is possible to obtain a broader picture of the wider cultural landscape highlighting the range of site types throughout the region, frequency and distribution patterns and the presence of any sites within the study area. It is then possible to use the archaeological context in combination with the review of environmental conditions to establish an archaeological predictive model for the study area.

5.1 OEH ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM

It must be noted that there are many limitations with an AHIMS search. Firstly site coordinates are not always correct due to errors and changing of computer systems at OEH over the years that failed to correctly translate old coordinate systems to new systems. Secondly, OEH will only provide up to 110 sites per search, thus limiting the search area surrounding the study area and enabling a more comprehensive analysis and finally, few sites have been updated on the OEH AHIMS register to notify if they have been subject to a s87 or s90 and as such what sites remain in the local area and what sites have been destroyed, to assist in determining the cumulative impacts, is unknown. In addition to this, other limitations include the number of studies in the local area. Fewer studies suggest that sites have not been recorded, ground surface visibility also hinders site identification and the geomorphology of the majority of NSW soils and high levels of erosion have proven to disturb sites and site contents, and the extent of those disturbances is unknown (i.e. we do not know if a site identified at the base of an eroded slope derived from the upper crest, was washed along the bottom etc: thus altering our predictive modelling in an unknown way). Thus the OEH AHIMS search is limited and provides a basis only that aids in predictive modelling.

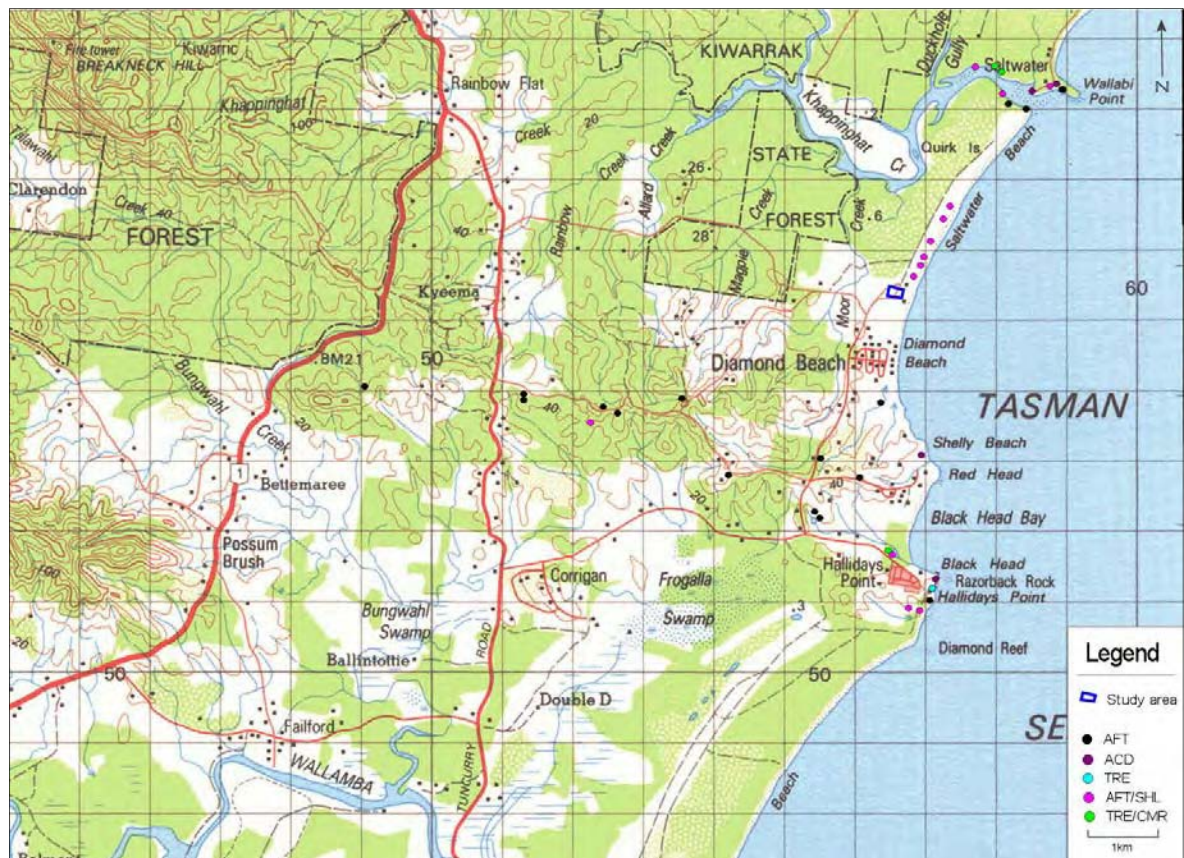
The new terminology for site names including (amongst many) an 'artefact' site encompasses stone, bone, shell, glass, ceramic and/or metal and combines both open camps and isolated finds into the one site name. Unfortunately this greatly hinders in the predictive modelling as different sites types grouped under one name provided inaccurate data.

A search of the OEH AHIMS register has shown that 42 known Aboriginal sites are currently recorded within five kilometres of the study area and include 20 artefact (AFT) sites, 14 artefact/shell (AFT/AHL) sites, 4 Aboriginal Ceremony and Dreaming (ACD) sites, 3 scarred/carved trees (TRE) and 1 scar/carved tree and ceremonial ring site (See Table 5.1). The AHIMS results are provided in *Annex B* and the location of sites is shown in Figure 5.1.

Table 5.1 AHIMS results

Site type	Frequency	%
AFT	20	47.6
AFT/SHL	14	33.3
ACD	4	9.5
TRE	3	7.1
TRE/CMR	1	2.4
Total	42	100

Figure 5.1 Known sites



LOCAL ARCHAEOLOGICAL CONTEXT

All archaeological surveys throughout the local area have been undertaken in relation to environmental assessments for developments. The most relevant investigations indicate differing results and observations based on surface visibility and exposure, alterations to the landscape (including mining, industrial and residential development), proximity to water sources and geomorphology. The reports available from OEH are discussed below and their location illustrated in Figure 5.2.

Creamer (1983) undertook an assessment in relation to a significant Aboriginal Place. The area referred to as Saltwater was first reported as being significant to contemporary Aboriginal people at Purfleet and Taree in 1976 by Terry Donovan who was an Aboriginal sites officer. Donovan (1969) concluded in his original report that a large fig tree allocated at the western end of Saltwater Recreation Reserve was believed to have spiritual powers and this site should be declared an Aboriginal Place to protect it. In 1982 the Purfleet Aboriginal community registered a land claim for Saltwater by sending information to the Aboriginal Land Trust and were asked to attend a site meeting to determine if archaeological sites existed which may support the claim. Fieldwork was undertaken in March 1983 but no details of the work are provided.

Figure 5.2 Previous studies



There are three main sites of significance at this location. A cave on the point of the headland believed to contain burials, the seasonal camping place on the Reserve used often and mainly at Christmas and Easter and the fig tree on the western bank of Saltwater (See Table 5.2).

Table 5.2 Summary of sites (Creamer 1983)

Site	Site type	Landform	Distance to water	Stream order	Artefacts/features	Disturbance	Subsurface potential
Headland cave	burial	base of headland	adjacent	Pacific Ocean	skeletal remains	high: flooding	no
Headland campsite	open camp	headland reserve	adjacent	Pacific Ocean/ Khappinghat Creek	not known	highly disturbed	not known
Fig tree	open camp	fauna	not known	Pacific Ocean/ Khappinghat Creek	Fig tree	high: tree uprooted	not known

During Creamers investigation, the cave was visited in March 1983 with several Aboriginal men as guides. The cave had collapsed and is very close to the waterline which would have resulted in frequent flooding at high tide. The cave effectively acts like a 'blow hole' and no bones were

identified and it was concluded that due to the flooding and collapse that it is unlikely that any bones would remain. It was also believed that a person or persons of high social status were buried in the cave.

The seasonal camping place included approximately 300 metres in length of the headland immediately to the west of a flat area bordered on the south by dunes and the north by forest. This area was regularly used by Aboriginal people as a camping place, as an 'out station; from the Purfleet Mission that was located approximately 13 kilometres to the north west. This information was obtained from Margery Maher and Pat Davis who described the camps.

The sacred fig tree was believed to have powers as expressed during an interview with Margery Maher and Bert Marr. They were told to never sit under the tree or you'll be sick. Some children were fishing under the tree and one got sick with his glands swelling who was taken to the local doctor by Margery Maher who did not know what was wrong with him. Margery Maher then went to the fig tree, gathered some leaves and boiled them, washed the sick child's hands with them and the swelling had gone by morning. Bert Marr also stated that the last flood took the tree away. Creamer concluded that the area is of high significance to the Aboriginal people and recommended it be declared as an Aboriginal Place under the National Parks and Wildlife Act 1974.

Brayshaw (1990) undertook an assessment at Saltwater Beach as part of an Environmental Impact Statement for a proposed sand mine. The study area (600m x 2.4km) was located five kilometres north of Hallidays Points and 18 kilometres southeast of Taree. Landforms across the study area consisted of sand dunes along the beach foreshore. The fore-dunes were composed of Holocene sands, while the back barrier was Pleistocene in age. The closest water source to the study area was Khappinghat Creek, with swampy heath and floodplain associated with it. The investigation area was underlain by Permian sediments containing mudstone and sandstone and vegetation included red bloodwood, forest red gum, swamp mahogany, blackbutt, grey gum, geebung, white bottle brush and burrawang. The area had been impacted by land-uses including a caravan park and access tracks. A search of the NPWS register identified 15 sites between the southern end of the Manning River estuary and Hallidays Point. These sites were predominantly middens (seven) with two modified trees, two artefact scatters, one rock shelter, one burial, one mythological site and one ceremonial ground. It was predicted that scarred trees and burials may occur in the area. It was predicted that occupation sites (containing shell and/or stone artefacts) were most likely to occur in the fore-dune area close to the resources of Khappinghat Creek. Further discussion with a mining employee revealed that the fore dune had been previously mined along with the full length of Saltwater beach and that the mined strip had been several hundred metres in width in some places. One site was identified and included two yellow chert flakes situated on a south western slope on an elevated sand ridge. It was found that the archaeological context was destroyed by previous sand mining and as such no potential for in situ subsurface materials. Brayshaw recommended that a 50 metre wide strip be retained either side of Khappinghat Creek due to low ground surface visibility at the time of inspection and the prediction that this was likely to be an area where sites could occur.

Klaver and Heffernan (1991) was commissioned by Greater Taree City Council to document the known and predicted Aboriginal heritage within the Greater Taree local government area (LGA), and the significance of such heritage to the Aboriginal people. The primary function of the investigation was to inform the Council in order to consider implications for the management of Aboriginal cultural heritage within the LGA. The investigation entailed a review of all known literary sources, site registers, archaeological reports and Aboriginal consultation. In addition, a field survey was conducted to relocate known sites and identify new ones. The review of literary sources identified the relevant language groups, histories, estimates of populations and distribution, ethnographic data relating to land use, site locations, subsistence and elements of

material culture. A search of the NPWS site register identified 42 sites within the Greater Taree LGA. By comparison, the adjacent Kempsey LGA recorded 301 sites. The authors theorise that the low site density is indicative either of low Aboriginal land use, or, more likely, a reflection of a low site identification and/or archaeological investigation within the Greater Taree LGA. The most common site type of the registered sites was the shell midden, followed by bora rings, ceremonial/traditional sites and scarred/carved trees. As a result of Aboriginal consultation, reviews of literary sources including previous archaeological reports and analysis of maps identifying likely landforms, a pedestrian survey was undertaken of the LGA in order to identify new sites and relocating previously identified sites. The total area covered by the surveys totalled 327,538m² (0.0082% of the Greater Taree LGA). Areas with high visibility, such as vehicle tracks, were especially targeted. Visibility was described as poor. The most common site type identified included thirty four (34) shell middens (60.34%), followed by twelve (12) artefact scatters (22.41%) (including knapping floors). Other site types included three (3) scarred trees (5.17%), three (3) natural mythological sites (5.17%), two (2) bora grounds (3.45%) one (1) stone arrangement (1.73%) and one (1) burial (1.73%). It was concluded that further research was needed. In addition, an Aboriginal Heritage Conservation Policy was developed, and its adoption was recommended.

Collins (1993) undertook an additional assessment for Mineral Deposits Limited that focused on areas outside the previous assessment undertaken by Brayshaw (1990) and in areas outside of those known to have been previously mined. It was found that the majority of the lease had been mined previously and the study area supported regenerating heath vegetation. The study area was 76 hectares in size and consisted of coastal dunes between the rocky headlands of Red Head and Wallabi Point. Both coastal fore dune and hind dune complexes were present. A search of the NPWS register identified 30 Aboriginal sites registered within two kilometres of the study area and included middens, artefact scatters, modified trees and ceremonial sites. One artefact scatter had previously been identified along a track 55 metres south of the site by Brayshaw in 1990. Twelve artefacts were identified and it was argued that as the vegetation in the vicinity of the site was regenerating, it was likely that the artefacts had been subject to some spatial disturbances. However, it was also stated that further artefacts may be present in the site locality. Although the site was assessed as having low archaeological and educational significance, its location in relation to knapping site at Saltwater reserve placed it within an area of significant traditional and contemporary importance to the local Aboriginal people and is therefore considered an integral component to the cultural landscape of this area. It was recommended that sand mining remain within areas already previously disturbed through past mining activities and that part of the site within previously mined area should be subject to a s90 to allow the surface collection of those artefacts. In addition to this site, it was found that the presence of a discontinuous pipi midden band that was exposed below the surface in a cutting of the fore dune seaward cliff, may contain archaeological materials. It was found that the exposed shell was visible only in the part of the dune that overlaid an outcrop of 'coffee' rock and as such it was considered to be in situ. It was recommended that further investigation be undertaken or, alternatively, that this area be excluded from mining activities and retained as an in situ Potential Archaeological Deposit (PAD).

MCH (2010) completed an archaeological assessment of a study area proposed for future rezoning. The study area consisted of Lot 6 DP 244030 and Lot 9 DP 250425, being an area between Diamond Beach Road and Diamond Beach. The assessment was part of a capability and suitability study of the land to make recommendations for the implementation of a Local Environmental Plan (LEP) to ensure any rezoning would be environmentally sustainable and consistent with regional and local planning strategies. Past impacts in the bounds of the study area included clearing and grazing, house and shed construction and sand mining. The topography of the study area was characterised by a gentle eastern facing slope in the west, and flats in the eastern portion. The underlying geology consisted of the Permian Manning group containing mudstone and sandstone. The main water resource was the third order stream Moor Creek, located approximately 500 metres to the north-west of the study area. The first and second order streams that fed Moor Creek were situated

to the west and south-west. Diamond Beach was also located approximately 100 metres to the east of the study area, containing various marine resources. Vegetation in the study area consisted of a densely vegetated area with paperbark trees and a smaller cleared section used for horse grazing. A search of the AHIMS register identified 45 Aboriginal sites within five kilometres of the study area including 15 artefact scatters, nine middens, five isolated artefacts, three mythological sites, three rock shelters with middens, two middens, two ceremonial sites, one burial, three modified trees and two unspecified sites. It was predicted that isolated artefacts and middens were the most likely site types to occur within the study area. The study area was surveyed with a focus on areas of high ground surface visibility and exposures. No archaeological sites were identified. Due to the disturbances and distance from reliable drinking water no Potential Archaeological Deposits (PADs) were identified. Two cultural sites were identified by Aboriginal representative Mick Leon during the survey. These cultural sites are summarised below in Table 1.1.

Table 1.1 Summary of Diamond Beach sites (MCH 2010)

Site	Site type	Landform	Distance to water	Stream order	Artefacts /features	Disturbance	Subsurface potential
DBA-1	isolated artefact	modified	not provided	not provided	1 yellow-brown chert piece	caravan park & sewer line	no
DBA-2	isolated artefact	modified	not provided	not provided	1 unknown type of broken stone	caravan park & sewer line	no

MCH recommended that the persons responsible for the management of the site will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Also, that a S90 with collection permit will be required for DBA-1 and DBA-2.

MCH (2015) was commissioned by Seashells Ltd to prepare an Aboriginal Heritage Impact Assessment for the proposed rezoning of land located at Lot 18 DP 576415, 363 Diamond Beach Road, Diamond Beach. The objective of the project is to rezone part of the subject land to SP3 Tourist Zone, and E2 Environmental Conservation Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). The study area was the site of the Seashells Resort and lies within the Greater Taree Local Government Area (LGA). Lot 18 has existing tourist facilities located thereon and also have development consents for additional tourist facilities that may be developed in the future.

The study area was located along Diamond Beach and consisted of a very low gentle eastern facing slope that is subject to regular water logging and the eastern, developed portion, has no remaining original landform remaining. Moor Creek (3rd Order) was located approximately 200 metres to the north west of the study area and Diamond Beach located approximately 100 metres to the east. Therefore the study area was considered low in terms of suitable occupation in relation to resources of water availability and associated resources. The survey identified no archaeological sites or PADs due to a combination of factors including impacts from the existing tourist facility, landform and distance from reliable water and associated resources required for camping. MCH recommend that the persons responsible for the management of an onsite will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is

the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974.

5.2 LOCAL & REGIONAL CHARACTER OF ABORIGINAL LAND USE & ITS MATERIAL TRACES

The following is a summary and discussion of previous investigations detailed in *Section 5.3*. It must be remembered, however, that there are various factors which will have skewed the results as they are in a regional assessment (Refer to *Section 5.1*). Therefore the summary provides an indication of what may be expected in terms of site location and distribution. Based on previous work it is also clear that the majority of sites contain stone artefacts. This is to be expected due to stone's high preservation qualities.

- The majority of sites are located within 50 metres of a water source with a drop of site number from 50-100 metres of water.
- the likelihood of finding sites of any size increases with proximity to water and the likelihood of finding large artefact scatters also increases markedly with proximity to water.
- Main site types are artefact scatters and isolated finds.
- The data suggests that slopes were the preferred location, however, this does not account for vertical movement of artefacts or sites being moved from flooding, flowing creeks etc.
- Mudstone, silcrete and tuff are by far the most common raw material types represented at sites in the region. Quartz and chert are the next most frequently in artefact assemblages followed by volcanic materials, porphyry and petrified wood. Siltstone, rhyolite and porcellanite are relatively rare.
- flakes, broken flakes and flaked pieces are the most common artefact types recorded.
- The vast majority of artefactual material in the region was observed on exposures with good to excellent ground surface visibility. The likelihood of finding artefacts surrounding these exposures is reduced due to poor visibility. The site area is often given as the area of exposure. Hence, it is inappropriate to attempt to draw any conclusions regarding site extent based on current information.

Based on information gained from previous studies within a five kilometre radius of the study area, it can be expected that:

- the likelihood of locating sites increases with proximity to water;
- the likelihood of finding large sites increases markedly with proximity to water;
- a variety of raw materials will be represented though the majority of sites will be predominated by mudstone and silcrete;
- a variety of artefact types will be located though the majority will be flakes, flaked pieces and debitage;
- grinding grooves will be located along or near water sources;
- the likelihood of finding scarred trees is dependent on the level of clearing in an area; and
- the majority of sites will be subject to disturbances including human and natural.

These findings are consistent with models developed for the area.

5.3 PREDICTIVE MODEL FOR THE STUDY AREA

Due to issues surrounding ground surface visibility and the fact that the distribution of surface archaeological material does not necessarily reflect that of sub-surface deposits, it is essential to establish a predictive model.

Previous archaeological studies undertaken throughout the region, the OEH AHIMS register and the environmental context provide a good indication of site types and site patterning in the area. This research has shown open camps and shell middens are by far the most common site type located within close proximity to water and the associated resources, specifically along the sand dunes. A variety of other site types have been identified in the regional area in far lower concentrations and include isolated finds, scarred and carved trees and less commonly bora/ceremonial grounds and a burial. The high representation of sites containing stone artefacts is to be expected due to the durability of stone in comparison to other raw materials.

The specific study area is not located in close proximity to reliable drinking water and associated resources. However, it is situated in close proximity to Diamond Beach at the east and associated resources as well as flats that are situated to the west. It is the low lying eastern facing slope in between these landforms that offers the most beneficial landform for camping whilst the ocean and flats provided the subsistence resources. Shell middens and stone artefacts may be found within the study area on the elevated slope and in closer proximity to the ocean front. The flats would have provided for hunting/gathering not camping due to water logging and sites are expected to contain assemblages dating from the Holocene. As no local raw materials for tool manufacture are present in the area, all stone artefacts would have been sourced elsewhere thus indicating trading/travel routes. Artefact types, if present within the study area, would comprise predominantly of debitage from flaking, flakes, broken flakes and few cores. Small numbers of modified artefacts including retouched flakes, and asymmetrical and symmetrical backed artefacts may be present.

However, sites are expected to have been disturbed throughout the majority of the project area by human disturbances (clearing, grazing and development) and past natural factors such as erosion. In less disturbed areas, such as the simple slope along the eastern boundary, sites may remain relatively intact. The accuracy of these predictions would be largely determined by the degree of such disturbances.

5.4 ARCHAEOLOGICAL POTENTIAL IN THE STUDY AREA

Based on archaeological sites registered in the region and the results of past archaeological studies, although no sites are expected to occur in the study area, two sites types are likely to occur to the east of the study area and may encroach into the eastern section of the study area:

- **Shell middens**

Shell middens are places where debris from eating shell fish has accumulated. Middens preserve a range of past dietary remains which have the potential to inform about past dietary consumption and availability of food resources. Most shell middens analysed to date pertain to coastal environments with few pertaining to inland middens. In NSW, middens are located on headlands, beaches and dunes, around estuaries, swamps, the tidal stretches of creeks and rivers and along the banks of inland rivers, creeks and lakes. Shell middens may be found in the open or in rock shelters and often those in the open are disturbed through erosion and land use impacts and those in shelters are usually well preserved. The location of middens is influenced by a variety of factors including, but not limited to, the availability of shell fish, aspect, accessibility and the nature of the

immediate area and are typically located within a reasonable distance from water on level, sheltered surfaces.

Ranging in size from small scatters to deep layered deposits that have built up over time, the size of the midden may relate to its location (e.g. riverbank middens tend to be smaller than estuarine and coastal middens). Small middens may represent short term occupation or the debris from a single meal. Major estuarine species include bivalves such as cockle, whelk, mud and rock oyster and both edible and hairy mussels. Rock platform species of gastropods include limpets, turban shell, periwinkles, nerites, tritons and cartrut shell fish and the most important beach species is the pipi. Shell middens may also include fish, sea birds, sea mammals and land mammals. Stone artefacts are also typically found within middens and indicate trade and/or transportation of raw materials. Bone and shell artefacts, such as fish hooks and barbs, evidence of cooking may be present in the form of charcoal, ash, fire stones, hearths, burnt clay and/or burnt earth. The midden usually occurs within a soil or sand layer that is darker than the surrounding sediment. Middens may also contain burials and if present are usually located under the midden.

Preservation varies with food stuffs such as berries and fruits leaving no archaeological traces, sea foods such as cartilageous fish, stingrays, octopus and fish eggs are likely to be equally invisible in the archaeological record. However, tissue such as shell and crustaceans and bone may be preserved. Preservation is also dependant on land use impacts and associated soil pH.

The interpretation of shell middens is only as good as one's analysis, which is only as good as one's sample, all of which are typically limited during surface survey only.

Shell middens may represent evidence of;

- Hunting and/or gathering events; or
- Long or short term occupation of a local, single or multiple occupation events.

Shell middens are the most common site type in the Diamond Beach locality. The likelihood of discovering shell middens in the project area is assessed as being low, due to the land use history of clearing and the existing tourist facility, but cannot be discounted.

• **Artefact scatters**

Also described as open campsites, artefact scatters and open sites, these deposits have been defined at two or more stone artefacts within 50 or 200 metres of each other and may include archaeological remains such as stone artefacts, shell, and sometimes hearths, stone lined fire places and heat treatment pits. These sites are usually identified as surface scatters of artefacts in areas where ground surface visibility is increased due to lack of vegetation. Erosion, agricultural activities (such as ploughing) and access ways can also expose surface campsites. Artefact scatters may represent evidence of;

- Camp sites, where everyday activities such as habitation, maintenance of stone or wooden tools, manufacturing of such tools, management of raw materials, preparation and consumption of food and storage of tools has occurred;
- Hunting and/or gathering events;
- Other events spatially separated from a camp site, or
- Transitory movement through the landscape.

Artefact scatters are a common site type in the Diamond Beach locality and the broader region. There is a low potential for artefact scatters to occur within the relatively undisturbed western

portion of the study area. There is also the potential for such sites to be impacted on through past land uses including clearing and the existing tourist facility.

5.5 HERITAGE REGISTER LISTINGS

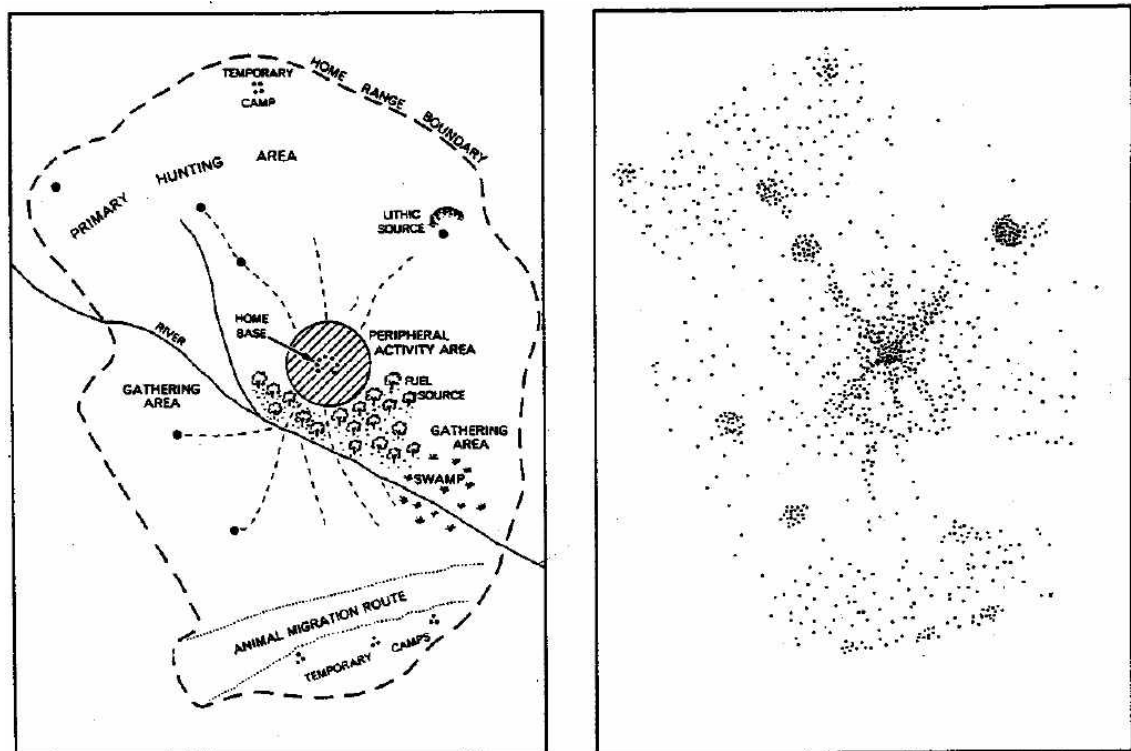
The State Heritage Register, the Australian Heritage Database (includes data from the World Heritage List UNESCO, National Heritage List, Commonwealth Heritage List, Register of the National Estate) and the Greater Taree City Council Local Environmental Plan have no sites listed. However, not all indigenous places are listed, and the Heritage Commission is consulting with Traditional Owners to gradually include indigenous information.

5.6 MODELS OF PAST ABORIGINAL LAND USE

The main aim of this project is to attempt to define both the nature and extent of occupation across the area. As a result, the nature of the analysis will focus on both the landform units and sites. The purpose of this strategy is to highlight any variations between sites and associated assemblages, landforms and resources across the area treating assemblages as a continuous scatter of cultural material across the landscape. In doing this, it is possible to identify variation across the landscape, landforms and assemblages that correspond with variation in the general patterns of landscape use and occupation. Thus the nature of activities and occupation can be identified through the analysis of stone artefact distributions across a landscape.

A general model of forager settlement patterning in the archaeological record has been established by Foley (1981). This model distinguishes the residential 'home base' site with peripheral 'activity locations'. Basically, the home base is the focus of attention and many activities and the activity locations are situated away from the home base and are the focus of specific activities (such as tool manufacturing). This pattern is illustrated in *Figure 5.3*.

Figure 5.3 Foley's model (L) and its manifestation in the archaeological record (R), (Foley 1981).



Home base sites generally occur in areas with good access to a wide range of resources (reliable water, raw materials etc). The degree of environmental reliability, such as reliable water and subsistence resources, may influence the rate of return to sites and hence the complexity of evidence. Home base sites generally show a greater diversity of artefacts and raw material types (which represent a greater array of activities performed at the site and immediate area).

