



PLANNING PROPOSAL



**Lot 18 DP 576415, 363 Diamond Beach Road,
Diamond Beach, NSW**

Prepared for:
Seashells Ltd

Date: 30 October 2014

Reference: 00047D_R3

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October 2014

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PDA Services and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by Seashells Ltd and Oceanic Realty and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

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PDA Services accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.

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Date:	30 October 2014

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Site Description

1.1 General

Lot 18 DP 576415, 363 Diamond Beach Road, Diamond Beach Road is located at the northern extent of the coastal village of Diamond Beach NSW in the Greater Taree Local Government Area. Lot 18 (the subject land) has existing tourist facilities located thereon and also have development consents for additional tourist facilities that will be developed in the future.

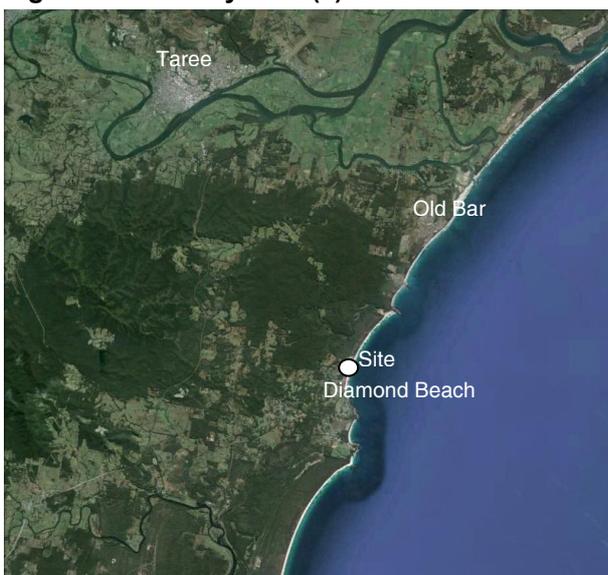
The subject land is currently zoned RU1 Primary Production under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). Given the current and proposed tourist uses on the site, the owners of the property are of the opinion that a more suitable zone for part of the subject land is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

A Locality Plan of the subject land is included at **Figure 1 (a and b)**. Lot details are shown in **Figure 2**.

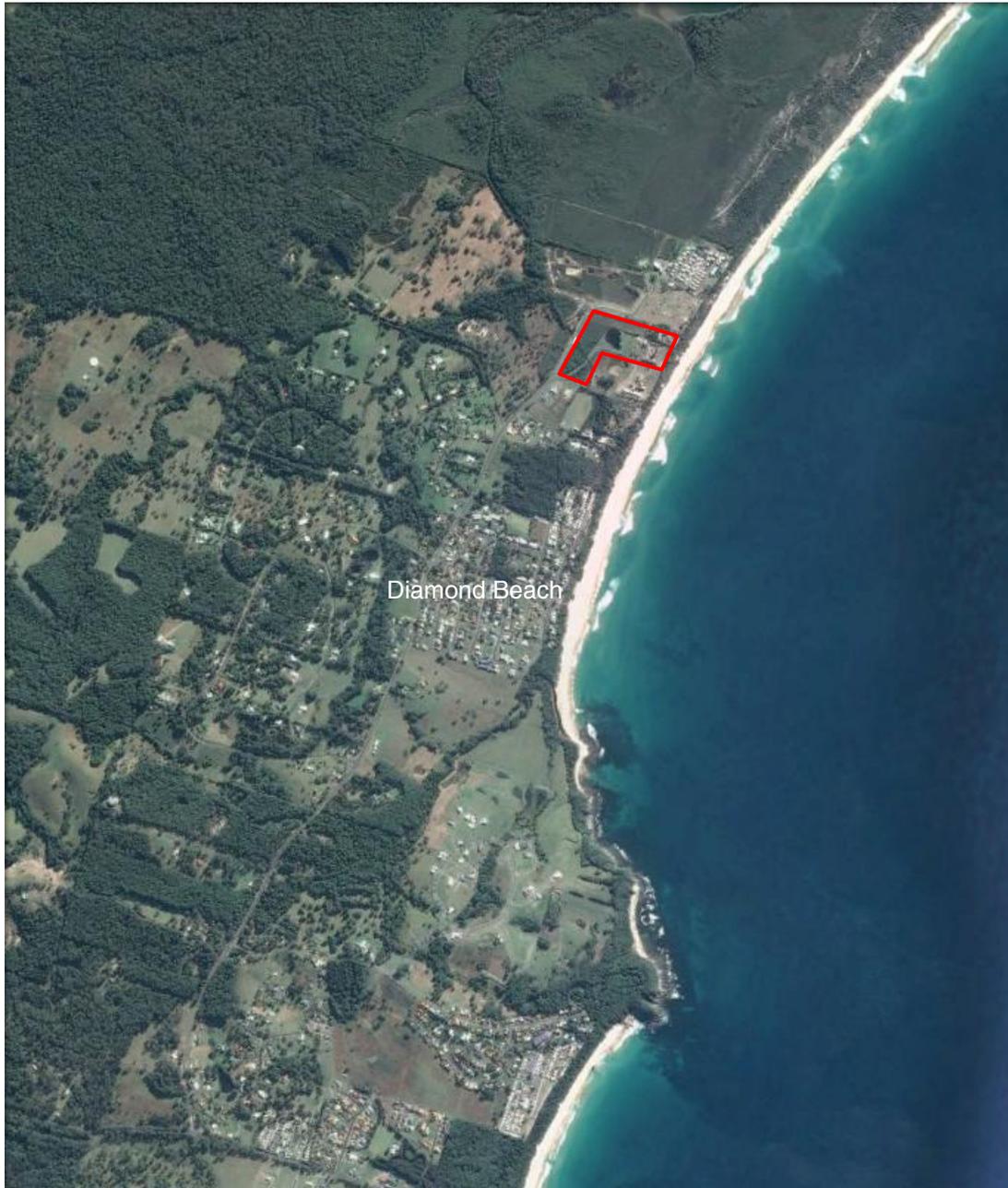
The current zoning of the land is shown in **Figure 3**.

Figure 1 – Locality Plan (a)



Source: Google Earth 2014

Figure 2 – Locality Plan (b)



Source: Google Earth 2014

Figure 3 – Lot Details

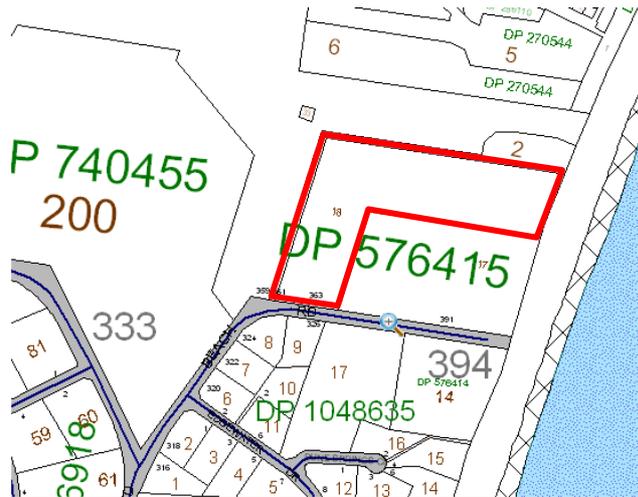
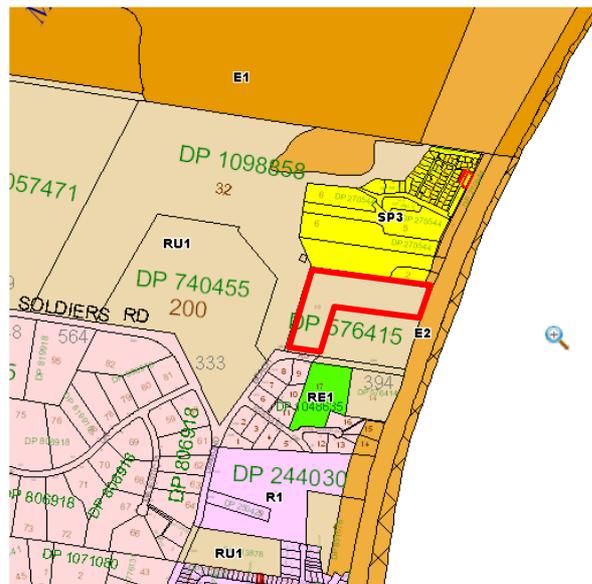


Figure 4 – Current GT LEP 2010 Zones





1.2 Lot 18 DP 576415

Lot 18 DP 576415 has an area of 5.431 hectares and is currently the site of the Seashells Resort. Seashells Resort has thirty seven (37) units, administrative centre, recreational facilities and a bistro/restaurant. Eleven (11) of the units are exclusive use units whilst twenty six (26) of the units are timeshare units. The Resort enjoys high visitor numbers during the summer months, however the visitor site use lessens during the colder winter months.

On 25 May 2010 Greater Taree City Council approved an addition to the tourist facility of twenty one (21) two storey x three bedroom holiday units, five (5) two storey X 2 bedroom holiday units and two (2) single storey units with suitable disabled access. These twenty eight (28) tourist units are to be located to the west of the existing buildings and to the east of the existing dam located on the site.

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

Details of the current development on the site and details of the proposed development approval are included at **Appendix A**.



Part 1 Objectives or Intended Outcomes

2.1 Intended Outcomes

This Planning Proposal seeks to:

1. Rezone part of Lot 18 DP 576415, 363 Diamond Beach Road, Diamond Beach Road, Diamond Beach (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).
2. Allow up to 30% of the gross floor area of the tourist facilities on the subject land to be used for residential accommodation.
3. Allow the maximum height on the subject land to be 12 metres.
4. Allow a maximum Floor Space Ratio (FSR) of 0.6:1.
5. Allow a minimum lot size of one (1) hectare.

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:

Amendment to the definition of “the map” to include a zoning map for the subject land.

The zoning map is to show the part of the subject land 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 12 metres.

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.

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.



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 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 B**.

The Strategy identified the subject land as being potentially suitable for Tourism, Environmental Protection 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 C**.

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. It is not known why the site was not extended at that time to include the subject land.

It is submitted that 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 18.

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 12 metre maximum building height 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 the 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.

Is there a net community benefit?

A Net Community Benefit Test has not been undertaken for this Planning Proposal. The “*Investigation of a Proposed Tourist Zone Greater Taree LEP 2007*” report commissioned by Council provides a comprehensive assessment of the community benefits for rezoning the land to SP3 Tourist. A copy of this report is attached at **Appendix C**.

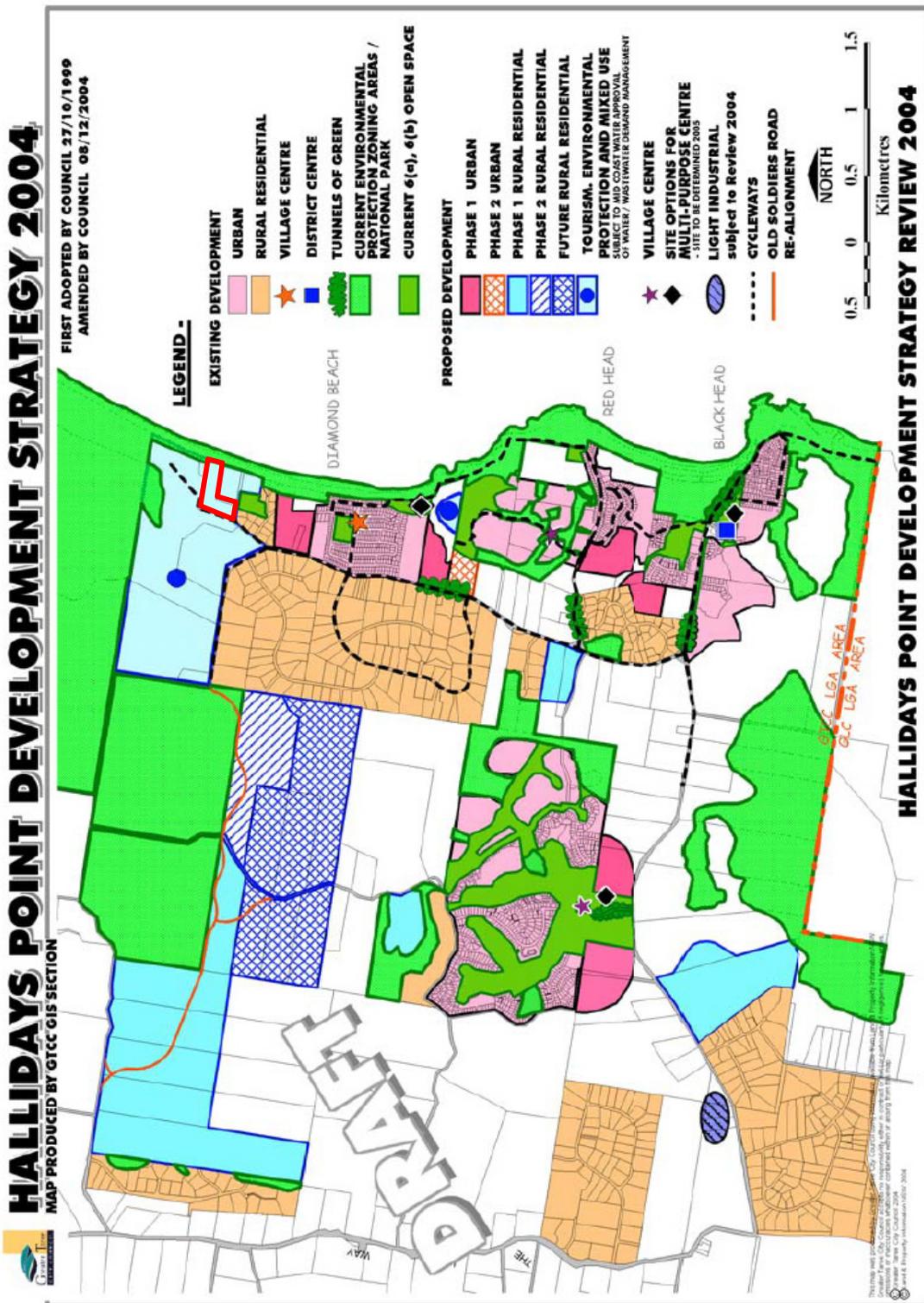
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The changing of the zoning and inclusion of the a 30% residential permanency is considered to provide a net community benefit by providing certainty for the existing and approved tourist facilities on the subject land into the future and assisting in retaining employment during the low seasons when visitor numbers are lower than summer months.

Figure 5 – Hallidays Point Development Strategy Plan 2004





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

Mid North Coast Regional Strategy has the purpose to ensure that the projected housing and employment needs of the Region are catered for till 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 a 30% residential permanency is considered to be consistent with the Regional Strategy in that some permanent accommodation will enable urban growth within the existing, and approved, developments on the subject land.

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

Greater Taree City Council has 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.

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.

Figure 6 – Mid North Coast Regional Strategy Map





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 through current private lands. It is not intended to create any further public access opportunities and no further need has been established in this regard.
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 through current private lands. It is not intended to create any further public access opportunities and no further need has been established in this regard.
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.	The Planning Proposal involves the zoning of land on which existing development occurs and approved development will be constructed. There will be no impacts on visual amenity of the coast.
Clause 2 -1(f)	to protect and preserve beach environments and beach amenity.	The Planning Proposal will not adversely affect beach environments and beach amenity.
Clause 2–1(g)	to protect and preserve native coastal vegetation.	The Planning Proposal will protect and preserve coastal vegetation.



Table 4.1 - SEPP 71 Requirements		
Clause	Matter for Consideration	Comments
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.	The Planning Proposal does not involve any new developments that have not already been approved. The scale and size of the existing and approved developments is considered appropriate for this location.
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 and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The Planning Proposal will not adversely affect and public access to and along the coastal foreshore for pedestrians or persons with a disability.
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 through current private lands. It is not intended to create any further public access opportunities and no further need has been established in this regard.
Clause 8 (d)	the suitability of development given its type, location and design and its relationship with the surrounding area	The Planning Proposal does not involve any new developments that have not already been approved. The scale and size of the existing and approved developments is considered appropriate for this location.



Table 4.1 - SEPP 71 Requirements		
Clause	Matter for Consideration	Comments
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.	The Planning Proposal does not involve any new developments that have not already been approved. The scale and size of the existing and approved developments is considered appropriate for this location.
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.
Clause 8 (h)	measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and marine vegetation (within the meaning of that Part), and their habitats.	Not Applicable.
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 zonings of those areas are proposed.
Clause 8 (k)	measures to reduce the potential for conflict between land-based and water-based coastal activities.	Not Applicable.

Table 4.1 - SEPP 71 Requirements		
Clause	Matter for Consideration	Comments
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.

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.

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 the NSW Coastal Policy (1997).

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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**.

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: <ul style="list-style-type: none"> • The land is currently not being used for agricultural purposes nor will it in the future and is therefore of minor significance; and • The Mid North Coast Strategy identifies the land as future urban.
1.3 Mining, Petroleum Production and Extractive Industries	No	The Planning Proposal would not have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials.
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: <ul style="list-style-type: none"> • The land is currently not being used for agricultural purposes nor will it in the future and is therefore of minor significance; and • The Mid North Coast Strategy identifies 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.
2.2 Coastal Protection	Yes	The Planning Proposal is consistent with provisions of: <ul style="list-style-type: none"> • the <i>NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997</i>, and • 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>).



Table 4.2 - Ministerial Directions (s.117 directions)		
Ministerial Direction	Relevance	Comments
		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	No	The Planning Proposal does not affect a caravan park or manufactured home estate.
3.3 Home Occupations	No	The Planning Proposal is considered to be consistent with this direction.
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	No	This Planning Proposal does not apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Maps held by the NSW Department of Planning and Infrastructure.
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> .



Table 4.2 - Ministerial Directions (s.117 directions)		
Ministerial Direction	Relevance	Comments
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	Yes	The Planning Proposal is consistent with the Mid North Coast Regional Strategy.
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 Significance on the NSW Far North Coast	No	This direction does not apply to the Planning Proposal.
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	No	This direction has been revoked.
5.6 Sydney to Canberra Corridor No	No	This direction has been revoked.
5.7 Central Coast	No	This direction has been revoked.
5.8 Second Sydney Airport: Badgerys Creek No	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".
6.1 Approval and	Yes	The Planning Proposal is considered to be consistent with this direction.



Table 4.2 - Ministerial Directions (s.117 directions)		
Ministerial Direction	Relevance	Comments
Referral Requirements		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.
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 Greater Taree Local Government Area.

4.2 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.

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 Coastal Zone Management Plan 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 this. Council engaged consultants Worley Parsons to undertake this work.

The first stage of this was to prepare a Coastline Hazard Definition Study to identify the risk and then a Coastline Management Study was prepared to develop options for the management of the following coastline hazards along the Greater Taree coast:

- Storm erosion.
- Long term recession due to sediment loss and sea level rise.
- Inundation due to wave run-up overtopping the dune system.

The Coastline Hazard Definition Study and Coastline Management Study were placed on public exhibition from October to November 2010 to obtain feedback from the community in relation to the management options and the content of the studies. Submissions were received and collated and the matter reported to Council in February 2011.

The proposed coastal setback distances have been incorporated into Greater Taree Development Control Plan 2010.

The separation line of the E2 and SP3 zone on the Ramada site to the north does not correspond with the 2100 Coastal setback line represented in DCP 2010. This is due to existing development in that area. It is proposed that the subject land should be afforded the same provision given the existing development on the subject land. The separation line of the E2 and SP3 zone on the eastern part of the subject land is therefore proposed on the eastern front of the current building as shown in **Appendix D**.