Activity locations occur within the foraging radius of a home base camp (approximately 10 km); (Renfrew and Bahn 1991). Based on the premise that these sites served as a focus of a specific activity, they will show a low diversity in artefacts and are not likely to contain features reflecting a base camp (such as hearths). However, it is also possible that the location of certain activities cannot be predicted or identified, adding to the increased dispersal of cultural material across the landscape. If people were opting to carry stone tools during hunting and gathering journeys throughout the area rather than manufacturing tools at task locations, an increased number of used tools should be recovered from low density and dispersed assemblages.

6 RESULTS

6.1 METHODOLOGY

The survey area was surveyed on foot by the archaeologist and included transects across the accessible portions of the site approximately 2 metres apart walked in an east/west and focused on areas of high ground surface visibility and exposures (erosional features, tracks, cleared areas).

6.2 LANDFORMS & SURVEY UNITS

McDonald *et al* (1998) describes the categories of landform divisions. This is a two layered division involving treating the landscape as a series of 'mosaics'. The mosaics are described as two distinct sizes: the larger categories are referred to as landform patterns and the smaller being landform elements within these patterns. Landform patterns are large-scale landscape units, and landform elements are the individual features contained within these broader landscape patterns. There are forty landform pattern units and over seventy landform elements. However, of all the landform element units, ten are morphological types. For archaeological investigations they divide the landscape into standardised elements that can be used for comparative purposes and predictive modelling. As outlined in *Chapter 3*, the study area included a very gentle low east facing slope that forms part of the coastal dunes that flowed into flats. For ease of management, the study area was divided into 2 Survey Units (SUs) that were based on landforms (Refer to Figure 6.1).

Figure 6.1 Survey units



Survey Unit 1 (slope)

This survey unit included the slope located along the eastern side of the project area. This unit included a house and, electricity easement. The entire area had been subject to previous clearing with only small portion excavated for the electricity poles and dwellings.. Vegetation included grass with few trees. Visibility was 40% and exposures 50% (erosion

Survey Unit 2 (flats)

This survey unit included the remainder of the study area that consisted of cleared flats. The unit had also been subject to excavation works associated with holiday cabins and access roads as well as recent grading and fill. Exposures were high at 80% as was visibility 80%. Vegetation included grass cover with small pockets of trees.

6.3 EFFECTIVE COVERAGE

Effective coverage is an estimate of the amount of ground observed taking into account local constraints on site discovery such as vegetation and soil cover. The effective coverage for the study area was determined for both visibility and exposure ratings and Table 6.1 details the visibility rating system used. There are two components to determining the effective coverage: visibility and exposure.

Table 6.1 Ground surface visibility rating

Description	GSV rating %
Very Poor – heavy vegetation, scrub foliage or debris cover, dense tree or scrub cover. Soil surface of the ground very difficult to see.	0-9%
Poor – moderate level of vegetation, scrub, and / or tree cover. Some small patches of soil surface visible in the form of animal tracks, erosion, scalds, blowouts etc, in isolated patches. Soil surface visible in random patches.	10-29%
Fair – moderate levels of vegetation, scrub and / or tree cover. Moderate sized patches of soil surface visible, possibly associated with animal, stock tracks, unsealed walking tracks, erosion, blow outs etc, soil surface visible as moderate to small patches, across a larger section of the study area.	30-49%
Good – moderate to low level of vegetation, tree or scrub cover. Greater amount of areas of soil surface visible in the form of erosion, scalds, blowouts, recent ploughing, grading or clearing.	50-59%
Very Good – low levels of vegetation / scrub cover. Higher incidence of soil surface visible due to recent or past land-use practices such as ploughing, mining etc.	60-79%
Excellent – very low to non-existent levels of vegetation/scrub cover. High incidence of soil surface visible due to past or recent land use practices, such as ploughing, grading, mining etc.	80-100%
Note: this process is purely subjective and can vary between field specialists, however, consistency is achieved by the same field specialist providing the assessment for the one study area/subject site.	

Visibility is the amount of bare ground on the exposures which may reveal artefacts or other cultural materials, or visibility refers to 'what conceals'. Visibility is hampered by vegetation, plant or leaf litter, loose sand, stony ground or introduced materials (such as rubbish). On its own, visibility is not a reliable factor in determining the detectability of subsurface cultural materials (DECCW 2010/783:39). The second component in establishing effective coverage is exposure. Exposure refers to 'what reveals'. It estimates the area with a likelihood of revealing subsurface cultural materials rather than just an observation of the amount of bare ground. Exposure is the percentage of land for which erosion and exposure is sufficient to reveal cultural materials on the surface (DECCW 2010/783:37).

As indicated in *Table 6.2*, the effective coverage for study area illustrates that overall effective coverage was good at 56.84% with grass being the limiting factor and erosion across the study area moderate. The disturbances in the flats included clearing, excavation and fill works for the existing tourist facility and associated infrastructure, access road and fencing, all of which have impacted upon the landscape and potential associated cultural materials. The less disturbed eastern portion that included the simple slope, appears to have minimal impacts from past land uses. As described in detail in *Chapter 3*, these disturbances result in the lateral and horizontal movement of materials. Examples of disturbances and vegetation are shown in Figures 6.2 to 6.5.

Table 6.2 Effective coverage for the investigation area

SU	Landform	Area (m2)	Vis. %	Exp. %	Exposure type	Previous disturbances	Present disturbances	Limiting visibility factors	Effective coverage (m2)
1	slope	7,000	40%	50%	resort facility	clearing	erosion	grass	1,400
2	flats	36,000	80%	80%	erosion, road	clearing, tourist facility, access roads, grading/fill	resort facility, erosion	grass, tourist facility	23,040
Totals		52,000							24,440
Effective coverage %									56.84%

Figure 6.2 Eastern section of the project area facing north



Figure 6.3 Middle section of the project area facing south west



Figure 6.4 Southern section of the project area facing west



Figure 6.5 Existing holiday units and house facing west



The level and nature of the survey coverage is considered satisfactory to provide an effective assessment of the Aboriginal sites identified and those potentially present within the investigation area. The coverage was comprehensive for obtrusive site types (e.g. grinding grooves and scarred trees) but somewhat limited for the less obtrusive surface stone artefact sites by surface visibility constraints, that included vegetation cover and minimal exposures.

In view of the predictive modelling (Section 5) and the results obtained from the effective coverage, it is concluded that the survey provides a valid basis for determining the probable impacts of the potential development of the study area and form a basis for formulating recommendations for the management of potential Aboriginal sites.

6.4 ARCHAEOLOGICAL SITES

6.4.1 DEFINITION OF A SITE

A 'site' can be defined by various factors. For this study a 'site' was defined on the combination of the following inter-related factors:

- landform;
- exposure and visibility;
- visible boundaries of artefacts; and
- a feature identified by the Aboriginal community on the basis of their own cultural knowledge and significance.

The 'site area' was defined as the area in which artefacts were observed on a landform, though it must be remembered that this may not represent an accurate picture of site size. Visibility of artefacts is affected by differences in vegetation cover and hence ground surface visibility, as well as the degree of natural and human-induced disturbance.

6.4.2 DEFINITION OF SITE COMPLEX

Site complex refers to sites that occur in groups. For example, complexes may consist of burial grounds and carved trees, artefact scatters that represent different stages of procurement and manufacture or artefact scatters and shell middens. Complexes may also consist of artefact scatters that are connected across a landscape with the scatters being either specific activity centres (such as tool manufacturing sites) or larger base camp areas (with more artefacts and a variety of artefacts).

6.4.3 SITES IDENTIFIED

No sites were identified and this is likely due to the following;

- the only area with potential for in situ cultural deposits within the project area (eastern slope) had grass cover hindering visibility (Refer to Section 6.5);
- the high level of land uses and impacts across the remainder of the project area (flats) as well as natural factors (such as erosion and flooding) would have destroyed any evidence of past occupation; and
- the flat are also subject to regular localised water logging and is located approximately 500 metres east of Moor Creek (3rd Order) and associated resources. Therefore the flats may be considered to have low potential in relation to resource availability and hence occupation.

6.5 POTENTIAL ARCHAEOLOGICAL DEPOSIT (PAD)

The terms 'Potential Archaeological Deposit (PAD)' and 'area(s) of archaeological sensitivity' are used to describe areas that are likely to contain sub-surface cultural deposits. These sensitive landforms or areas are identified based upon the results of fieldwork, the knowledge gained from previous studies in, or around, the subject area and the resultant predictive models. Any or all of these attributes may be used in combination to define a PAD. The likelihood of a landscape having been used by past Aboriginal societies and hence containing archaeologically sensitive areas is primarily based on the availability of local natural resources for subsistence, artefact manufacture and ceremonial purposes. The likelihood of surface and subsurface cultural materials surviving in the landscape is primarily based on past land uses and preservation factors. One PAD was identified in the project area.

6.5.1 DIAMOND BEACH PAD 1

The gentle eastern facing slope along the eastern border of the project area appears to remain relatively undisturbed. The area is approximately 30 metres in width from the tree line back towards the tourist cabins and runs the length of the project area. Visibility across the PAD was 40% with grass being the limiting factor. Erosion was present revealing exposed sand with few unidentifiable shell pieces and crab shell. Although an electrical easement runs through this PAD (located at approximately 20 metres from the tree line running the length of the project area), the impacts from the easement appear to include the power pole locations only. Figure 6.5 shows the location of the PAD and Figure 6.6 shows the PAD. A site card has been submitted to AHIMS.

Figure 6.6 PAD location



Figure 6.7 PAD facing south



6.6 DISCUSSION

As no sites have been identified, the results of the investigation are discussed below in terms of overall site integrity, local and regional contexts, and predictive modeling.

6.6.1 INTEGRITY

The integrity of the study area can be assessed only for surface integrity through the consideration of past and present land uses and their impacts. Subsurface integrity can only be assessed through controlled excavation that allows for the examination of both the horizontal and vertical distribution of cultural materials (caused by natural and/or human impacts) and by conjoining artefacts. Land uses and their impacts (clearing, agricultural practices, excavation, building, road construction and associated infrastructure), as well as natural impacts (bioturbation, erosion, flooding), within the study area are considered to be moderate throughout the flats with the existing tourist cabins, house, shed, roads, grading/fill with localised water-logging. Due to such disturbances, the integrity of the flats within the project area is lost and any sites that may have been present would have been destroyed.

The gentle eastern sloping slope along the eastern border of the project area appears to have been subject to clearing only and excavation works for power poles and as such integrity is anticipated to remain below the initial top soils. This can only be clarified through further investigations.

6.7 INTERPRETATION & OCCUPATION MODEL

Given the high level of disturbance throughout the flats of the project area and the fact that no sites identified, it is not possible to discuss site interpretation or occupation models.

6.8 REGIONAL & LOCAL CONTEXT

Given the high level of disturbance throughout the flats of the project area and the fact that no sites identified, it is not possible to discuss the regional or local archaeological contexts.

6.9 REASSESSMENT OF THE PREDICTIVE MODEL

In view of the survey results, the predictive model of site location can be reassessed for the investigation area. The potential for artefacts to occur within the flats of the project area remains assessed as low or negligible. One PAD was identified on the elevated slope along the eastern border of the project area that has the potential for evidence of past Aboriginal land use to be present. Environmental contexts in which sites and potential deposits of research significance may occur, in association with focused and/or repeated Aboriginal occupation, may be present within the eastern gentle slope.

6.10 CONCLUSION

Sites provide valuable information about past occupation, use of the environment and its specific resources including diet, raw material transportation, stone tool manufacture, and movement of groups throughout the landscape. Therefore these results provide merely an indication of what may be expected in terms of site location and distribution. Proximity to water was an important factor in past occupation of the local area, with sites reducing in number significantly away from water with most sites located within 50-100 metres of the tributaries and beaches. The surrounding area contains no raw materials that are typically used in the manufacture of stone tools, and as such it can be assumed that any artefacts identified would be of materials traded and/or transported from other locations. The limited access to reliable fresh water and resources as well as the low lying landforms subject to regular water logging rendered the eastern section of the project area unsuitable for occupation thereby reducing the likelihood of in situ cultural materials to be present in the flats. However, the resources of the ocean would have been utilised and evidence may be present along the slope situated along the eastern boundary of the project area as this area appears to remain relatively undisturbed.

7 ASSESSMENT OF ARCHAEOLOGICAL SIGNIFICANCE

7.1 THE SIGNIFICANCE ASSESSMENT PROCESS

One of the key steps in the process of cultural heritage management is the assessment of significance. Not all sites are equally significant and not all are worthy of equal consideration and management (Sullivan and Bowdler 1984; Pearson and Sullivan 1995: 7).

The determination of significance can be a difficult process as the social and scientific context within which these decisions are made is subject to change (Sullivan and Bowdler 1984). This does not lessen the value of the heritage approach, but enriches both the process and the long-term outcomes for future generations as the reasons for, and objectives of, site conservation also change over time.

The assessment of significance of archaeological sites and resources is defined in most cases by what these entities can contribute to our understanding or knowledge of a place or site. In most cases, it is not possible to fully articulate or comprehend the extent of the archaeological resource at the outset, let alone its value. Therefore, the evaluation of the significance of archaeological material is based on the potential this resource has to contribute to our understanding of the past. Of importance is the type of information that can be revealed. In particular, site significance can be due to knowledge not available through other sources, and the contribution that it can make to our understanding of a place or a cultural landscape.

7.2 BASIS FOR EVALUATION

The significance of indigenous archaeological sites or cultural places can be assessed on the criteria of the Burra Charter, the Australian Heritage Commission Criteria of the National Estate, and the OEH guidelines that are derived from the former two. The NSW NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit (1997) emphasises two realms of significance assessment:

Aboriginal cultural significance

Archaeological (scientific) significance

The cultural significance of the sites or landscape will be assessed by the Aboriginal groups mentioned previously.

7.3 ARCHAEOLOGICAL (SCIENTIFIC) SIGNIFICANCE

Scientific significance is assessed according to the contents of a site, state of preservation, integrity of deposits, representativeness/rarity of the site type, and potential to answer research questions on past human behaviour (NPWS 1997). For open campsites, evidence required to adequately assess significance includes information about the presence of sub-surface deposits, the integrity of these deposits, the nature of site's contents and extent of the site. A review of information pertaining to previously recorded sites within the local area and region enables the rarity and representativeness of a site to be assessed. High significance is usually attributed to sites that are so rare or unique that the loss of the site would affect our ability to understand an aspect of past Aboriginal use/occupation of an area. In some cases a site may be considered highly significant because its type is now rare due to destruction of the archaeological record through development. Medium significance can be attributed to sites that provide information on an established research question. Low significance is attributed to sites that cannot contribute new information about past

Aboriginal use/occupation of an area. This may be due to site disturbance or the nature of the site's contents. In order to clarify the significance assessment, the criteria used are explained below.

7.3.1 RESEARCH POTENTIAL

Research potential refers to the potential for information gained from further investigations of the evidence to be used in answering current or future research questions. Research questions can relate to any number of issues concerning past human material culture and associated behaviour (including cultural, social, spiritual etc) and/or use of the environment. Several inter-related factors to take into consideration include the intactness or integrity of the site, the connectedness of the site to other sites, and the potential for a site to provide a chronology extending back in the past. Several questions are posed for each site or area containing evidence of past occupation:

Can the evidence contribute information not available from any other resource?

Can the evidence contribute information not available from any other location or environmental setting?

Is this information relevant to questions of past human occupation (including cultural, social and/or spiritual behaviour) and/or environments or other subjects?

Assessing research potential therefore relies on comparisons with other evidence both within the local and regional context. The criteria used for assessing research potential include:

potential to address specific local research questions;

potential to address specific regional questions;

potential to address general methodological and theoretical questions;

potential sub-surface deposits; and

potential to address future research questions.

The particular questions asked of the available evidence should be able to contribute information that is not available from other resources or evidence and are relevant to questions about past human societies and their material culture. Levels for defining research potential are as follows:

High	Has the potential to provide new information not obtained from any other resource to answer current and/or future research questions.
Medium	Has the potential to contribute significant additional information to answer current and/or future research questions.
Low	Has no potential to contribute significant information to answer current or future research questions.

7.3.2 REPRESENTATIVENESS AND RARITY

Representativeness and rarity are assessed at a local, regional and national level (although assessing at a national level is difficult and commonly not possible due to a lack of national reports and available database). As the primary goal of cultural resource management is to afford the greatest protection to a representative sample of Aboriginal heritage throughout a region, this is an important criterion. The more unique or rare the evidence is, the greater its value as being representative within a regional context.

The main criteria used for assessing representativeness and rarity include:

- the extent to which the evidence occurs throughout the region;
- the extent to which this type of evidence is subject to existing and potential future impacts in the region;
- the integrity of the evidence compared to that at other locations within the region;
- whether the evidence represents a primary example of its type within the region; and
- whether the evidence has greater potential for educational purposes than at other similar locations within the region.

7.3.3 NATURE OF THE EVIDENCE

The nature of the evidence is related to representativeness and research potential. For example, the less common the type of evidence, the more likely it is to have representative value. The nature of the evidence is directly related to its potential to be used in addressing current and/or future research questions. Criteria used in assessing the nature of the evidence include:

- presence, range and frequency of artefacts;
- presence, range and frequency of artefact types; and
- presence and types of other features.

7.3.4 INTEGRITY

The state of preservation and disturbances of the evidence (integrity) is also related to representativeness and research potential. The higher the integrity (well preserved and not disturbed) of the evidence, the greater the level of information that is likely to be obtained from further study. This translates to greater importance for the evidence within a local and regional context, as it may be a suitable example for preservation/ conservation. The criteria used in assessing integrity include:

- horizontal spatial distribution of artefacts;
- vertical spatial distribution of artefacts;
- preservation of intact features such as hearths or knapping floors;
- preservation of site contents such as charcoal which may enable direct dating providing a reliable date of occupation of a given area;
- preservation of artefacts which may enable use-wear/residue analysis to determine tool use and possibly diet; and
- preservation of other cultural materials that may enable interpretation of the evidence in relation to cultural/social behaviour (e.g. burial types and associated mortuary practices may have been based on cultural, social, age, and/or gender distinctions).

Many of these criteria can only be obtained through controlled excavation. Generally high levels of ground disturbance (such as erosion, tracks, dams etc) limit the possibility that an area would unlikely contain intact spatial distributions, intact features, in situ charcoal et cetera. Definitions for defining levels of site integrity and condition have been derived from Witter (1992) and HLA (2002) and are as follows:

Excellent Disturbance, erosion or development is minimal.

Good	Relatively undisturbed deposits or partially disturbed with an obvious in situ deposit.
Fair	Some disturbance but the degree of disturbance is difficult to assess.
Poor	Clearly mostly destroyed or disturbed by erosion or development.
Very Poor	Sites totally disturbed or clearly not in situ.
Destroyed	A known site that is clearly no longer there.

7.4 EVALUATION

Table 7.1 presents the significance assessment for the PAD identified. As this is a PAD, its significance remains unknown at this time.

Table 7.1 Significance assessment

Site	Site Type	Representativeness	Integrity	Res. Pot	Sci. Sig
	PAD	unknown	unknown	unknown	unknown

7.5 CULTURAL SIGNIFICANCE

While Aboriginal sites and places may have scientific significance, they also have cultural/social significance to the Aboriginal people from that area. Determining cultural/social significance can only be determined by the Aboriginal people from the area in which the sites and/or places were identified. Consultation with the Aboriginal community has been undertaken in order to document cultural/social significance and the registered groups will provide MCH with a letter/report.

8 ASSESSMENT OF IMPACTS

The archaeological record is a non-renewable resource that is affected by many processes and activities. As outlined in *Chapter 3 and 6*, the various natural processes and human activities would have impacted on archaeological deposits through both site formation and taphonomic processes. Chapter 4 describes the impacts within the study area, showing how these processes and activities have disturbed the landscape and associated cultural materials in varying degrees.

8.1 IMPACTS

The OEH Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (2010:21) describes impacts to be rated as follows:

1. Type of harm: is either direct, indirect or none
2. Degree of harm is defined as either total, partial or none
3. Consequence of harm is defined as either total loss, partial loss, or no loss of value

Table 8.1 Impact summary

Site	Site type	Type of harm	Degree of harm	Consequence of harm	Representative	Integrity	Res. Pot	Sci. Sig
	PAD	none	none	No loss	unknown	unknown	unknown	unknown

The results of the assessment indicate that the PAD will not be impacted by the proposed development as it is located within the area designated coastal erosion zone and Asset Protection Zone.

8.2 CUMULATIVE IMPACTS

The cumulative impact to Aboriginal heritage in terms of scientific inquiry in this location is low given that:

- The net development footprint (i.e. the area of direct impact) is small and does not affect a high proportion of any particular landform present within the region;
- No sites were identified within the study area;
- The PAD identified is situated within the area designated coastal erosion zone and Asset Protection Zone and as such will not be impacted on by the proposed development;
- The placement of the development within this area (flats) and within the disturbed context, ensures the cumulative impacts are focused in the areas of lower potential and therefore are kept to a minimum.

Mitigation measures to minimise these impacts are outlined in the following chapter.

9 MITIGATION AND MANAGEMENT STRATEGIES

Specific strategies, as outlined through the DECCW (2010b) Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b), the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), and the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010c), are considered below for the management of the identified PAD within the project area.

9.1 CONSERVATION/PROTECTION

The OEH is responsible for the conservation/protection of Indigenous sites and they therefore require good reason for any impact on an indigenous site. Conservation is the first avenue and is suitable for all sites, especially those considered high archaeological significance and/or cultural significance. Conservation includes the processes of looking after an indigenous site or place so as to retain its cultural significance and are managed in a way that is consistent with the nature of peoples' attachment to them.

No sites were identified and as such conservation is not justified. The presence of deposits within the PAD remains unknown at this time and as the PAD is situated within the area designated coastal erosion zone and Asset Protection Zone and will remain protected and undisturbed.

9.2 FURTHER INVESTIGATION

An Aboriginal Heritage Impact Permit (AHIP) is no longer required to undertake test excavations (providing the excavations are in accordance with the Code of Practice for Archaeological Investigations in NSW). Subsurface testing is appropriate when a Potential Archaeological Deposit (PAD) has been identified, and it can be demonstrated that sub-surface Aboriginal objects with potential conservation value have a high probability of being present, and that the area cannot be substantially avoided by the proposed activity. However, testing may only be undertaken as per the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2011) and discussions/consultation with the local Aboriginal community.

If any future development will impact on the PAD, test excavations accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW must be undertaken prior to any works at that location.

9.3 AHIP

If harm will occur to an Aboriginal object or Place, then an AHIP is required form the OEH. If a systematic excavation of the known site could provide benefits and information for the Aboriginal community and/or archaeological study of past Aboriginal occupation, a salvage program may be an appropriate strategy to enable the salvage of cultural objects. The AHIP may also include surface collection of artefacts.

No sites were identified and as such an AHIP is not required.

10 RECOMMENDATIONS

10.1 GENERAL

- 4) The persons responsible for the management of an onsite will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974;
- 5) If the identified PAD will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW. The PAD area will be fenced with high visibility fencing to ensure no impacts during construction; and
- 6) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.

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ANNEX A

Aboriginal Stakeholder Consultation

No	Date	Communication	Purpose	Phone conversation/ notes	Outcomes
1	30/3/16	MCH contacted OEH, LALC, Registrar of Aboriginal Owners (RAO), National Native Title Tribunal (NNTT) NTSCORP Ltd, Local Council , Hunter Local Land Services (HLLS)	OEH ACHCR's (2010) requirement	Letter included required information as per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) and requested registration no later than 14/4/16	letters sent
2	6/4/16	OEH contacted MCH	list of possible stakeholders	Provided a response : 7 possible stakeholders	see attached
3	-	Forster LALC	list of possible stakeholders	No response	see attached
4	-	NNTT	list of possible stakeholders	Provided a response:	see attached
5	6/4/16	RAO	list of possible stakeholders	Provided a response: Purfleet Taree LALC	see attached
6	6/4/16	Local Council	list of possible stakeholders	Provided a response: : 10 possible stakeholders	see attached
7	NA	NTSCORP Limited	list of possible stakeholders	Do not provide lists of possible stakeholders	see attached
8	NA	HLLS (previously Catchment Authority)	list of possible stakeholders	Do not provide lists of possible stakeholders	see attached
9	13/4/16	Lakkari Traditional Aboriginal Owners Group Incorporated	Registered for the project	Registered for the project	registered
14 April 2016 Request for groups to consult with closed					
10	15/4/16	MCH contacted all groups listed in responses from Government departments listed above	OEH ACHCR's (2010) requirement	Letter included required information as per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) and requested registration no later than 28/4/16.	letters sent
11	15/4/16	Elvina Oxley	Registered for the project	Registered for the project	registered
12	15/4/16	Add in the Manning River Times placed by client.	OEH ACHCR's (2010) requirement	Add included required information as per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) and requested registration no later than 29/4/16.	see attached
29 April 2016 Registration closed					
13	29/4/16	MCH contacted all registered groups: sent an information pack for the project	requirement under the OEH ACHCR's (2010)	Add included required information as per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) and requested registration no later than 23/5/16.	information pack sent
23 May 2016 Response to information pack closed (no response received)					
14	2/6/16	MCH contacted all registered stakeholders	survey	All registered Aboriginal stakeholders were sent an invitation to participate in the survey on 16/6/16. MCH also requested that any correspondence that their fieldworker provides that is deemed confidential by their group, that they identify it as such	survey invite sent

No	Date	Communication	Purpose	Phone conversation/ notes	Outcomes
15	15/6/16	Elvina Oxley called MCH	survey	Confirmed her attendance for the survey on Friday	response
17/ June 2016 Survey					
16	17/6/16	Elvina Oxley called MCH at 9am	survey	Expressed concerns regarding the remuneration and that as she is a Worimi custodian she felt that a male should also be present during the survey. Penny stated the remuneration is not consultation and that it is important she attend the survey and that if she would like to bring a male that was fine but would unlikely be paid .	
17	17/6/16	Robert Yettica called MCH at 9:45am	survey	Expressed concerns regarding the remuneration and that a male should also be present during the survey. Wanted to know why the LALC were not involved. Penny stated that the LALC did not register for the project. Robert suggested the project could be stopped if the LALC were not included.	
18	17/6/16	Jay Currie (FLALC) called MCH at 10:15am	survey	Expressed concerns regarding the remuneration and that a male should also be present during the survey. Stated he had his sites officer with him to drop off for the survey. Penny stated the LALC did not register for the project. Jay stated he had organized the survey with a male but was unable to confirm who that was.	
19	17/6/16	MCH called Elvina Oxley at 10:20am	survey	Penny rang to confirm she was attending the survey. Elvina sad she was not attending until the proponent agreed to their remuneration and two people being on site (male and female) as she knows of a sacred site in the area and as a Worimi Custodian has to follow Worimi protocols. Penny suggested this should have been discussed before the time of the survey and that the survey was to go ahead and MCH would contact the proponent on her behalf. Elvina stated she had sent MCH an email with a letter regarding this and Penny stated she would follow this up.	
20	17/6/16	E. Oxley e-mailed MCH	Remuneration	Sent MCH a letter regarding remuneration and Worimi Custodial protocol	
21	17/6/16	MCH e-mailed E. Oxley	Letter	Thanked Elvina for the letter and that MCH forwarded it to their client and were waiting for a response.	
22	17/6/16	MCH contacted PDA Planning	Remuneration issues	Penny contacted the client outlining the issues and forwarded Elvinas' letter to him.	

No	Date	Communication	Purpose	Phone conversation/ notes	Outcomes
23	17/6/16	Elvina Oxley e-mailed MCH	Remuneration	Sent MCH an email stating she was charging the proponent 4 hours for the two phone calls on Friday to cancel her participation in the survey.	
24	19/6/16	MCH e-mailed Elvina Oxley	clarification	MCH sent an e-mail asking Elvina to confirm she was seeking to charge the proponent 4 hours for the two phone calls on Friday to cancel her participation in the survey.	Email sent
25	20/6/16	MCH called OEH	Consultation/remuneration	MCH contacted OEH (Nicole Davies) and outlined the issues also stating all legislative requirements and consultation had been adhered to and sought confirmation that then project proceed as all RAP where provided every opportunity to be included in the project and survey. OEH confirmed this and asked for an updated in writing.	Email sent to OEH
26	22/6/16	MCH contacted RAPs	Draft report	All registered Aboriginal stakeholders were sent a copy of the draft report for their review and comments. MCH also requested a cultural heritage assessment no later than 21/7/16. MCH also requested that any response to the draft report they deem confidential, that they identify it as such	Draft report sent
27	7/7/16	MCH contacted all registered stakeholders	Reminder	The registered Aboriginal stakeholders were sent a reminder letter that their review and comments on the draft and cultural heritage assessment was due no later than 21/7/16. MCH also requested that any response to the draft report they deem confidential, that they identify it as such	reminder letter issued
28	13/7/16	OEH contacted MCH	Environmental Line	OEH provided MCH with a formal response to an allegation made through the Environmental Line that MCH had not met the requirements set out in the Aboriginal Cultural heritage Consultation requirements for proponents 2010 (DECCW). OEH advised MCH that no action would be taken following MCH's provision of documentary evidence of compliance that community consultation was undertaken as required by the guidelines.	OEH letter received
21 July 2016 Response to Draft report closed					
29	25/7/16	MCH contacted all registered stakeholders	final report	All registered Aboriginal stakeholders were sent a copy of the final report	final report issued
25 July 2016 Assessment complete					



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30 March 2016

Sir/Madam
Hunter Local Land Services
Private Bag 2010
Paterson2421

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Sir/Madam,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area



In order for the proponent to fulfil its cultural heritage consultation requirements as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), it would be appreciated if you could provide details of any Aboriginal groups or individuals that your organisation is aware of that may have an interest in the project. Please provide details in writing to the undersigned either via written correspondence or email (mcheritage@iprimus.com.au). It would be appreciated if you could respond within 14 working days of receipt of this letter.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation is not aware of any such interested parties.

Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist



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30 March 2016

Sir/Madam
National Native Title Tribunal
GPO Box 9973
Sydney 2001

MCH Reference: Aboriginal Heritage Impact Assessment

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RE: Aboriginal Heritage Impact Assessment at Diamond Beach

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Your details	Name: Penny McCardle
	Position: Archaeologist
	Company/organisation: McCardle Cultural Heritage Pty Ltd
	Postal address: PO Box 166 Adamstown, NSW 2290
	Your reference: Diamond Beach
	Email address: mcheritage@iprimus.com.au
	Telephone No.: 0412 702 396
	Fax No.: 02 4592 5501
Date of request: 30/3/2016	
Reason for search request	☐ I am a party to a native title proceeding – please specify Federal Court/Tribunal file number/application name: ☒ I need to identify existing native title interests to comply with the NTA or other State/Territory legislation – please provide details: OEH
Details of the area to be searched Please complete the relevant description fields (fields marked with an asterisk must be completed) or provide a clear map of the area including landmarks	Mining Tenure: *State/Territory: *Mining/ exploration details: Tenement number(s) (i.e. EL No or MCN No) or block/sub block description: Other Land Tenure: *State/Territory: NSW (map attached) Land parcels: <i>Lot number(s)</i> : Lot 18 DP 576415, 363 Diamond Beach Road, Diamond Beach *Tenure type (e.g. <i>agricultural lease</i>): Property name: Pastoral Lease number or name: *Local Government Area(s): Greater taree County: Parish: Town: Section: Hundred: Northern Territory Portion:
	Other details: (additional information may be attached):



M^cCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

30 March 2016

Hema Hariharan
NTSCORP Limited
PO Box 2105
Strawberry Hills 2012

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Hema,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area



In order for the proponent to fulfil its cultural heritage consultation requirements as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), it would be appreciated if you could provide details of any Aboriginal groups or individuals that your organisation is aware of that may have an interest in the project. Please provide details in writing to the undersigned either via written correspondence or email (mcheritage@iprimus.com.au). It would be appreciated if you could respond within 14 working days of receipt of this letter.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation is not aware of any such interested parties.

Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

30 March 2016

Nicole Davies
Office of Environment & Heritage (Archaeology)
Locked Bag 1002
Dangar2309

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Nicole,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area



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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist



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CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

30 March 2016

Sir/Madam
Office of the registrar, Aboriginal Land Rights Act 1983
PO Box 112
Glebe 2037

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Sir/Madam,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist



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CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

30 March 2016

Sir/Madam
Forster Local Aboriginal Land Council
PO Box 384
Forster2428

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Sir/Madam,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area



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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist



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PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

30 March 2016

Sir/Madam
Greater Taree City Council
PO Box 482
Taree2430

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Sir/Madam,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area



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Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

6 April 2016

Penny McCardle
PO Box 166
ADAMSTOWN NSW 2289

Dear Penny

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 30 March regarding Aboriginal Cultural Heritage Assessment within Diamond Beach area in NSW.

I have searched the Register of Aboriginal Owners and the project area described *does not appear* to have Registered Aboriginal Owners pursuant to Division 3 of the *Aboriginal Land Rights Act 1983* (NSW).

I suggest that you contact the Purfleet Taree Local Aboriginal Land Council on (02) 6552 4106. They will be able to assist you in identifying other Aboriginal stakeholders for this project.

Yours sincerely



Tabatha Dantoine
Directorate Support Officer
Office of the Registrar, *Aboriginal Land Rights Act 1983*

GTCC LGA - Aboriginal Groups & Individuals Contact List – for consultation

Organisation	CEO / Manager	Contact details	Street Address	Postal Address
Birpai Local Aboriginal Land Council	Acting CEO – Di Rutherford (financial officer) Phone Feb 2016 and find out if CEO appointed	Ph: 02 6584 9066 Fax 02 6583 8172 birpailalc@midcoast.co.au Admin: Melanie Corrigan		PO Box 876 PORT MACQUARIE NSW 2444
Doo-wa-kee Cultural Heritage Services	CEO Mick Leon	Ph: 02 6552 3652 or 0402 751 584 doowakee@gmail.com	30 Pulteney Street	PO Box 22 TAREE NSW 2430
Forster Local Aboriginal Land Council	CEO Jay Currie	Jay Currie 0457 009 800 ceo@forsterlalc.org.au Chairperson - Vincent Hall chairperson@forsterlalc.org.au Ph: 02 6555 5411 or 6554 8477 Bria Simon – Admin	10 Breckenridge Street (Tobwabba art building)	PO Box 384 FORSTER NSW 2428
Kamarah Aboriginal Corporation			Old service station	PO Box 39 KARUAH NSW 2324
Mid North Coast Indigenous Broadcaster Association	Ralph Saunders		2TLP Ngarralinyi (The Listening Place)	PO Box 657 TAREE NSW 2430
Minimbah Elders Group Inc.	Eva Leon [Mick's mother]		9/11 Bruce Street FORSTER NSW 2428	
Purfleet Taree Local Aboriginal Land Council	CEO - vacant	Ph: 02 6552 4106 or 0408 654 537 grennie@ptlalc.com.au	Purfleet	PO Box 346 TAREE NSW 2430
Saltwater Tribal Council	Acting Chairperson: John Clark	Ph: 02 6552 4440 Secretary: Ray Hurst [husband of Aunty Pat Hurst, deceased 2014] Natasha Davis 0409 163 241	18 Ronald Road TAREE NSW 2430	
Sunrise Guiwan Biripi Elders Corporation	Uncle Warner Saunders (deceased)	warner.saunders9@gmail.com 0487 660 726 ask Ralph Saunders @ 2TLP how to contact Uncle Warner		PO Box 129 CUNDLETOWN NSW 2430
Taree Indigenous	CEO John Clark	Ph: 02 6552 3652 Fax: 02 6552 3642	30 Pulteney Street Taree	PO Box 22 TAREE NSW 2430

GTCC LGA - Aboriginal Groups & Individuals Contact List – for consultation

Organisation	CEO / Manager	Contact details	Street Address	Postal Address
Development and Employment (TIDE)	Program coordinator Chris Sheed Sean Ploder – Aboriginal Green Team	John Clark 0413 274 149 j.clark@tide.org.au Program coordinator Chris Sheed 0419 496 322 c.sheed@tide.org.au Sean Ploder – Aboriginal Green Team sean@tide.com.au		

ABORIGINAL PARTIES (OTHER THAN LOCAL ABORIGINAL LAND COUNCILS) IN THE AREA OF INTEREST

1.	Saltwater Tribal Council 18 Ronald Road TAREE, NSW 2430 Ph: (02) 65524440
2.	Ghinni Ghinni Youth and Culture Aboriginal Corporation PO Box 641 TAREE, NSW 2430 Ph: (02) 65512160 Ghinni_ghinni@hotmail.com
3.	Bindi Aboriginal Heritage and Cultural Centre Inc. 187 Beechwood Road WAUCHOPE, NSW 2446 Ph: (02) 65864560
4.	Sunrise Guiwan Biripi Elders Corporation Warner Saunders PO Box 129 CUNDLETOWN NSW 2430 Ph: 0487660726 Warner.saunders9@gmail.com
5.	Doowakee Mick Leon PO Box 22 TAREE NSW 2430 Ph 02 6552 7856 Fax 02 6552 7543 Mob 0402 751 584 doowakee@gmail.com
6.	Lakkari NTCG Mick Leon C/- Doo-wa-kee CHS 82 Victoria Street TAREE NSW 2430 Ph 02 6552 7835 Mob 0402 751 584 doowakee@virginbroadband.com.au
7.	Birpi Local Aboriginal Land Council Nathan Moran Lot 33 - Aston Street

	PORT MACQUARIE NSW 2444 Ph: (02) 6584 9066 Fax: (02) 6583 8172 birpailalc@midcoast.com.au
--	--

Penny McCardle

From: Mick Leon [doowakee@gmail.com]
Sent: Wednesday, 13 April 2016 10:12 AM
To: mcheritage@iprimus.com.au
Subject: Proposed rezoning Diamond Beach

Hello please find Lakkari Traditional Aboriginal Owners Group Incorporated EOI for the proposed assessment.

There are a number of local Aboriginal people who hold knowledge for the local and regional localities in the Diamond Beach area.

Please contact Lakkari via email doowakee@gmail.com or ph: 0402751584

Mick Leon
For Lakkari



McCandle
CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Sir/Madam
Bindi Aboriginal Heritage and Cultural Centre Inc
187 Beechwood Road
Wauchope NSW 2440

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Sir/Madam,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Director General of the Office of Environment and Heritage (OEH), in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), you are advised of the following:

- unless otherwise specified, if you register your interest, your details will be provided to OEH and the LALC;
- the LALC's who hold cultural knowledge relevant to the proposed project area that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must do so as an Aboriginal organisation not an individual;
- where an Aboriginal organisation representing Aboriginal people who hold cultural knowledge relevant to the proposed project area and that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must nominate a contact person and provide written confirmation and contact details of this person or persons.

Should you wish to register your interest in this project, please register in writing no later than 28/4/16 to:

Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the initial information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail. If a preferred method is not nominated, all information will be forward by mail, e-mail or fax.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist



MCCARDLE
CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mheritage@iprimus.com.au
P: 0412 702 396

mheritage.com.au

Sir/Madam
Birpai Local Aboriginal Land Council
PO Box 876
Port Macquarie NSW 2444

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Sir/Madam,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

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Location of the study area





MCCARDLE
CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Cheryl Heikkanen
3/14 Macintosh Street
Forster NSW 2428

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Cheryl,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





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CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Mick Leon
Doo-wa-kee Cultural Heritage Services
PO Box 22
Taree NSW 2430

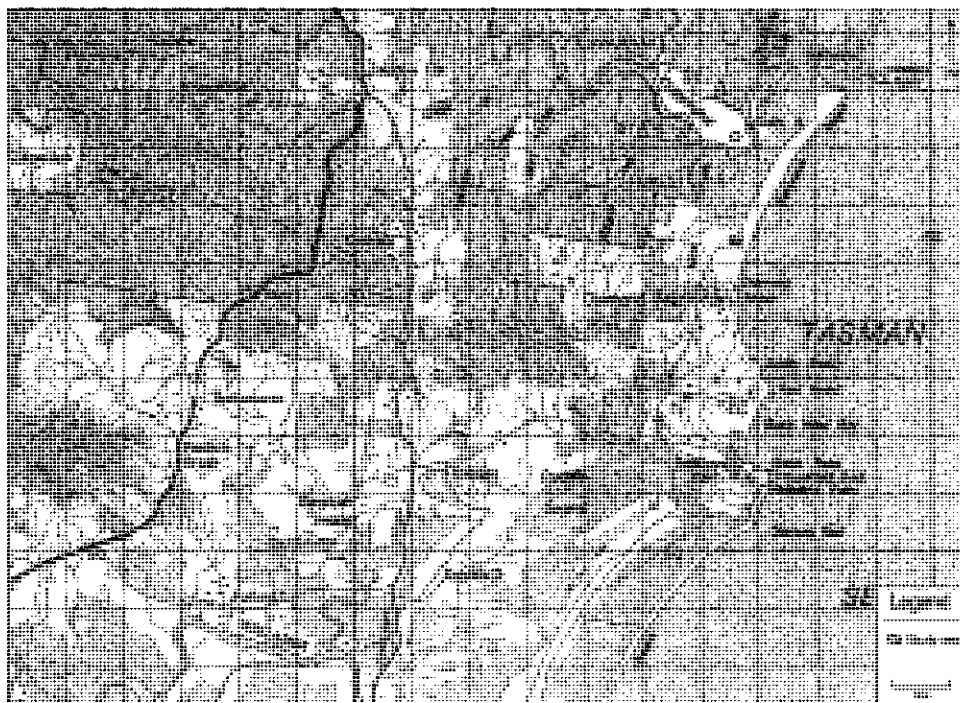
MCH Reference: Aboriginal Heritage Impact Assessment

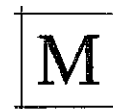
Dear Mick,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

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Location of the study area





McCARDLE
CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Sir/Madam
Forster Local Aboriginal Land Council
PO Box 384
Forster NSW 2428

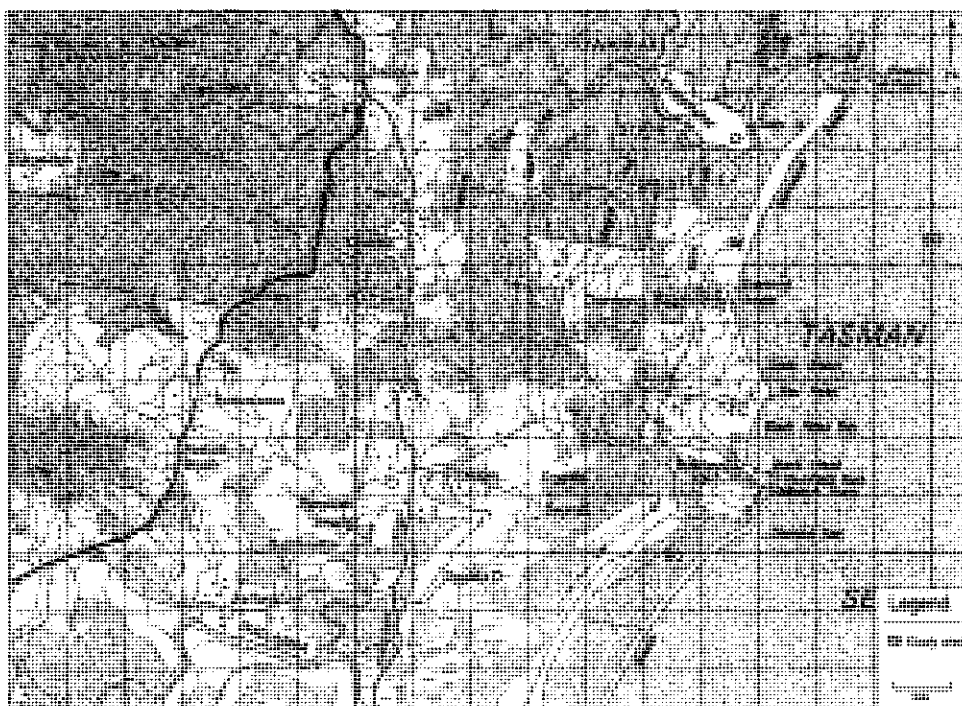
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Location of the study area





MCCARDLE
CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Sir/Madam
Biripi Aboriginal Corporation Medical Centre
10 Old Pacific Highway
Taree NSW 2430

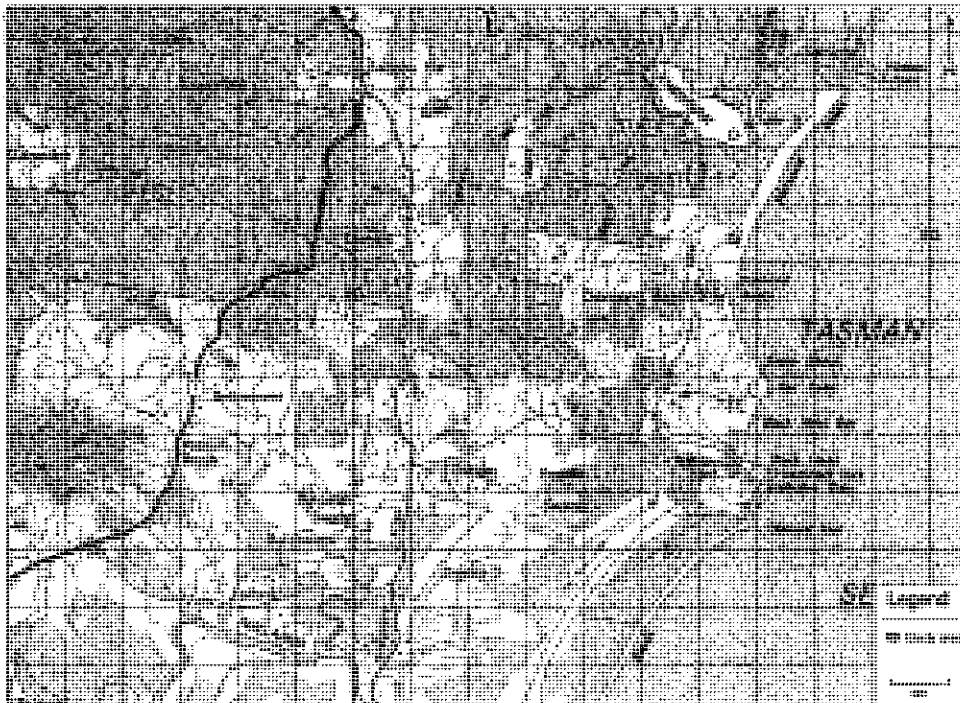
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Location of the study area





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CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Sir/Madam
Garrigal Aboriginal Community Inc
Po Box 182
Gloucester NSW 2422

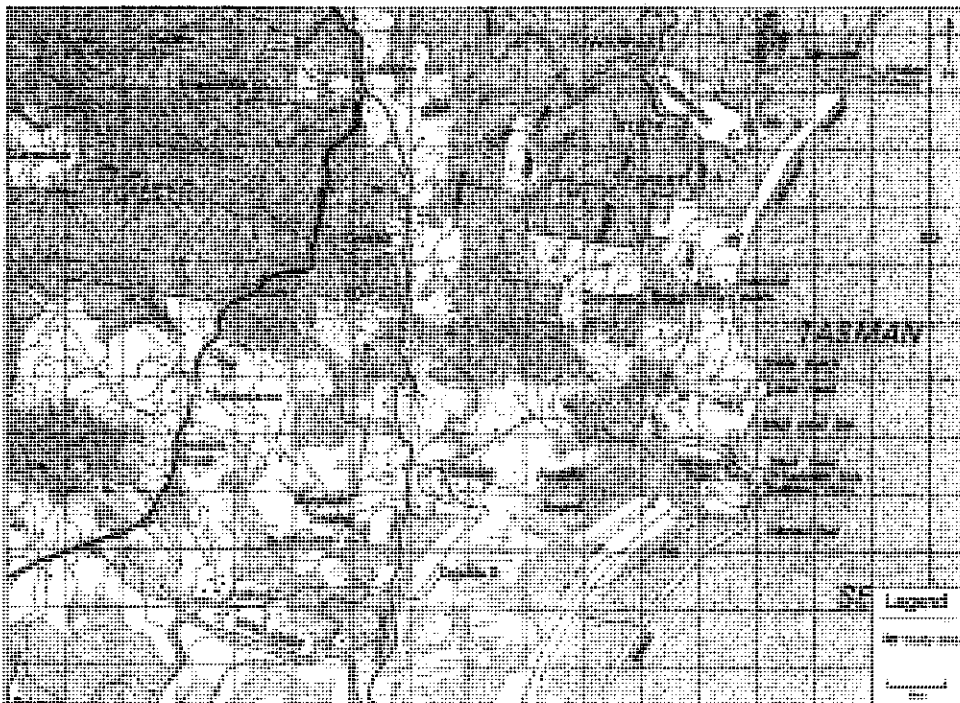
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Location of the study area





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CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Sir/Madam
Ghinni Ghinni Youth and Culture Aboriginal Corporation
PO Box 641
Taree NSW 2430

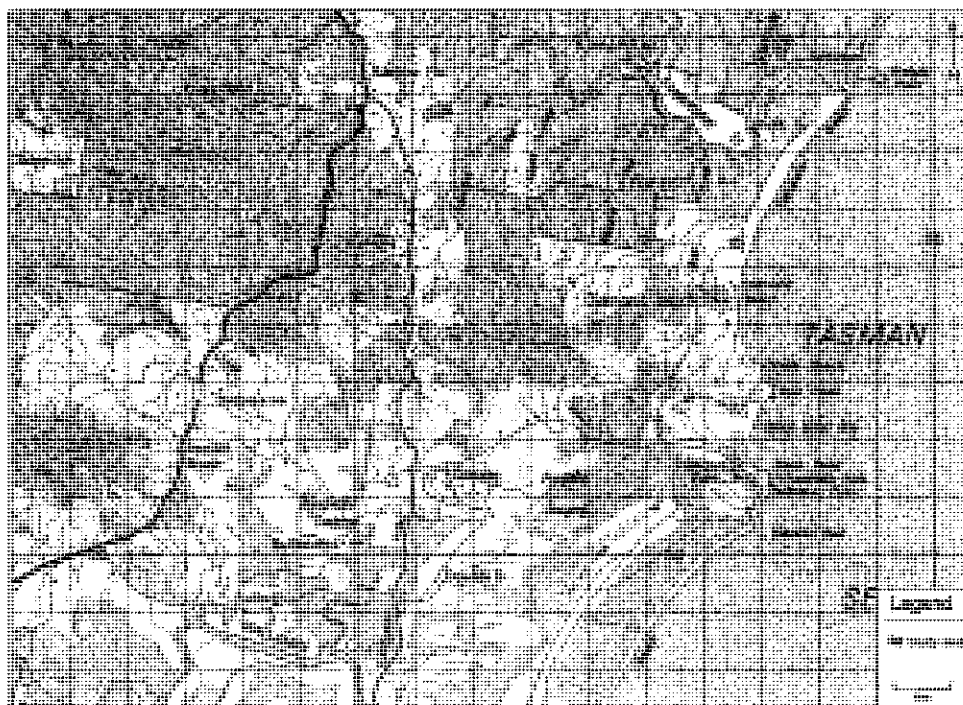
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Location of the study area





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CULTURAL HERITAGE

PO Box 166
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mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

15 April 2016

Jo-Ann Kelly
161 Hindman St
Port Macquarie NSW 2444

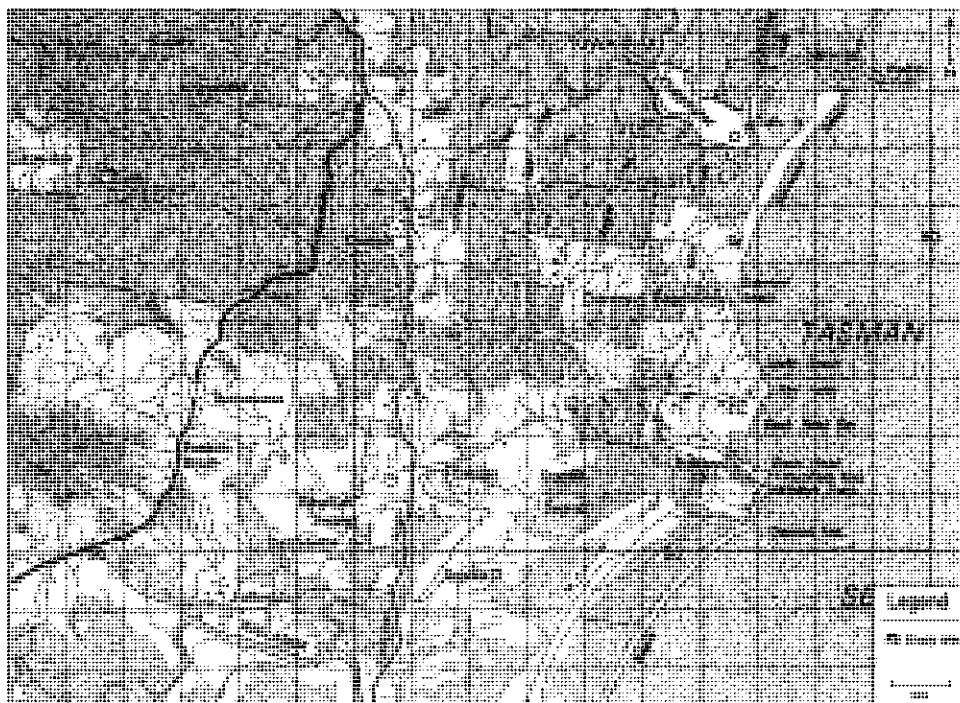
MCH Reference: Aboriginal Heritage Impact Assessment

Dear Jo-Ann,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

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Location of the study area





MCCARDLE
CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Sir/Madam
Kamarah Aboriginal Corporation
PO Box 39
Karuah NSW 2324

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Sir/Madam,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





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15 April 2016

PO Box 166
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Mick Leon
Lakkari Native Title Group
PO Box 22
Taree NSW 2430

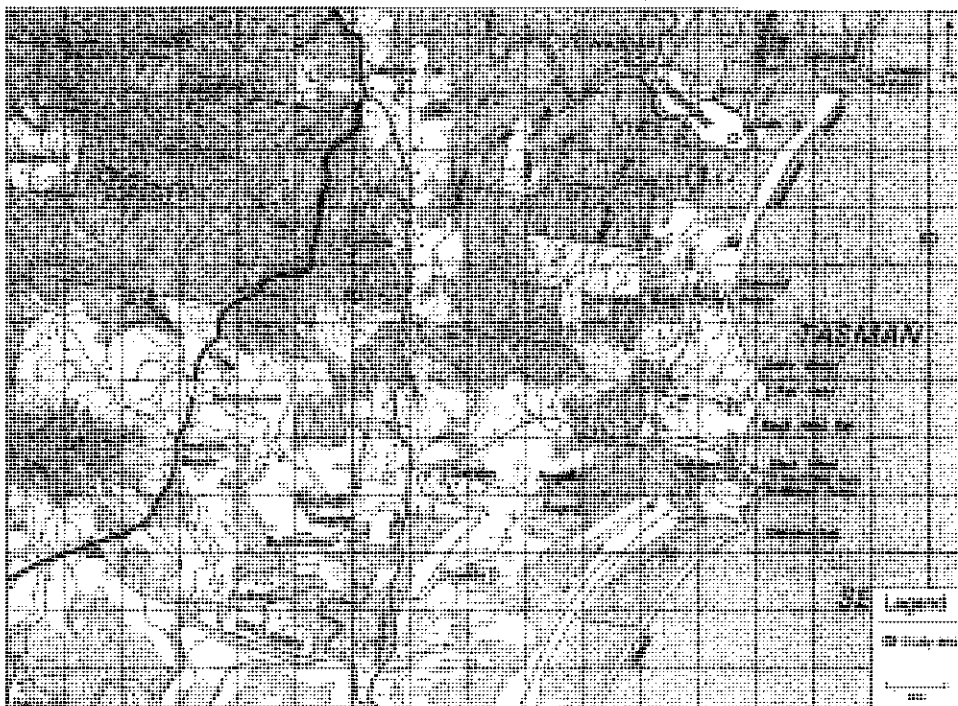
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Dear Mick,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

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Location of the study area





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15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
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Peter North
Many Rivers Aboriginal Legal Service
PO Box 447
Taree NSW 2430

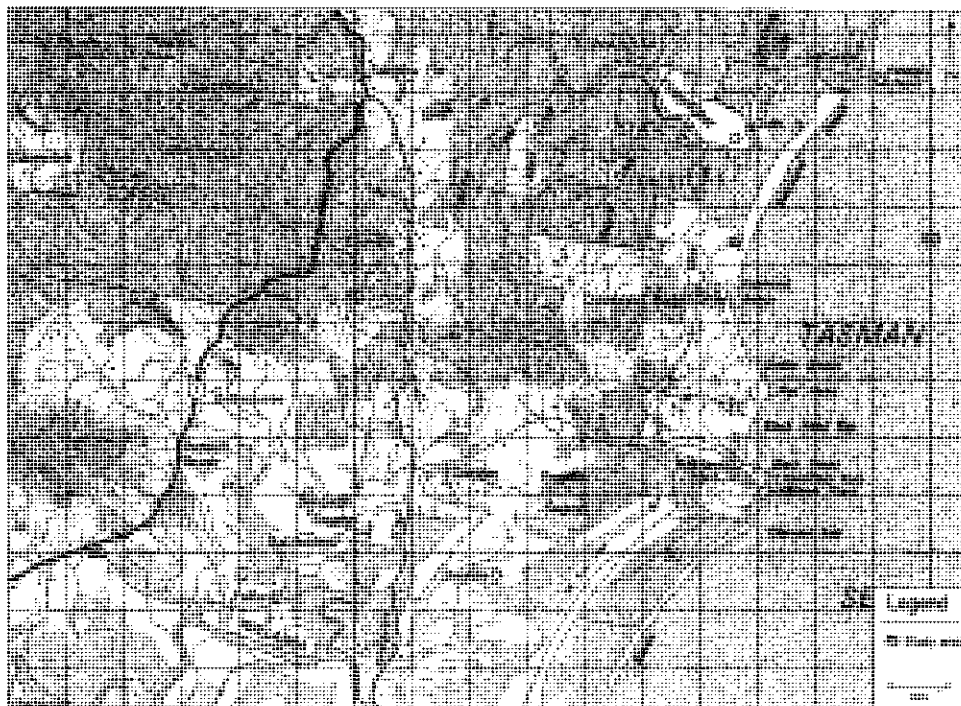
MCH Reference: Aboriginal Heritage Impact Assessment