On this basis there has been no allowance for a coastal setback within 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.

Indigenous Heritage

Lot 18 is the site of existing developments and highly disturbed areas that will be subject to development already approved. Those areas are highly unlikely to contain any item of indigenous heritage significance. It is not considered necessary to carry out any further indigenous heritage investigations on the subject land.

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 both lots occurs via existing constructed drainage channels. The channel will be unaffected by the Planning Proposal.

Access and Transport

The subject land is accessed by existing internal roads from Diamond Beach Road. The extent of impact of the future developments of the site was considered by Council during assessment of the two recently approved Development Applications. The Planning Proposal will in no way increase the vehicular traffic to and from the site and no further assessment in this regard is necessary.

Vegetation

The western part of Lot 18 contains a coastal heath community that has potential significance for threatened species as shown in **Figure 9**. It is proposed to have this area zoned E2 Environmental Conservation.

Figure 7 – GT DCP 2010 Constraints Map

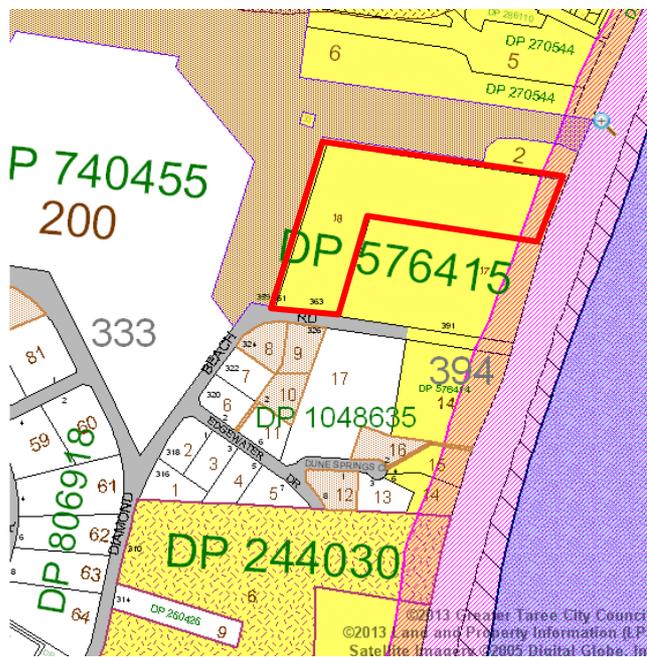


Figure 8 – Bushfire Prone Land Map

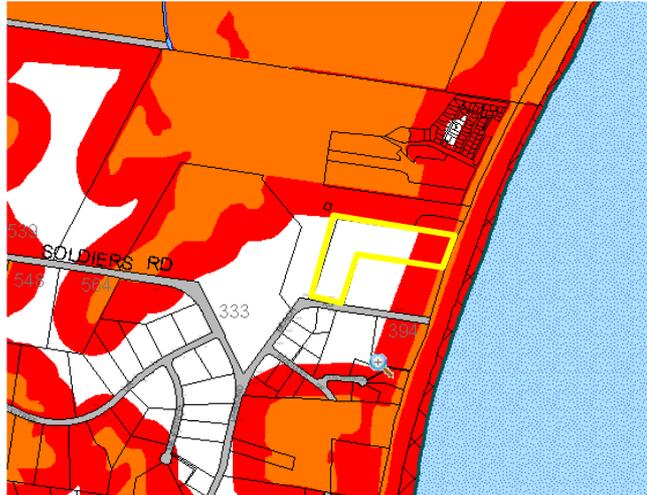


Figure 9 – Vegetation Communities Map



 Coastal Heath Paperbark



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.

4.3 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.



Community Consultation and Conclusion

5.1 Community Consultation

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

5.2 Conclusion

This Planning Proposal is justified as outlined in this document. The proposed zones will have the effect of bringing certainty to the ongoing viability of the existing and future tourist facilities on the subject land and also result in providing employment opportunities in the local area. The existing environmentally constrained land will also be appropriately zoned.

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

PLANNING PROPOSAL

Lot 18 DP 576415, 363 Diamond Beach Road, Diamond Beach, NSW



Figure 10 – Proposed Zonings

LEGEND

- Site Boundary
- E2 - Environmental Protection
- Sp3 - Tourist

Source: Greater Taree City Council
Online Mapping, March 2014

North ^





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*

Journal of Coastal Research (2011). *Is there evidence yet of Acceleration in Mean Sea Level Rise around Mainland Australia?*, PJ Watson Journal 27 Pages 368-377

Appendix A

SITE DETAILS LOT 18 DP 576415

329/2010/DA
BAM:DB

Enquiries: Bruce Moore

NOTICE OF DETERMINATION
DEVELOPMENT APPLICATION No. 329/2010/DA
Issued under the Environmental Planning & Assessment Act 1979 Sec 81(1)

Applicant:

Abalrest Pty Ltd
C/- Coastplan Group Pty Ltd
PO Box 568
FORSTER NSW 2428

DEVELOPMENT DETAILS

Property Owner: Seashells Beachfront Resort Pty Ltd

Property Details: 363 Diamond Beach Road Diamond Beach NSW 2430
Lot 18 DP 576415

Development Details: Addition to tourist facility

DETERMINATION

Determination: CONSENT GRANTED SUBJECT TO
CONDITIONS ATTACHED

Date determined: 25 May 2010

Consent to operate from: 25 May 2010

Consent to lapse on: 25 May 2015

Consent Authority: Greater Taree City Council

Attachments: Endorsed plans
Conditions of Consent

CONDITIONS OF APPROVAL 329/2010/DA

Condition No.1.

The development is to be carried out in accordance with the details submitted with the application and the plans stamped "329/2010D approved" (as amended by the following conditions).

Condition No.2.

A Construction Certificate issued by the principal certifying authority is to be deposited with Council at least 48 hours prior to commencement of any building work on the site.

Condition No.3.

Payment of the prescribed Long Service Levy Fee prior to the issue of a Construction Certificate.

Condition No.4.

The design of the proposed building is to fully comply with the provisions of the Building Code of Australia, prior to the issue of a Construction Certificate.

Condition No. 5.

A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:

- (a) the name address and telephone number of the principal certifying authority for the work, and
- (b) stating that unauthorised entry to the premises is prohibited, and
- (c) showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed.

Condition No. 6.

Sanitary facilities are to be provided at the work site at all times at the rate of one closet for every 20 persons employed at the site.

Where temporary closets are provided, each closet shall:

- (a) be at least 1050 mm wide, 1350 mm long and 2100 mm high, measured internally
- (b) have a hinged door capable of being fastened from both the inside and the outside
- (c) have sufficient walls and a roof to ensure privacy, construction in weather proof materials
- (d) have a floor constructed of a material that is rigid and impervious
- (e) be provided with a suitable receptacle for and an adequate supply of a deodorising or fly-repelling fluid
- (f) comply with any relevant requirement of the Building Code of Australia.

Condition No.7.

Parking areas, access lanes and vehicle movement areas are to be constructed, drained and concreted, bitumen sealed or alternatively constructed to a similar standard surface (but not gravel) with the parking spaces permanently and clearly identified. The work is to be completed prior to the issue of an Occupation Certificate.

Condition No.8.

Provision being made within the site for a turning area to accommodate a 8.8m service vehicle in accordance with the design guidelines of AUSTRROADS.

Condition No. 9.

All stormwater is to be disposed of by a drainage system to Council's drainage network. A drainage design indicating all engineering details relevant to collection and disposal of roof water and stormwater from the site is to be submitted to and approved by Council in accordance with Section 68 of the Local Government Act, 1993 prior to the issue of a

CONDITIONS OF APPROVAL 329/2010/DA

Construction Certificate. Details are to include existing site levels, finished levels, pipeline sizes and gradings. Stormwater shall be conveyed from the site to the:

- i. nearest piped drainage system,
- ii. kerb, using non-flexible galvanised kerb adaptors,
- iii. stormwater pit fronting or adjacent to the development,
- iv. interlot drainage system

All of the above works are to be carried out prior to the issue of an Occupation Certificate.

Condition No. 10.

On-site detention shall be provided within the development in accordance with Council's on-site detention guidelines. The guidelines require stormwater detention facilities to be provided within the lot, which will limit discharge to pre-development levels.

The design is to be prepared by a registered surveyor or practising engineer. The design is to be submitted to Greater Taree City Council for approval, with the approved fee in accordance with section 68 of the Local Government Act 1993. The design is to be approved prior to the issue of a Construction Certificate.

The development is to incorporate water sensitive stormwater management measures in accordance with Council's Urban Stormwater Management Plan 2001 to ensure that the pre-development discharges are maintained in terms of water quality and quantity.

The following requirements are to be satisfied prior to the issue of an occupation certificate:-

- Work-as-executed details obtained by the person responsible for the design and supervision are to be submitted to verify the storage has been constructed in accordance with the design requirements, and that floor levels are above the minimum required. Any significant variations must be supported by amended calculations.
- Verification that an appropriate 88B restriction as to user or transfer granting easement (in accordance with Council's standard wording) has been placed on the title of the land describing the facility clearly and that it is not to be varied in any way without the consent of Council.

Condition No.11.

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

Condition No. 12.

An Erosion and Sediment Control Plan in accordance with Council's Policy is to be submitted for Council's approval prior to the issue of a Construction Certificate. The plan is to detail temporary and permanent measures proposed to be installed and is to include an analysis of the susceptibility of the soil to erosion.

All erosion and sediment control measures undertaken on the site are to conform to the specifications and standards contained in the document 'Managing Urban Stormwater - Soils & Construction', Department of Housing, 2004 Manual.

Condition No. 13.

The development is to be conducted in a manner so as not to interfere with the amenity of the area by reason of noise, waste water, waste products or otherwise.

Condition No. 14.

Work during construction which may result in noise nuisance being created, shall be restricted to hours of operation between 7 a.m. to 6 p.m. Monday to Friday, and 7 a.m. to 12 noon Saturdays.

CONDITIONS OF APPROVAL 329/2010/DA

Condition No. 15.

All vehicles being loaded or unloaded are to be parked wholly within the subject land.

Condition No. 16.

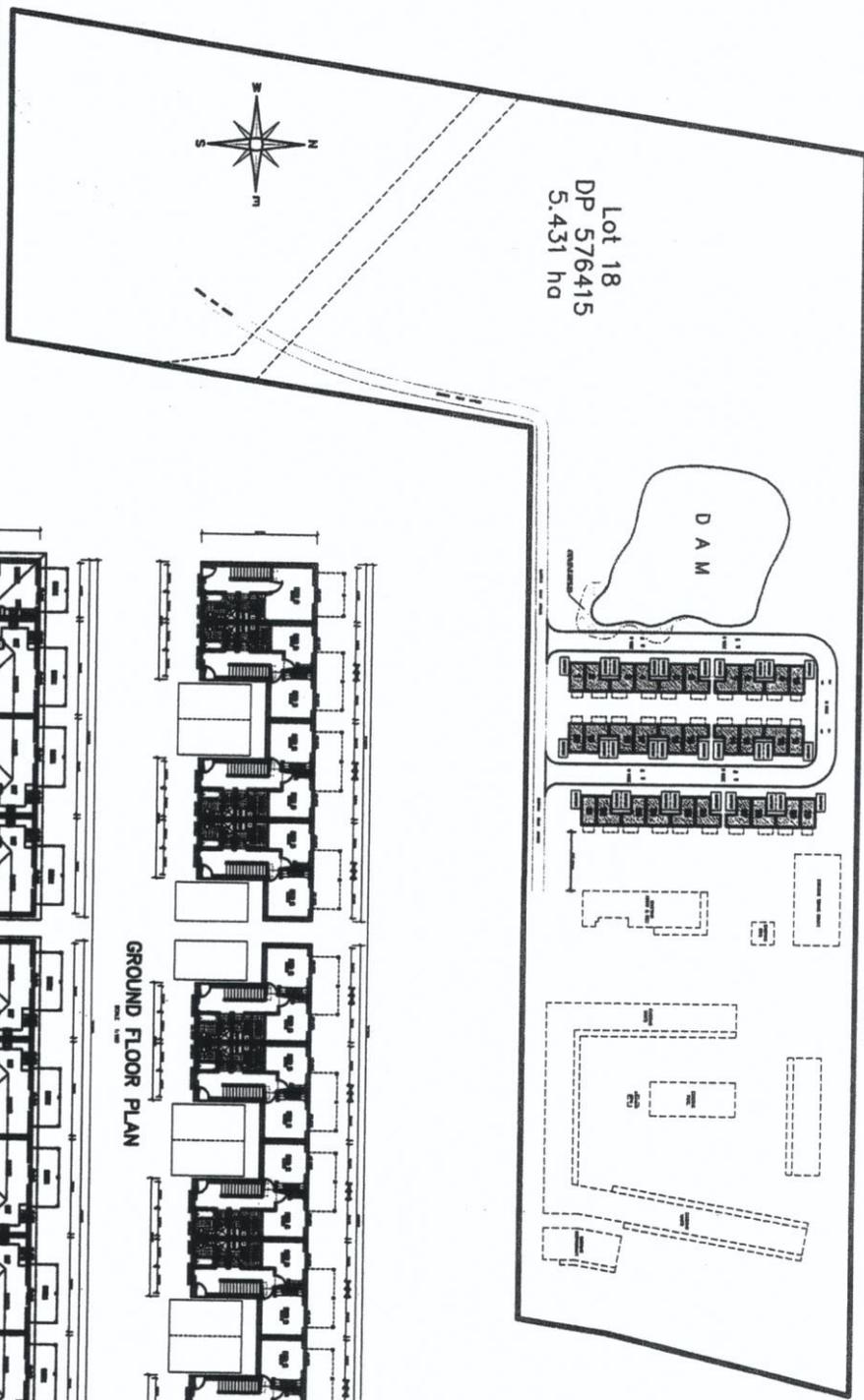
The holiday units shall only be used for the temporary or short term accommodation of guests.

Condition No.17.

Compliance with the Bushfire Safety Authority dated 17 May 2010 (ref: D09/2049 DA09110364644 JH) granted by the NSW Rural Fire Service. (copy attached).

Condition No. 18.

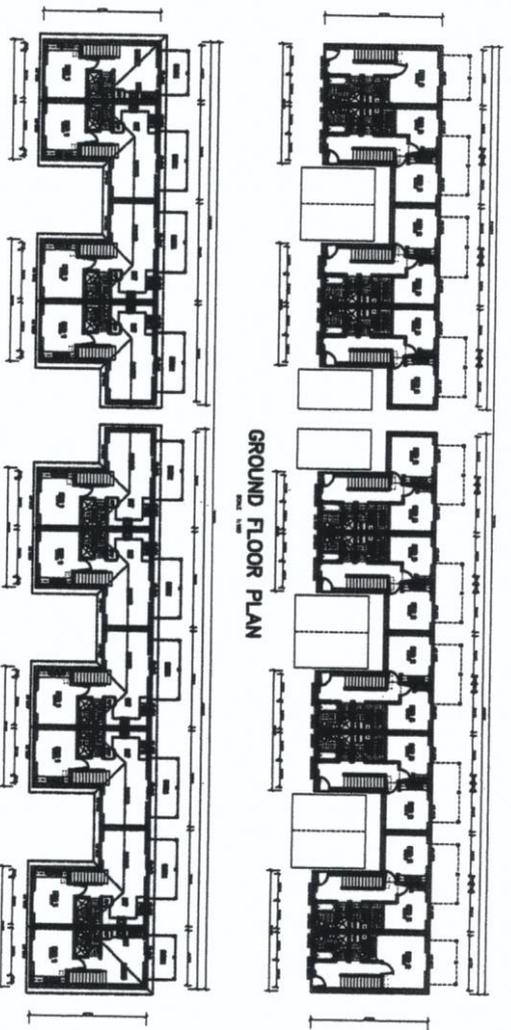
No occupation of the building will be permitted until all conditions of development consent are satisfied, a satisfactory final inspection has been carried out and an Occupation Certificate issued.



DIAMOND BEACH ROAD

SITE PLAN

SOUTH PACIFIC OCEAN



GROUND FLOOR PLAN

FIRST FLOOR PLAN



WEST ELEVATION

EAST ELEVATION

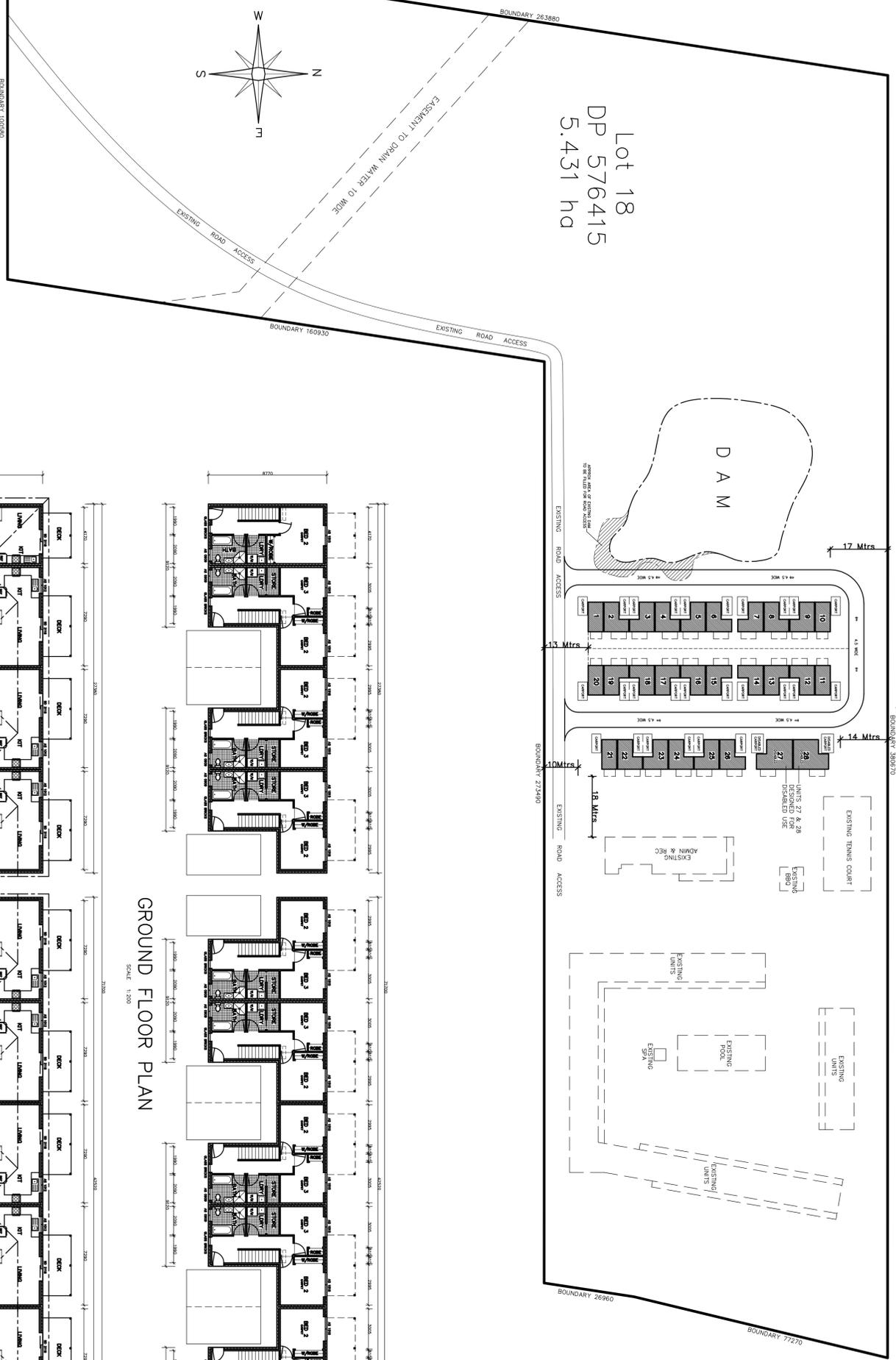
PROPOSED 24 X 2 STOREY 3 BEDROOM HOLIDAY UNITS 99.0 m²
 PLUS 6 X 2 STOREY 2 BEDROOM HOLIDAY U 77.5 m²



PROPOSED 2 STOREY HOLIDAY UNITS FOR:

DATE	DESCRIPTION	BY	SCALE
CONCEPT PLANS ONLY	363 Diamond Beach Rd Diamond Beach	NEIL RYAN	1:100
AUG 2009	Analysis Pty Ltd	NEIL RYAN	A-1
DRAWN BY: NEIL RYAN			
CHECKED BY: NEIL RYAN			
DATE: 2009-01-20			

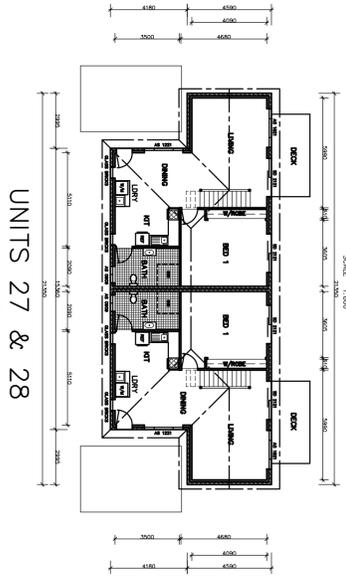
PLAN FOR D/A PURPOSES ONLY



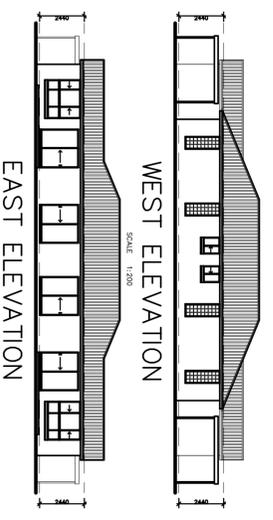
Lot 18
DP 576415
5.431 ha

DIAMOND BEACH ROAD

SITE PLAN

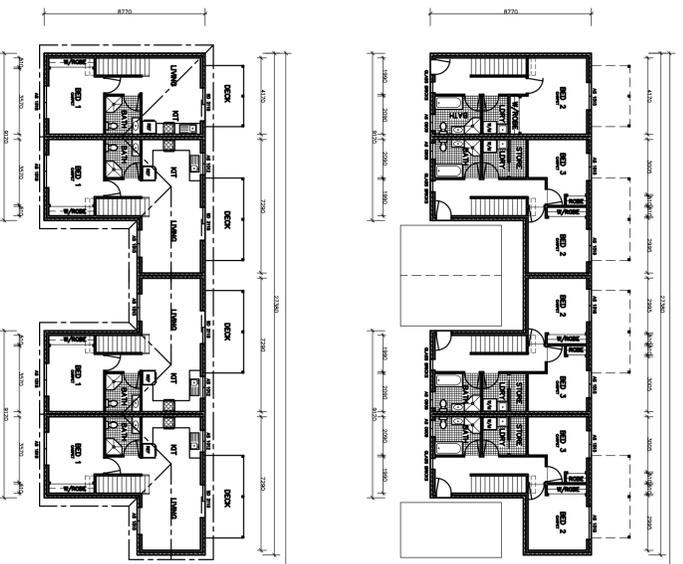


UNITS 27 & 28
SCALE 1:200

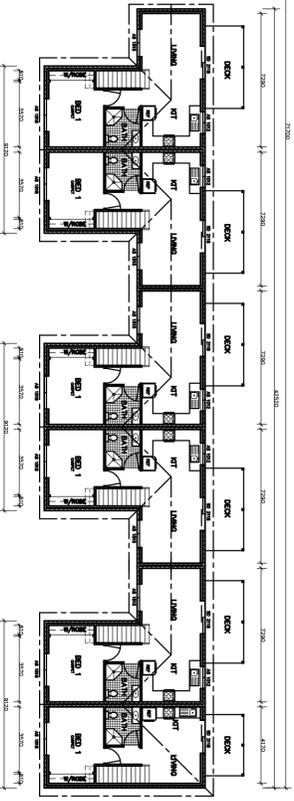


WEST ELEVATION
SCALE 1:200
EAST ELEVATION
SCALE 1:200

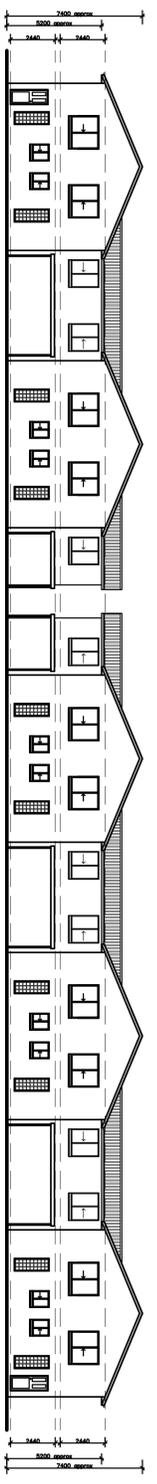
SOUTH PACIFIC OCEAN



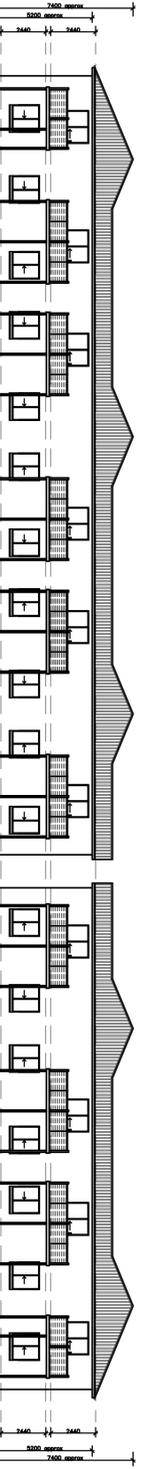
GROUND FLOOR PLAN



FIRST FLOOR PLAN



WEST ELEVATION



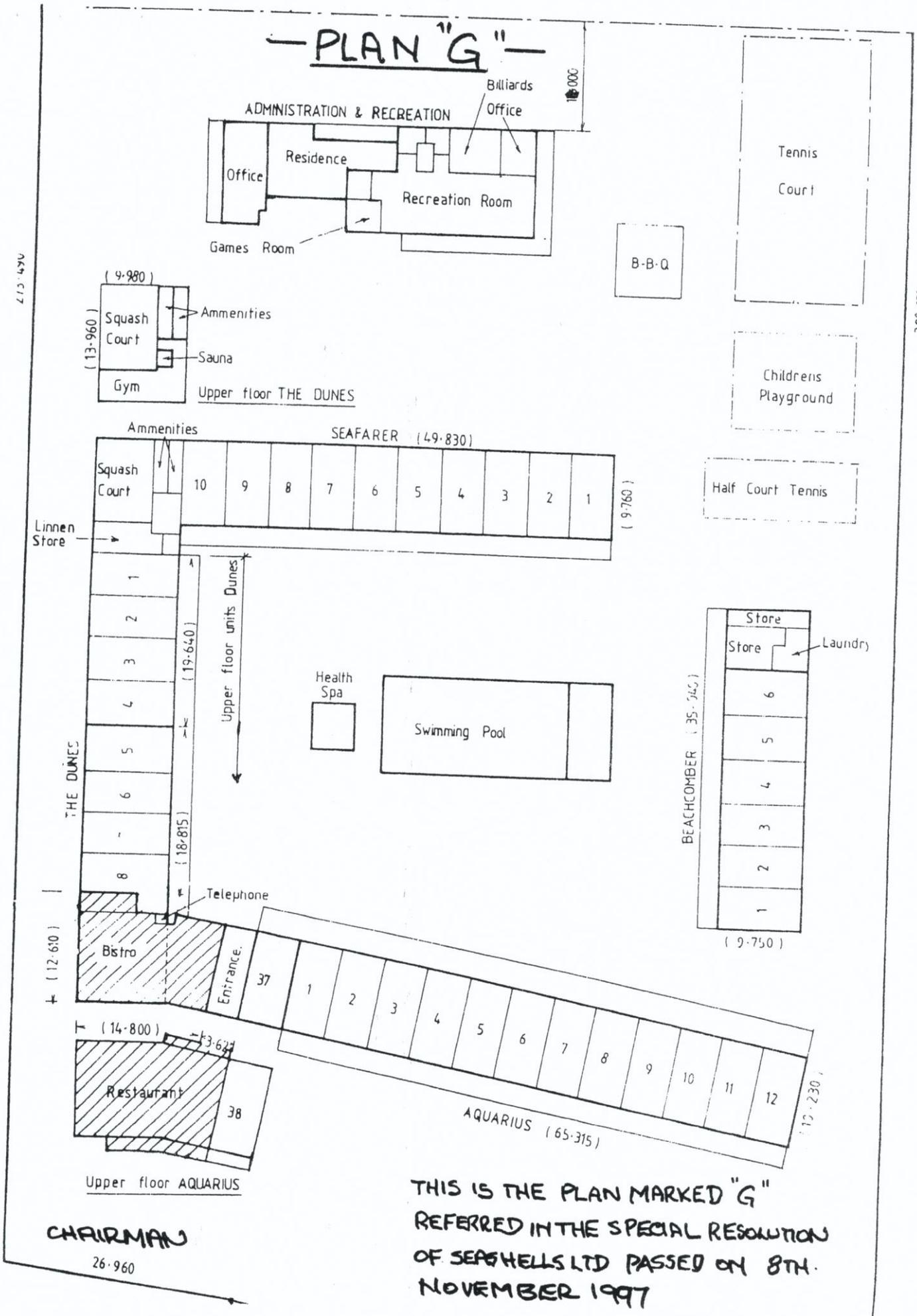
EAST ELEVATION

PROPOSED 21 X 2 STOREY 3 BEDROOM HOLIDAY UNITS 99.0 m²
PLUS 5 X 2 STOREY 2 BEDROOM HOLIDAY UNITS 77.5 m²
PLUS 2 X 1 STOREY 1 BEDROOM DISABLED UNITS 81.0 m²

ALL CARE IS TAKEN WITH DIMENSIONS BUT NO RESPONSIBILITY ACCEPTED FOR DISCREPANCIES. MEASUREMENTS TAKE PRECEDENCE OVER VERBAL STATEMENTS. IT IS THE TENDER'S RESPONSIBILITY TO CHECK ALL ON SITE HEIGHTS, LEVELS & MEASUREMENTS. EVERY PART OF THE BUILDING & ASSOCIATED COMPONENTS MUST BE CONSTRUCTED IN AN APPROPRIATE MANNER TO ACHIEVE THE OUTGOING PROVISIONS USING MATERIALS THAT ARE FIT FOR THE PURPOSE FOR WHICH THEY ARE INTENDED. THE BUILDING & ANY ASSOCIATED SITE WORK IS TO BE CONSTRUCTED IN A WAY THAT PROVIDES PROTECTION FROM ADVERSE EFFECTS OF REDIRECTED SURFACE WATER. THE BUILDING IS TO BE CONSTRUCTED TO PROVIDE RESISTANCE TO MOISTURE FROM THE GROUND, APPLIANCE & ASSOCIATED COMPONENT MUST BE INSTALLED BY A LICENSED PERSON & COMPLY TO BCA PART P2.3.3. & 3.7.3. ALL CONSTRUCTION METHODS & MATERIALS MUST COMPLY TO ANY & ALL RELEVANT BUILDING REGULATIONS, STANDARDS, CODES OF PRACTICE, ASSESSMENTS & IT IS THE BUILDERS RESPONSIBILITY TO ENSURE ALL TRADES RECEIVE COPIES OF SUCH ASSESSMENTS. ALL EARTHWORKS ARE TO BE UNDERTAKEN STRICTLY TO COMPLY WITH THE RELEVANT REGULATIONS. ALL STORMWATER & SURFACE DRAINAGE IS TO BE UNDERTAKEN STRICTLY TO COMPLY TO BCA 3.1.2. A TERMITE BARRIER MUST BE INSTALLED STRICTLY TO COMPLY TO BCA 3.1.3. ALL CONCRETE FOOTINGS & SLABS ARE TO BE CONSTRUCTED STRICTLY TO COMPLY TO BCA 3.2 & ENGINEERS SPECIFICATIONS. ALL MASONRY & ASSOCIATED COMPONENTS IS TO BE CONSTRUCTED STRICTLY TO COMPLY TO BCA 3.3. VENTILATION WHERE REQUIRED MUST COMPLY TO BCA 3.4.1. ALL TIMBER FRAMING, WIND BRACING & ASSOCIATED COMPONENTS MUST COMPLY TO AS1684-2-2006 OR ENGINEERS DESIGN. ASSOCIATED COMPONENTS ARE TO BE INSTALLED STRICTLY AS TO COMPLY TO BCA 3.5.1. CUTTERS, DOWN PIPES & ASSOCIATED COMPONENTS MUST BE INSTALLED STRICTLY AS TO COMPLY TO BCA 3.5.2. ROOFING & ASSOCIATED COMPONENTS MUST COMPLY TO BCA 3.5.3. ALL GLAZING IS TO COMPLY TO BCA 3.6. & ANY REQUIREMENTS UNDER BASK, NATHERS OR ALTERNATIVE THERMAL/ENERGY ASSESSMENTS. DIRECT WIRED SMOKE DETECTORS ARE TO BE INSTALLED AS TO COMPLY TO BCA 3.7.2. ALL REQUIRED AREAS WATER IN ACCORDANCE WITH BCA 3.8.1.2. TO 3.8.1.6.

DRAWING: D/A PLANS ONLY				DATE: SEP 2009	SCALE: A-3	SHEET NO: 1 OF 1
DRAWN BY: NEIL RYAN				SCALE: A-3	DATE: 2009-03-2	DATE: 2009-03-2
PROJECT: PROPOSED 2 STOREY HOLIDAY UNITS FOR: Abalrest Pty Ltd				ADDRESS: 363 Diamond Beach Rd Diamond Beach	PHONE: 474 OXLEY STREET TAREE Ph./Fax (02) 65525086 Mob: 0417682880	EMAIL: neil@neilryan.com.au

- PLAN "G" -



THIS IS THE PLAN MARKED "G"
 REFERRED IN THE SPECIAL RESOLUTION
 OF SEASHELLS LTD PASSED ON 8TH
 NOVEMBER 1997

Statement of Environmental Effects

In relation to
"Tourist Facility"
Diamond Beach Road
Diamond Beach

Prepared for Abalrest Pty Ltd

September 2009

Project: 8084

Forster Office
2/32 West Street Forster
PO Box 568 Forster NSW 2428
Phone (02) 6555 2178
Fax (02) 6555 2741
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1. INTRODUCTION

1.1. Site Description

The site is identified as Lot 18 DP 576415 Diamond Beach Road, Diamond Beach and has an area of approximately 5.431 hectares.

The site is located at the eastern end of Diamond Beach Road, between the existing tourist facilities of 'Australis Resort' and 'Diamond Beach Holiday Villas'. The site is irregularly shaped, with frontage to Diamond Beach (eastern boundary).

The site currently contains the 'Seashells' resort adjacent to Diamond Beach. A large dam is also located in the central portion of the site.

The eastern portion of the site (east of the dam) is characterised by managed grass lands which have been historically maintained in association with the 'Seashells' resort. The land located west of the dam comprises some areas of managed grasslands and native vegetation comprised of coastal scrub/heath.

The site is adjoined to the north and south by established tourist facilities being 'Australis' resort to the north and Diamond Beach Holiday Villas to the south. The vacant area of land located immediately to the south is also approved for the construction of a new caravan park. Land to the west of the site (Lot 200 DP740455 and Lot 32 DP 1098858) has been approved for redevelopment for the purposes of a 'rural tourist facility' incorporating equine activities.

Access to the site is currently available via an existing sealed access road from Diamond Beach Road. The existing access services the Seashells Resort and is in good condition.

The topography of the land is generally flat, however, the area proposed for development has a slight fall towards the existing dam (west aspect).

Although the subject site is partly located within a 'sensitive coastal location' (within 100 metres of the ocean), the portion of the site proposed for

development is not located within the area classed as being a sensitive coastal location. The land is also mapped, in part, as bushfire prone land.

The site is zoned 1 (a) Rural under the provisions of Greater Taree Local Environment Plan 1995 (LEP).

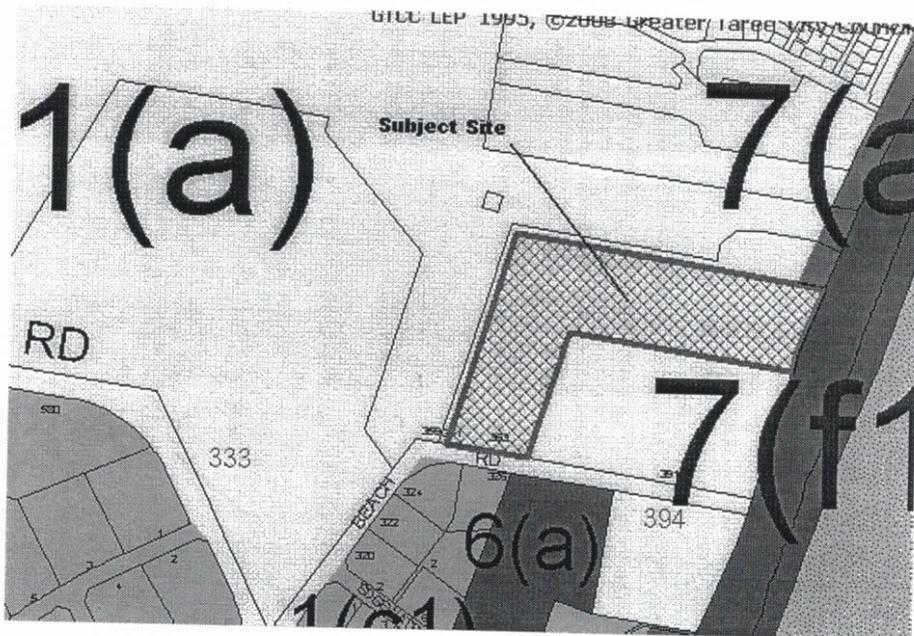


Figure 1a – Site Locality Plan (Zoning)

[Source: GTCC]

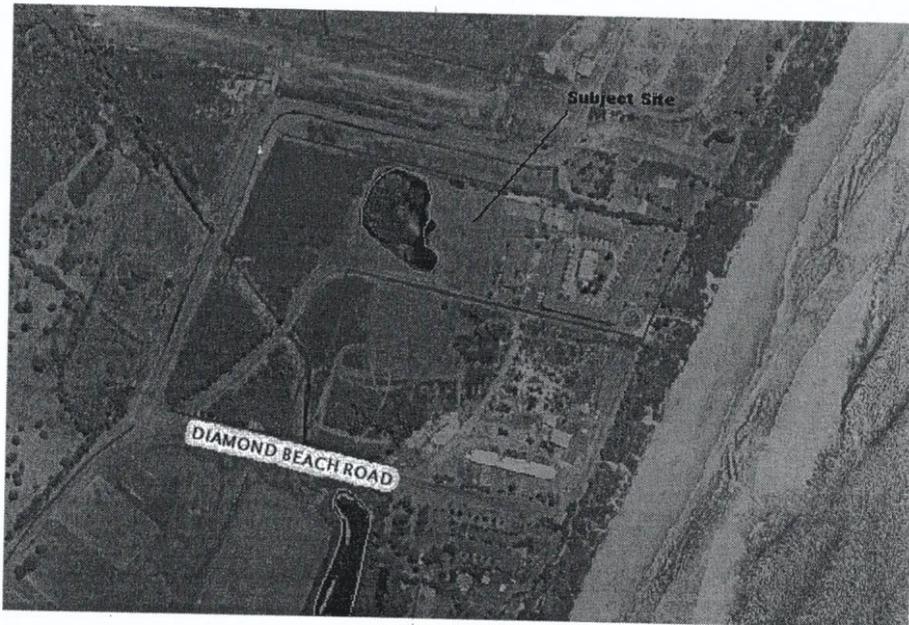


Figure 2 – Site Locality Plan (Satellite)

[Source: Department of Lands, 2009]



Photo 1: Site of proposed units looking east over dam.