Dear Peter,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

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Location of the study area





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15 April 2016

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Adamstown 2289 NSW
mcheritage@iprimus.com.au
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Sir/Madam
Mid North Coast Indigenous Broadcaster Association
PO Box 657
Taree NSW 2430

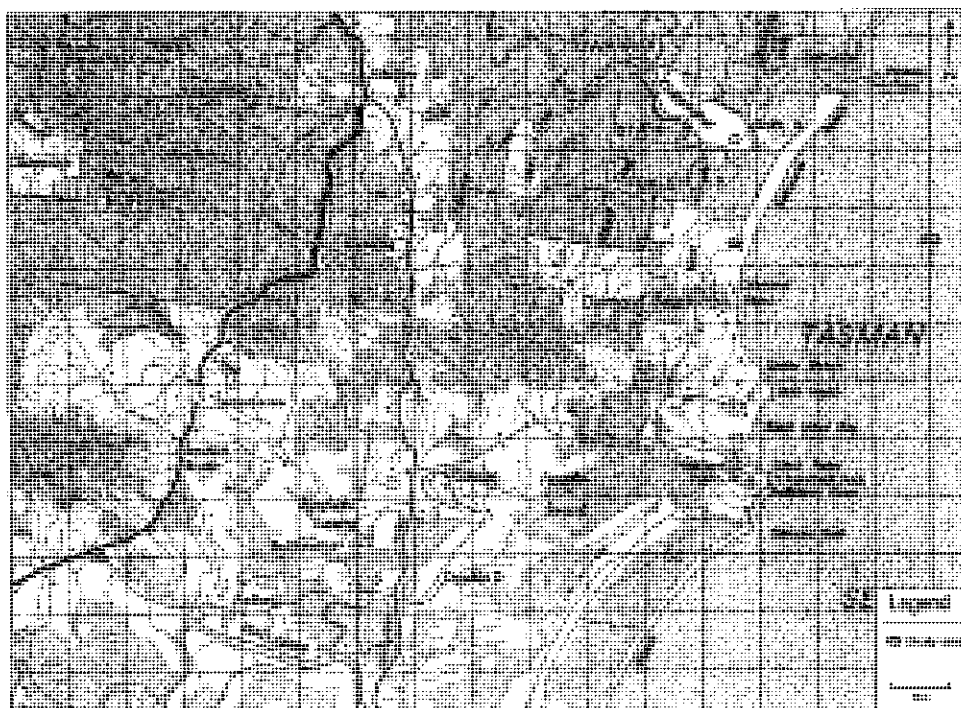
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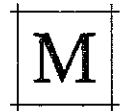
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15 April 2016

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Eva Leon
Minimbah Elders Group Inc
9/11 Bruce Street
Forster NSW 2428

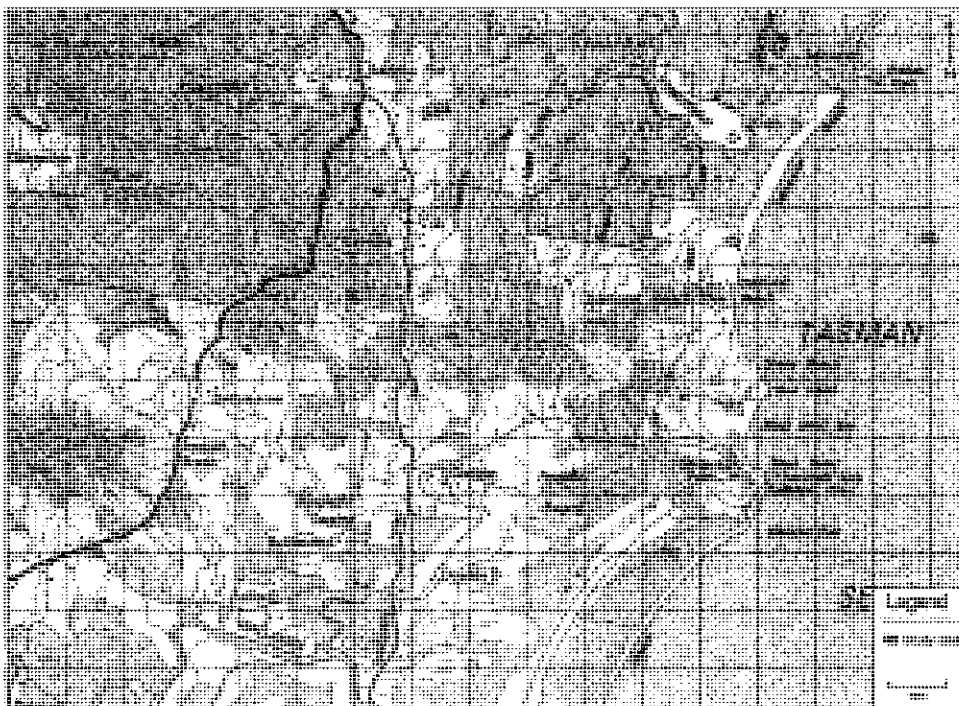
MCH Reference: Aboriginal Heritage Impact Assessment

Dear Eva,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





MCCARDLE
CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Norma Fisher
4488 Buckets Way
South Glouster NSW 2422

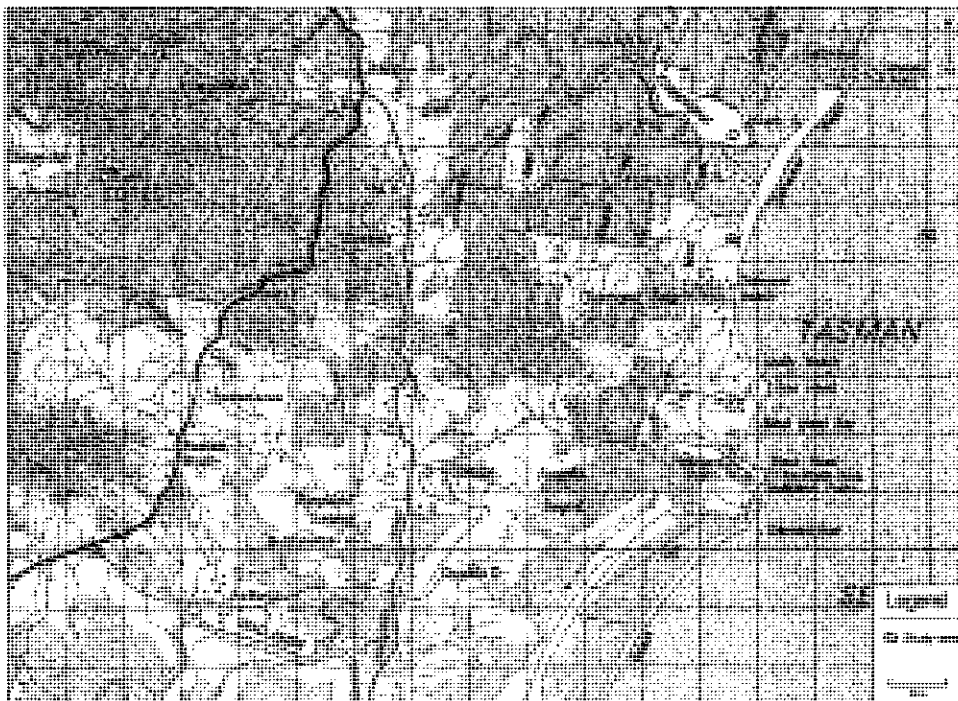
MCH Reference: Aboriginal Heritage Impact Assessment

Dear Norma,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an 'Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamon Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





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CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Sir/Madam
Purfleet Community Youth Centre Association
PO Box 332
Taree NSW 2430

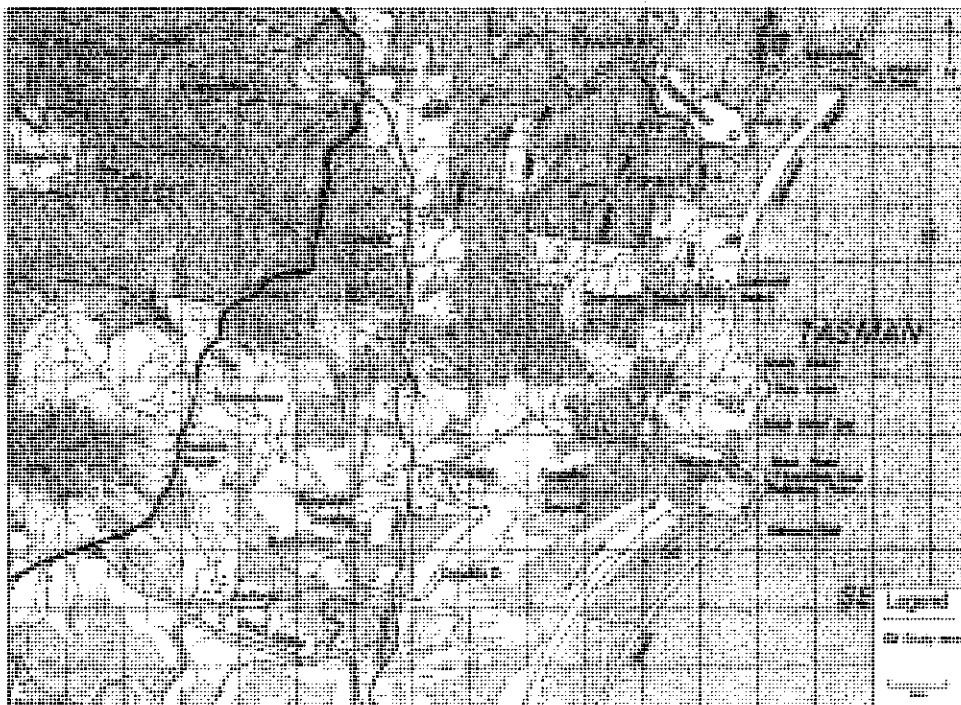
MCH Reference: Aboriginal Heritage Impact Assessment

Dear Sir/Madam,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





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15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Glen Rennie
Purfleet Taree Local Aboriginal Land Council
PO Box 346
Taree NSW 2430

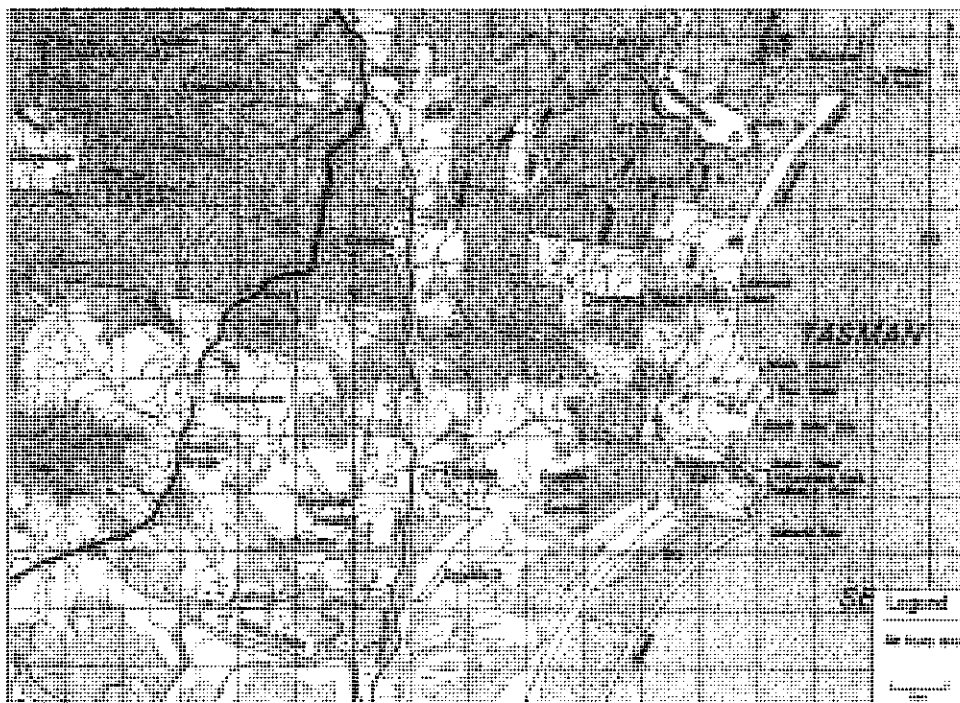
MCH Reference: Aboriginal Heritage Impact Assessment

Dear Glen,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





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CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Sir/Madam
Saltwater Tribal Council
18 Ronald Road
Taree NSW 2430

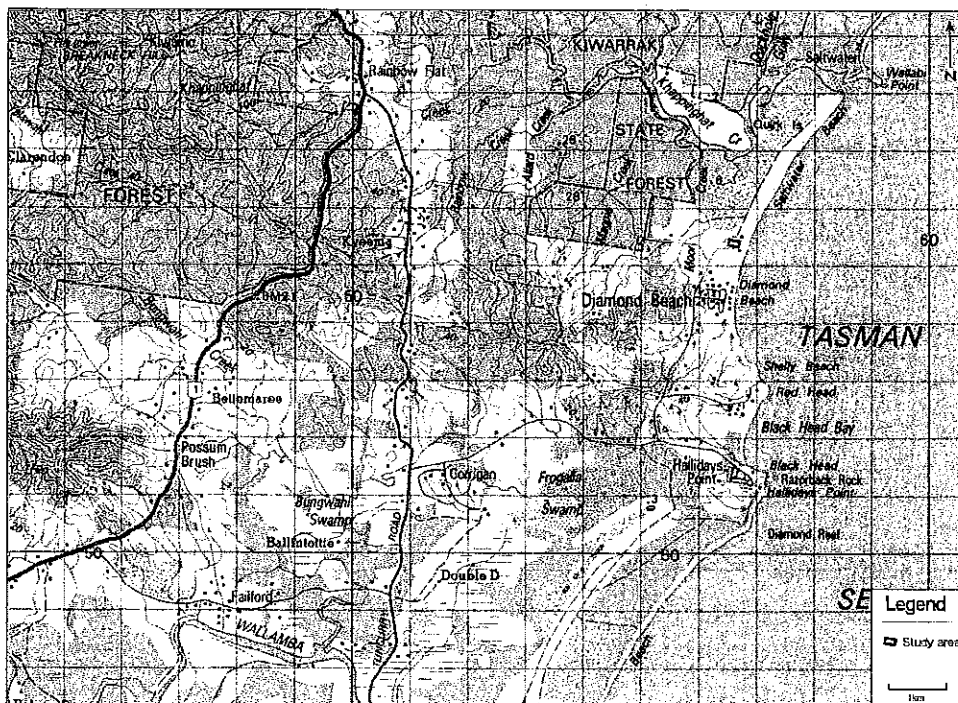
MCH Reference: Aboriginal Heritage Impact Assessment

Dear Sir/Madam,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





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15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Warner Saunders
Sunrise Guiwan Biripi Elders Corporation
PO Box 129
Cundletown NSW 2430

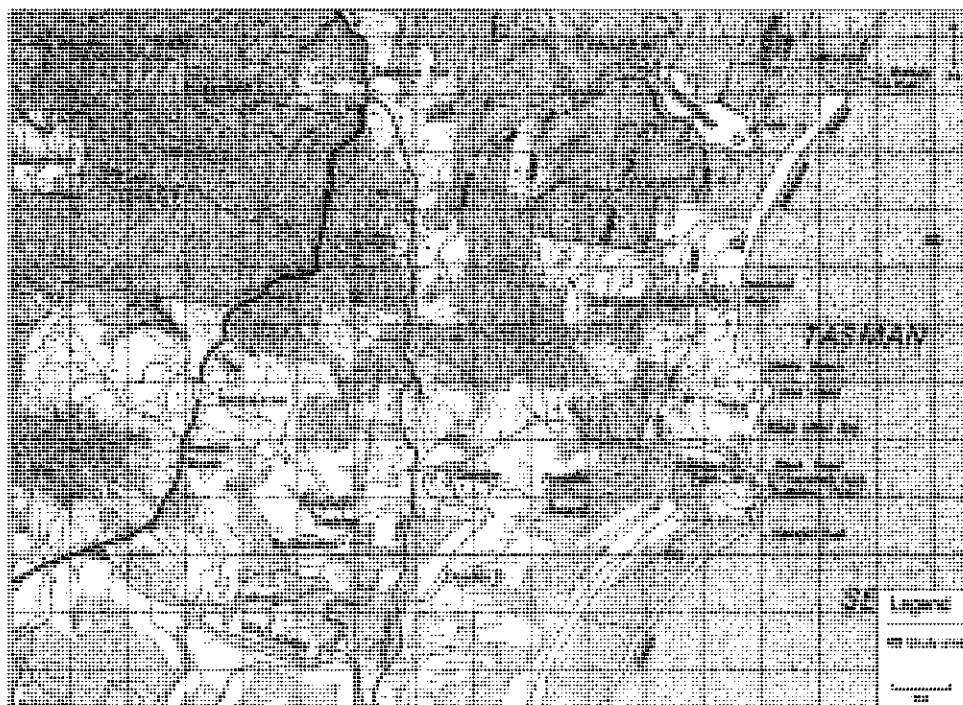
MCH Reference: Aboriginal Heritage Impact Assessment

Dear Warner,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





MCCARDLE
CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

John Clark
Taree Indigenous Development and Employment (TIDE)
PO Box 22
Taree NSW 2430

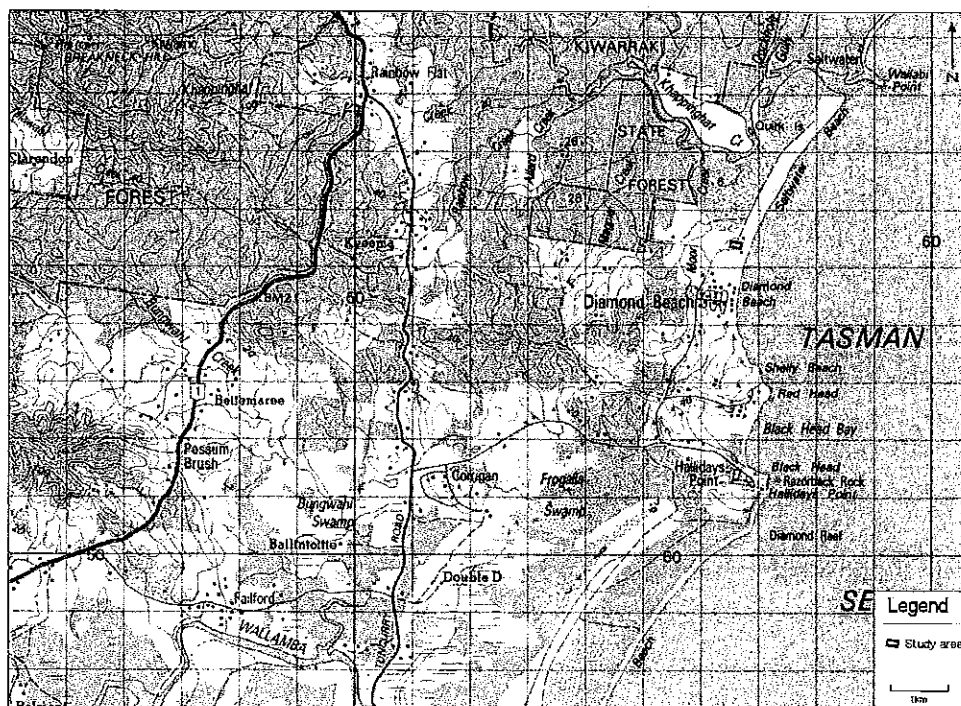
MCH Reference: Aboriginal Heritage Impact Assessment

Dear John,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





MCCARDLE
CULTURAL HERITAGE

15 April 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

A Oxley
PO Box 4018
Stockland Forster NSW 2428

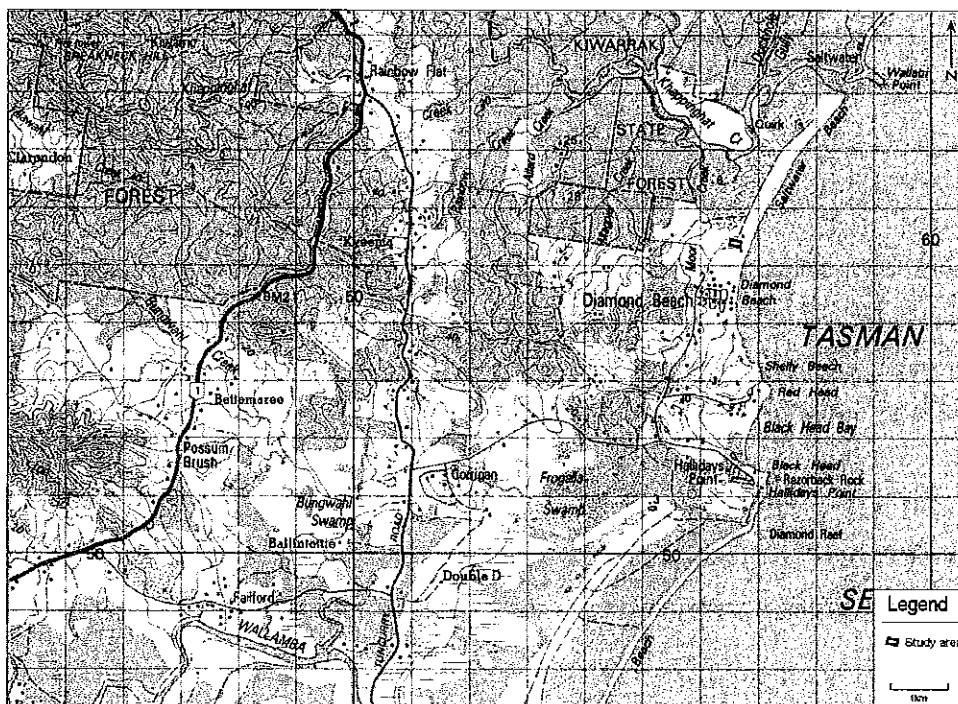
MCH Reference: Aboriginal Heritage Impact Assessment

Dear A,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area



Who hold cultural knowledge.

Proponent: Oceanic Realty P/L.

Project: Proposed Rezoning of Land for Residential and Tourist purposes.

Location: Lot 17 DP 576415,

391 Diamond Beach Road, Diamond Beach.

The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP when required and to assist the Director General of OEH in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation.

Should you wish to register your interest in this project, please register in writing no later than 29 April 2016 to:

Penny McCardle, Principal Archeologist

McCardle Cultural Heritage

PO Box 166, Adamstown NSW 2289

If you register your interest in this project, please also nominate your

28 April 2016

*Mick Leon
Lakkari Native Title Group
PO Box 22
Taree NSW 2430*

MCH Reference: Information pack

Dear Mick,

RE: Information Packet for Diamond Beach

MCH would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you. As MCH did not receive your preferred option, we are posting the pack.

In order for the proponent to fulfil its cultural heritage consultation requirements per the OEHL Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), please find enclosed an information pack that details the project, the roles and responsibilities of all parties, details of the proposed methodologies and map showing the location and extent of the study area. The purpose of the information pack is also to ensure all parties have an understanding of the project, critical time line, that cultural knowledge is obtained from the appropriate individuals, any issues or concerns can be addressed, the methods of survey are agreed upon and the new guidelines are met.

Additionally, in order for the proponent to further fulfil its cultural heritage consultation requirements as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), it would be appreciated if you could provide the required information no later than 23 May 2016. MCH have also included a selection of pro formes that ensure all the required information is obtained to meet the OEHL requirements. You may wish to utilise the forms attached for your convenience or use of your own forms are encouraged.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEHL requirements, please ensure that any items that you or your group deem confidential are either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation has no comments regarding the proposed methodology. Additionally, failure to provide the required information by the prescribed timeline, will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and may not be considered for engagement (the proponent needs the required information to make informed decisions about engagement) and the project will proceed.

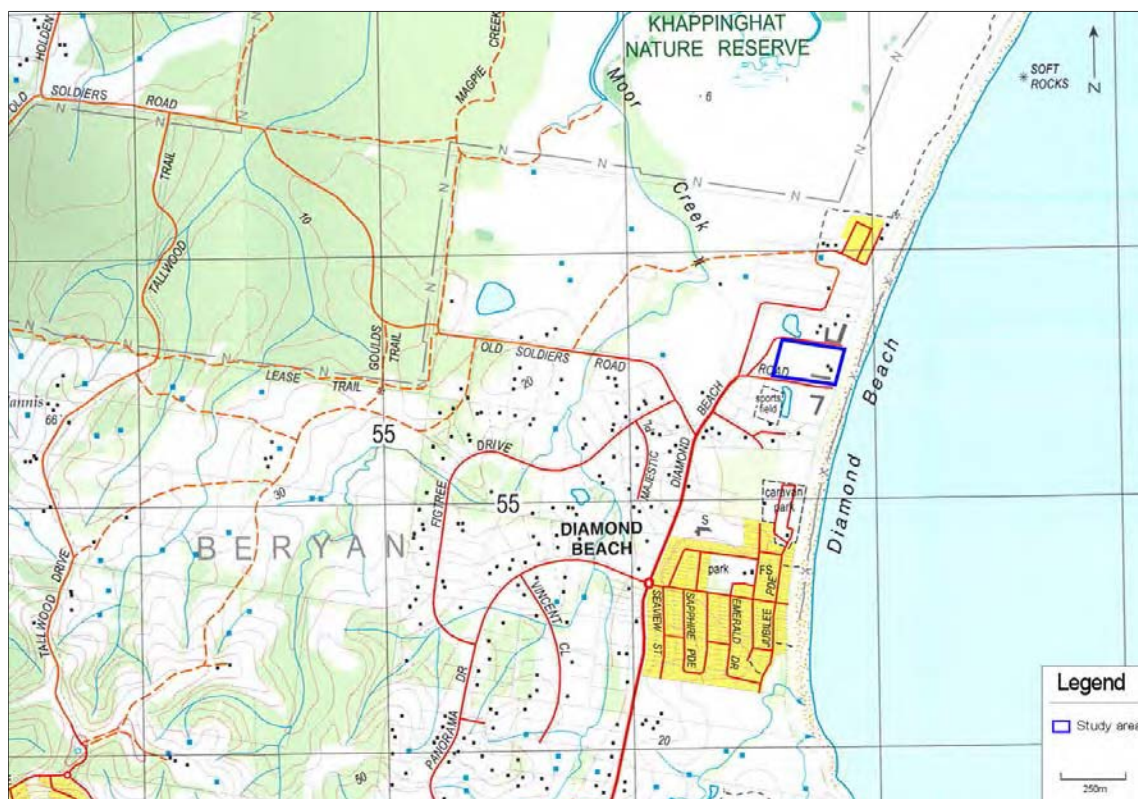
1 OVERVIEW

McCardle Cultural heritage has been commissioned by Seashells Ltd to prepare an Aboriginal Heritage Impact Assessment for the proposed rezoning of land located at Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach. The assessment will determine the potential impacts upon the indigenous cultural heritage within the development area. It is intended that any areas of indigenous cultural heritage value will be identified and appropriate management recommendations will be established through consultation with the registered Aboriginal parties.

2 STUDY AREA

The study area is defined by the proponent and is located approximately at the northern extent of the coastal village of Diamond Beach. Including 17 DP 576415, 391 Diamond Beach Road, Diamond Beach.

2.1 Location of the study area



3 PROJECT OUTLINE

The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). The project is only in the rezoning stage and as such there are no development or plans at this stage.

3.1 IMPACTS

The project is only in the rezoning stage and as such there is no development or impacts at this stage.

3.2 CRITICAL ARCHAEOLOGICAL TIMELINE

The following Table indicates the timelines critical for the archaeological assessment. However, please note that consultation may be increased or decreased depending on response times and knowledge sharing.

3.1 Archaeological timeline

Stages	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10
Stage 1: consult.										
Stage 2: survey										
Stage 3: reporting										
Stage 4: finalisation										

4 METHODS OF INVESTIGATION

There are two methods of investigation including the gathering of cultural significance knowledge and archaeological assessment. These are briefly outlined below.

4.1 GATHERING OF INFORMATION OF CULTURAL SIGNIFICANCE

MCH and the proponent understand that unlike the written word, Aboriginal cultural knowledge is not static, but responds to change through absorbing new information and adapting to its implications. Aboriginal cultural knowledge is handed down through oral tradition (song, story, art, language and dance) from generation to generation, and preserves the relationship to the land (DECCW 2010).

Specific details and parts of cultural knowledge are usually held and maintained by individuals or within particular family groups. Although the broader community may be aware of the general features of that knowledge, it is not a common practice within Aboriginal society for detailed cultural knowledge to be known in the broader community or within Aboriginal community organisations. However, at times these organisations may defer to particular individuals or family groups as being the knowledge-holders of particular sets of cultural knowledge about places or the environment (DECCW 2010).

In some cases the information provided may be sensitive and MCH and the proponent will not share that information with all registered Aboriginal parties or others without the express permission of the individual. MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. To this end, MCH and the proponent would like to extend an invitation to provide any cultural knowledge you have and any restrictions you would like to place on your information, as well as your preferred method of providing that information.

4.2 ARCHAEOLOGICAL ASSESSMENT

This entails an archaeological assessment of the proposed project area. It includes the gathering of both environmental and archaeological information to gain an understanding of the environment, disturbances and provide a predictive model for the proposed project area.

Following the completion of the survey, a report that includes detailed environmental and archaeological background, results, discussion, the cultural significance as determined by the registered Aboriginal parties and mitigation measures will be provided to all registered parties for their review. This will also include opportunities for the registered Aboriginal parties to provide feedback on any management or mitigation recommendations. All registered parties will also be required to provide their own report/letter within a specified time and a copy of the final report will be provided to all parties.

5 SURVEY METHODS

The entire study area will be surveyed on foot in transects of approximately 5-10 metres apart. This will ensure the entire study area is covered and any evidence of past occupation, Potential Archaeological Deposits (PADs) and disturbances will be identified.

6 ROLES, RESPONSIBILITIES AND FUNCTIONS OF PARTIES

The roles, responsibilities and functions of all parties are outlined below and is taken from DECCW (2010).

6.1 OFFICE OF ENVIRONMENT AND HERITAGE (OEH)

The Director General of OEH is the decision-maker who decides to grant or refuse an Aboriginal Heritage Impact Permit (AHIP) application. If an AHIP is issued, conditions are usually attached and OEH is responsible for ensuring the AHIP holder complies with those conditions. When considering an application under Part 6 of the NPW Act, the Director General will review the information provided by proponents in line with its internal policies and procedures to assess potential or actual harm to Aboriginal objects or places (DECCW, 2009).

The Environment Protection and Regulation Group (EPRG) of OEH is responsible for administering the regulatory functions under Part 6 of the NPW Act. OEH expects that proponents and Aboriginal people should:

- be aware that Part 6 of the NPW Act establishes the Director General or delegate of OEH as the decision-maker; and

- recognise that the Director General's (or delegates) decisions may not be consistent with the views of the Aboriginal community and/or the proponent. However, OEH will take into account all relevant information it receives as part of its decision-making process.

6.2 PROPONENT

All proponents operate within a commercial environment which includes:

- strict financial and management issues, priorities and deadlines;
- the need to gain community support in order to secure any necessary approval/consent/licence/permit to operate;
- the need for clearer processes and certainty of outcomes;
- the need for suitable access to land for the purpose of their development project;
- the need to work efficiently within the project's time, quality and cost planning and management parameters; and
- the need for culturally appropriate assessment findings relevant to their project.

Under these requirements, proponents should undertake the following:

- bring the registered Aboriginal parties or their nominated representatives together and be responsible for ensuring appropriate administration and management of the consultation process;
- consider the cultural perspectives, views, knowledge and advice of the registered Aboriginal parties involved in the consultation process in assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s);
- provide evidence to OEH of consultation by including information relevant to the cultural perspectives, views, knowledge and advice provided by the registered Aboriginal parties; and
- accurately record and clearly articulate all consultation findings in the final cultural heritage assessment report.

6.3 REGISTERED ABORIGINAL STAKEHOLDERS

The interests and obligations of Aboriginal people relate to the protection of Aboriginal cultural heritage. It is only Aboriginal people who can determine who is accepted by their community as being authorised to speak for Country and its associated cultural heritage. Where there is a dispute about who speaks for Country, it is appropriate for Aboriginal people, not OEH or the proponent, to resolve this dispute in a timely manner to enable effective consultation to proceed.

Aboriginal people who can provide information about cultural significance are, based on Aboriginal lore and customs, the traditional owners or custodians of the land that is the subject of the proposed project area. Traditional owners or custodians with appropriate cultural heritage knowledge necessary to make informed decisions who wish to register as an Aboriginal party are those people who:

- continue to maintain a deep respect for their ancestral belief system, traditional lore and customs;
- recognise their responsibilities of their community, knowledge and obligations to protect and conserve their culture and heritage and to care for their traditional lands or country; and

- have the trust of their community, knowledge and understanding of their culture and permission to speak about it.

The registered Aboriginal parties should undertake the following;

- ensure the appropriate cultural knowledge holder is providing the appropriate information;
- uphold and respect the traditional rights, obligations and responsibilities of Aboriginal people within their own boundaries and not to infringe in other areas or Aboriginal people outside their own boundaries;
- consider and provide the proponent the cultural perspectives, views, knowledge and advice during the consultation process, assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s); and
- need to work efficiently within the project's time and provide feedback in a timely manner.

6.4 LOCAL ABORIGINAL LAND COUNCILS

The NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs) have statutory functions relevant to the protection of Aboriginal culture and heritage under the NSW Aboriginal Land Rights Act 1983. These requirements do not extend the role of NSWALC and LALCs in the significance assessment process. That is, these requirements do not provide NSWALC and/or LALCs any additional or specific decision-making role in the assessment of significance of Aboriginal object(s) and/or place(s) that are subject to an AHIP application under Part 6 of the NPW Act.

LALCs may choose to register an interest to be involved in the consultation process, or may assist registered Aboriginal parties to participate in the consultation process established by these requirements. In order to ensure effective consultation and the subsequent informed heritage assessment, LALCs are encouraged to identify and make contact with Aboriginal people who hold cultural knowledge in their area.

7 CONSULTATION

The following is taken from DECCW (2010).

Consultation with registered Aboriginal parties involves obtaining the views of, and information from, Aboriginal parties and reporting on these. It should not be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement, however, this is separate from consultation. The proponent may reimburse Aboriginal people for any demonstrated reasonable out-of-pocket expenses directly incurred in order to participate in the consultation process. A demonstrated reasonable expense would include documented loss of wages caused by the need to take time from paid employment to participate in meetings. The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities (i.e. pay disputes) for Aboriginal people.

8 EMPLOYMENT

The proponent may engage a number of Aboriginal representatives from the registered parties (based on the size and nature of the project) to participate and assist in the fieldwork component of this project. If you would like to be considered for paid field work please answer the selection criteria attached and ensure you attach certificates of currency for the relevant insurances, CV(s), any certificates and references. MCH will then pass this information onto the proponent for their consideration to make the selection for fieldwork participants should they wish to do so. MCH will ensure all Aboriginal parties are invited to participate in fieldwork, however paid participation is determined by the proponent.

9 FORMS

You will find a number of forms attached for your convenience. However, if you prefer to use your own please feel free to do so. Please ensure that these are either filled out in full or your own forms/letters answer all the questions and return to MCH no later than 23 May 2016.

10 CONCLUSION

MCH looks forward to your response and working with you on this project. Please do not hesitate to contact myself on 0412 702 396 should you have any questions.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Forms

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current forms.

However, should you wish to use this forms, please complete, sign and return to MCH using one of the following;

Fax: 4952 5501

e-mail: mcheritage@iprimus.com.au

Postal address: MCH

PO Box 166

Adamstown, NSW 2289

ABORIGINAL STAKEHOLDER SITE OFFICER APPLICATION

Position description

A site officer must demonstrate that they have satisfactorily participated in previous archaeological fieldwork with an archaeologist. A trainee site officer does not need to demonstrate previous archaeological experience. Site officers must be able to:

- undertake direction from the project archaeologist
- undertake manual labour over extended periods of time
- use archaeological field tools such as mattocks, shovels, trowels, wheelbarrows, buckets and wet sieving stations
- work in a range of climates wearing protective clothing
- work in teams with a wide range of people
- identify a broad range of Aboriginal objects across the landscape

To qualify as a site officer, appropriate training in identifying Aboriginal objects must have been undertaken (such as the Office of Environment and Heritage's (OEH) sites awareness training course, or other relevant secondary or tertiary studies) or equivalent knowledge or experience must be demonstrated.

The duties of the site officer under the direction of the project archaeologist may include, but not limited to:

- pegging out locations for test pitting
- using shovels, brushes and trowels to excavate test pits
- relocating excavated materials in buckets or wheel barrows
- sieving excavated material
- meeting general and site specific Occupational Health and Safety requirements

Selection criteria

The proponent will offer positions based on the following key selection criteria:

- an individual's ability to undertake the tasks specified in Section 2
- an individual's availability to undertake the activity (physically able to undertake field work)
- an individual's experience in undertaking similar activities. Applications may be subject to a reference check
- individuals with demonstrated local cultural knowledge
- individuals who can demonstrate they can communicate the results of the field work back to the registered Aboriginal stakeholders

- In addition to a consideration of the key selection criteria, the Proponent may give preference to applicants who live locally.
- The proponent is under no obligation to offer site officer positions based on an individual's association with a cultural group or area. The proponent makes no guarantee that registered parties will be engaged to undertake archaeological field activities. The number of site officer positions available will be based on need as described in the archaeological methodology. However, MCH will ensure all registered stakeholders are invited to participate in the survey regardless of engagement arrangements between the stakeholder(s) and the proponent. Applicants will be notified whether they have been successful or unsuccessful in their application.

Engagement

- The Proponent selects and has final approval on who will be engaged as a site officer. Successful applicants will be engaged to provide the services through a written contract that will be provided at a later date. The proponent will only engage Service Providers with NSW workers compensation insurance, public liability insurance, and comprehensive motor vehicle insurance or third party property damage insurance.

Payment

- The proponent will pay the Service Provider at a rate that will be based on the responses of all information pack responses received by the due date and the project budget.
- The quoted hourly rate is the rate to be paid by the Proponent to the Service Provider - **not** to the individual site officer/trainee site officer. The site officer/trainee site officer will be paid by the Service Provider at a rate agreed to by the Service Provider and the site officer/trainee site officer.
- Payment will only be made for the provision of the services (actual hours worked), and not for the time spent travelling to and from site. Payment will be made upon the receipt of a cultural heritage report following the survey and receipt of the draft report.

ABORIGINAL SITE OFFICER APPLICATION FORM

An Aboriginal site officer application form must be filled out for each individual seeking to be engaged as a site officer.	
Name of organisation (if relevant)	
Name	
Contact number	
Mailing address	
Email address	
Fax	
Position applied for	Site officer ☐ Trainee Site Officer ☐
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets as required)	
Please provide the contact details of at least one archaeologist (other than the project archaeologist) who can be contacted as a referee	
Please provide the contact details of at least one other person who may be contacted in regard to your previous cultural heritage experience	
Do you have Workcover NSW General Induction for Construction Work in NSW (also referred to as a green or white card)	Yes ☐ No ☐
Are you an Aboriginal person?	Yes ☐ No ☐
Are you a knowledge holder (according to traditional lore)?	Yes ☐ No ☐

INSURANCES	
Public Liability	Expiry date: (attach certificate of currency)
Worker Compensation	Expiry date: : (attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date: : (attach certificate of currency)
Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.	
OCCUPATIONAL Health & SAFETY (OH&S)	
All participants are required to comply with MCH and the proponents OH&S requirements. This includes high visibility clothing, hat, sunscreen and steel caped boots. You will be advised of any additional requirements. This also includes appropriate and acceptable behavior at all times. Failure to comply will prevent you from participating in the field work.	

REGISTER OF CULTURAL KNOWLEDGE HOLDER

MCH and the proponent would like to facilitate a process whereby all registered Aboriginal parties are provided the opportunity to contribute to culturally appropriate information gathering, provide information that will enable the cultural significance of Aboriginal sites/places on the project area to be determined, and have input into the development of any cultural heritage management options. To enable this to occur, it is necessary to consult with the cultural knowledge holder(s).

To this end, as per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), you are required to provide details of the individual(s) who hold cultural knowledge (according to traditional lore) relevant to the project area. If your groups has no knowledge holders, this is important information too.

Please fill in the following information for cultural knowledge holder(s). If there are more than three in your organisation please feel free to attach another sheet. If there are no knowledge holders in your group please send back blank.

Name: _____

Address: _____

Phone: _____ Mobile: _____

Fax: _____ E-mail: _____

Name: _____

Address: _____

Phone: _____ Mobile: _____

Fax: _____ E-mail: _____

Name: _____

Address: _____

Phone: _____ Mobile: _____

Fax: _____ E-mail: _____

CULTURAL SIGNIFICANCE

As per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the proponent seeks information on the following:

- 1) Are there Aboriginal objects of cultural value in the proposed project area?

- 2) Are there Aboriginal places of cultural value to the Aboriginal people in the area of the proposed project? This may include places of social, spiritual and cultural value, historic places with cultural significance, and potential places/areas of historic, social, spiritual and/or cultural significance that may be either pre contact, post contact or contemporary in age.

- 3) Is there any other cultural information in relation to the proposed project area?

- 4) MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. Please provide your preferred method of providing detailed information on the above (e.g. written, verbal, this form) and any restrictions you would like to place on your information.

COMMENTS ON PROPOSED METHODOLOGY

I, _____ (please insert your name) of _____ (please insert the name of your group), **agree to the methodology** outlined by MCH in relation to the proposed project.

Additional comments:

Signed: _____ Date: _____

Position within organisation: _____

I, _____ (please insert your name) of _____ (please insert the name of your group), **do not agree to the methodology** outlined by MCH in relation to the proposed

Project for the following reasons (please explain your reasons for disagreeing):

I would like to suggest the following (please provide your reasoning): _____

Signed: _____ Date: _____

Position within organisation: _____

28 April 2016

A Oxley
PO Box 4018
Stockland Forster NSW 2428

MCH Reference: Information pack

Dear Ms Oxley,

RE: Information Packet for Diamond Beach

MCH would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you. As MCH did not receive your preferred option, we are posting the pack.

In order for the proponent to fulfil its cultural heritage consultation requirements per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), please find enclosed an information pack that details the project, the roles and responsibilities of all parties, details of the proposed methodologies and map showing the location and extent of the study area. The purpose of the information pack is also to ensure all parties have an understanding of the project, critical time line, that cultural knowledge is obtained from the appropriate individuals, any issues or concerns can be addressed, the methods of survey are agreed upon and the new guidelines are met.

Additionally, in order for the proponent to further fulfil its cultural heritage consultation requirements as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), it would be appreciated if you could provide the required information no later than 23 May 2016. MCH have also included a selection of pro formes that ensure all the required information is obtained to meet the OEH requirements. You may wish to utilise the forms attached for your convenience or use of your own forms are encouraged.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEH requirements, please ensure that any items that you or your group deem confidential are either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation has no comments regarding the proposed methodology. Additionally, failure to provide the required information by the prescribed timeline, will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and may not be considered for engagement (the proponent needs the required information to make informed decisions about engagement) and the project will proceed.

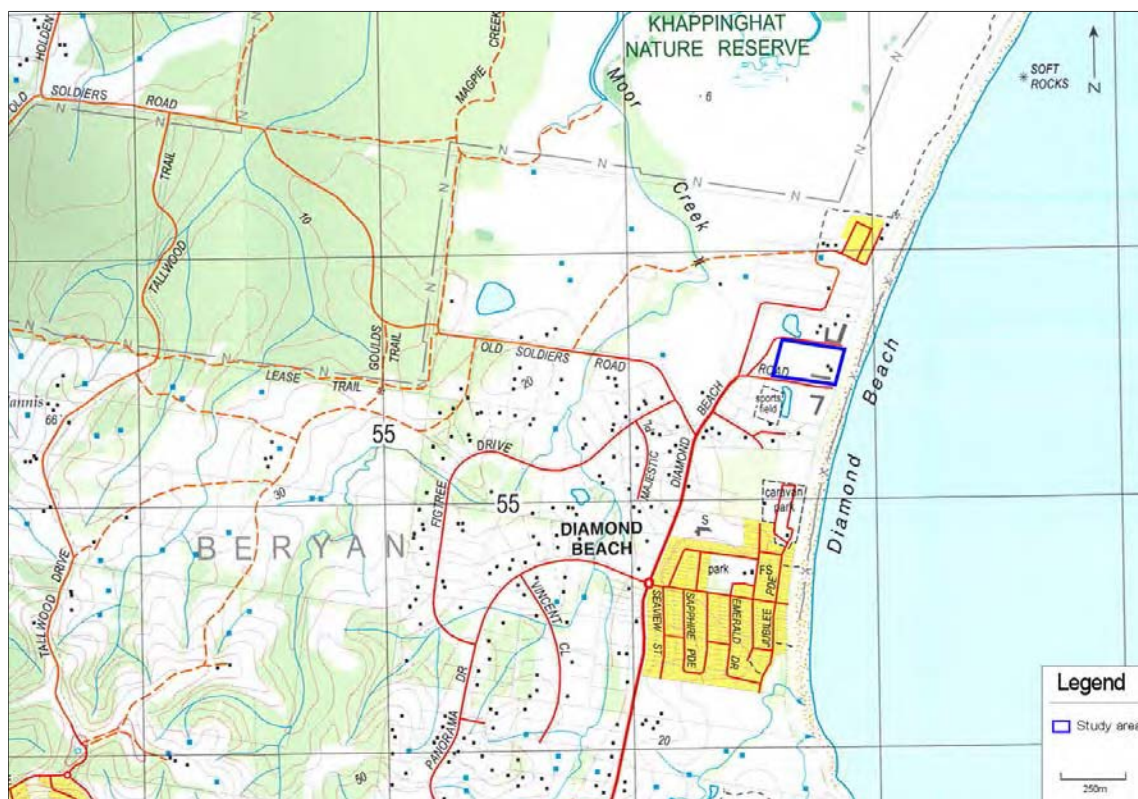
1 OVERVIEW

McCardle Cultural heritage has been commissioned by by Seashells Ltd to prepare an Aboriginal Heritage Impact Assessment for the proposed rezoning of land located at Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach. The assessment will determine the potential impacts upon the indigenous cultural heritage within the development area. It is intended that any areas of indigenous cultural heritage value will be identified and appropriate management recommendations will be established through consultation with the registered Aboriginal parties.

2 STUDY AREA

The study area is defined by the proponent and is located approximately at the northern extent of the coastal village of Diamond Beach. Including 17 DP 576415, 391 Diamond Beach Road, Diamond Beach.

2.1 Location of the study area



3 PROJECT OUTLINE

The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). The project is only in the rezoning stage and as such there are no development or plans at this stage.

3.1 IMPACTS

The project is only in the rezoning stage and as such there is no development or impacts at this stage.

3.2 CRITICAL ARCHAEOLOGICAL TIMELINE

The following Table indicates the timelines critical for the archaeological assessment. However, please note that consultation may be increased or decreased depending on response times and knowledge sharing.

3.1 Archaeological timeline

Stages	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10
Stage 1: consult.										
Stage 2: survey										
Stage 3: reporting										
Stage 4: finalisation										

4 METHODS OF INVESTIGATION

There are two methods of investigation including the gathering of cultural significance knowledge and archaeological assessment. These are briefly outlined below.

4.1 GATHERING OF INFORMATION OF CULTURAL SIGNIFICANCE

MCH and the proponent understand that unlike the written word, Aboriginal cultural knowledge is not static, but responds to change through absorbing new information and adapting to its implications. Aboriginal cultural knowledge is handed down through oral tradition (song, story, art, language and dance) from generation to generation, and preserves the relationship to the land (DECCW 2010).

Specific details and parts of cultural knowledge are usually held and maintained by individuals or within particular family groups. Although the broader community may be aware of the general features of that knowledge, it is not a common practice within Aboriginal society for detailed cultural knowledge to be known in the broader community or within Aboriginal community organisations. However, at times these organisations may defer to particular individuals or family groups as being the knowledge-holders of particular sets of cultural knowledge about places or the environment (DECCW 2010).

In some cases the information provided may be sensitive and MCH and the proponent will not share that information with all registered Aboriginal parties or others without the express permission of the individual. MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. To this end, MCH and the proponent would like to extend an invitation to provide any cultural knowledge you have and any restrictions you would like to place on your information, as well as your preferred method of providing that information.

4.2 ARCHAEOLOGICAL ASSESSMENT

This entails an archaeological assessment of the proposed project area. It includes the gathering of both environmental and archaeological information to gain an understanding of the environment, disturbances and provide a predictive model for the proposed project area.

Following the completion of the survey, a report that includes detailed environmental and archaeological background, results, discussion, the cultural significance as determined by the registered Aboriginal parties and mitigation measures will be provided to all registered parties for their review. This will also include opportunities for the registered Aboriginal parties to provide feedback on any management or mitigation recommendations. All registered parties will also be required to provide their own report/letter within a specified time and a copy of the final report will be provided to all parties.

5 SURVEY METHODS

The entire study area will be surveyed on foot in transects of approximately 5-10 metres apart. This will ensure the entire study area is covered and any evidence of past occupation, Potential Archaeological Deposits (PADs) and disturbances will be identified.

6 ROLES, RESPONSIBILITIES AND FUNCTIONS OF PARTIES

The roles, responsibilities and functions of all parties are outlined below and is taken from DECCW (2010).

6.1 OFFICE OF ENVIRONMENT AND HERITAGE (OEH)

The Director General of OEH is the decision-maker who decides to grant or refuse an Aboriginal Heritage Impact Permit (AHIP) application. If an AHIP is issued, conditions are usually attached and OEH is responsible for ensuring the AHIP holder complies with those conditions. When considering an application under Part 6 of the NPW Act, the Director General will review the information provided by proponents in line with its internal policies and procedures to assess potential or actual harm to Aboriginal objects or places (DECCW, 2009).

The Environment Protection and Regulation Group (EPRG) of OEH is responsible for administering the regulatory functions under Part 6 of the NPW Act. OEH expects that proponents and Aboriginal people should:

- be aware that Part 6 of the NPW Act establishes the Director General or delegate of OEH as the decision-maker; and

- recognise that the Director General's (or delegates) decisions may not be consistent with the views of the Aboriginal community and/or the proponent. However, OEH will take into account all relevant information it receives as part of its decision-making process.

6.2 PROPONENT

All proponents operate within a commercial environment which includes:

- strict financial and management issues, priorities and deadlines;
- the need to gain community support in order to secure any necessary approval/consent/licence/permit to operate;
- the need for clearer processes and certainty of outcomes;
- the need for suitable access to land for the purpose of their development project;
- the need to work efficiently within the project's time, quality and cost planning and management parameters; and
- the need for culturally appropriate assessment findings relevant to their project.

Under these requirements, proponents should undertake the following:

- bring the registered Aboriginal parties or their nominated representatives together and be responsible for ensuring appropriate administration and management of the consultation process;
- consider the cultural perspectives, views, knowledge and advice of the registered Aboriginal parties involved in the consultation process in assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s);
- provide evidence to OEH of consultation by including information relevant to the cultural perspectives, views, knowledge and advice provided by the registered Aboriginal parties; and
- accurately record and clearly articulate all consultation findings in the final cultural heritage assessment report.

6.3 REGISTERED ABORIGINAL STAKEHOLDERS

The interests and obligations of Aboriginal people relate to the protection of Aboriginal cultural heritage. It is only Aboriginal people who can determine who is accepted by their community as being authorised to speak for Country and its associated cultural heritage. Where there is a dispute about who speaks for Country, it is appropriate for Aboriginal people, not OEH or the proponent, to resolve this dispute in a timely manner to enable effective consultation to proceed.

Aboriginal people who can provide information about cultural significance are, based on Aboriginal lore and customs, the traditional owners or custodians of the land that is the subject of the proposed project area. Traditional owners or custodians with appropriate cultural heritage knowledge necessary to make informed decisions who wish to register as an Aboriginal party are those people who:

- continue to maintain a deep respect for their ancestral belief system, traditional lore and customs;
- recognise their responsibilities of their community, knowledge and obligations to protect and conserve their culture and heritage and to care for their traditional lands or country; and

- have the trust of their community, knowledge and understanding of their culture and permission to speak about it.

The registered Aboriginal parties should undertake the following;

- ensure the appropriate cultural knowledge holder is providing the appropriate information;
- uphold and respect the traditional rights, obligations and responsibilities of Aboriginal people within their own boundaries and not to infringe in other areas or Aboriginal people outside their own boundaries;
- consider and provide the proponent the cultural perspectives, views, knowledge and advice during the consultation process, assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s); and
- need to work efficiently within the project's time and provide feedback in a timely manner.

6.4 LOCAL ABORIGINAL LAND COUNCILS

The NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs) have statutory functions relevant to the protection of Aboriginal culture and heritage under the NSW Aboriginal Land Rights Act 1983. These requirements do not extend the role of NSWALC and LALCs in the significance assessment process. That is, these requirements do not provide NSWALC and/or LALCs any additional or specific decision-making role in the assessment of significance of Aboriginal object(s) and/or place(s) that are subject to an AHIP application under Part 6 of the NPW Act.

LALCs may choose to register an interest to be involved in the consultation process, or may assist registered Aboriginal parties to participate in the consultation process established by these requirements. In order to ensure effective consultation and the subsequent informed heritage assessment, LALCs are encouraged to identify and make contact with Aboriginal people who hold cultural knowledge in their area.

7 CONSULTATION

The following is taken from DECCW (2010).

Consultation with registered Aboriginal parties involves obtaining the views of, and information from, Aboriginal parties and reporting on these. It should not be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement, however, this is separate from consultation. The proponent may reimburse Aboriginal people for any demonstrated reasonable out-of-pocket expenses directly incurred in order to participate in the consultation process. A demonstrated reasonable expense would include documented loss of wages caused by the need to take time from paid employment to participate in meetings. The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities (i.e. pay disputes) for Aboriginal people.

8 EMPLOYMENT

The proponent may engage a number of Aboriginal representatives from the registered parties (based on the size and nature of the project) to participate and assist in the fieldwork component of this project. If you would like to be considered for paid field work please answer the selection criteria attached and ensure you attach certificates of currency for the relevant insurances, CV(s), any certificates and references. MCH will then pass this information onto the proponent for their consideration to make the selection for fieldwork participants should they wish to do so. MCH will ensure all Aboriginal parties are invited to participate in fieldwork, however paid participation is determined by the proponent.

9 FORMS

You will find a number of forms attached for your convenience. However, if you prefer to use your own please feel free to do so. Please ensure that these are either filled out in full or your own forms/letters answer all the questions and return to MCH no later than 23 May 2016.

10 CONCLUSION

MCH looks forward to your response and working with you on this project. Please do not hesitate to contact myself on 0412 702 396 should you have any questions.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Forms

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current forms.

However, should you wish to use this forms, please complete, sign and return to MCH using one of the following;

Fax: 4952 5501

e-mail: mcheritage@iprimus.com.au

Postal address: MCH

PO Box 166

Adamstown, NSW 2289

ABORIGINAL STAKEHOLDER SITE OFFICER APPLICATION

Position description

A site officer must demonstrate that they have satisfactorily participated in previous archaeological fieldwork with an archaeologist. A trainee site officer does not need to demonstrate previous archaeological experience. Site officers must be able to:

- undertake direction from the project archaeologist
- undertake manual labour over extended periods of time
- use archaeological field tools such as mattocks, shovels, trowels, wheelbarrows, buckets and wet sieving stations
- work in a range of climates wearing protective clothing
- work in teams with a wide range of people
- identify a broad range of Aboriginal objects across the landscape

To qualify as a site officer, appropriate training in identifying Aboriginal objects must have been undertaken (such as the Office of Environment and Heritage's (OEH) sites awareness training course, or other relevant secondary or tertiary studies) or equivalent knowledge or experience must be demonstrated.

The duties of the site officer under the direction of the project archaeologist may include, but not limited to:

- pegging out locations for test pitting
- using shovels, brushes and trowels to excavate test pits
- relocating excavated materials in buckets or wheel barrows
- sieving excavated material
- meeting general and site specific Occupational Health and Safety requirements

Selection criteria

The proponent will offer positions based on the following key selection criteria:

- an individual's ability to undertake the tasks specified in Section 2
- an individual's availability to undertake the activity (physically able to undertake field work)
- an individual's experience in undertaking similar activities. Applications may be subject to a reference check
- individuals with demonstrated local cultural knowledge
- individuals who can demonstrate they can communicate the results of the field work back to the registered Aboriginal stakeholders

- In addition to a consideration of the key selection criteria, the Proponent may give preference to applicants who live locally.
- The proponent is under no obligation to offer site officer positions based on an individual's association with a cultural group or area. The proponent makes no guarantee that registered parties will be engaged to undertake archaeological field activities. The number of site officer positions available will be based on need as described in the archaeological methodology. However, MCH will ensure all registered stakeholders are invited to participate in the survey regardless of engagement arrangements between the stakeholder(s) and the proponent. Applicants will be notified whether they have been successful or unsuccessful in their application.