Photo 2: Adjoining land to the south (approved for caravan park), looking east south-east from southern boundary of Lot 18.

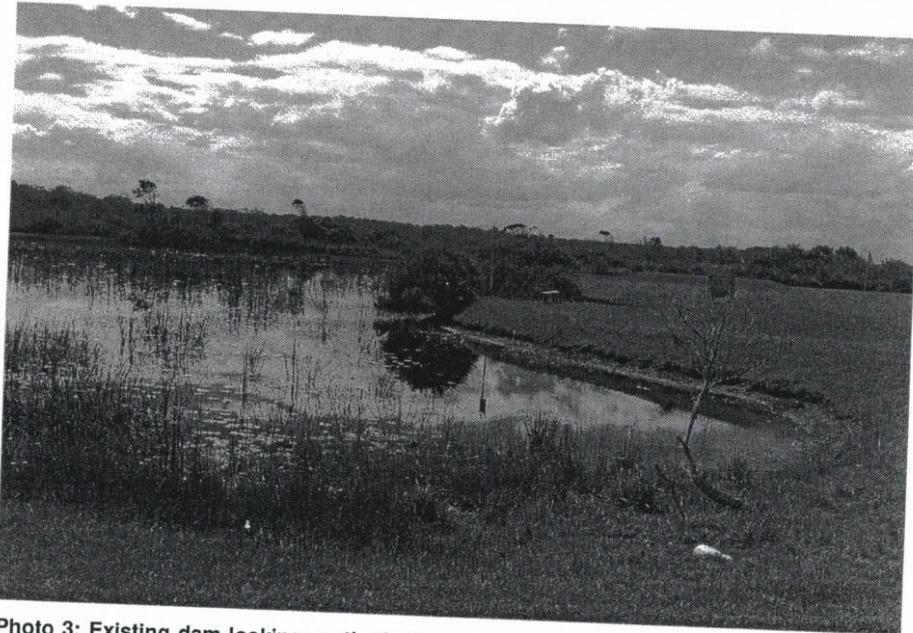


Photo 3: Existing dam looking north along eastern edge of dam (area to be reclaimed for road).

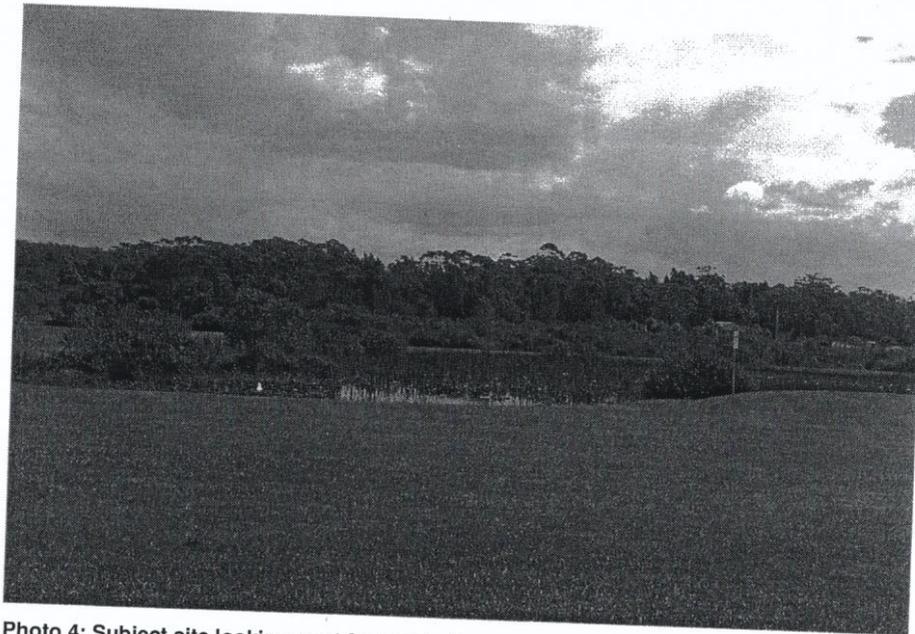


Photo 4: Subject site looking west from site of proposed tourist units.

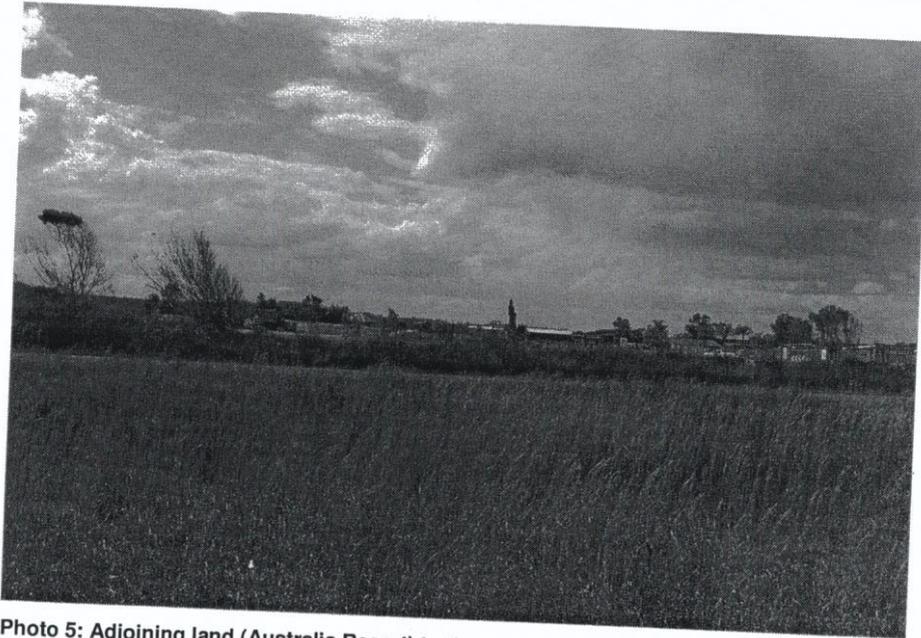


Photo 5: Adjoining land (Australis Resort) to the north of subject site - looking north.

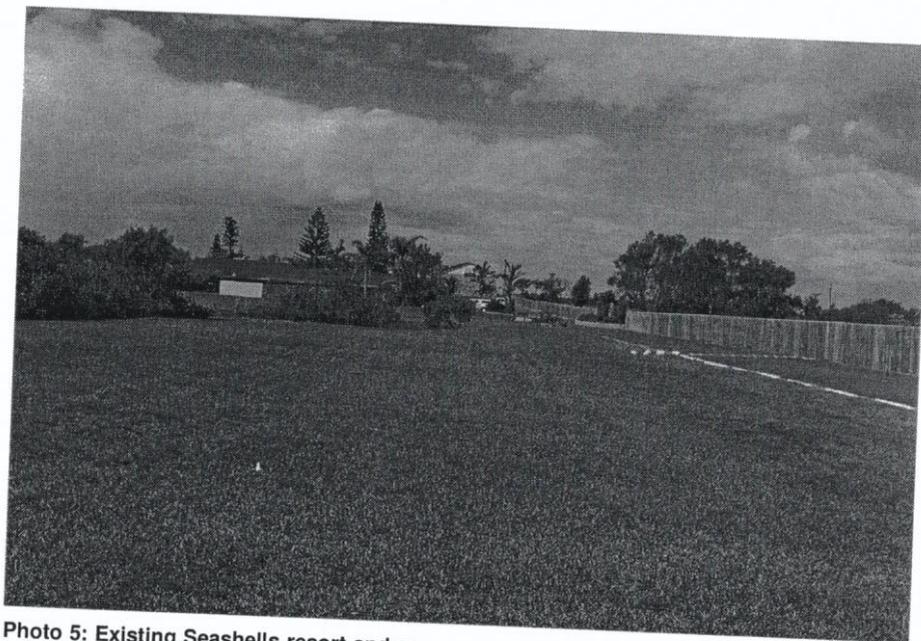


Photo 5: Existing Seashells resort and access road - looking east toward site of proposed units.

1.2. The Proposed Development

The proposed development incorporates an extension to the existing 'Seashells' tourist facility which is currently sited in the eastern portion of the land. The proposed development is detailed in the attached plans drawn by Neil Ryan, dated September 2009 and can be summarised as follows:

- Construction of twenty one (21) x two (2) storey, three (3) bedroom holiday units;
- Construction of five (5) x two (2) storey, two (2) bedroom holiday units;
- Construction of two (2) x one (1) storey holiday units accessible for people with a disability;
- Construction of internal access road; and
- Reclamation of south eastern portion of the dam for access road construction.

The proposed holiday units are to be constructed in three rows of attached units running in a north/south direction. The two western most rows of units each contain eight (8) three bedroom units and two (2) two bedroom units, with first floor decks and single car ports. The units in the eastern most row (units 21 - 26) comprise seven (7) three bedroom units and one (1) two bedroom unit of the same design.

Units 27 and 28 are single storey, one (1) bedroom units and have been designed in accordance with AS 1428.1 to be accessible for people with a disability.

The proposed units incorporate a standard self contained unit design with first floor kitchen, living and dining. The two bedroom unit design incorporates one bedroom and one bathroom on each level, while the three bedroom unit design incorporates one bedroom and one bathroom on the first floor and two bedrooms and one bathroom on the ground floor.

The units are proposed to occupy the cleared area between the existing holiday units and the dam. Access to the proposed holiday units will be via the existing access road from Diamond Beach Road and the construction of a new internal access road as shown on the attached site plan. The internal access road will

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1. INTRODUCTION

1.1. Site Description

The site is identified as Lot 18 DP 576415 Diamond Beach Road, Diamond Beach and has an area of approximately 5.431 hectares.

The site is located at the eastern end of Diamond Beach Road, between the existing tourist facilities of 'Australis Resort' and 'Diamond Beach Holiday Villas'. The site is irregularly shaped, with frontage to Diamond Beach (eastern boundary).

The site currently contains the 'Seashells' resort adjacent to Diamond Beach. A large dam is also located in the central portion of the site.

The eastern portion of the site (east of the dam) is characterised by managed grass lands which have been historically maintained in association with the 'Seashells' resort. The land located west of the dam comprises some areas of managed grasslands and native vegetation comprised of coastal scrub/heath.

The site is adjoined to the north and south by established tourist facilities being 'Australis' resort to the north and Diamond Beach Holiday Villas to the south. The vacant area of land located immediately to the south is also approved for the construction of a new caravan park. Land to the west of the site (Lot 200 DP740455 and Lot 32 DP 1098858) has been approved for redevelopment for the purposes of a 'rural tourist facility' incorporating equine activities.

Access to the site is currently available via an existing sealed access road from Diamond Beach Road. The existing access services the Seashells Resort and is in good condition.

The topography of the land is generally flat, however, the area proposed for development has a slight fall towards the existing dam (west aspect).

Although the subject site is partly located within a 'sensitive coastal location' (within 100 metres of the ocean), the portion of the site proposed for

development is not located within the area classed as being a sensitive coastal location. The land is also mapped, in part, as bushfire prone land.

The site is zoned 1 (a) Rural under the provisions of Greater Taree Local Environment Plan 1995 (LEP).

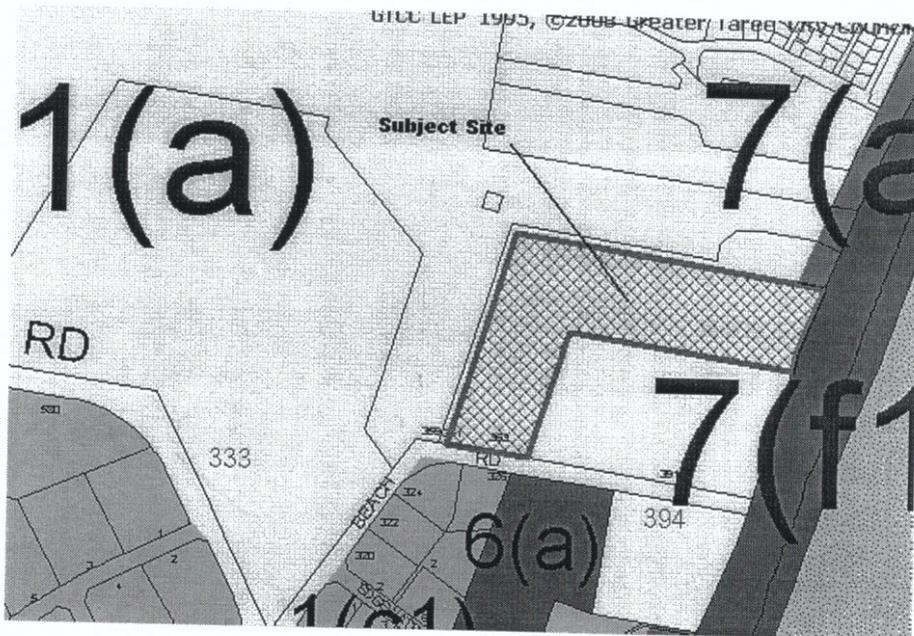


Figure 1a – Site Locality Plan (Zoning)

[Source: GTCC]

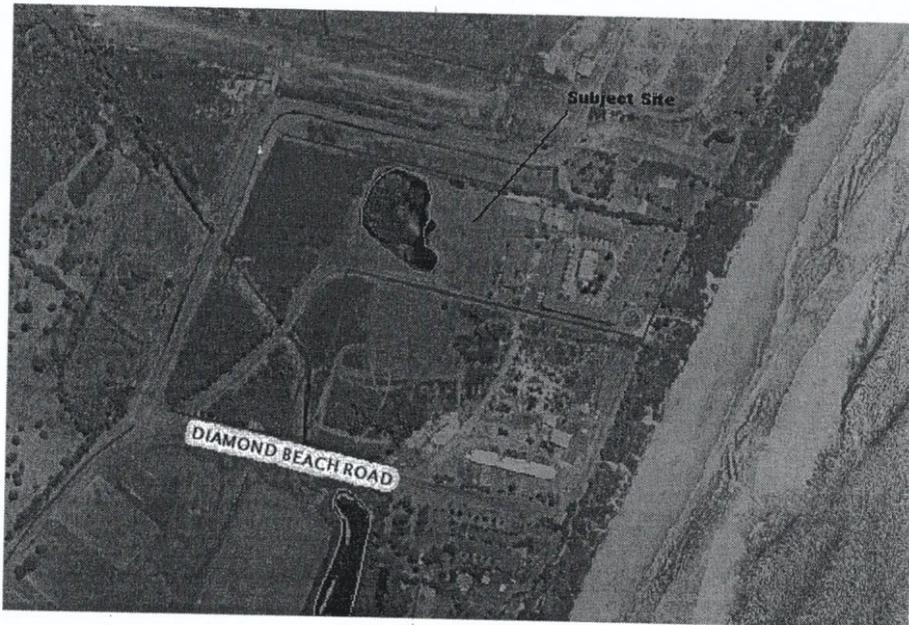


Figure 2 – Site Locality Plan (Satellite)

[Source: Department of Lands, 2009]



Photo 1: Site of proposed units looking east over dam.



Photo 2: Adjoining land to the south (approved for caravan park), looking east south-east from southern boundary of Lot 18.

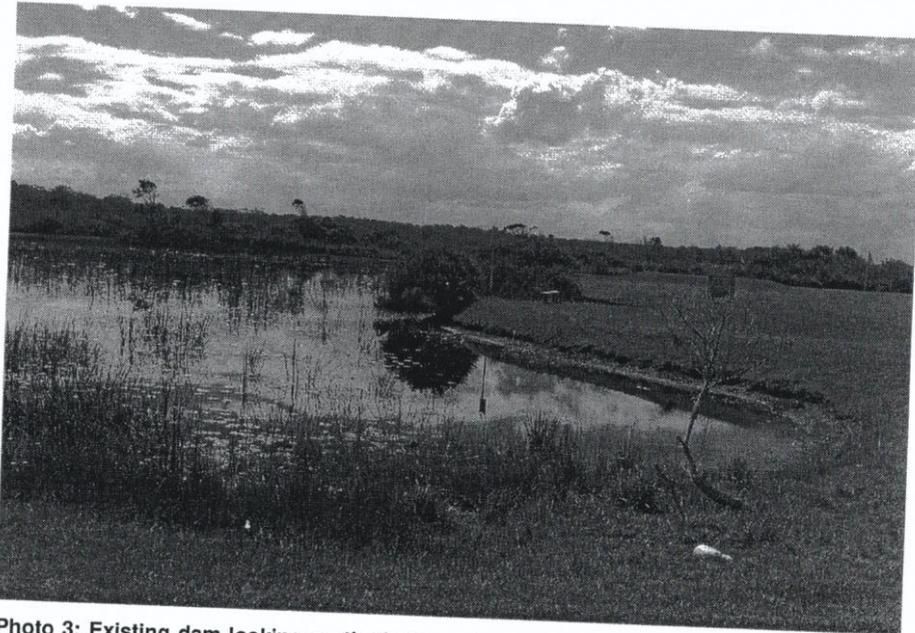


Photo 3: Existing dam looking north along eastern edge of dam (area to be reclaimed for road).

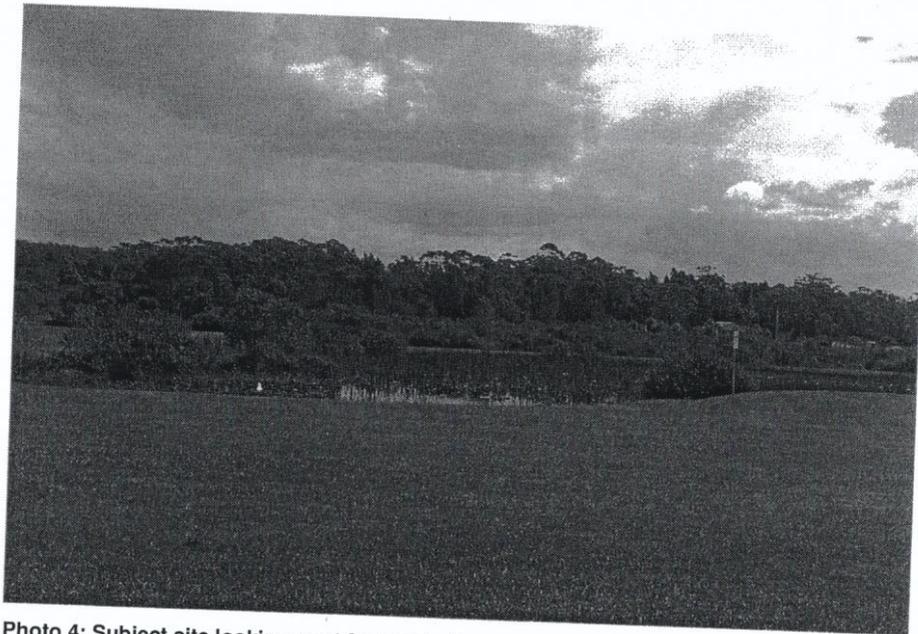


Photo 4: Subject site looking west from site of proposed tourist units.