Engagement

- The Proponent selects and has final approval on who will be engaged as a site officer. Successful applicants will be engaged to provide the services through a written contract that will be provided at a later date. The proponent will only engage Service Providers with NSW workers compensation insurance, public liability insurance, and comprehensive motor vehicle insurance or third party property damage insurance.

Payment

- The proponent will pay the Service Provider at a rate that will be based on the responses of all information pack responses received by the due date and the project budget.
- The quoted hourly rate is the rate to be paid by the Proponent to the Service Provider - **not** to the individual site officer/trainee site officer. The site officer/trainee site officer will be paid by the Service Provider at a rate agreed to by the Service Provider and the site officer/trainee site officer.
- Payment will only be made for the provision of the services (actual hours worked), and not for the time spent travelling to and from site. Payment will be made upon the receipt of a cultural heritage report following the survey and receipt of the draft report.

ABORIGINAL SITE OFFICER APPLICATION FORM

An Aboriginal site officer application form must be filled out for each individual seeking to be engaged as a site officer.	
Name of organisation (if relevant)	
Name	
Contact number	
Mailing address	
Email address	
Fax	
Position applied for	Site officer ☐ Trainee Site Officer ☐
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets as required)	
Please provide the contact details of at least one archaeologist (other than the project archaeologist) who can be contacted as a referee	
Please provide the contact details of at least one other person who may be contacted in regard to your previous cultural heritage experience	
Do you have Workcover NSW General Induction for Construction Work in NSW (also referred to as a green or white card)	Yes ☐ No ☐
Are you an Aboriginal person?	Yes ☐ No ☐
Are you a knowledge holder (according to traditional lore)?	Yes ☐ No ☐

INSURANCES	
Public Liability	Expiry date: (attach certificate of currency)
Worker Compensation	Expiry date: : (attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date: : (attach certificate of currency)
Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.	
OCCUPATIONAL Health & SAFETY (OH&S)	
All participants are required to comply with MCH and the proponents OH&S requirements. This includes high visibility clothing, hat, sunscreen and steel caped boots. You will be advised of any additional requirements. This also includes appropriate and acceptable behavior at all times. Failure to comply will prevent you from participating in the field work.	

REGISTER OF CULTURAL KNOWLEDGE HOLDER

MCH and the proponent would like to facilitate a process whereby all registered Aboriginal parties are provided the opportunity to contribute to culturally appropriate information gathering, provide information that will enable the cultural significance of Aboriginal sites/places on the project area to be determined, and have input into the development of any cultural heritage management options. To enable this to occur, it is necessary to consult with the cultural knowledge holder(s).

To this end, as per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), you are required to provide details of the individual(s) who hold cultural knowledge (according to traditional lore) relevant to the project area. If your groups has no knowledge holders, this is important information too.

Please fill in the following information for cultural knowledge holder(s). If there are more than three in your organisation please feel free to attach another sheet. If there are no knowledge holders in your group please send back blank.

Name: _____

Address: _____

Phone: _____ Mobile: _____

Fax: _____ E-mail: _____

Name: _____

Address: _____

Phone: _____ Mobile: _____

Fax: _____ E-mail: _____

Name: _____

Address: _____

Phone: _____ Mobile: _____

Fax: _____ E-mail: _____

CULTURAL SIGNIFICANCE

As per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the proponent seeks information on the following:

- 1) Are there Aboriginal objects of cultural value in the proposed project area?

- 2) Are there Aboriginal places of cultural value to the Aboriginal people in the area of the proposed project? This may include places of social, spiritual and cultural value, historic places with cultural significance, and potential places/areas of historic, social, spiritual and/or cultural significance that may be either pre contact, post contact or contemporary in age.

- 3) Is there any other cultural information in relation to the proposed project area?

- 4) MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. Please provide your preferred method of providing detailed information on the above (e.g. written, verbal, this form) and any restrictions you would like to place on your information.

COMMENTS ON PROPOSED METHODOLOGY

I, _____ (please insert your name) of _____ (please insert the name of your group), **agree to the methodology** outlined by MCH in relation to the proposed project.

Additional comments:

Signed: _____ Date: _____

Position within organisation: _____

I, _____ (please insert your name) of _____ (please insert the name of your group), **do not agree to the methodology** outlined by MCH in relation to the proposed

Project for the following reasons (please explain your reasons for disagreeing):

I would like to suggest the following (please provide your reasoning): _____

Signed: _____ Date: _____

Position within organisation: _____

2 June 2016

A. Oxley
PO Box 4018
Stockland Forester
NSW 2428

MCH Reference: Indigenous Archaeological Assessment

Dear Ms Oxley,

RE: Survey invitation and letter of engagement: Indigenous Archaeological Assessment at Diamond Beach

The proponent has received a number of applications and after careful consideration has selected whom they wish to engage in a paid capacity. The proponent and MCH would like to advise that your application for paid participation has been successful. MCH would like to organise the survey for the above named project for the 17/6/16 starting at 10am 391 Diamond Beach Road. We anticipate work will be complete within half a day, however, please be advised this time may change.

As part of the assessment process the proponent require an appropriate person from your organisation to participate in the survey of the study area to identify known or potential cultural heritage features. A cultural heritage report must be prepared following the survey and receipt of the draft archaeological report within the required 28 days review period. The cultural heritage report will identify known or potential Aboriginal objects or places and/or any other cultural heritage matters that may be affected by the project.

Oceanic Realty and MCH wishes to reiterate our intent to positively engaging with the local Aboriginal community. In this spirit we have extended an invitation to all registered applicants to attend the survey. If you accept the terms outlined in the Letter of Engagement (attached) please sign the Letter of Engagement and return to McCardle Cultural Heritage. Participation in the program is dependent on the receipt of the Letter of engagement and insurance certificate of currencies. Additionally, we have enclosed our OH&S requirements for field staff and request that you ensure all field staff participating in the project have read and understood the document fully prior to going out on site.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEHL requirements, please ensure that any items that you or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.

Should you have any questions regarding these terms and conditions or the project please contact myself on 0412 702 396.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

A handwritten signature in blue ink, appearing to read 'Penny McCardle', with a horizontal line extending to the right.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Aboriginal Site Officer/Trainee Site Officer

Letter of Engagement

Oceanic Reality wishes to engage Ms A. Oxley (Service Provider) to provide two Site Officers to undertake an archaeological test excavation of an identified PAD within the Minmi Development Site.

The proponent and Service Provider agree to the terms and conditions of the engagement as follows:

Services

The Service Provider will engage the two Site Officers to undertake the following:

- Archaeological survey of the project area
- a cultural heritage report and invoice within 28 days of receiving the draft report from MCH

Fees

The proponent will pay the following Fees to the Service Provider for Services:

- \$70.00 (exc GST) per person per hour for work undertaken by a Site Officer

Payment will be within 28 days of receipt of a correct invoice and cultural heritage report. Invoices are to be provided at the end of the month.

Invoices are to be addressed to:

Oceanic Reality
C/o: PDA Planning
PO Box 468
Taree NSW 2430

Time sheets

The Service provider must ensure that the Site Officers sign a time sheet at the start and finish of each day the Services are provided. Fees will not be paid unless time sheets for each Site Officer have been completed. The archaeologist will have a time sheet that may be used.

Work performance

The Service Provider must ensure that the Site Officers are fit for work, undertake the Services in a timely manner, with reasonable care, skill and professionalism and in accordance with all applicable laws and any reasonable directions or requirements made by the proponent and/or MCH.

Absences

All field staff must call MCH the evening before work to notify their absence for the following day and organise for a replacement. If no notice is provided, that staff members place in the field team will be suspended until MCH are notified they will be back at work. It is the responsibility of the Service Provider to organise a replacement site officer from the list of persons provided to MCH at the start of the project.

Proponent and MCH property

All materials and equipment provided by MCH or the proponent during the term of engagement remain the property of MCH or the proponent and must be returned upon completion of the Services or termination of the agreement.

Confidentially

All information provided by MCH or the proponent to the Service Provider and/or Site Officer in relation to the services or the business or operations of the proponent and MCH are confidential. The Service Provider will ensure it and the Site Officer keep such information confidential at all times (including after the completion of the Services) and must not disclose it to any other person without the prior written consent from the proponent and/or MCH.

OH&S Requirements

Before commencement of work you must provide MCH with certificate of currencies for Workers Comp and Public Liability. Field representatives participating in the test excavation will be required to wear steel cap boots, long pants and long shirt (hi-visibility) with appropriate sun protection including a hat. It is recommended that participants bring adequate amounts of food and water for the day.

Early termination

The proponent reserves the right to terminate this agreement at any time by giving 1 week written notice to the Service Provider. If the proponent terminates this agreement under this clause, then, subject to satisfactory performance of the Services, the proponent will pay the Service provider a proportionate part of the Fee according to the amount or proportion of Services supplied up to the date of termination.

No subcontracting

The Service Provider must not subcontract the provision of the Services without the proponent's prior written consent.

Insurances

The Service Provider must provide certificates of currency for Workers Comp, Public Liability and Comprehensive Motor vehicle insurances prior to the Services being provided.

Indemnity and release

The Service Provider undertakes the Services at its sole risk and the proponent and MCH will not be liable for any loss, damage, injury or death sustained by any person as a result of the Services being provided.

The Service provider indemnifies and releases the proponent and MCH against any loss the proponent or MCH suffers or any claims made against the proponent or MCH by any person arising out of the provisions of the Services except to the extent that any loss or claims arise from any negligence by the proponent or MCH.

Variations

No changes to these terms can be made without the prior written agreement with the proponent.

Exclusion of other terms

This letter contains the sole agreement of the parties and all other terms are excluded.

If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign both copies, keep one for yourself, and return the other signed copy to MCH within 10 days.

Acceptance (Survey at Diamond Beach)

Signed by Ms A. Oxley

**I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.
I/we declare that I/we are authorised to sign this letter on behalf of A. Oxley.**

Please provide your ABN:

Signature of Witness

Signature of authorised person

Print name of Witness

Print name of authorised person

Print title and position of authorised person

Date:

Date:

2 June 2016

Mick Leon
LNTG
PO Box 22
Taree NSW 2430

MCH Reference: Indigenous Archaeological Assessment

Dear Mick,

RE: Survey invitation and letter of engagement: Indigenous Archaeological Assessment at Diamond Beach

Site officers have been selected by the proponent for the above named survey and are based on the information provided by each Service Provider that was requested with the information pack sent to you on 29/4/16. Unfortunately MCH did not receive the information requested in the information pack for the above named project from you.

Oceanic Realty has received a number of applications and after careful consideration we regret to advise that your application for paid participation has been unsuccessful. We do appreciate the time taken to submit an application and wish to reconfirm our intention to positively engage with the local Aboriginal community. In this spirit, if you wish to still participate in the survey (17/6/16) on an unpaid basis, or be kept up-to-date on the progress of the survey, please contact Penny McCardle. Please note that if you intend to participate in the site survey then:

- Before commencement you must notify MCH for access arrangements and notification and provide MCH with a Certificate of Currency for Workers Compensation and Public Liability insurance. MCH will also provide you with our OH&S requirements for field staff and request that you ensure all field staff participating in the project have read and understood the document fully prior to going out on site ; and
- All field participants must wear covered shoes, long pants and long shirt (hi-visibility) with appropriate sun protection including hat. It is recommended that participants bring adequate amounts of food and water for the day.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEH requirements, please ensure that any items that you or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.

Following the completion of the survey, a draft copy of the assessment will be made available to you for comment. Should you have any further questions, please do not hesitate to contact Penny McCardle on 0412 702 396.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

A handwritten signature in dark ink, appearing to read 'Penny McCardle', followed by a small asterisk or dot.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Great Seal Personal Heraldry Elvina©



Sui Generis / Sui Juris

Email address: tobwabba20@gmail.com

Mobile: 0401 635 211

Ghinbraa Djillanilliu©
Tobwabba Yuri Worimi
Gattung-guba Wyeebulbah

Jean Oxley©
PO Box 4018
FORSTER NSW 2428
AUSTRALIA

First in time first in law

Ms Penny McCardle
Cultural Heritage

Dear Ms McCardle

Re: Survey 16th June 2016 Diamond Beach

I draw your attention in this late hour regarding the contractual agreement.

The standard minimum hours are duly four (4) hours please be advised anything under will still be charged at the standard rate of \$120 per hourly rate.

With consideration to the Proponent who is on Worimi Country I anticipate the business intended to be carried out holds to the Worimi Country protocol of having Worimi Custodians present on the areas wishing to be developed.

Further as to Worimi protocol any significant finds require the presence of an on-site qualified Worimi Custodian. The area in which the Indigenous Archaeological Assessment is taking place today requires attention to the potential exposure of tribal burials. This is in consideration to disturbing the earth for development.

As Worimi Country we require a male and female present as such I have elected to request the Proponent to issue paid employment for the presence of Cultural Consulting Services of Robert Yettica. Robert is a traditional knowledge holder in his own right of the Worimi Country.

Please note I am not referring this to any other area of communications and believe the Proponent must be informed immediately and made aware of the Worimi jurisdiction on these matters of business in the area of our culture and heritage in Worimi Country as Custodians of our land.

I look forward to the Proponents immediate communications on this matter.

Chief Custodian Elvina



Without Prejudice

16/6/2016

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Friday, 17 June 2016 2:28 PM
To: 'Elvina Yuri'
Subject: RE: Letter Re: Diamond Beach Future DA and Proponents

Hi Elvina,

Thank you for your letter. I have forwarded it onto our client and am waiting for a response.

Kind regards,

Penny McCardle
Archaeologist/Forensic Anthropologist



✉ PO Box 166,
Adamstown 2289 NSW
☎ 0412 702 396
🌐 mcheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

From: Elvina Yuri [<mailto:tobwabba20@gmail.com>]
Sent: Friday, 17 June 2016 9:14 AM
To: mcheritage@primus.com.au
Subject: Letter Re: Diamond Beach Future DA and Proponents

Hi Penny

Please find response enclosed to Diamond Beach Elvina

Penny McCardle

From: Elvina Yuri [tobwabba20@gmail.com]
Sent: Friday, 17 June 2016 9:52 PM
To: Penny McCardle
Subject: Re: Letter Re: Diamond Beach Future DA and Proponents

Hi Penny

Please relay to the Proponent. For the consult over the mobile I will still be charging a consult fee which you may forward to the Proponent for four hours work as a qualified woman of the land. NOTED: ALL COMMUNICATIONS BY EMAIL, MOBILE, FAX, PHONE ARE ACCEPTED.

A minimum of 4 hours at a higher level of communications about the issues involved with carrying out an Indigenous Archaeological Assessment for the Proponent. This is in Worimi jurisdiction being the total sum of 4 hours by \$120 being a total sum of \$480.00. AS per discussion there are issues with the way the State has developed its controversial amalgamation which carries with it no set protocols or principles of dealing with Worimi Custodians. This sets a precedent for Worimi jurisdiction as to qualifications I hold as Chief Custodian of sacred ground.

I am now working on the set standard procedure. Nothing of what is within the RAP approach for Worimi.

On Fri, Jun 17, 2016 at 2:28 PM, Penny McCardle <mcheritage@iprimus.com.au> wrote:

Hi Elvina,

Thank you for your letter. I have forwarded it onto our client and am waiting for a response.

Kind regards,

Penny McCardle

Archaeologist/Forensic Anthropologist



✉ PO Box 166,
Adamstown 2289 NSW
☎ 0412 702 396
🌐 mcheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

From: Elvina Yuri [mailto:tobwabba20@gmail.com]
Sent: Friday, 17 June 2016 9:14 AM
To: mcheritage@primus.com.au
Subject: Letter Re: Diamond Beach Future DA and Proponents

Hi Penny

Please find response enclosed to Diamond Beach Elvina

Penny McCardle

From: Elvina Yuri [tobwabba20@gmail.com]
Sent: Friday, 17 June 2016 9:52 PM
To: Penny McCardle
Subject: Re: Letter Re: Diamond Beach Future DA and Proponents

Hi Penny

Please relay to the Proponent. For the consult over the mobile I will still be charging a consult fee which you may forward to the Proponent for four hours work as a qualified woman of the land. NOTED: ALL COMMUNICATIONS BY EMAIL, MOBILE, FAX, PHONE ARE ACCEPTED.

A minimum of 4 hours at a higher level of communications about the issues involved with carrying out an Indigenous Archaeological Assessment for the Proponent. This is in Worimi jurisdiction being the total sum of 4 hours by \$120 being a total sum of \$480.00. AS per discussion there are issues with the way the State has developed its controversial amalgamation which carries with it no set protocols or principles of dealing with Worimi Custodians. This sets a precedent for Worimi jurisdiction as to qualifications I hold as Chief Custodian of sacred ground.

I am now working on the set standard procedure. Nothing of what is within the RAP approach for Worimi.

On Fri, Jun 17, 2016 at 2:28 PM, Penny McCardle <mcheritage@iprimus.com.au> wrote:

Hi Elvina,

Thank you for your letter. I have forwarded it onto our client and am waiting for a response.

Kind regards,

Penny McCardle

Archaeologist/Forensic Anthropologist



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Sent: Friday, 17 June 2016 9:14 AM
To: mcheritage@primus.com.au
Subject: Letter Re: Diamond Beach Future DA and Proponents

Hi Penny

Please find response enclosed to Diamond Beach Elvina

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Sunday, 19 June 2016 9:03 PM
To: 'Elvina Yuri'
Subject: RE: Letter Re: Diamond Beach Future DA and Proponents

Hi Elvina,

Am I correct in saying that you plan to charge the proponent for our phone conversations last week whereby you cancelled your participation in the survey due to remuneration issues?

Kind regards,

Penny McCardle

Archaeologist/Forensic Anthropologist



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Adamstown 2289 NSW
☎ 0412 702 396
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From: Elvina Yuri [<mailto:tobwabba20@gmail.com>]
Sent: Friday, 17 June 2016 9:52 PM
To: Penny McCardle
Subject: Re: Letter Re: Diamond Beach Future DA and Proponents

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I am now working on the set standard procedure. Nothing of what is within the RAP approach for Worimi.

On Fri, Jun 17, 2016 at 2:28 PM, Penny McCardle <mcheritage@iprimus.com.au> wrote:

Hi Elvina,

22 June 2016

PO Box 166
Adamstown 2289 NSW
mheritage@iprimus.com.au
P: 0412 702 396

inheritage.com.au

Elvina Oxley
PO Box 4018
Stockland Forster NSW 2428

MCH Reference: Draft report

Dear Elvina.

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

Please find attached a copy of the draft report for the above named project for your review. Your cultural significance assessment and report/letter is important as the project will benefit from your knowledge and comments. MCH would like to opportunity to include the cultural significance in the report to ensure both the scientific and cultural components are included to provide a bigger picture of the cultural landscape. Additionally, any concerns you may have are also important and we would like the opportunity to address any concerns you may have.

In line with the OEH requirements, we ask that you provide your comments, concerns and cultural significance report no later than 21st July 2016. If you do not wish to provide any comments, report or letters, please notify MCH as soon as possible (even just a quick phone call or txt message) to ensure we do not keep sending reminders and requests for your response as this is both time consuming and may become bothersome to you.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEH requirements, please ensure that if any response to the draft report is deemed confidential that this is either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

Please note that failure to provide the required information by the date provided will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and the project will proceed.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

[Signature]

Penny McCardle
Principal Archaeologist



22 June 2016

PO Box 166
Adamstown 2289 NSW
mheritage@iprimus.com.au
P: 0412 702 396

inheritage.com.au

Mick Leon
Lakkari Native Title Group
PO Box 22
Taree NSW 2430

MCH Reference: Draft report

Dear Mick,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

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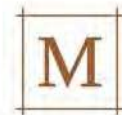
Please note that failure to provide the required information by the date provided will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and the project will proceed.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

[Signature]

Penny McCardle
Principal Archaeologist



McCARDLE
CULTURAL HERITAGE

7 July 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Mick Leon
Lakkari Native Title group
PO Box 22
Taree NSW 2430

MCH Reference: Draft report reminder

Dear Mick,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH sent you a copy of the draft report for the above named project on the 22 June 2016 and requested for your report and/or comments no later than 21 July 2016. This is a reminder letter to ensure you provide your comments/report by the due date.

MCH would like to opportunity to include the cultural significance in the report to ensure both the scientific and cultural components are included to provide a bigger picture of the cultural landscape. Additionally, any concerns you may have are also important and we would like the opportunity to address any concerns you may have.

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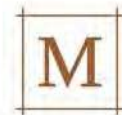
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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist



McCARDLE
CULTURAL HERITAGE

7 July 2016

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

Elvina Oxley
PO Box 4018
Stockland Forster NSW 2428

«

MCH Reference: Draft report reminder

Dear Elvina,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist



**Office of
Environment
& Heritage**

Our reference: I08889-2016 DOC16/347709

Ms Penny McCardle
McCardle Cultural Heritage Pty Ltd
PO Box 166
ADAMSTOWN
NSW 2289

Dear Ms McCardle

ADVISORY LETTER – NATIONAL PARKS AND WILDLIFE ACT 1974

RE: Archaeological assessment of land at Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach, NSW 'the project'

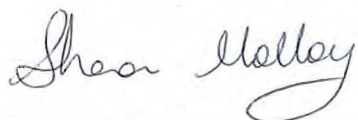
The Office of Environment and Heritage (OEH) is responsible for assuring compliance with the *National Parks and Wildlife 1974* (NPW Act) with the aim of preventing unlawful harm or desecration to Aboriginal object/s or Aboriginal places.

OEH received an Environment Line report alleging that community consultation undertaken for the project by McCardle Cultural Heritage Pty Ltd did not meet the requirements set out in *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW) 'the guideline'.

After making inquiries with you during June 2016, you provided documentary evidence that community consultation for the project was undertaken as required by the guideline. I am satisfied this to be the case and I advise that OEH will not take any further action in response to this particular matter.

I appreciate that our inquiry may have been of concern to you and I thank you for your cooperation in bringing this matter to a close. You do not have to respond to this letter but if you would like to discuss any issues, please contact Rob Hughes on telephone 4927 3141.

Yours sincerely

 13/7/2016.

Sharon Molloy
Acting Regional Manager
Regional Operations
(By Delegation)



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

25 July 2016

Mick Leon
Lakkari Native Title group
PO Box 22
Taree NSW 2430

MCH Reference: Final report

Dear Mick,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

Please find a copy of the final report for the above named project.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

25 July 2016

Elvina Oxley
PO Box 4018
Stockland Forster NSW 2428

MCH Reference: Final report

Dear Elvina,

RE: Aboriginal Heritage Impact Assessment at Diamond Beach

Please find a copy of the final report for the above named project.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

ANNEX B

AHIMS search results

MCH - McCardle Cultural Heritage Pty Ltd

Date: 16 March 2016

P O Box 166

Adamstown New South Wales 2289

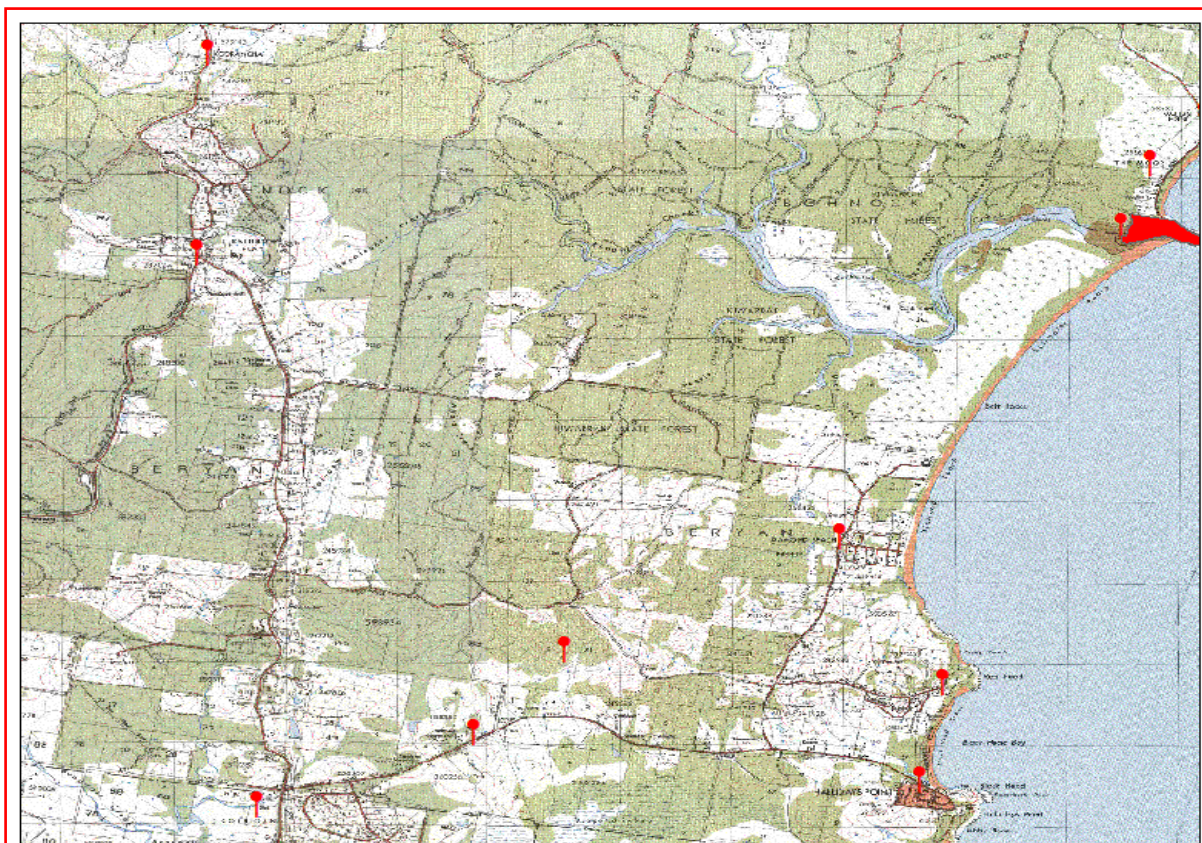
Attention: Penny Mccardle

Email: mcheritage@iprimus.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 449000 - 459000, Northings : 6451000 - 6461000 with a Buffer of 50 meters. Additional Info : assessment, conducted by Penny Mccardle on 16 March 2016.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

42 Aboriginal sites are recorded in or near the above location.

1 Aboriginal places have been declared in or near the above location. *

ID	Aboriginal Place Name
22	Saltwater

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Diamond Beach No 2

Client Service ID : 216526

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-3-0259	Saltwater	AGD	56	458800	6458300	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Aboriginal Place	
	<u>Contact</u>	<u>Recorders</u>	Unknown Author							
38-3-0062	Saltwater Beach;	AGD	56	458490	6457990	Open site	Valid	Artefact : -	Open Camp Site	1890
	<u>Contact</u>	<u>Recorders</u>	Helen Brayshaw							
38-2-0134	RW-A1	AGD	56	450247	6458008	Open site	Valid	Artefact : 1		98900
	<u>Contact</u>	<u>Recorders</u>	Mick Leon							
38-3-0225	Saltwater Artefact;	AGD	56	458060	6458550	Open site	Valid	Artefact : -	Open Camp Site	2103
	<u>Contact</u>	<u>Recorders</u>	Mr.K Heffernan,Jan Klaver							
38-3-0302	Khappinghat NR	GDA	56	458577	6458754	Open site	Not a Site	Artefact : -		
	<u>Contact</u> Mr.Warner Saunders	<u>Recorders</u>	Mr.Jarrold Williams							
38-2-0112	Jandra Quarry J6	AGD	56	449050	6453950	Open site	Valid	Artefact : -	Open Camp Site	97610
	<u>Contact</u>	<u>Recorders</u>	Mrs.Angela Besant							
38-3-0275	Figtree Hill	AGD	56	456150	6452800	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Mick Leon							
38-3-0276	Diamond Beach Open Campsite	AGD	56	456350	6453800	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Unknown Author							
38-2-0103	Tallwoods 1	AGD	56	451402	6453941	Open site	Valid	Artefact : -	Isolated Find	
	<u>Contact</u>	<u>Recorders</u>	Mick Leon							
38-2-0104	Tallwoods 2	AGD	56	451340	6453890	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Mick Leon							
38-2-0105	Tallwoods 3	AGD	56	452510	6453810	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Mick Leon							
38-2-0106	Tallwoods 4	AGD	56	452190	6453630	Open site	Valid	Artefact : -, Shell : -	Midden,Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Mick Leon							
38-3-0278	Tallwoods 5	AGD	56	452710	6453750	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Mick Leon							
38-3-0279	Tallwoods 6	AGD	56	453580	6453810	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Mick Leon							
38-3-0001	Wallaby Point Saltwater Mythological Site	AGD	56	458500	6458250	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	225,2103
	<u>Contact</u>	<u>Recorders</u>	Mr.K Heffernan,Jan Klaver							
38-3-0265	BH4	AGD	56	455620	6453070	Open site	Valid	Artefact : -	Isolated Find	
	<u>Contact</u>	<u>Recorders</u>	Mr.John Appleton							