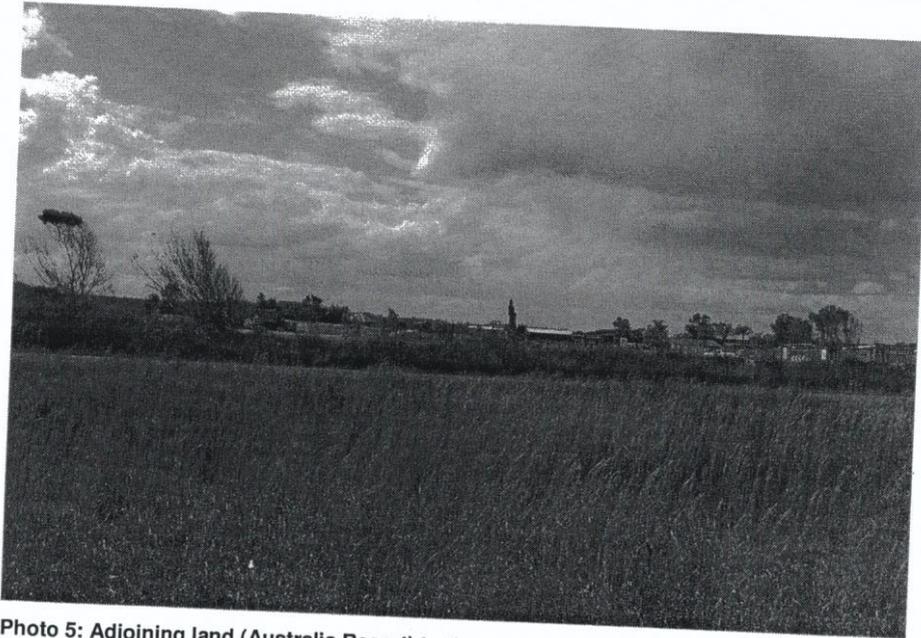


Photo 5: Adjoining land (Australis Resort) to the north of subject site - looking north.

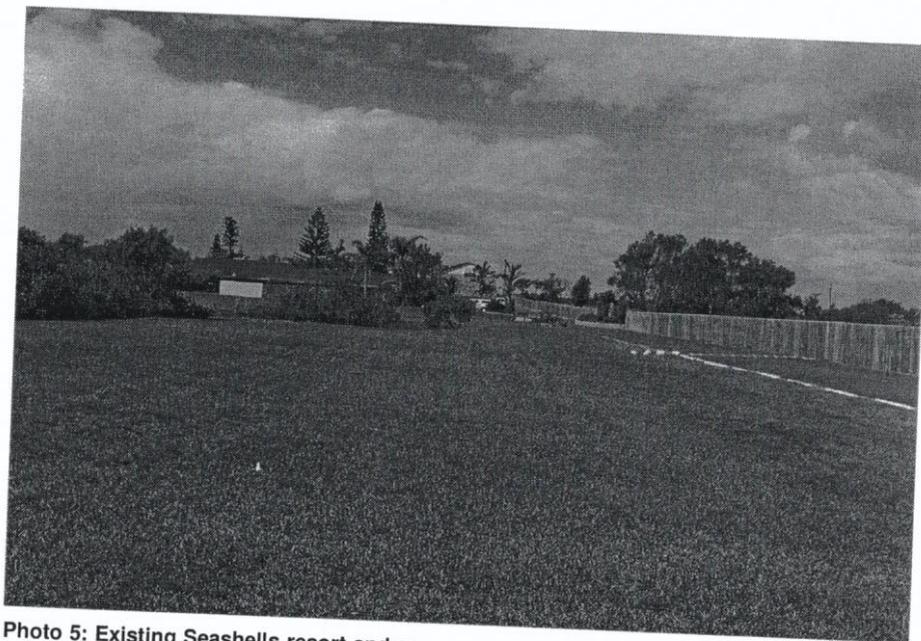


Photo 5: Existing Seashells resort and access road - looking east toward site of proposed units.

1.2. The Proposed Development

The proposed development incorporates an extension to the existing 'Seashells' tourist facility which is currently sited in the eastern portion of the land. The proposed development is detailed in the attached plans drawn by Neil Ryan, dated September 2009 and can be summarised as follows:

- Construction of twenty one (21) x two (2) storey, three (3) bedroom holiday units;
- Construction of five (5) x two (2) storey, two (2) bedroom holiday units;
- Construction of two (2) x one (1) storey holiday units accessible for people with a disability;
- Construction of internal access road; and
- Reclamation of south eastern portion of the dam for access road construction.

The proposed holiday units are to be constructed in three rows of attached units running in a north/south direction. The two western most rows of units each contain eight (8) three bedroom units and two (2) two bedroom units, with first floor decks and single car ports. The units in the eastern most row (units 21 - 26) comprise seven (7) three bedroom units and one (1) two bedroom unit of the same design.

Units 27 and 28 are single storey, one (1) bedroom units and have been designed in accordance with AS 1428.1 to be accessible for people with a disability.

The proposed units incorporate a standard self contained unit design with first floor kitchen, living and dining. The two bedroom unit design incorporates one bedroom and one bathroom on each level, while the three bedroom unit design incorporates one bedroom and one bathroom on the first floor and two bedrooms and one bathroom on the ground floor.

The units are proposed to occupy the cleared area between the existing holiday units and the dam. Access to the proposed holiday units will be via the existing access road from Diamond Beach Road and the construction of a new internal access road as shown on the attached site plan. The internal access road will

The proposed development is consistent with the definition of a "tourist facility", being an establishment providing holiday accommodation, however, the proposal requires assessment in relation to objectives (b) and (d) to assess whether the proposal remains appropriate for a rural location and sympathetic with the environmental characteristics of the land.

In reference to the objective (b), the following points are relevant:

- The proposed modification is an extension to an existing tourist facility and is located within an area which is characterised by tourist related and resort development. The extension of an existing resort, whilst considering the constraints of the site, is considered to be appropriate for the location. This is further evidenced through the identification of the site as a 'Tourist Site' in Council's strategies and submission to the Mid-North Coast Regional Strategy (this is discussed further in section 2.2).
- Although the site is within a 'rural' zone, the land is occupied and surrounded by tourist facilities of a similar nature and density which take advantage of the natural coastal attractions. The proposal is also required to be located in close proximity to the natural attraction of Diamond Beach in order to maintain the facilities viability as a tourist destination. Although alternative locations may be available within the 'residential' zoned areas, any of these locations would be inappropriate and inefficient due to the elevated land pricing, separation from the existing tourist infrastructure (i.e. administration, resort facilities etc) and the lack of 'natural ambience' that is afforded by a rural/coastal location.

In regard to objective (d), the proposals suitability given the 'rural' location is discussed above and the proposal remains sympathetic to the environmental characteristics of the land as follows:

- The proposed development utilises existing cleared areas adjacent to the existing buildings;
- The proposed development does not necessitate any impacts on native vegetation;
- The proposed development does not result in the potential for any adverse impacts on water quality; and

- The proposed development is sited adjacent to the existing built development and is not visually intrusive in the landscape given the context.

The proposed development is, therefore, considered to provide an appropriate development given objective (d) and the environmental characteristics of the site.

2.2. Strategic Planning

The Draft Greater Taree City Council Local Environmental Plan 2008 (Draft LEP) has been prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006 and was placed on public exhibition between 17 November 2008 and 13 February 2009. The Draft LEP is, therefore, a relevant consideration under section 79C(1) of the EP&A Act.

The Draft LEP presents significant changes to the permissibility of the proposed development if gazetted in the current form. Most notably, the Draft LEP seeks to implement the RU1 land use zone across the site (see figure 3 below) as well as introducing a prescriptive land use table that nominates tourist facilities as a "prohibited" land use.

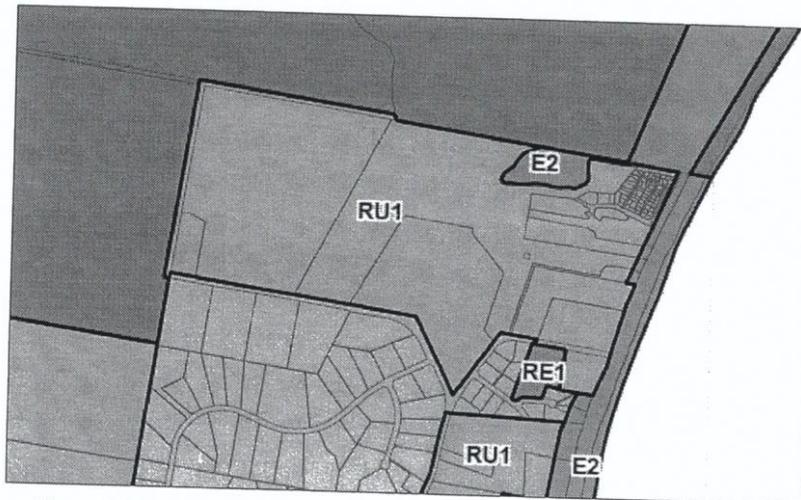


Figure 3: Draft LEP land use zoning (Source: GTCC)

Although the LEP nominates the proposed development as "prohibited" under the proposed land use zone, this is inconsistent with the Council's strategic intention for the development of the area.

The Greater Taree Council submission in regard to the Mid-North Coast Regional Strategy (MNCRS) identifies the subject site as being located within a "Tourist Site". This is obviously reflective of the sites existing and emerging character as a tourist precinct, including existing approvals for large scale tourism developments on surrounding land. The area has also had a long history of Tourism based land uses, with surrounding development (including the existing resort) predominantly comprising Tourist Resorts since the 1970's.

The MNCRS, as adopted, has reflected Council's submission regarding the Hallidays Point area, as shown in figure 4 below. The subject site is identified as a proposed urban area and is located within an identified 'growth area'. The areas shown as "indicative high level constraints" are reflective of the native vegetation located in the western portion of the site and the proposed development does not result in any impact to these areas.



Figure 4: Extract from MNCRS for the Hallidays Point area (Source: GTCC)

The strategic intent for the site is also reflected through the Hallidays Point Development Strategy 2000 (the Strategy) and Review in 2004. The Strategy was prepared in 2000 to replace all previous strategies to that date and to provide a framework for rezoning and development within the Greater Taree Local Government Area for the next 20 years. The strategy provided the

framework for the preparation of the submission to the MNCRS, which also reflected the identified strategic intent for the site as a "Tourism, Environmental Protection and Mixed Use" zone (see figure 5 below).

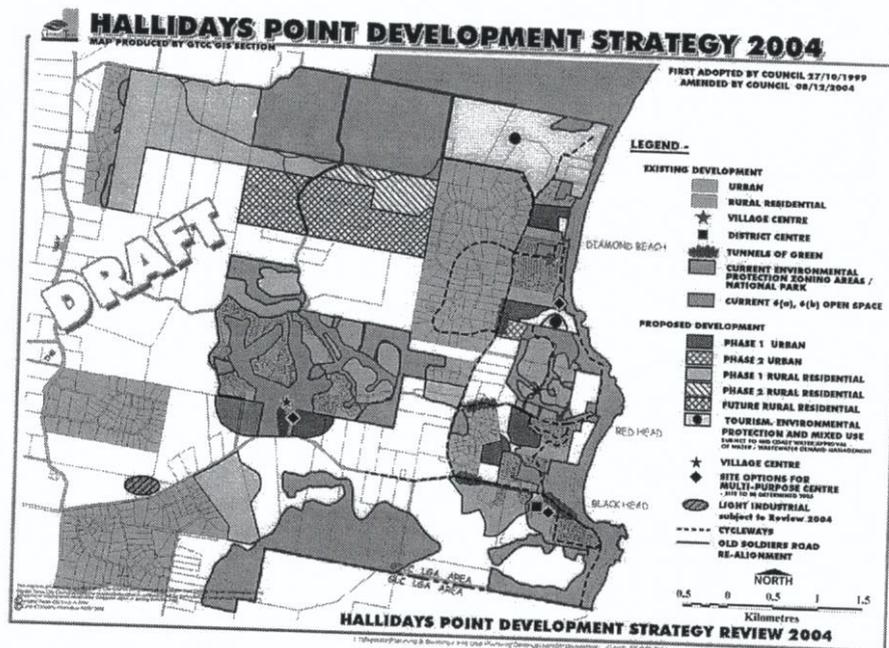


Figure 5: Extract from Hallidays Point Development Strategy as amended 8/12/2004

Although 'Tourist Facilities' will be prohibited within the proposed RU1 zone under the LEP 2008, this zoning does not accurately reflect the adopted strategic intent for the area. The site has a long history of tourism based land use and has been identified within the strategic land use strategies adopted by Greater Taree City Council and the Department of Planning since at least 2000. The area contains all necessary services for the continuation and intensification of tourism uses and the proposed resort extensions are not considered to be inconsistent with the strategic intent for the area.

In the event that the Draft LEP was adopted, and "Tourist Facilities" became prohibited within the zone, the subject site would be considered to be an "existing use" and would benefit from provisions contained within sections 106 – 109 of the EP&A Act. In this respect, section 41 of the EP&A Regulations provides that an existing use may be enlarged, expanded or intensified with the consent of Council.

2.3. State Environmental Planning Policy No.71 (Coastal Protection)

The provisions of State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71) apply to the proposed development, as the land is located within the coastal zone. Part of the entire site is located within a sensitive coastal location, however, the area affected by the proposed development is not located within a sensitive coastal location.

The aims of SEPP 71 are set out in Clause 2 of the policy and the proposed development will not inhibit the achievement of any of the stated aims of the policy.

The matters for consideration for development applications located in the coastal zone are provided in Clause 8 of SEPP 71. These matters for consideration are listed in Table 1 with a comment in relation to the proposed development.

Table 1 - SEPP 71, Part 2, Clause 8 – Matters for Consideration

Clause	Comment
8(a)	Consistent with the aims of SEPP 71
8(b)	The modification does not change any access arrangements to the coastal foreshore with the proposed extension utilising the existing resort access.
8(c)	There are no opportunities available for new access to the foreshore.
8(d)	The proposed tourism development is consistent with the approved and existing tourism development in the surrounding area. The extension maintains a similar relationship with the environment and rural character as the existing resort.
8(e)	The proposed development will not create any shading impacts or affect any views to/from the coastal foreshore.
8(f)	The proposed modification will not significantly alter the scenic qualities of the area. The provision of additional units on a large parcel of land, screened by foreshore vegetation and the existing resort, is unlikely to significantly impact on the scenic qualities of the coast. The proposed units are also located adjacent to three (3) story holiday units, of a greater scale and density, located to the north of the subject site.

Table 1 - SEPP 71, Part 2, Clause 8 – Matters for Consideration

Clause	Comment
8(g)	The proposal does not involve any impacts to native vegetation or the habitat of any threatened species.
8(h)	No aquatic flora/fauna issues.
8(i)	The proposed modification will not impact on the Moor Creek wildlife corridor. Substantial setbacks have been provided for bushfire protection which will also protect any adjacent vegetation from disturbance.
8(j)	Although parts of the site are subject to coastal hazards such as erosion and recession, the area of the proposed units is well set back from these hazards.
8(k)	No land/water based conflict issues.
8(l)	No known Aboriginal archaeology issues or land disturbance.
8(m)	It is envisaged that conditions of consent will be imposed for the provision of stormwater management in accordance with Council requirements.
8(n)	No heritage/archaeological issues.
8(o)	Not applicable.
8(p)(i)	No cumulative impact issues.
8(p)(ii)	No significant change in water or energy use as a result of the proposed development with all units BASIX compliant.

In relation to the development control provisions in Part 4 of SEPP 71:

- There are no flexible zone provisions applicable to the site.
- The proposed units will not have any impact upon the present situation with regard to public access to the coastal foreshore. Similarly, there are no aspects of the proposal that are likely to encroach upon or overshadow any portion of the coastal foreshore.
- The proposed units will be connected to reticulated water and sewer.
- The likelihood of untreated stormwater being discharged into waterways is extremely low; the proposal will make no significant change to the site hydrology and stormwater from roofs and roads will be appropriately treated on-site as required by Council.

facilities provided by the existing resort include a pool, practice golf course, tennis court and community club. The proposed accommodation is considered to be consistent with the DCP criteria in that the proposed accommodation is "secondary to the tourist facility on the site". There is no intention for the proposed units to be managed and operated in isolation from the existing facility given the inherent reliance on the existing resort facility for beach, pool and restaurant access.

The proposed unit layout has been designed to maximise the potential of the unconstrained areas of the site, thereby minimising impacts on the coastal and rural environment, including native vegetation. Although a landscaping plan has not been prepared at this stage of the project, it is anticipated that Council will provide conditions of consent relating to the provision of a landscaping plan that is appropriate for the scale of the development.

In this respect, the design of the units does not necessarily comply with the intent of the DCP criteria, which seeks to avoid intensive rural tourism development. Notwithstanding, the context of the proposed development is considerably different to a new development in a rural location and the proposed buildings have been sited and designed to reflect the pattern of built development that has been established through the existing tourist facility. The proposed development is also located adjacent to the 'Australis' tourist resort which is currently undergoing expansion to incorporate three (3) storey tourist accommodation units with a greater height and density to the proposed tourist resort extensions. The proposal is considered to be appropriate in the context.

It should also be recognised that the site of the proposed units is substantially shielded from view through the presence of surrounding native vegetation and the presence of an existing tourist development which is located between the proposed units and the coastal foreshore. Combined with an appropriately designed landscaping and revegetation plan, the proposed development will be an appropriate addition to an existing tourist facility.

2.6. Coastal Protection Act 1979

The objects of the Coastal Protection Act 1979 (CPA) are to provide for the protection of the coastal environment of New South Wales for the benefit of both

present and future generations.

Relevant to the objects of the CPA, the proposed development:

- will not have any significant impact on the coastal region, nor will it prevent opportunities to protect, enhance, maintain and restore the environment of the coastal region, its associated ecosystems, ecological processes and biological diversity, and its water quality;
- observes the principles of ecologically sustainable development (ESD) in that it uses existing resources – in the form of vacant cleared land that is adjacent to the existing facility – in such a manner that it does not compromise any ecological processes and achieves an outcome that is unlikely to significantly detract from the quality of life for users of nearby coastal open space areas;
- will not prevent opportunities to encourage, promote and secure the orderly and balanced utilisation and conservation of the coastal region and its natural and man-made resources;
- through the observation of the principles of ESD, recognises the significant social and economic benefits that result from a sustainable coastal environment; and
- does not impinge upon the public's right to access to the coastal region, will not compromise any opportunities for public pedestrian access to the coastal region and recognises the public's right to access.

The site is located within the Coastal Zone, and the proposal constitutes *development* as defined in Clause 37 of the CPA. Relative to the provisions of Clause 39 (Special provisions respecting coastal development) of the CPA, the proposed development will not:

- be inconsistent with the principles of ecologically sustainable development, or
- adversely affect the behaviour or be adversely affected by the behaviour of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, or
- Adversely affect any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse.