Report generated by AHIMS Web Service on 16/03/2016 for Penny Mccardle for the following area at Datum :GDA, Zone : 56, Eastings : 449000 - 459000, Northings : 6451000 - 6461000 with a Buffer of 50 meters. Additional Info : assessment. Number of Aboriginal sites and Aboriginal objects found is 42

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Diamond Beach No 2

Client Service ID : 216526

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-3-0266	BH3	AGD	56	454200	6452730	Open site	Valid	Artefact : -	Isolated Find	
	<u>Contact</u>	<u>Recorders</u>	Mr.John Appleton							
38-3-0267	BH2	AGD	56	455500	6452250	Open site	Valid	Artefact : -	Isolated Find	
	<u>Contact</u>	<u>Recorders</u>	Mr.John Appleton							
38-3-0268	BH1	AGD	56	455430	6452280	Open site	Valid	Artefact : -	Isolated Find	
	<u>Contact</u>	<u>Recorders</u>	Mr.John Appleton							
38-3-0007	Halliday's Point Forster	AGD	56	457200	6451200	Open site	Valid	Modified Tree (Carved or Scarred) : -, Ceremonial Ring (Stone or Earth) : -	Bora/Ceremonial,C arved Tree	
	<u>Contact</u>	<u>Recorders</u>	David Bell							
38-3-0030	Saltwater Camping Place;Wallabi Point;	AGD	56	458806	6458189	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Mr.John Clark							
38-3-0032	Black Head;Halliday's Point;	AGD	56	456549	6451750	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	
	<u>Contact</u>	<u>Recorders</u>	Mr.Ian Cranwell							
38-3-0047	Hallidays Point;	AGD	56	456850	6450850	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	1333
	<u>Contact</u>	<u>Recorders</u>	Warren Bluff							
38-3-0048	Hallidays Point;	AGD	56	456860	6450840	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	1333
	<u>Contact</u>	<u>Recorders</u>	Warren Bluff							
38-3-0220	Blackhead;	AGD	56	456490	6451750	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	2103
	<u>Contact</u>	<u>Recorders</u>	Mr.K Heffernan,Jan Klaver							
38-3-0221	Pebbly Beach 1;	AGD	56	457010	6450800	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<u>Contact</u>	<u>Recorders</u>	Mr.K Heffernan,Jan Klaver							
38-3-0223	Blackhead Cave 1;	AGD	56	457325	6451350	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	2103
	<u>Contact</u>	<u>Recorders</u>	Mr.K Heffernan,Jan Klaver							
38-3-0224	Saltwater Canoe;Tree 1;	AGD	56	458060	6458550	Open site	Valid	Modified Tree (Carved or Scarred) : -	Carved Tree	2103
	<u>Contact</u>	<u>Recorders</u>	Mr.K Heffernan,Jan Klaver							
38-3-0226	Saltwater Canoe;Tree 2;	AGD	56	457985	6458650	Open site	Valid	Modified Tree (Carved or Scarred) : -	Carved Tree	2103

Report generated by AHIMS Web Service on 16/03/2016 for Penny Mccardle for the following area at Datum :GDA, Zone : 56, Eastings : 449000 - 459000, Northings : 6451000 - 6461000 with a Buffer of 50 meters. Additional Info : assessment. Number of Aboriginal sites and Aboriginal objects found is 42

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Client Service ID : 216526

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0227	Saltwater Midden;	AGD	56	457740	6458625	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0229	Saltwater Midden;	AGD	56	458725	6458310	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0230	Readhead/Shelley Beach;	AGD	56	457060	6450990	Open site	Valid	Artefact : -	Open Camp Site	2103
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0231	Crying Tree;	AGD	56	457125	6452990	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	2103
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0232	Diamond Beach 1;	AGD	56	456825	6455470	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0233	Diamond Beach 2;	AGD	56	456900	6455625	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0234	Diamond Beach 3;	AGD	56	456930	6455725	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0235	Diamond Beach 4;	AGD	56	457000	6455870	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0236	Diamond Beach 5;	AGD	56	457115	6456120	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0237	Diamond Beach 6;	AGD	56	457210	6456280	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0238	Saltwater Midden;	AGD	56	458240	6458225	Open site	Valid	Artefact : -, Shell : -	Midden,Open Camp Site	2103
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0242	Saltwater;	AGD	56	458270	6458000	Open site	Valid	Artefact : -	Open Camp Site	2603
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-3-0286	KNAPPINGHAT#1	AGD	56	455762	6458692	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		

Report generated by AHIMS Web Service on 16/03/2016 for Penny Mccardle for the following area at Datum :GDA, Zone : 56, Eastings : 449000 - 459000, Northings : 6451000 - 6461000 with a Buffer of 50 meters. Additional Info : assessment. Number of Aboriginal sites and Aboriginal objects found is 42

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

Appendix E

ECOLOGICAL ASSESSMENT

Tuesday 29th November 2016

ABN 81 127 154 787

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Dear Tony,

**Re: Ecological Assessment for Rezoning of Lot 17 DP576415 Diamond Beach Road,
Diamond Beach.**

As requested, we undertook a site survey at the study site which is located on Lot 17 DP576415 Diamond Beach Road, Diamond Beach.

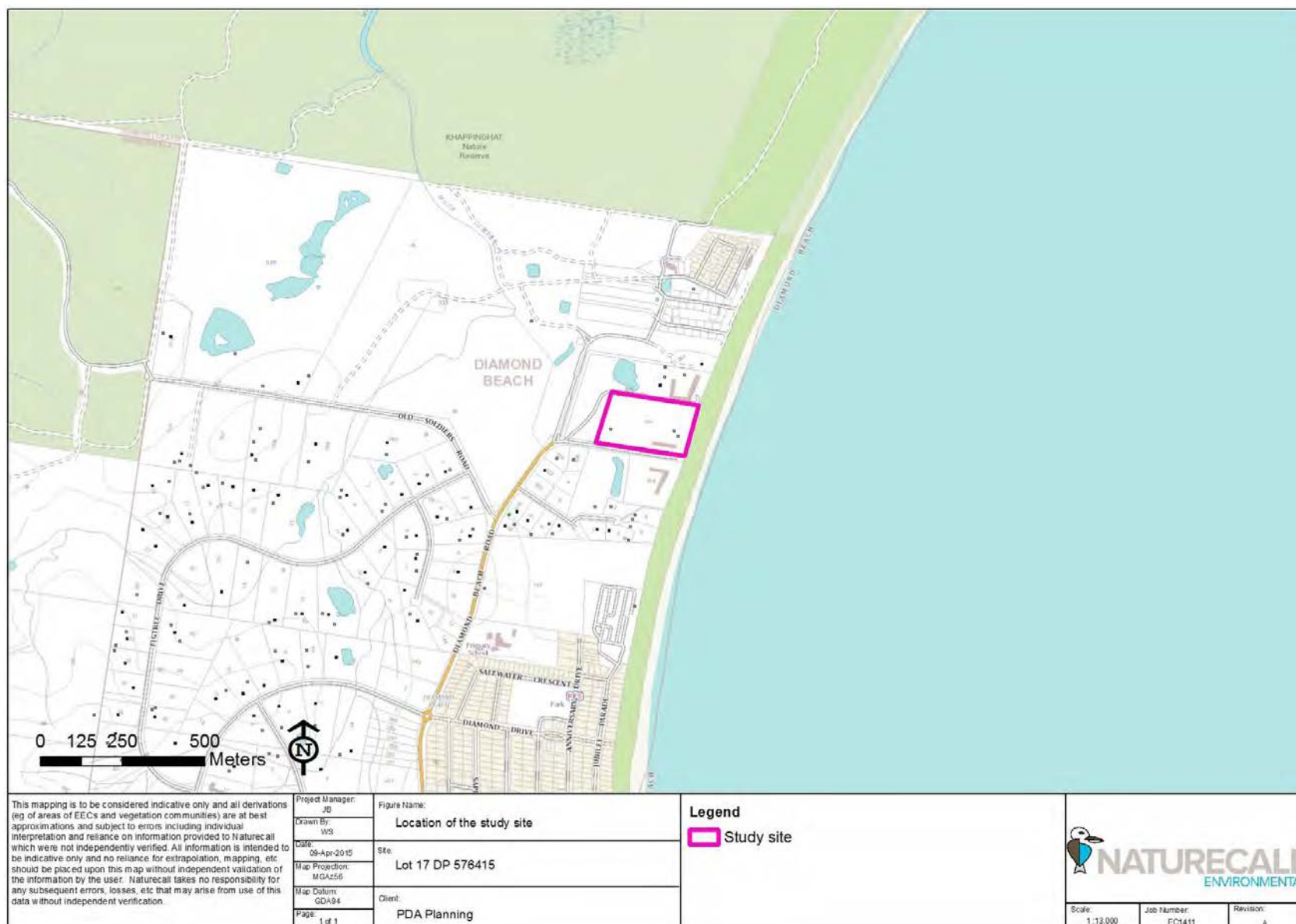
1.0 Background Information

The site is located on Diamond Beach Road as shown in Figure 1. It is largely cleared and maintained aside from two patches of vegetation which comprise 30-35 year regrowth (Tony Fish pers. comm). Holiday units and a dwelling are also present in the east of the site.

A DA for a caravan park over the site has been approved and some works have commenced. Two remaining patches of vegetation are proposed to be retained and managed.

This report focuses on the two retained patches of vegetation in the west of the site. The purpose is to describe and classify these vegetation communities, identify their conservation status and value, and recommend measures for their future use and management.

Figure 1: Location of the subject site



2.0 Ecological Attributes

A site inspection was undertaken on Wednesday 16th November by an ecologist and senior ecologist from Naturecall.

The vegetated areas on site were thoroughly inspected via a random meander survey over 3 hours.

2.1. Site Vegetation Communities

The retained areas of vegetation on site comprise Swamp Forest and Heathland. The remainder of the site largely consists of managed grassland and is not described in this report.

The following table details the vegetation community found on the site. A vegetation map is provided as Figure 2 and photos following the table illustrate the vegetation. A flora list is provided in Appendix 1.

Table 1: Swamp forest description

Vegetation Community	Broad-leaved Paperbark – Swamp Mahogany Tall Swamp Forest
NSW Plant Community Type	No. 1725: Swamp Mahogany - Broad-leaved Paperbark - Swamp Water Fern - Plume Rush swamp forest on coastal lowlands of the Central Coast and Lower North Coast.
Location	This community occurs as a semi-isolated patch in the west of the site. Total area is 2200m ² .
Description	a) Canopy: <i>Structure and Species:</i> The canopy is dominated by Broad-leaved Paperbark (<i>Melaleuca quinquenervia</i>) and Swamp Mahogany (<i>Eucalyptus robusta</i>) with occasional Swamp Oak (<i>Casuarina glauca</i>). The canopy ranges in height from 15-20m with DBH ranging from 15-50cm. b) Understorey: <i>Structure and Species:</i> Absent aside from a few younger canopy trees. c) Shrub Layer: <i>Structure and Species:</i> This layer was moderately dense and comprised a mix of weeds and native shrubs from 1-3m in height. Common species in this layer include Senna (<i>Senna pendula</i> var. <i>glabrata</i>*), Lantana (<i>Lantana camara</i>*) and Mock Olive (<i>Notelaea venosa</i>). d) Ground Layer: <i>Structure and Species:</i> Some parts of the community are regularly mown and comprise a low cover of grasses. The unmanaged areas feature a dense cover of herbs, sedges and ferns to 1m in height. Dominant species in the unmanaged areas comprised Harsh Ground Fern (<i>Hypolepis muelleri</i>), Swamp Fern (<i>Blechnum indicum</i>) and Saw Sedge (<i>Gahnia clarkei</i>). e) Lianas, scramblers, etc:

	A range of climbers were present including Monkey Rope (<i>Parsonsia straminea</i>), Snake Vine (<i>Stephania japonica</i>) and Native Jasmine (<i>Pandorea jasminoides</i>).
Condition	This community represents approximately 30-35 year regrowth that has been largely left unmanaged. As a result, it features a high density of environmental weeds which dominate the shrub layer. Native species diversity was however considered to be good and it is showing strong regeneration potential.
Threatened plants recorded or potential habitat	None recorded and none considered potential occurrences.
Conservation Value	Does not qualify as an Endangered Ecological Community as it does not meet geomorphological criteria (see Section 2.3 below).

* Denotes introduced species

Table 2: Heathland description

Vegetation Community	Swamp Paperbark – Tantoon Heathland
NSW Plant Community Type	PCT ID 1730 – Swamp Paperbark – <i>Baumea juncea</i> swamp shrubland on coastal lowlands of the Central Coast and lower North Coast
Location	Occurs in the southeast corner of the site and covers an area of 1000m ² .
Description	a) Emergents: Structure and Species: A sparse emergent tree layer was present ranging from 8-10m in height. Species present in this layer consisted of Swamp Mahogany, Swamp Oak and Broad-leaf Paperbark. b) Canopy/Understorey: Structure and Species: The canopy consisted of a denser layer of shrubs and small trees ranging from approximately 4-6m in height Swamp Paperbark (<i>Melaleuca ericifolia</i>), Fern-leaf Banksia (<i>Banksia oblongifolia</i>), Prickly-leaved Paperbark (<i>Melaleuca nodosa</i>) and Tantoon (<i>Leptospermum polygalifolium</i>) were the dominant species. c) Shrub Layer Structure and Species: A shrub layer only occurred on the edges of this community and along a track in the east. Commonly recorded species in this layer include Hairy Bush-pea (<i>Pultenaea villosa</i>), Prickly Beard-heath (<i>Leucopogon juniperinus</i>), Notched Bush-pea (<i>Pultenaea retusa</i>), Sweet Wattle (<i>Acacia suaveolens</i>), and Coffee Bush (<i>Breynia oblongifolia</i>). d) Ground Cover Structure and Species: Occurs as an open layer generally around the edges of the community or dense patches of Pouched Coral-fern (<i>Gleichenia dicarpa</i>). Grasses and herbs recorded include Wiry Panic (<i>Entolasia stricta</i>), Blady Grass (<i>Imperata cylindrica</i>),

	Blue Dampiera (<i>Dampiera stricta</i>), Creeping Raspwort (<i>Gonocarpus micranthus</i> subsp. <i>micranthus</i>), and Spiny Mat-rush (<i>Lomandra longifolia</i>). e) Lianas, scramblers, etc: <i>Structure and Species :</i> Occasional vines were present including Monkey Rope, Appleberry (<i>Billardiera scandens</i>), Small-leaf Glycine (<i>Glycine microphylla</i>) and Devils Twine (<i>Cassytha pubescens</i>).
Condition	Condition is good overall with high species diversity and intact structure. It is however a narrow patch of heath and is subject to edge effects eg weed invasion. Nevertheless at present it is only affected by a low abundance of exotic species such as Whiskey Grass (<i>Andropogon virginicus</i>*) and South African Pigeon Grass (<i>Setaria sphacelata</i>*).
Threatened plants recorded or potential habitat	No threatened plants were located during the survey. Potential habitat for Dwarf Heath Casuarina (<i>Allocasuarina defungens</i>).
Conservation Values	Not an EEC as does not meet geomorphological or floristic criteria. This community is part of a larger extent of heathland which is considered to have high conservation value overall and is also a Groundwater Dependant Ecosystem (GDE).

Photo 1: Swamp forest



Photo 2: High weed cover in interior of swamp forest



Photo 3: Heathland



Figure 2: Site vegetation communities



2.2. Flora of Conservation Significance

No threatened flora species were observed during the survey which recorded only common species. Any threatened species would be expected to be readily detected if present given that the site was open and accessible. Intensive vegetation surveys on the adjoining Lot to the north similarly did not detect any threatened flora (Naturecall 2016).

The heathland qualifies as potential habitat for Dwarf Heath Casuarina (Endangered TSC Act and EPBC Act), however given the above factors, no threatened flora species were considered potential occurrences.

2.3. Endangered Ecological Communities

The entire site is underlain by relic coastal barriers of marine provenance. This has been demonstrated by the geotechnical report prepared for the site (RGS 2013). The coastal barriers, being of marine origin do not qualify as coastal floodplains (NSWSC 2004, *Gales Holdings Pty Limited v Tweed Shire Council [2008] NSWLEC 209*, *Motorplex (Australia) Pty Limited v Port Stephens Council [2007] NSWLEC 74*, Preston and Adam 2004a, 2004b).

As such, while the Swamp Forest may floristically qualify as the EEC *Swamp Sclerophyll Forest on Coastal Floodplains*, it does not meet the key geomorphological criteria listed under the final determination (NSWSC 2004) and hence cannot qualify as the EEC.

The heathland community similarly does not qualify as any EEC.

3.0 Management Recommendations

3.1. Heathland

3.1.1. Future Use

The heathland area is recommend to be retained and left as natural vegetation area. There were no significant weed issues in this community, hence weed control is not considered required.

An area of cleared land in the corner of the Lot behind the heath has been subject to regular slashing. It is understood that this area has been approved by Council for the location of waste and disposal bins.

3.2. Swamp Forest

3.2.1. Future Use

This patch of vegetation is recommended to be retained in its entirety. An appropriate use for this vegetation is a parkland area that would allow passive use and scenic amenity for future use by caravan park residents.

Fencing around this patch of vegetation is not considered to be required.

3.2.2. Weed Control

A high level of weed invasion was recorded in this community. If not controlled, these weeds will continue to flourish and may spread into nearby vegetation.

It is recommended that weed control is undertaken by a qualified bush regenerator and target the following weeds:

- Senna
- Lantana
- Bitou Bush
- Umbrella tree
- Fireweed
- Crofton Weed
- Billygoat Weed

This would require initial treatment and a number of follow-up treatments. It is recommended that hand-pulling of weeds is used where possible. Herbicide should only be used if hand-pulling is not successful and should be used in low quantities to avoid impacts on non-target species.

3.2.3. Slashing

It is recommended that slashing is continued around the perimeter of the Swamp Forest and on existing tracks through the patch. This will allow future use of the area by park residents and prevent overgrowth of the surrounding exotic grasses.

Slashing should not be undertaken in the unmanaged area of the Swamp Forest as many native species are regenerating in the understorey and they would require removal for a tractor or mover to access this area. Weed control will assist this natural regenerative of native species.

4.0 Conclusion

The vegetated areas on site were not found to have significant conservation values in terms of threatened flora or Endangered Ecological Communities. They are still however considered to have some value given the high plant species diversity recorded, as fauna habitat and as scenic amenity.

These remaining patches of vegetation are proposed to be retained and incorporated into the layout of the caravan park to be constructed on the site. Management recommendations have been provided to improve the biodiversity values of these areas and still allow for use by future caravan park residents.

If any additional information is required, please contact Will on 0438 590 961.

Yours faithfully,



Will Steggall

B. Env't. Sc. and Mgt, MECANSW

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5.0 References

Regional Geotechnical Solutions (2013). Geotechnical Assessment for Proposed Caravan Park, 391 Diamond Beach Drive, Diamond Beach. RGS, Port Macquarie.

Naturecall (2016). Ecological Assessment for Proposed Rezoning of Lot 18 DP 576414, 363 Diamond Beach Road, Diamond Beach. Naturecall Environmental, Port Macquarie.

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Land and Environment Court Citations:

CBD Prestige Holdings Pty Ltd v Lake Macquarie City Council [2005] NSWLEC 367

Gales Holdings Pty Limited v Tweed Shire Council [2008] NSWLEC 209

Motorplex (Australia) Pty Limited v Port Stephens Council [2007] NSWLEC 7474

Appendix 1: Site flora species list

Community Key:

SF - Swamp Forest

H – Heathland

* Denotes and introduced species

Common Name	Scientific Name	Community
Canopy and Understorey		
Bangalow Palm	<i>Archontophoenix cunninghamiana</i>	SF
Hill Banksia	<i>Banksia collina</i>	H
Fern-leaved Banksia	<i>Banksia oblongifolia</i>	SF
Swamp Oak	<i>Casuarina glauca</i>	SF
Camphor Laurel*	<i>Cinnamomum camphora</i>	SF
Swamp Mahogany	<i>Eucalyptus robusta</i>	SF, H
Swamp Paperbark	<i>Melaleuca ericifolia</i>	H
Flax-leaved Paperbark	<i>Melaleuca lineariifolia</i>	H
Prickly-leaved Paperbark	<i>Melaleuca nodosa</i>	SF, H
Broad-leaf Paperbark	<i>Melaleuca quinquenervia</i>	SF, H
Sieber's Paperbark	<i>Melaleuca sieberi</i>	SF
Large-leaved Mock Olive	<i>Notelaea venosa</i>	SF
Umbrella Tree	<i>Schefflera actinophylla (juvenile)</i>	SF
Shrubs		
Coastal Wattle	<i>Acacia longifolia subsp. sophorae</i>	SF
Sweet Wattle	<i>Acacia suaveolens</i>	SF, H
Logan Apple	<i>Acrornychia imperforata</i>	SF
Coffee Bush	<i>Breynia oblongifolia</i>	SF, HSF
Wallum Bottlebrush	<i>Callistemon pachyphyllus</i>	H
Bitou Bush*	<i>Chrysanthemoides monilifera*</i>	SF
Tuckeroo	<i>Cupaniopsis anacardioides</i>	SF
Corkwood	<i>Duboisia myoporoides</i>	SF
Blueberry Ash	<i>Eleocarpus reticulatus</i>	SF
Wallum Heath	<i>Epacris pulchella</i>	H
Cheese Tree	<i>Glochidion ferdinandi</i>	SF
Wild Quince	<i>Guioa semiglauca</i>	SF
Rough Guinea Flower	<i>Hibbertia aspera</i>	SF
Lantana	<i>Lantana camara*</i>	SF
Spidery Tea Tree	<i>Leptospermum arachnoides</i>	H
Tantoon	<i>Leptospermum polygalifolium</i>	H
Prickly Beard-heath	<i>Leucopogon juniperinus</i>	SF
Brush Muttonwood	<i>Myrsine howittiana</i>	SF
-	<i>Myrsine variabilis</i>	SF
Sweet Pittosporum	<i>Pittosporum undulatum</i>	SF
Elderberry Panax	<i>Polyscias sambucifolia</i>	SF
Woolly Pomaderris	<i>Pomaderris lanigera</i>	H
Notched Bush-pea	<i>Pultenaea retusa</i>	H
Hairy Bush-pea	<i>Pultenaea villosa</i>	H
Senna	<i>Senna pendula var. glabrata*</i>	SF
Ground Cover		
Crofton Weed	<i>Ageratina adenophora*</i>	SF

Common Name	Scientific Name	Community
Billygoat Weed	<i>Ageratum houstonianum</i> *	SF
Whiskey Grass	<i>Andropogon virginicus</i> *	SF, H
Ground Asparagus Fern	<i>Asparagus aethiopicus</i> *	SF
Carpet Grass	<i>Axonopus fissifolius</i> *	SF
Tassel Cord-rush	<i>Baloskion tetraphyllum</i>	SF
Bare Twig-rush	<i>Baumea juncea</i>	H
Swamp Fern	<i>Blechnum indicum</i>	SF
Quaker Grass	<i>Briza maxima</i> *	SF
Shivery Grass	<i>Briza minor</i> *	SF
Milk Maids	<i>Burchardia umbellata</i>	SF
Gotu-kola	<i>Centella asiatica</i>	SF
Bonnet Orchid	<i>Cryptostylis erecta</i>	SF
Blue Dampiera	<i>Dampiera stricta</i>	SF, H
Blue Flax-lily	<i>Dianella caerulea</i>	SF, H
Bordered Panic	<i>Entolasia marginata</i>	SF
Wiry Panic	<i>Entolasia stricta</i>	SF, H
Nobby headed Club Rush	<i>Ficinia nodosa</i>	H
Tall Saw-sedge	<i>Gahnia clarkei</i>	SF, H
Pouched Coral-fern	<i>Gleichenia dicarpa</i>	H
Creeping Raspwort	<i>Gonocarpus micranthus</i>	SF
Raspwort	<i>Gonocarpus teucrioides</i>	SF, H
Swamp Goodenia	<i>Goodenia paniculata</i>	SF
Batswing Fern	<i>Histiopteris incisa</i>	SF
Beach Pennywort*	<i>Hydrocotyle bonariensis</i> *	SF
Harsh ground fern	<i>Hypolepis muelleri</i>	SF
Blady Grass	<i>Imperata cylindrica</i>	SF, H
Sea Rush	<i>Juncus krausii</i>	SF
Slender Twine Rush	<i>Leptocarpus tenax</i>	SF, H
Screw Fern	<i>Lindsaea linearis</i>	SF
-	<i>Lobelia anceps</i>	SF
Spiny-head Mat-rush	<i>Lomandra longifolia</i>	SF, H
Weeping Rice Grass	<i>Microlaena stipoides</i>	SF
Basket Grass	<i>Oplismenus aemulus</i>	SF
Lambs Tongue	<i>Plantago lanceolata</i> *	SF
Pomax	<i>Pomax umbellata</i>	SF
White Root	<i>Pratia purpurascens</i>	SF
Bracken Fern	<i>Pteridium esculentum</i>	SF
Fireweed	<i>Senecio madagascariensis</i> *	SF
*South African Pigeon Grass	<i>Setaria sphacelata</i> *	SF
Blackberry Nightshade	<i>Solanum nigrum</i>	SF
Austral Lady's Tresses	<i>Spiranthes australis</i>	SF
Purple Fringed Lily	<i>Thysanotus tuberosus</i>	SF
Purpletop	<i>Verbena bonariensis</i> *	SF
Ivy-leaved Violet	<i>Viola hederacea</i>	SF
Swamp Grasstree	<i>Xanthorrhoea fulva</i>	SF, H
Vines and Scramblers		
Apple Berry	<i>Billardiera scandens</i>	SF, H
Devils Twine	<i>Cassytha pubescens</i>	SF, H
Wild Yam	<i>Dioscorea transversa</i>	SF
Twining Glycine	<i>Glycine clandestina</i>	SF
Small-leaf Glycine	<i>Glycine microphylla</i>	SF

Common Name	Scientific Name	Community
Climbing Guinea Flower	<i>Hibbertia scandens</i>	SF
Common Milk Vine	<i>Marsdenia rostrata</i>	SF
Sweet Morinda	<i>Morinda jasminoides</i>	SF
Native Jasmine	<i>Pandorea jasminoides</i>	SF
Monkey Rope	<i>Parsonsia straminea</i>	SF
Molucca Bramble	<i>Rubus moluccana</i>	SF
Snake Vine	<i>Stephania japonica</i>	SF
Epiphytes		
Elkhorn	<i>Platynerium bifurcatum</i>	SF

Appendix F

VISUAL ASSESSMENT



visual impact assessment

Diamond Beachfront Holiday Units

Lot 17 DP 576415, 391 Diamond Beach Rd, Diamond Beach
Beachfront Holiday units

Rev B





date: 22/06/2016
project no: 11245.5
location Lot 17 DP 576415, 391 Diamond Beach Rd, Diamond Beach.
council: Greater Taree
proposal: Beachfront holiday units

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1. executive summary

- The site has an area of 4.35 hectares and is the site for the Diamond Beachfront Holiday Units. Existing accommodation on site is mainly single storey and is to the south eastern portion of the site with 1 two storey construction located centrally.
- The proposal seeks to construct three or four storey tourist accommodation units ranging from between 12 to 16m in height respectively.
- Existing tourist accommodation sites in close proximity include Ramada Beachfront Resort Diamond Beach Resort and Seashells Beachfront resort.
- The footprint of the proposed development is shown in Figure 2 and is set back from the sand dunes as per the adjacent properties.
- This Visual Impact Assessment (VIA) has been prepared with regard to neighbouring properties, the beach and public in order to ensure there is minimal visual impact and an equitable availability of localised views is maintained. The scenic quality has been assessed in contrast with the current condition of the site with regard to the proposed development.
- Views from surrounding roads and properties are generally screened as a result of the landform, existing development, existing landscaping or by remnant bushland. There are views from the neighbouring properties and surrounding roads, however, views are limited to tourist accommodation sites, and associated access roads.
- Generally the visual impact on adjoining properties and from surrounding roads is low. The future development would sit comfortably in the landscape and blend in with the local character.
- It is considered that proposed development of the site would not result in development that would cause a negative impact on the existing visual quality of the area.



2. Introduction

Preamble

Terras Landscape Architects was commissioned to prepare a Visual Impact Assessment for the proposed tourist accommodation located at 391 Diamond Beach Road, Diamond Beach, NSW. Fieldwork was conducted in October 2015 and May 2016.

Objectives

The objectives of this report are as follows:

- To identify and describe the existing visual/landscape environment and to evaluate its current qualities.
- To graphically portray the proposal in contextual settings from selected viewpoints.
- To determine the likely impacts development will have on the visual/landscape quality of the area.
- To identify locations where visual access is possible.
- To assess whether the proposed development of the site would have a negative visual impact on the visual quality of the locality.