Built Form Guideline	Assessment
1. Develop risk assessment and responses to address the effects of coastal processes. Locate and design buildings to respond appropriately within the local hazard context.	The proposed development is located within the existing resort grounds. Coastal hazards such as sea level rise, acid sulphate soils and erosion have been addressed and are not identified to present any significant risk to the proposed buildings.
2. Reinforce the clarity of the settlement structure with new buildings that are appropriate in terms of location, uses, scale, height and site configuration.	The height, configuration, scale and uses of future units are consistent with the character of the existing resort and adjacent development.
3. Reinforce the desired future character of the settlement.	The proposed resort extension is located on land that has been recognised as a 'tourist site' by Greater Taree City Council. The proposed extension is consistent with the desired character which has been established as a result of large scale tourist development.
4. Consider the appropriateness of new buildings within the whole streetscape, rather than each building as a stand-alone object.	This proposed resort extensions are similar to the existing and adjacent tourist development and are considered to be appropriate in the context.
5. Maintain consistent street setbacks and street-edge configurations.	N/A – No buildings proposed on street edges.
6. Ensure buildings address the street by providing direct and on-grade entries to the street for residential, commercial and retail purposes.	N/A – No buildings proposed on street edges.
7. Rationalise car-related uses on-site, such as driveway widths and lengths.	Driveway widths have been minimised and the proposed extension utilises the existing resort entry road.
8. Protect views from public places and	The proposed resort extension is located

Built Form Guideline	Assessment
streets by maintaining consistent setbacks along streets and not placing buildings in view corridors.	behind the existing setback to Diamond Beach, will not be located within any view corridors and will not obstruct any existing views to the foreshore.
9. Protect local views and vistas throughout and surrounding the settlement from public places by relating new buildings to the topography, reducing heights to maintain views of the surrounding landscape and maintaining consistent, height, bulk, scale with the street and local context.	The development is considered to be appropriate for the protection of local views and vistas. The proposed units are of a similar bulk, height and scale to the existing 'Seashells' resort buildings and are also consistent with the bulk, height and scale of nearby resort developments.
10. Ensure that controls are coordinated to produce the desired building form and site configuration for developments. These controls include uses, building height, building depth, building separation, street setbacks, side and rear setbacks, and floor space ratio.	N/A - Relates to plan making rather than development control.
11. Ensure developments and neighbouring properties have: <ul style="list-style-type: none"> • access to daylight; • access to natural ventilation; • visual privacy and acoustic privacy; • private open space; and • a pleasant microclimate. 	<p>The proposed development is located within the grounds of an existing resort and does not adjoin any residential properties.</p> <p>The proposed resort extensions also provide a sufficient setback from the southern boundary to ensure that the privacy and amenity of adjacent tourist development is maintained.</p>
12. Achieving amenity relates to the design of individual buildings and, in particular, to: <ol style="list-style-type: none"> a. building orientation and depth; b. the size of the lot; c. open-space location, size and connection with the inside of the building; 	These provisions primarily relate to residential development proposals and are not particularly relevant to the proposed tourist development. Notwithstanding, the proposal is considered to be consistent with these controls and achieves adequate amenity.

Built Form Guideline	Assessment
<p>d. carparking, location and access; e. pedestrian access from the street; f. street edge configuration and building separation; and g. mature trees, vegetation and soil areas.</p>	<p>Each proposed unit is provided with a first floor balcony which provides an extension to the principle living/dining area, thereby providing increased amenity to the occupants.</p> <p>Pedestrian access to the units is provided from the street / access way for each unit. Direct pedestrian access is also available from the proposed car parks of each unit which are located adjacent to the main entrance.</p> <p>Although a landscaping plan has not been prepared at this stage, it is envisaged that extensive landscaping will be provided within the curtilage of the proposed units.</p>

Table 2: NSW Coastal Design Guidelines – Built form guidelines

In addition to the overarching built form guidelines, the Coastal Design Guidelines also provide site specific design guidelines for sites classified by settlement type/geographic location. In relation to the guidelines, the subject site is best defined as “along the settlement edges”. The Coastal Design Guidelines provide the following built form controls for these sites:

Built Form Guideline	Assessment
<p>1. Prevent the privatisation of public open space by ensuring development adjacent to the edge maintains public access.</p> <p>Generally the boundary between public and private land may be defined with pedestrian pathways, public laneways or public streets that connect to the street hierarchy. The transition from private to public uses should be designed to consider security and privacy for residential</p>	<p>The proposed development provides substantial buffers between the proposed units and the foreshore reserve. There are also no private structures proposed within any public space.</p> <p>The adjacent public foreshore reserve and Diamond Beach provides the majority of the public recreation opportunities. The proposal is located west of the existing resort development and does not change any access arrangements to Diamond</p>

Built Form Guideline	Assessment
uses.	Beach.
2. Provide adequate building setbacks to allow for asset protection zones for bushfire management	The proposal provides the necessary setbacks for APZ requirements in accordance with Planning for Bush fire Protection 2006
3. Design buildings to address open spaces and edge roads.	The proposed units are positioned to address the proposed access road and open space areas of the resort.

Table 3: Site Specific Built form Guidelines

The proposed resort extension is, therefore, considered to be consistent with the NSW Coastal Design Guidelines and is unlikely to have a detrimental impact on the public enjoyment of the NSW Coast or impact unreasonably on the amenity of the NSW Coastal zone.

2.9. Rural Fires Act 1997

The subject site is mapped as bush fire prone land and a bush fire threat assessment (BTA) has been prepared which identifies the proposed development as a "special fire protection purpose". In this respect, the proposal requires the provision of a Bushfire Safety Authority under section 100B of the Rural Fires Act 1997 prior to approval.

The project has been assessed in relation to *Planning for Bush fire Protection 2006* and the proposal is considered to be compliant with the relevant provisions of this guideline.

3. Likely Environmental, Social and Economic Impacts

3.1 Context and Setting

The proposal provides an extension to an existing tourist resort which is located within a rural/coastal area characterised by similar tourist developments. The land to the north, south and west has been developed, or is approved, for tourist related developments. Therefore, the character of the area is dominated by tourist uses within a coastal and rural setting.

The proposed development involves the construction of additional tourist accommodation units within an established tourist resort and is considered to be consistent with the context and setting of the area.

3.2 Flora and Fauna

The proposed development is sited within an existing cleared area of the site which has been historically managed in association with the existing 'Seashells' tourist resort. No additional clearing will be required for the purposes of asset protection zones.

The proposal is unlikely to have any impact on the site hydrology and is unlikely to impact on habitat for the Wallum Froglet which is known to exist on nearby sites, including within the Moor Creek Habitat Corridor.

The Wallum Froglet is found throughout a number of local vegetation communities which provide moist microhabitats in swamps, wet or dry heaths, sedge grasslands or swamps. The existing dam, which is proposed to be modified for access road construction, lacks the necessary vegetative structure to provide either breeding or foraging habitat for the Wallum Froglet. As depicted in photo 3, the existing dam is an artificial water body with exposed banks (mown grass), limited aquatic vegetation and a complete lack of surrounding sedge grassland vegetation in the area effected by the proposed access road.

The western side of the dam adjoins heath vegetation types and contains some limited aquatic and riparian vegetation. If the Wallum Froglet was present it would be likely to occupy this area of vegetation only. The proposed works will only affect the eastern side of the dam and will not impact on any of the adjacent heath vegetation.

More suitable habitat for the Wallum Froglet would comprise the heath vegetation and paperbark communities within the drainage reserve running through the south west of the site. These areas are more likely to provide the necessary vegetation structure and the moist micro habitats that are essential for Wallum Froglet habitat.

Modification of a small section of the dam is, therefore, unlikely to impact on the habitat of the Wallum Froglet and is unlikely to have any significant impact on the local occurrence of the species or the viability of any local population.

Therefore, having regard to the site attributes and the nature of the proposed development, there are unlikely to be any significant impacts on threatened species or endangered ecological communities as considered under Section 5A of the EP&A Act.

3.3 Water Quality

Stormwater is proposed to be collected and disposed on-site in accordance with Councils requirements, including Water Sensitive Urban Design (WSUD). Although a stormwater management plan has not been prepared at this stage of the project, there does not appear to be any constraints which would prevent the on-site disposal of stormwater given the large area of land available for disposal, including the existing dam.

It is expected that the final stormwater system will achieve the objectives of Council's Urban Stormwater Management Plan with detailed design of the stormwater system being undertaken as a condition of consent.

3.4 Traffic and Parking

The proposed modification involves the construction of twenty eight (28) additional units. The additional traffic and parking impacts are therefore relative to this increase in capacity.

The additional units are not considered to represent a significant increase in traffic generation, relative to the existing level of traffic generated by the surrounding tourist facilities. The capacity of Diamond Beach Road is adequate to service the proposed development.

The existing access road and intersection remains unchanged and appears to be constructed in accordance with AUSTRROADS standards and specifications. The access road also appears to generally comply with the performance requirements of *Planning for Bush fire Protection 2006*.

The existing intersection and access road is therefore considered to be adequate with sufficient capacity for the modified proposal.

4. Suitability of the Site for the Development

The site is located in an area which contains similar development to that proposed, being tourist accommodation units. The proposed development is consistent with this setting as discussed in the preceding sections.

The site is not subject to natural hazards to any significant degree. The site is mapped as bushfire prone land and the assessment that accompanies the development application concludes that the appropriate bushfire protection measures are able to be accommodated within the site, without significant impact to the natural environment.

The site of the proposed units is not likely to be effected by coastal hazards such as sea level rise or coastal recession and erosion.

There are no significant ecological impacts anticipated and the establishment of additional units in the proposed area will not have a significant impact on threatened species or endangered ecological communities.

All necessary services, including access, waste disposal, electricity, water and sewer are available to the site.

The site is, therefore, suitable for the proposed development involving additional tourist units.

5. The Public Interest

The development does not raise any issues that are contrary to the public interest. The proposal does not significantly impact on the public's enjoyment of coastal areas and does not have any visual impacts that could be considered contrary to the public interest.

Appendix B

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.

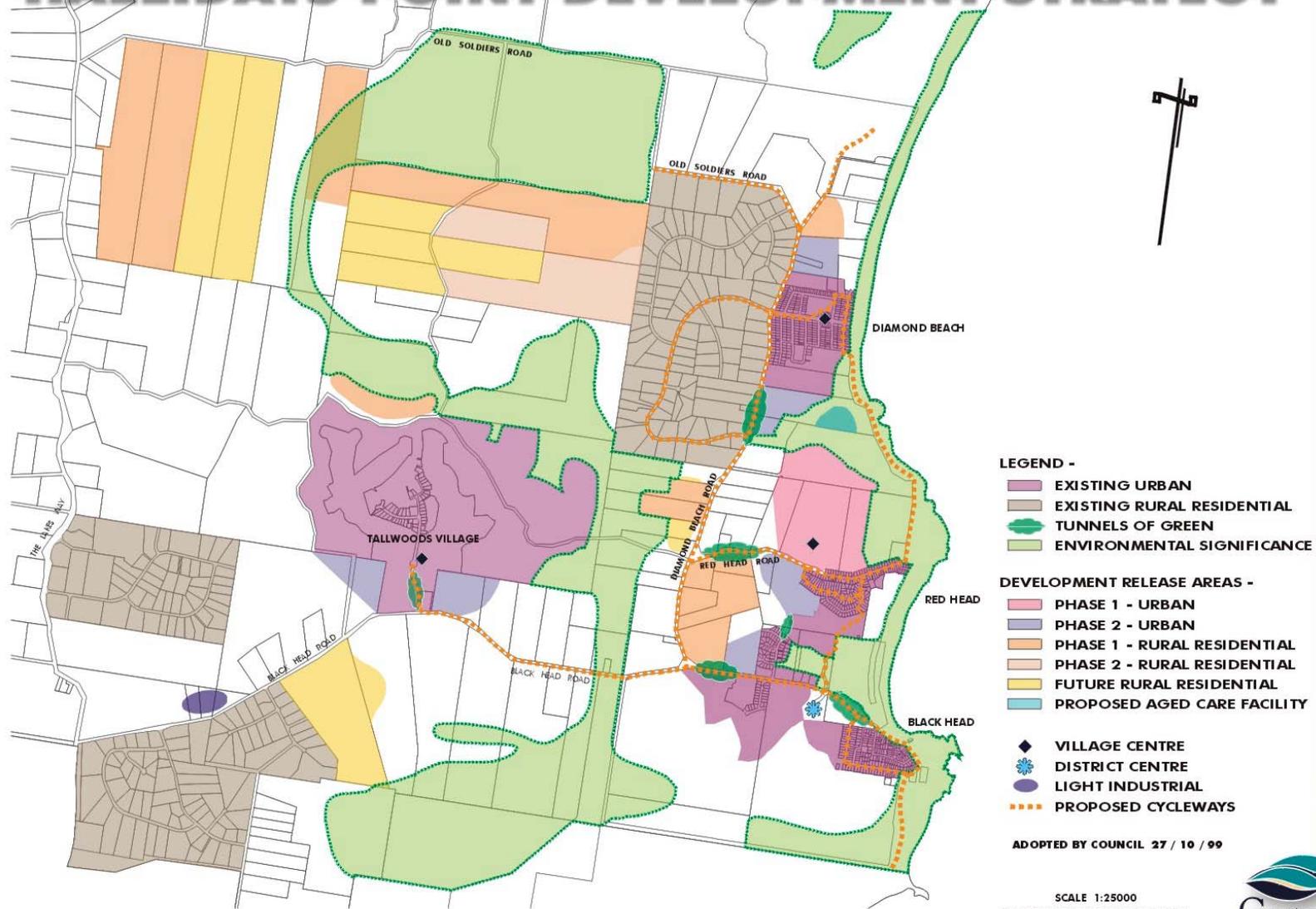
Recommendations

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 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 form 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 Kiwarrak 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

HALLIDAYS POINT DEVELOPMENT 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 500m 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 Kiwarrak 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
	<hr/>
	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
	<hr/>
	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.

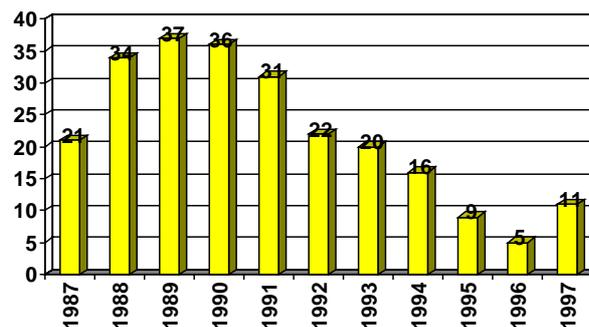
That an A3 double-sided brochure depicting the Strategy and land release program be prepared and reported to Council.

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

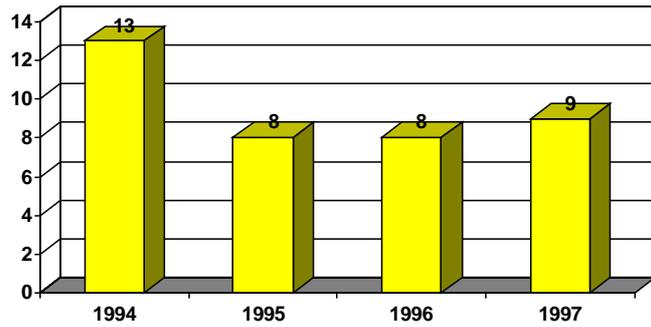
New Dwelling Approvals

Urban



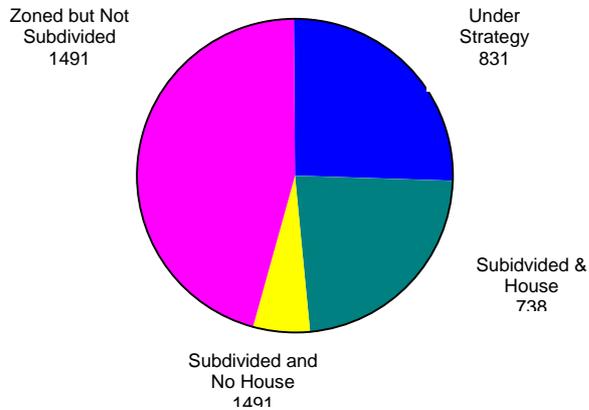
Growth peaked in Hallidays Point in 1989 with 37 dwelling approvals. The average annual growth rate between 1986-91 was 10%. This dropped each subsequent year to a low in 1996 of 5 dwellings and an average annual growth rate in this period (1991-96) of 4%. Population between 1986 and 1996 increased by 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



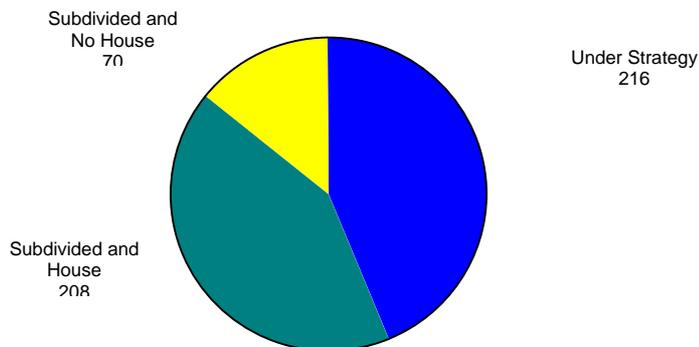
Status of Land

Urban



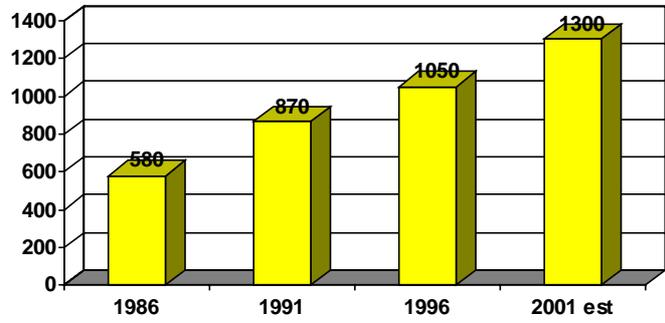
This pie graph shows that Council has planned for an increase in the size of existing urban areas four times larger than what it is today and to double Rural Residential areas. Even without undertaking any more rezoning of land, it is possible to increase the size of the existing urban areas by 202%. 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

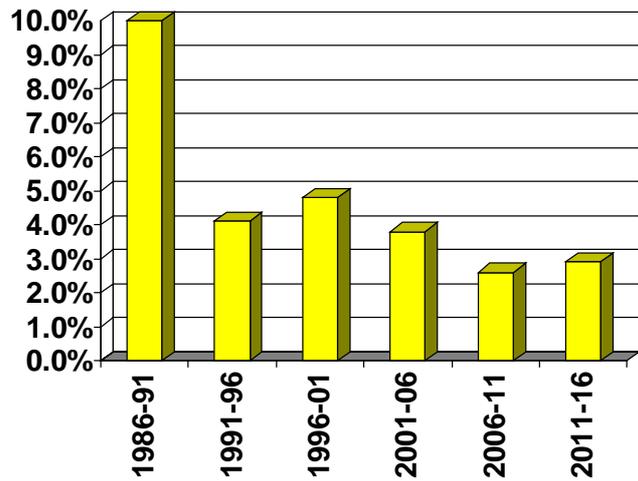


Population Growth

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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1. Reducing the amount of residential zoned land within a number of land ownerships (i.e. Rezoning from Residential 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 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 on 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 cannot 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 set	(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 Dive (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 (<i>Subject also to 10 year Lot Allocation</i>)	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 englobo landowner). The annual supply will be recognized as the average of these sold lots in the full three year period from when lots are linen 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.

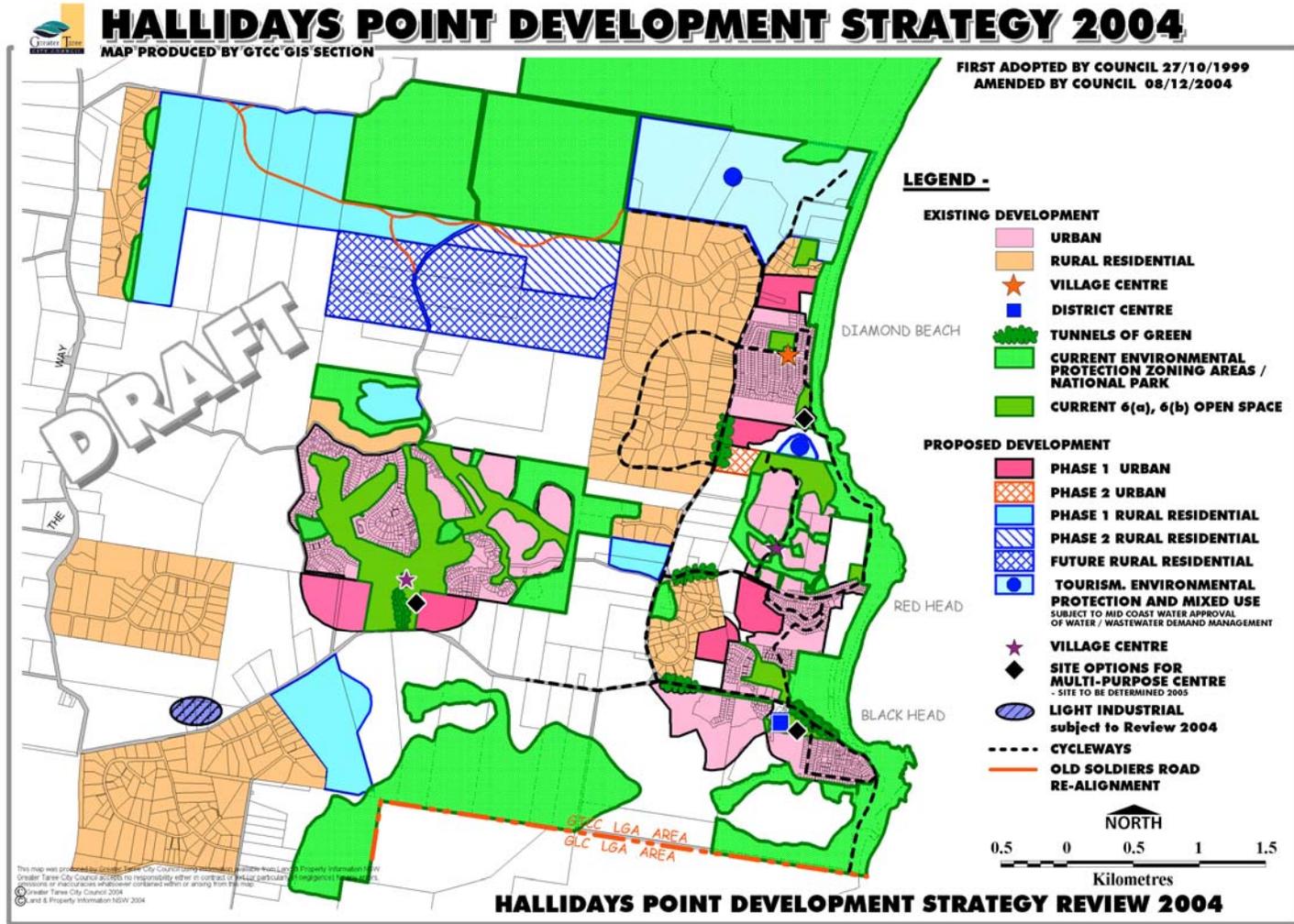
Council's land monitor will incorporate current and future rezoning proposals and be in the form of the spread sheet such as the one following, which has been adapted to reflect the Hallidays Pont situation (inserted 22/6/00 to establish Land Monitor as a component of the Hallidays Point Residential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

Hallidays Point Rural Residential - Phase 1

Location of Rezoned Land (RZ File)	Est. Lot Yield	Total Lot Yield App'd by Subd'n Appl'n - All Stages (DA File)	No. Lots Approved in DA for Release in Current 10 Year Period	No Lots Created (Post Linen Release)	No Lots Still to be Created	No Lots Transferred from Developers ownership	No Lots with Dwelling Built on	No Lots Vacant	Potential No Lots Still to be Developed	Potential Lot Supply Left In Phase 1 (9)+(10) (11)	Est. No Years Remaining Supply ** (11)/13 (12)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(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 C

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. 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.

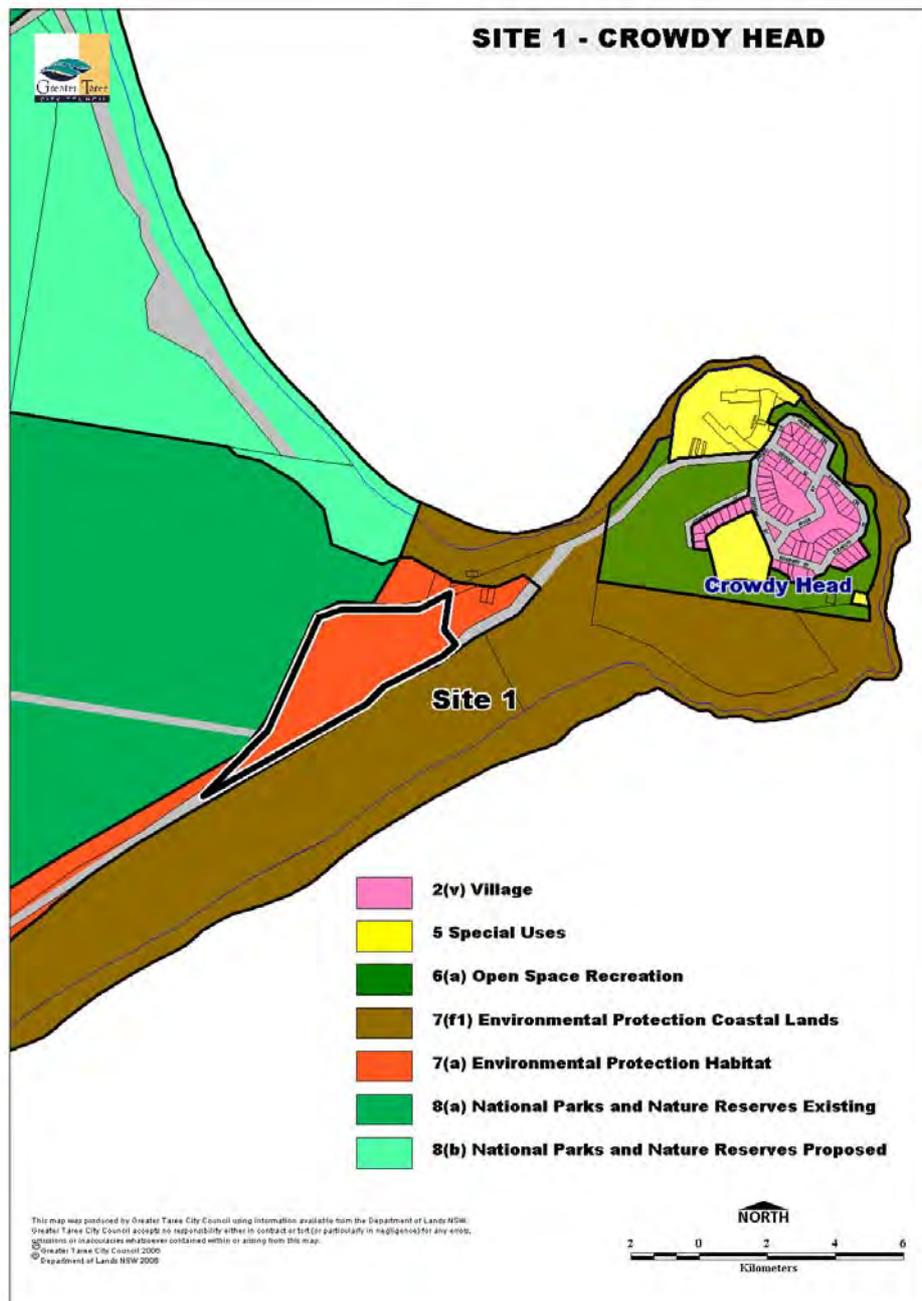


Figure 1.2: Site 1 – Crowdy Head
Source: Greater Taree City Council GIS

b) Site 2 - Old Bar (Precinct 1)

This site is located on the northern edge of Old Bar (on the Manning River, Oyster Arm). The site is nominated as a Tourism precinct in the Old Bar – Wallabi Point Strategy 2001, due to its waterfront location. A detailed Local Environmental Study is nearing completion, which identifies the majority of the site as having potential for urban development.

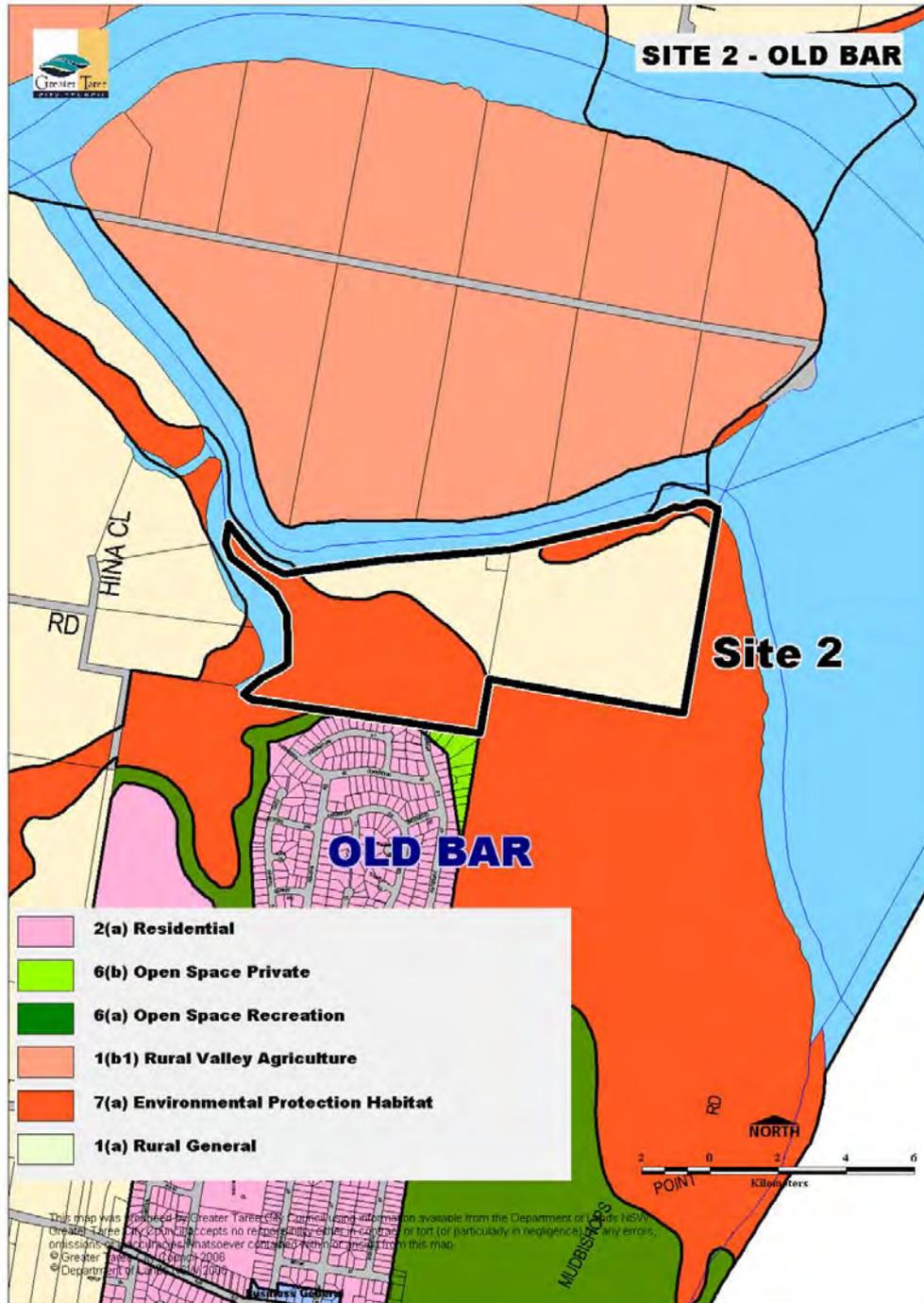


Figure 1.3: Site 2 – Old Bar (Precinct 1)

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.

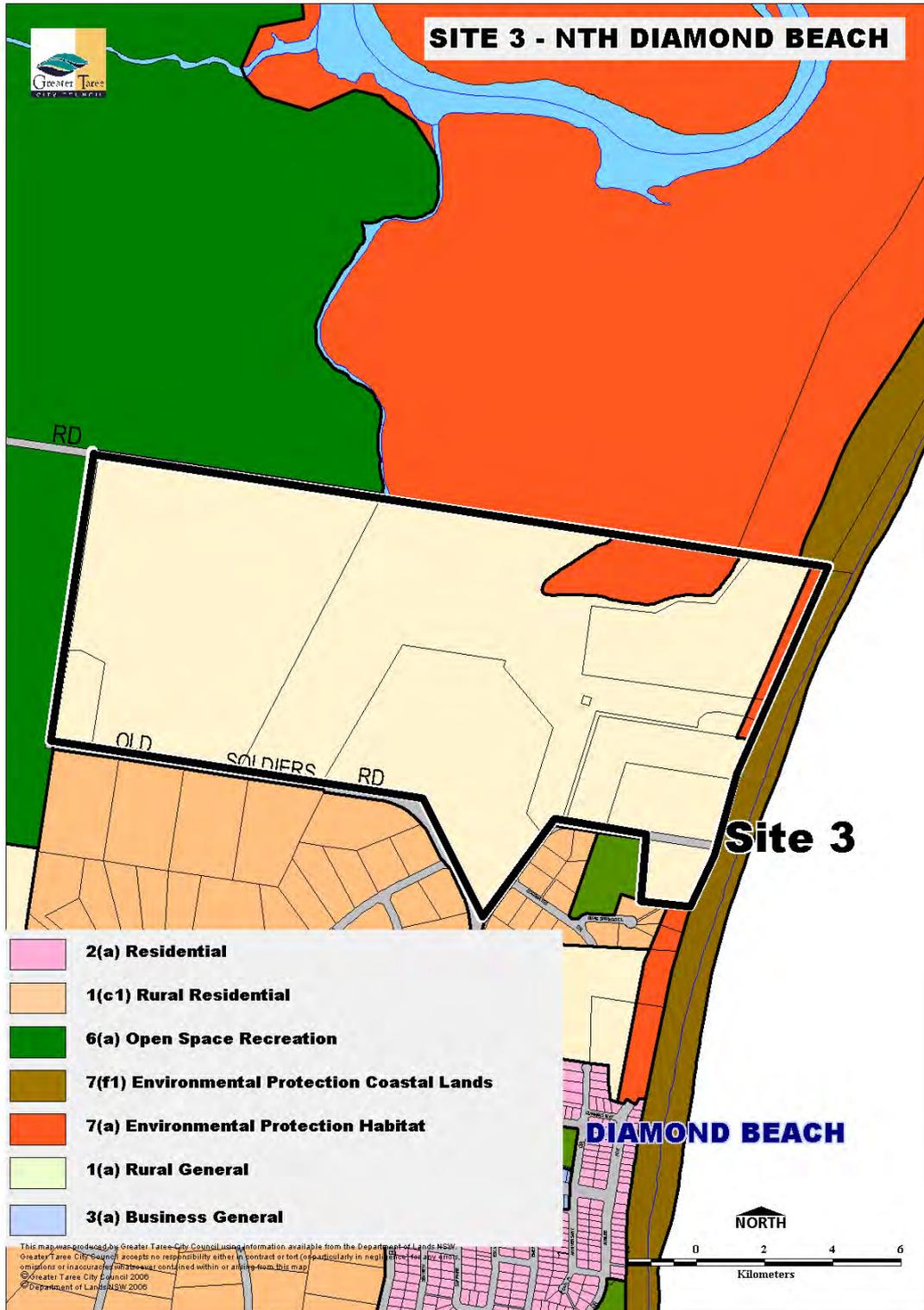


Figure 1.4: Site 3 – North Diamond Beach

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)				
	Year	Int	Dom	Av Visitors			Av Visitors			Int	Dom	Total
				Total	per day	Int	Dom	Total	per day			
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												
Year	Sydney (Millions)			Reg NSW (Millions)			Total Visitors (Millions)					
	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: <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 land 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 GTCDS (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, bures, 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:

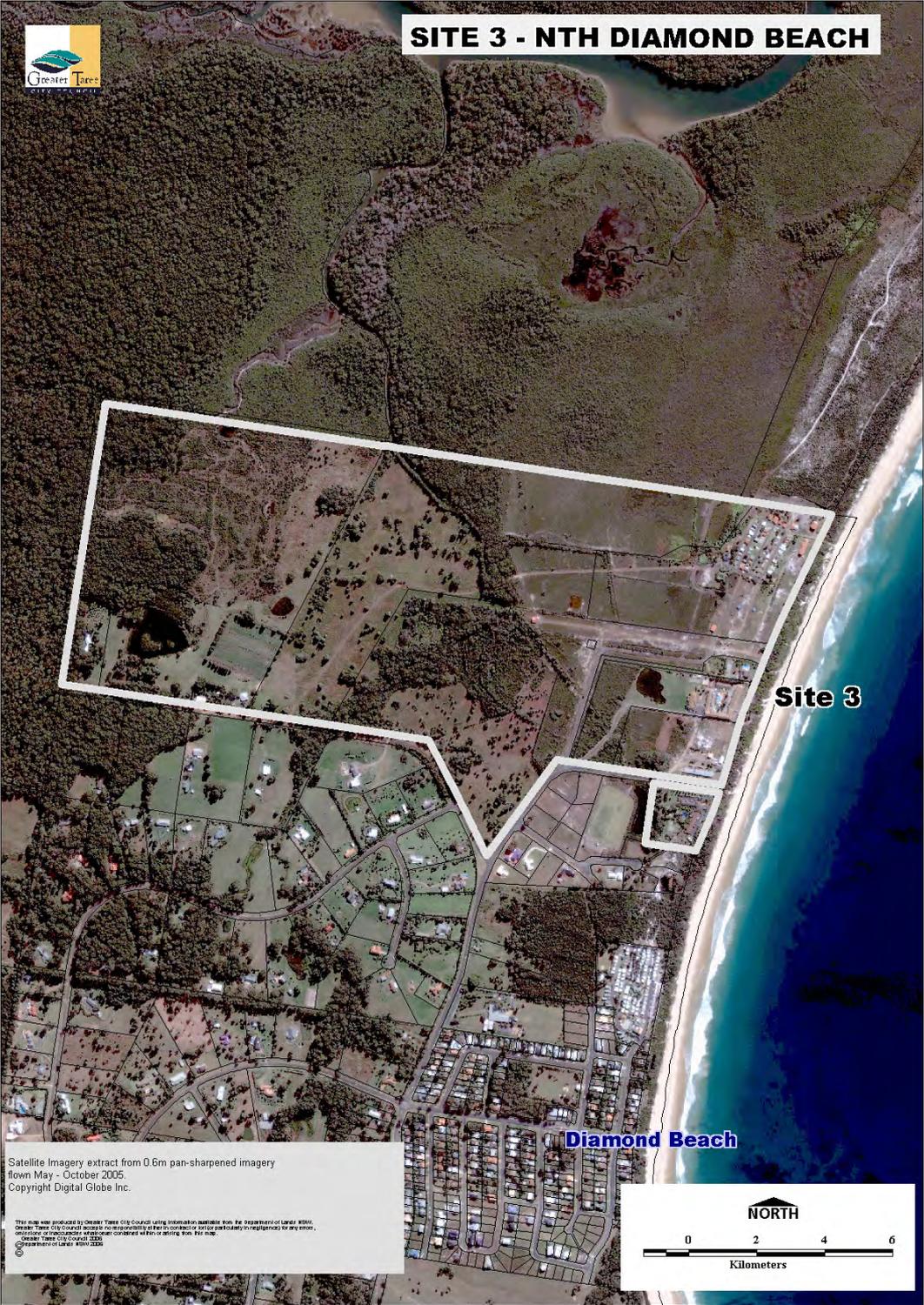
- Full range of tourist and visitor accommodation, including conference facility
- Backpackers accommodation
- Bed and breakfast accommodation
- Hotel accommodation
- Serviced apartments
- Caravan park/holiday village
- Café or restaurant
- Boat launching ramp
- Charter and tourism boating facilities
- 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, 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

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.