Terminology

The below meanings for the following terms shall apply to this report:

- The *subject site* (referred to also as *the site*) is defined as the land area directly affected by the proposal within defined boundaries.
- The *study area* consists of the subject site plus the immediate surrounding land potentially affected by the proposal during its construction and operation phase.
- The *study locality* is the area of land within the regional visual catchments whereby the proposal can be readily recognised. Generally this is confined to a 2 kilometre radius, however even from a 1 kilometre distance, the small scale of the proposed development will make it difficult to discern. Further, visual sensitivity generally declines significantly beyond the 1km range due to the limited vantage points. For this study the locality has been limited to the visual catchments as shown in Figure 3.



Methodology

The method applied to this study involved systematically evaluating the visual environment pertaining to the site and using value judgements based on community responses to scenery as outlined in Appendix 1 (Visual Quality Preference Table).

The assessment was undertaken in three stages as noted below

1. A description of the existing visual environment.
2. The undertaking of a viewpoint analysis to identify sites likely to be affected by development of the site. Viewpoints are chosen that represent those locations where impacts will affect significant groups within the population (e.g. major roads, neighbouring properties etc).
3. An assessment of visual impacts.

The purpose of the above methodology is to reduce the amount of subjectivity entering into the impact assessment and to provide sufficient data to allow for third party verification of results.

3. existing visual environment

Site Location, Ownership & Zoning

The site is located to the south of Seashells Resort Road and north of Diamond Beach Road. The site is located directly between two existing tourist accommodation developments, both developed with one to two storey constructions. All three sites have direct access to the beach. Other surrounding land uses include: residential developments; small commercial premises; rural businesses; and, nature reserves / state forests. (Refer to Figure 1)

The proposal seeks to develop the site as either three or four storey tourist accommodation. The proposal will not exceed 12m or 16m in height respectively, with the proposed footprint to include both the developed and undeveloped areas of the site, refer to Figure 2.

The highest elevation on site occurs at the interface between the resort and the sand dune at approximately R.L. 10.0 AHD falling away to the rear of the subject site at 1:20 grade to approximately R.L. 5.0 AHD at the site boundary.



Figure 1: Site Location Plan. (Nearmap 2015 Used under licence).



Site Description

Diamond Beachfront Holiday Units currently occupies the eastern portion of the site with beach access provided through the sand dunes. The existing development consists of a series of single storey units in the south east and a two storey building located centrally. Existing structures are not visible from the beach which is screened by the level difference between the beach and the resort as well as the existing vegetation on the dunes, approximately 4m in height. The site slopes down east to west with the highest point being at the interface between the resort and the sand dunes.

The general area surrounding the site consists of existing tourist facilities including: Seashells Beachfront Resort; Ramada Resort; Diamond Beach Resort; residential development; sporting facilities; bushland; and, small rural holdings. The area is characterised by residential development and small rural holdings with views looking onto the beach / ocean from selected locations. Otherwise looking at coastal vegetation which blocks more distant views.

Description of Local Visual Environment

This section of the report describes the visual environment surrounding the site as a means of gaining an appreciation of the development's local context.

As noted below, the study locality has four broad landscape units:

1. Small rural properties
2. Bushland
3. Tourist accommodation
4. Residential development

Small rural properties

The area is made up of pastures with scattered remnant vegetation. These properties are located to the west and south west of the subject site.

Bushland

Scattered areas of remnant bushland surround the area, generally located adjacent to lot boundaries. This vegetation separates and generally provides screening between properties and along road ways. Khappinghat Nature Reserve is located to the north.

Tourist accommodation

This is the landscape unit that the subject site falls within. There is a variety of tourist accommodation types servicing the area. These range between townhouse developments, scattered cottages, caravan parks and resorts such as Seashells Beachfront Resort and Ramada Resort. Generally the accommodation is set back from main roads and well screened.

Residential Development

Surrounding residential areas are made up of semi-rural and suburban lots. The main residential development which will be affected by the proposal is located directly to the south of the site with a few lots backing onto the subject site. The main urban centre close by is Taree approximately 30km north west. Other residential developments closer include Diamond Beach, Red Head and Black Head.

4. the proposal

The proposal seeks to develop the site as either three or four storey tourist accommodation. The main impact of which, in terms of visual impact, is the allowance of building height up to 12 or 16 metres above natural ground level.

The proposed development will set back approximately 35m and will not sit proud of the existing development on the site or any adjacent tourist / residential development. The site falls always from the sand dunes, approximately 5m to the rear of the subject site at 1:20 grade to approximately R.L. 5.0 AHD at the site boundary.



Figure 2: Proposed development area. (Nearmap 2015 Used under licence). Refer to Figure 18 for section



5. viewpoint analysis

Visual assessment considers the likely impact that the proposed development may have on the local environment. This is done by selecting particular sites, referred to as viewpoints, conducting inspections and determining what part of the development will be visible from the viewpoints.

The viewpoints, as shown on Figures 3 and 4, were selected to determine where the development would be visible and if so, where the most prominent views either based on degree of exposure or the number of people are likely to be affected. Refer to Figures 5 - 11 for detailed assessment of viewpoints where the site is visible. While additional photos taken from the surrounding area, the scale of the proposal meant that it will not be visible from these points. Refer to appendix 3 for photos.

impact assessment

This report uses an analytical process to provide an assessment of visual impact. It is not the intent of this assessment to state whether a development proposal is suitable or unsuitable, simply to state the potential visual impact from various viewing points and the frequency of that impact with respect to the number of viewers and any how the results relate to control documents that need to be considered.

A number of photographs were taken in the surrounding area to determine a visual catchment for the site. Generally due to the landform, vegetation and existing development, there are a few occurrences where the site is visible.

The two main areas where views are afforded onto the site were:

1. Neighbouring properties to the north and south. Refer to Figures 5-11.
2. Views from both Seashells Resort Road and Diamond Beach Road

A detailed analysis has been undertaken of the viewpoints where the site is visible to determine the level of impact future development may have on existing views.

In order to assess its potential impact a number of photos were taken from the beach to compare existing beachside development in relation to future development on the subject site. While there are no examples of 16m developments in comparable locations no views of the existing Ramada Resort 12m were afforded from the beach. A section has been drawn based on existing levels with both the 12 and 16m height proposed development being predominantly screened. Refer to Figure 11.

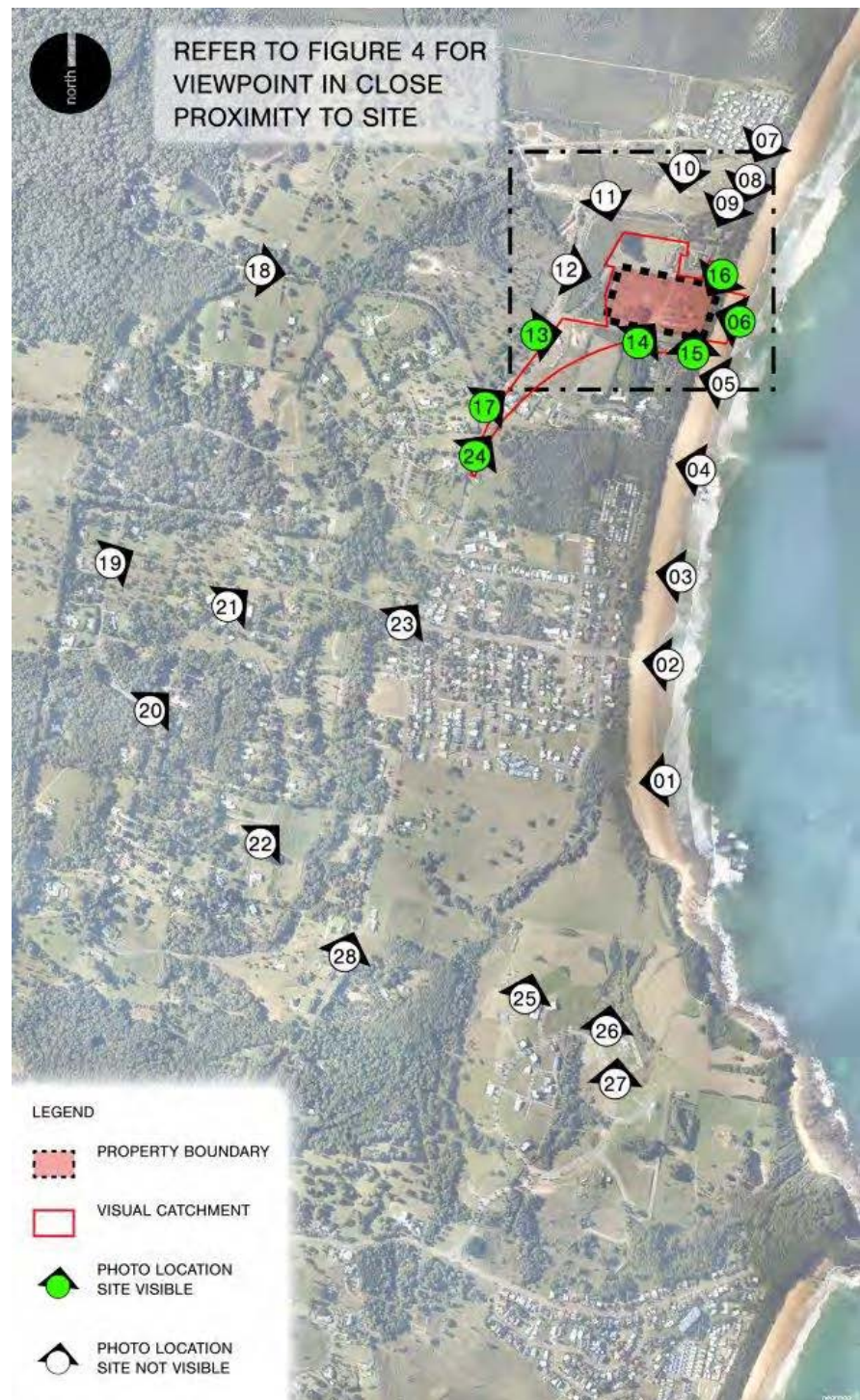


Figure 3: Viewpoint locations 01. (Nearmap 2015 Used under licence).

NOTE: Locations from where the site is visible are limited to locations in close proximity to the site, refer to Figure 4 and visual catchment shown in red.



Figure 4: Viewpoint locations 02. (Nearmap 2015 Used under licence).

NOTE: Locations from where the site is visible are limited to locations in close proximity to the site, refer to visual catchment shown in red.

Refer to Figure 3 for photo locations of the greater area.



Location:	Diamond Beach Road			
Description:	View looking north from Diamond Beach Road looking over neighboring property			
Comments:	This viewpoint is located on Diamond Beach Road which also services Diamond Beach Resort. There are some residences in this area with similar views, however, views are generally obscured by existing vegetation. Generally it is only moving traffic affected at this point.			
Location of Site:	☐ Foreground	☒ Middleground	☐ Background	☐ N/A
Viewer Position:	☐ Inferior	☒ Neutral	☐ Superior	☐ N/A
Viewer Access:	☐ Low	☒ Medium	☐ High	☐ N/A
Visual Sensitivity:	☒ Low	☐ Medium	☐ High	☐ N/A
Visual Effect:	☐ Low	☒ Medium	☐ High	☐ N/A
Visual Impact:	☒ Low	☐ Moderate	☐ High	☐ N/A

Figure 5: Viewpoint 13 Analysis.



Location:	Diamond Beach Road			
Description:	View looking north from Diamond Beach Road looking onto the subject site			
Comments:	This viewpoint is located at the existing entry to Diamond Beachfront Holiday Units on Diamond Beach Road. Views are prominent in this location with views from Diamond Beach Road being affected. Views from Diamond Beach Resort will be minimally affected due to existing vegetation and its orientation to the east. Additional vegetative screening on the boundary will soften the impact.			
Location of Site:	☒ Foreground	☐ Middleground	☐ Background	☐ N/A
Viewer Position:	☐ Inferior	☒ Neutral	☐ Superior	☐ N/A
Viewer Access:	☐ Low	☐ Medium	☒ High	☐ N/A
Visual Sensitivity:	☐ Low	☒ Medium	☐ High	☐ N/A
Visual Effect:	☐ Low	☐ Medium	☒ High	☐ N/A
Visual Impact:	☐ Low	☒ Moderate	☐ High	☐ N/A

Figure 6: Viewpoint 14 Analysis.



Location:	Diamond Beach Resort Car Park			
Description:	View looking north from the adjacent tourist accommodation site. (Diamond Beach Resort)			
Comments:	This viewpoint is located on the adjacent tourist accommodation site. Views are prominent from this location, however, due to existing vegetation the proposal is partially screened. It is recommended that additional vegetative screening is planted on the boundary to soften the impact.			
Location of Site:	☐ Foreground	☒ Middleground	☐ Background	☐ N/A
Viewer Position:	☐ Inferior	☒ Neutral	☐ Superior	☐ N/A
Viewer Access:	☐ Low	☒ Medium	☐ High	☐ N/A
Visual Sensitivity:	☒ Low	☐ Medium	☐ High	☐ N/A
Visual Effect:	☐ Low	☒ Medium	☐ High	☐ N/A
Visual Impact:	☒ Low	☐ Moderate	☐ High	☐ N/A

Figure 7: Viewpoint 15 Analysis.



Location:	Seashells Beachfront Resort			
Description:	View looking south from the adjacent tourist accommodation site. (Seashells Beachfront Resort)			
Comments:	This viewpoint is located on the adjacent tourist accommodation site. Views are prominent from this location, however, the setback of the proposal is the same as the two storey unit block facing the proposed site. While southern views will be affected, more important eastern views from the communal garden area will not. Additional vegetative screening on the boundary will soften the impact.			
Location of Site:	☒ Foreground	☐ Middleground	☐ Background	☐ N/A
Viewer Position:	☐ Interior	☒ Neutral	☐ Superior	☐ N/A
Viewer Access:	☐ Low	☐ Medium	☒ High	☐ N/A
Visual Sensitivity:	☐ Low	☐ Medium	☒ High	☐ N/A
Visual Effect:	☐ Low	☒ Medium	☐ High	☐ N/A
Visual Impact:	☐ Low	☒ Moderate	☐ High	☐ N/A

Figure 8: Viewpoint 16 Analysis.



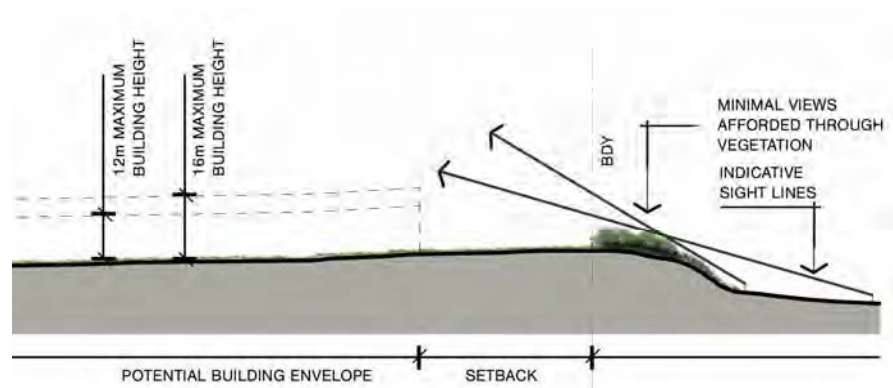
Location:	Diamond Beach Road			
Description:	View looking north east from elevated position on Diamond Beach Road.			
Comments:	This viewpoint is located on Diamond Beach Road is afforded distant views of the site. There are a number of developments and existing vegetation breaking up the view. Development would likely be visible, however, due to the distance additional development would not impact on this view.			
Location of Site:	☐ Foreground	☐ Middleground	☒ Background	☐ N/A
Viewer Position:	☐ Inferior	☐ Neutral	☒ Superior	☐ N/A
Viewer Access:	☒ Low	☐ Medium	☐ High	☐ N/A
Visual Sensitivity:	☒ Low	☐ Medium	☐ High	☐ N/A
Visual Effect:	☒ Low	☐ Medium	☐ High	☐ N/A
Visual Impact:	☒ Low	☐ Moderate	☐ High	☐ N/A

Figure 9: Viewpoint 17 Analysis.



Location:	Diamond Beach Road			
Description:	View looking north east from elevated position on Diamond Beach Road.			
Comments:	This viewpoint is located on Diamond Beach Road is afforded distant views of the site. There are a number of developments and existing vegetation breaking up the view. Development would likely be visible, however, due to the distance additional development would not impact on this view.			
Location of Site:	☐ Foreground	☐ Middleground	☒ Background	☐ N/A
Viewer Position:	☐ Inferior	☐ Neutral	☒ Superior	☐ N/A
Viewer Access:	☒ Low	☐ Medium	☐ High	☐ N/A
Visual Sensitivity:	☒ Low	☐ Medium	☐ High	☐ N/A
Visual Effect:	☒ Low	☐ Medium	☐ High	☐ N/A
Visual Impact:	☒ Low	☐ Moderate	☐ High	☐ N/A

Figure 10: Viewpoint 24 Analysis.



Location:	Diamond Beach			
Description:	View looking west from Diamond Beach, directly outside Seashells Beachside Resort.			
Comments:	This viewpoint is located on Diamond Beach. There are minimal views of the proposal due to level difference of the beach and the site with existing vegetation providing additional screening. Supplementary planting will ensure the development is screened from the beach. Refer to section for further analysis of potential views of the potential development.			
Location of Site:	☐ Foreground	☒ Middleground	☐ Background	☐ N/A
Viewer Position:	☒ Interior	☐ Neutral	☐ Superior	☐ N/A
Viewer Access:	☒ Low	☐ Medium	☐ High	☐ N/A
Visual Sensitivity:	☒ Low	☐ Medium	☐ High	☐ N/A
Visual Effect:	☒ Low	☐ Medium	☐ High	☐ N/A
Visual Impact:	☒ Low	☐ Moderate	☐ High	☐ N/A

Figure 11: Viewpoint 6 Analysis.

6. conclusion

It is considered that the impact of the proposed development is low. Having attempted to see the subject site from a number of locations in the area, views from public areas are minimal and generally screened by: the landform; existing development; and, the existing remnant vegetation. Based on the available viewpoints of the site, the visual catchment of the proposed development at both 12 and 16m in height is limited to the neighbouring tourist accommodation sites and adjacent roads.

The views from Diamond Beach Resort to the south are limited and are generally afforded to areas where there is some vegetative screening. Views from Seashells Beachfront Resort will be more prominent, however, existing two storey units, 9 m in height, currently dominates the southern elevation presenting to the subject site. As a result the impact is low and not inconsistent with the character of the area. The low to medium scale of the potential development imposes a similar visual impact as the existing adjacent tourist and residential developments in the area.

Due to the absence of 16m developments in comparable locations a section has been drawn based on existing levels with both the 12 and 16m height (Figure 11). Based on this it can be proved that the proposed development will be predominantly screened with some views afforded through gaps in the existing vegetation which can be supplemented to provide further screening.

The potential development would sit comfortably in the landscape and blend in with the local character. It is recommended that vegetation is supplemented to the top of the sand dunes in order to screen the development from the beach. In addition establishment of a vegetative screen planted along the northern and southern boundary will soften the appearance to the neighbouring tourist accommodation sites. Suitable species would include: *Cupaniopsis anacardioides*, *Melaleuca*, *Callistemon*, *Leptospermum*, *Lomandra*.



references

Publications and Reports

Greater Taree City Council – LEP 2010

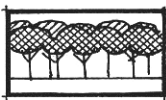
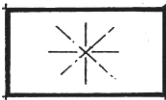
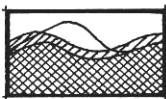
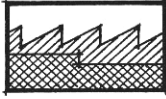
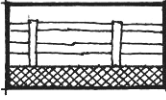
Maps

Nearmap, Aerial photo. 2015.

appendices

appendix 1 - visual quality reference table

APPENDIX A: VISUAL QUALITY REFERENCE TABLE¹

	LOW	MEDIUM	HIGH
RELIEF/LANDFORM Diversity & Contrast 	Flat terrain dominant. Ridgelines not often seen.	Undulating terrain dominant. Little contrast or ruggedness. Ridgelines prominent in only half or less of landscape unit.	High hills in foreground and middleground. Presence of cliffs, rocks and other geological features. High relief (eg steep slopes rising from water or plain). Ridgelines prominent in most of landscape unit.
VEGETATION Diversity & Contrast 	One or two vegetation types present in foreground. Uniformity along skyline.	Patterning in only one or two areas. 3 or 4 vegetation types in foreground. Few emergent or feature trees.	High degree of patterning in vegetation. 4 or more distinct vegetation types. Emergent trees prominent and distinctive to region. Stands of specimen or accent vegetation (eg palms, pines etc.)
NATURALNESS 	Dominance of development within many parts of a landscape unit.	Some evidence of development but not dominant. Traditional built character. Development in background and/or partially concealed.	Absence of development or minimal dominance within landscape unit. Presence of parkland or other open space including beach, lakeside etc.
WATER Presence, Extent & Character 	Little or no view of water. Water in background without prominence. Presence of polluted water or stagnant water.	Moderate extent of water. Presence of calm water. No islands, channels meandering water. Intermittent streams, lakes, rivers etc.	Dominance of water in foreground and middleground. Presence of flowing water, turbulence and permanent water. Intricate shapes and river edges.
DEVELOPMENT Form & Identity 	Presence of commercial and industrial structures. Presence of large scale development (eg mining, infrastructure etc.) Newer residential development prominent.	Presence of established residential development. Small scale industrial etc in middleground. Presence of sports and recreational facilities.	Presence of rural structures (eg farm buildings, fences etc.) Heritage buildings and other structures apparent. Isolated domestic scale structures.
CULTURAL 	No evidence present. Area free of cultural landmarks. Presence of new development.	Presence of established, well-landscaped development esp. in middleground and background.	Presence of established, maintained landscapes (eg farmlands, forests, gardens etc), old towns and buildings etc.

¹ After Clouston and Brouwer, 1995.



appendix 2 - visual assessment principles

Visual Quality

Visual quality of an area is essentially an assessment of how viewers may respond to designated scenery. Scenes of high visual quality are those that are valued by a community for the enjoyment and improved amenity that they can create. Conversely, scenes of low visual quality are of little scenic value to the community with a preference that they be changed and improved, often through the introduction of landscape treatments (eg screen planting).

As visual quality relates to aesthetics, its assessment is largely subjective. There is evidence to suggest that certain landscapes are continually preferred over others with preferences related to the presence or absence of certain elements.

The rating of visual quality of this study has been based on the following generally accepted conclusions arising from scientific research (DOP, 1988).

- Visual quality increases as relative relief and topographic ruggedness increases.
- Visual quality increases as vegetation pattern variations increase.
- Visual quality increases due to the presence of natural and/or agricultural landscapes.
- Visual quality increases owing to the presence of water forms (without becoming common) and related to water quality and associated activity.
- Visual quality increases with increases in land use compatibility.

Appendix A contains a visual quality preference table that has a more detailed breakdown of the above elements and their impact on visual quality.

Visual Sensitivity

Another aspect affecting visual assessments is visual sensitivity. This is the estimate of the significance that a change will have on a landscape and to those viewing it. For example, a significant change that is not frequently seen may result in a low visual sensitivity although its impact on a landscape may be high. Its assessment is based on a number of variables such as the number of people affected, viewer access, viewer location including distance from the source, viewer position (i.e. inferior, neutral, superior), the surrounding land use and degree of change. Generally the following principles apply:



- Visual sensitivity decreases and the viewer distance increases.
- Visual sensitivity decreases as the viewing time decreases.
- Visual sensitivity can also be related to viewer activity (e.g. a person viewing an affected site while engaged in recreational activities will be more strongly affected by change than someone passing a scene in a car travelling to a desired destination).

The table on the following page is a guide to visual sensitivity based on the above criteria (EDAW, 2000). It generally describes general ratings, however, consideration also must be given to particular conditions that may modify the results for particular sites.

VISUAL SENSITIVITY TABLE			
	distance zones		
land use	Foreground (0-1km)	Middleground (1-6km)	Background (>6km)
Residential: Rural or Urban	High Sensitivity	High Sensitivity	Moderate Sensitivity
Tourist or Passive Recreation	High Sensitivity	High Sensitivity	Moderate Sensitivity
Major Travel Corridors	Moderate Sensitivity	Moderate Sensitivity	Low Sensitivity
Tourist Roads	High Sensitivity	Moderate Sensitivity	Low Sensitivity
Minor Roads	Moderate Sensitivity	Low Sensitivity	Low Sensitivity
Agricultural Areas	Moderate Sensitivity	Low Sensitivity	Low Sensitivity
Industrial Areas	Low Sensitivity	Low Sensitivity	Low Sensitivity

Visual Effect

Visual effect is the interaction between a proposal and the existing visual environment. It is often expressed as the level of visual contrast of the proposal against its setting or background in which it is viewed. This is particularly important should any proposed develop extend above the skyline unless, once again, there are particular circumstances that may influence viewer perception and/or visual impact.

Low visual effect occurs when a proposal blends in with its existing viewed landscape due to a high level of integration of one or several of the



following: form, shape, pattern, line, texture or colour. It can also result from the use of effective screening often using a combination of landform and landscaping.

Moderate visual effect results where a proposal noticeably contrasts with its viewed landscape, however, there has been some degree of integration (e.g. good siting principles employed, retention of significant existing vegetation, provision of screen landscaping, careful colour selection and/or appropriately scaled development.)

High visual effect results when a proposal presents itself with high visual contrast to its viewed landscape with little or no integration and/or screening.

Visual Impact

The following table illustrates how visual effect and visual sensitivity levels combine to produce varying degrees of visual impact.

VISUAL IMPACTS TABLE				
		visual effect levels		
visual sensitivity visual levels		High	Moderate	Low
	High	High Impact	High Impact	Moderate Impact
	Moderate	High Impact	Moderate Impact	Low Impact
	Low	Moderate Impact	Low Impact	Low Impact

It should be noted that a high visual impact does not necessarily equate with a reduction in scenic quality, and the degree of visual impact has to be understood and assessed in relation to both the existing scenic quality of an area and the design merits of the proposal itself. For example, a well-designed proposal with a high visual impact may help to improve the visual environment of an area with low scenic quality.

appendix 3 – secondary viewpoint photos

The following images show how the proposed development will not be visible from the surrounding area.



Viewpoint 1. View looking west from Diamond Beach



Viewpoint 2. View looking west from Diamond Beach – Residential homes visible through low vegetation / over low sand dune.



Viewpoint 3. View looking west from Diamond Beach – Residential homes visible through low vegetation / over low sand dune.



Viewpoint 4. View looking west from Diamond Beach



Viewpoint 5. View looking west from Diamond Beach – Stair access to public carpark.



Viewpoint 6. View looking west from Diamond Beach – Outside Diamond Beachfront Holiday Units – Proposal visible, Refer to detailed viewpoint analysis.



Viewpoint 7. View looking south from within Ramada Resort. Proposal screened by existing development / vegetation.



Viewpoint 8. View looking south from within Summerland Subdivision. Proposal screened by existing development / vegetation.



Viewpoint 9. View looking south from within Summerland Subdivision. Proposal screened by existing development / vegetation.



Viewpoint 10. View looking south from within Summerland Subdivision. Proposal screened by existing development / vegetation.



Viewpoint 11. View looking south east from Ramada Resort access road. Proposal screened by existing vegetation.



Viewpoint 12. View looking east from Ramada Resort access road. Proposal screened by existing vegetation.



Viewpoint 13. View looking north east from Diamond Beach Road / Old Soldiers Road – Proposal visible, Refer to detailed viewpoint analysis.



Viewpoint 14. North from Diamond Beach Road – Proposal visible, Refer to detailed viewpoint analysis.



Viewpoint 15. View looking north from the carpark of Diamond Beach Resort – Proposal visible, Refer to detailed viewpoint analysis.



Viewpoint 16. View looking south from the communal area within Seashells Beachfront Resort – Proposal visible, Refer to detailed viewpoint analysis.



Viewpoint 17. View looking north east from Diamond Beach Resort access road / Diamond Beach Road – Proposal visible, Refer to detailed viewpoint analysis.



Viewpoint 18. View looking east from elevated position on Old Soldiers Road – Proposal not visible over existing vegetation.



Viewpoint 19. View looking north east from elevated position on Fig Tree Drive – Proposal not visible over existing vegetation.



Viewpoint 20. View looking north east from elevated position on Fig Tree Drive / Panorama Drive – Proposal not visible over existing vegetation.



Viewpoint 21. View looking north east from elevated position on Panorama Drive / Vincent Close – Proposal not visible over existing vegetation.



Viewpoint 22. View looking north east from elevated position on Vincent Close – Proposal not visible over existing vegetation.



Viewpoint 23. View looking north east from elevated position on Diamond Beach road – Proposal not visible over existing development and vegetation.



Viewpoint 24. View looking north east from elevated position on Diamond Beach road – Proposal visible, Refer to detailed viewpoint analysis.



Viewpoint 25. View looking north from Torquay Circuit – Proposal not visible due to distance.



Viewpoint 26. View looking north from Glenelg Crescent – Proposal not visible due to existing vegetation.



Viewpoint 27. View looking north from Glenelg Crescent / Cottesloe Circuit – Proposal not visible due to distance.



Viewpoint 28. View looking north east from elevated position on Diamond Beach road – Proposal not visible over existing vegetation / development.