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

- **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.
- **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)

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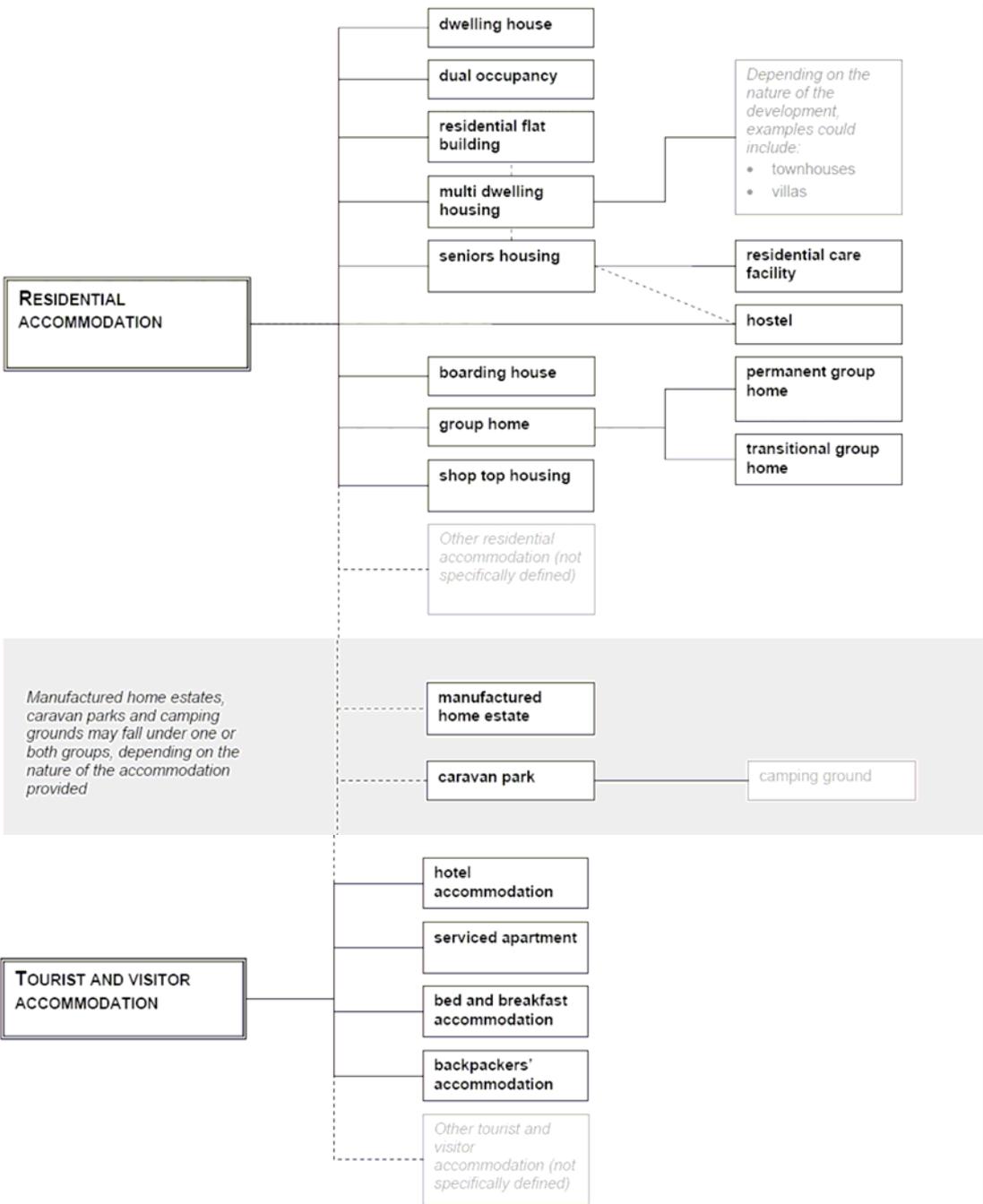


Figure 8.1 Residential and Tourist Accommodation Groupings
Source: Department of Planning Practice Note PN 06-003

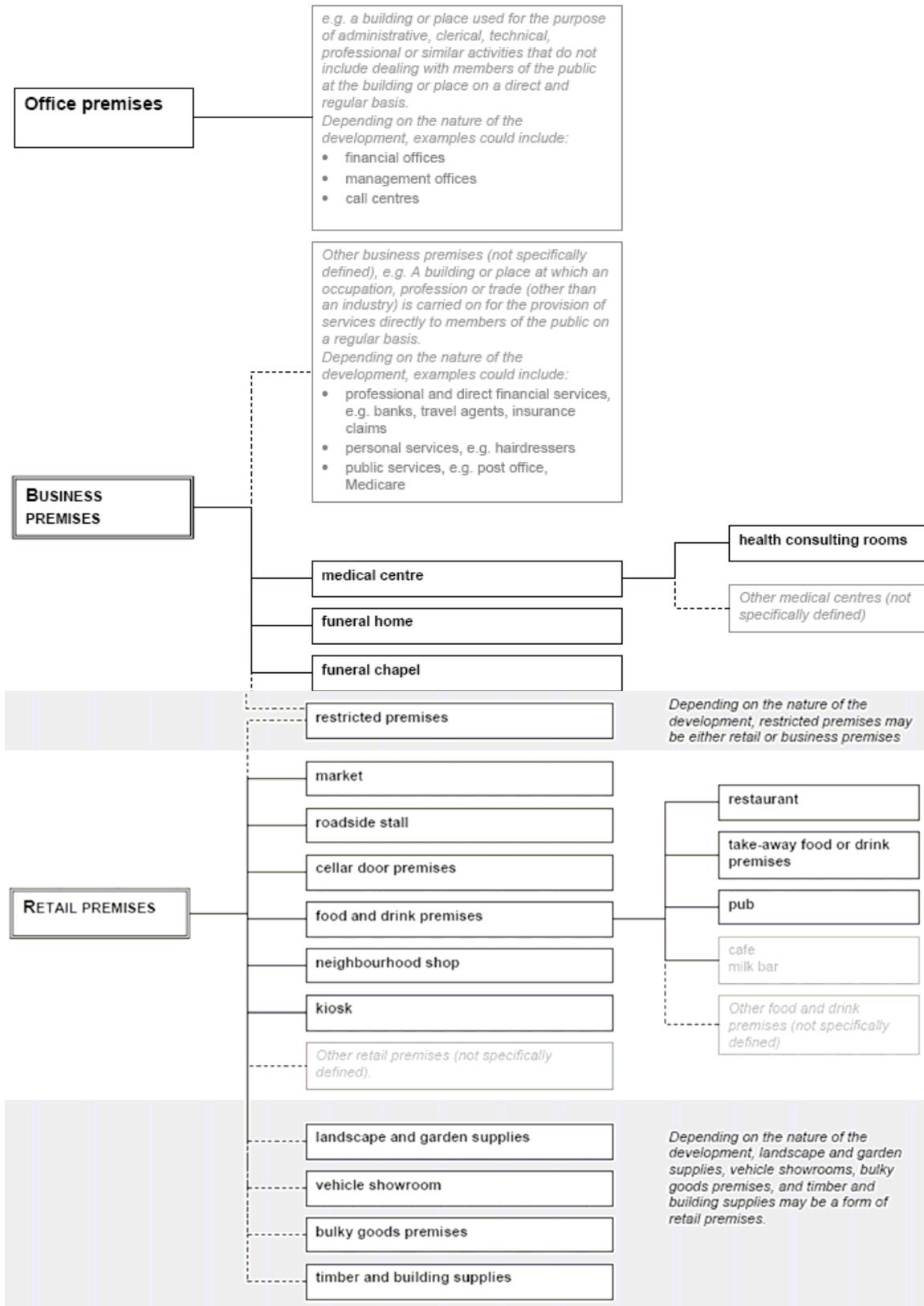


Figure 8.2 Office, Business and Retail Premises Groupings

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 off set 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 protections 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.

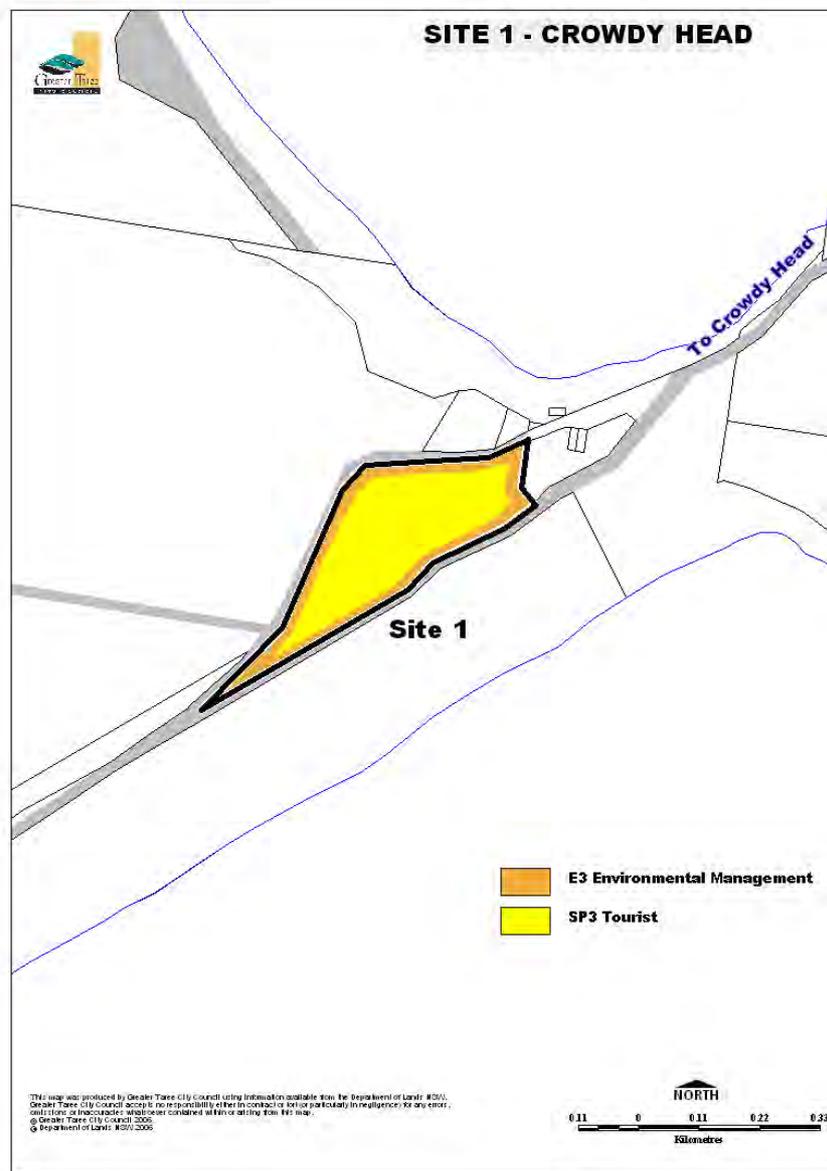


Figure 11.1 Site 1 Recommendations

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.

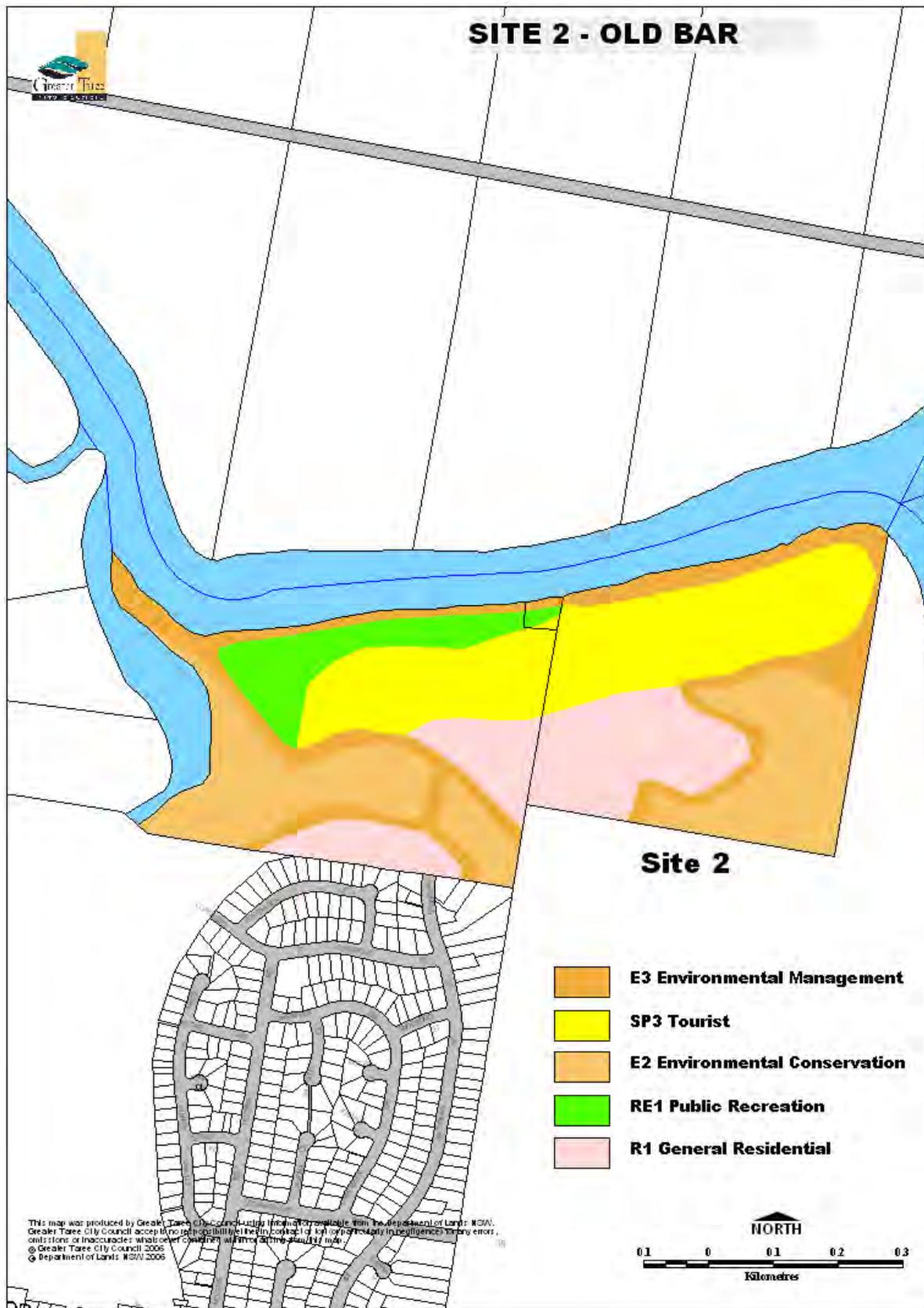


Figure 12.2 Site 2 Recommendations

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.

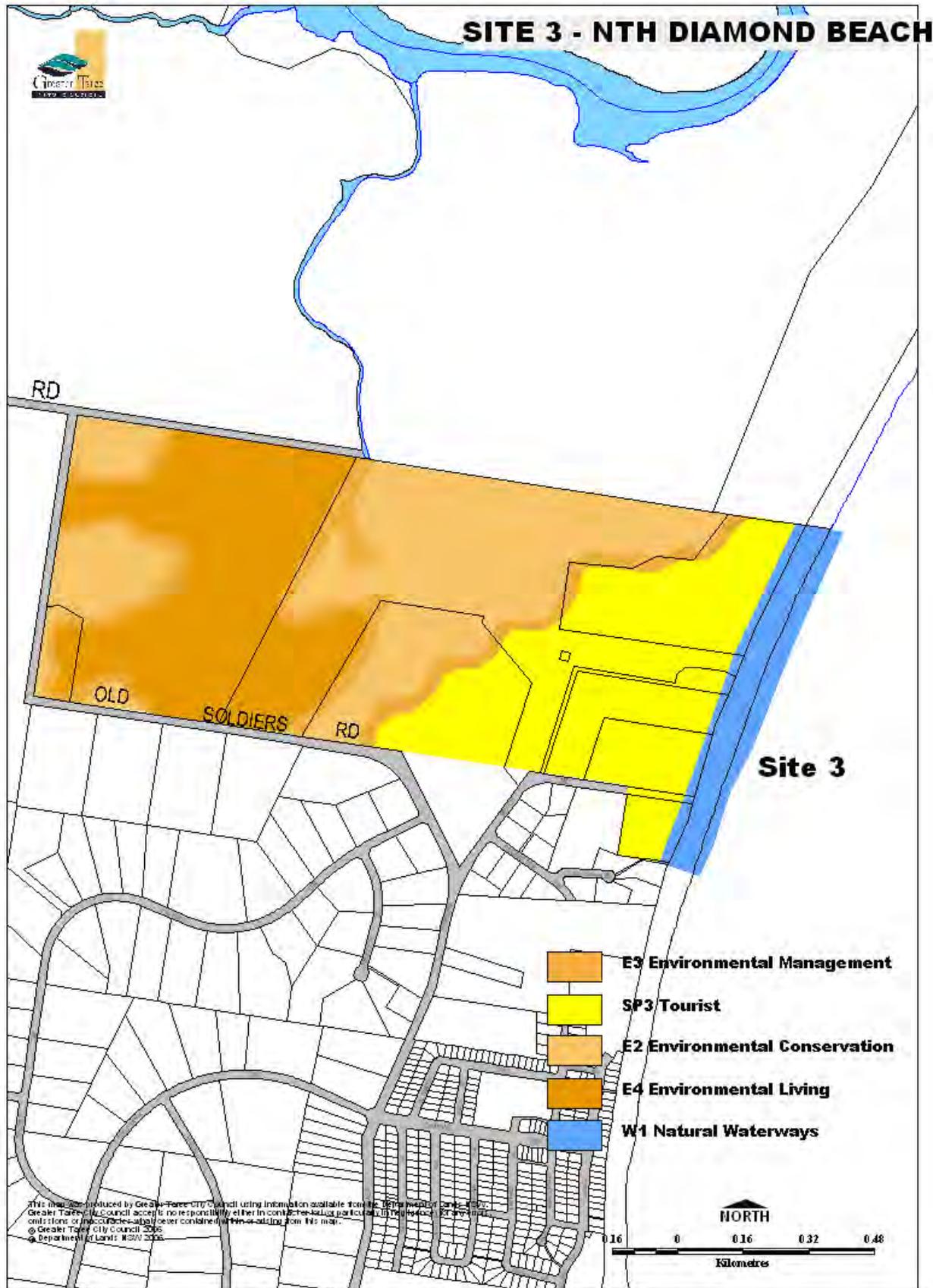


Figure 12.3 Site 3 Recommendations

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.

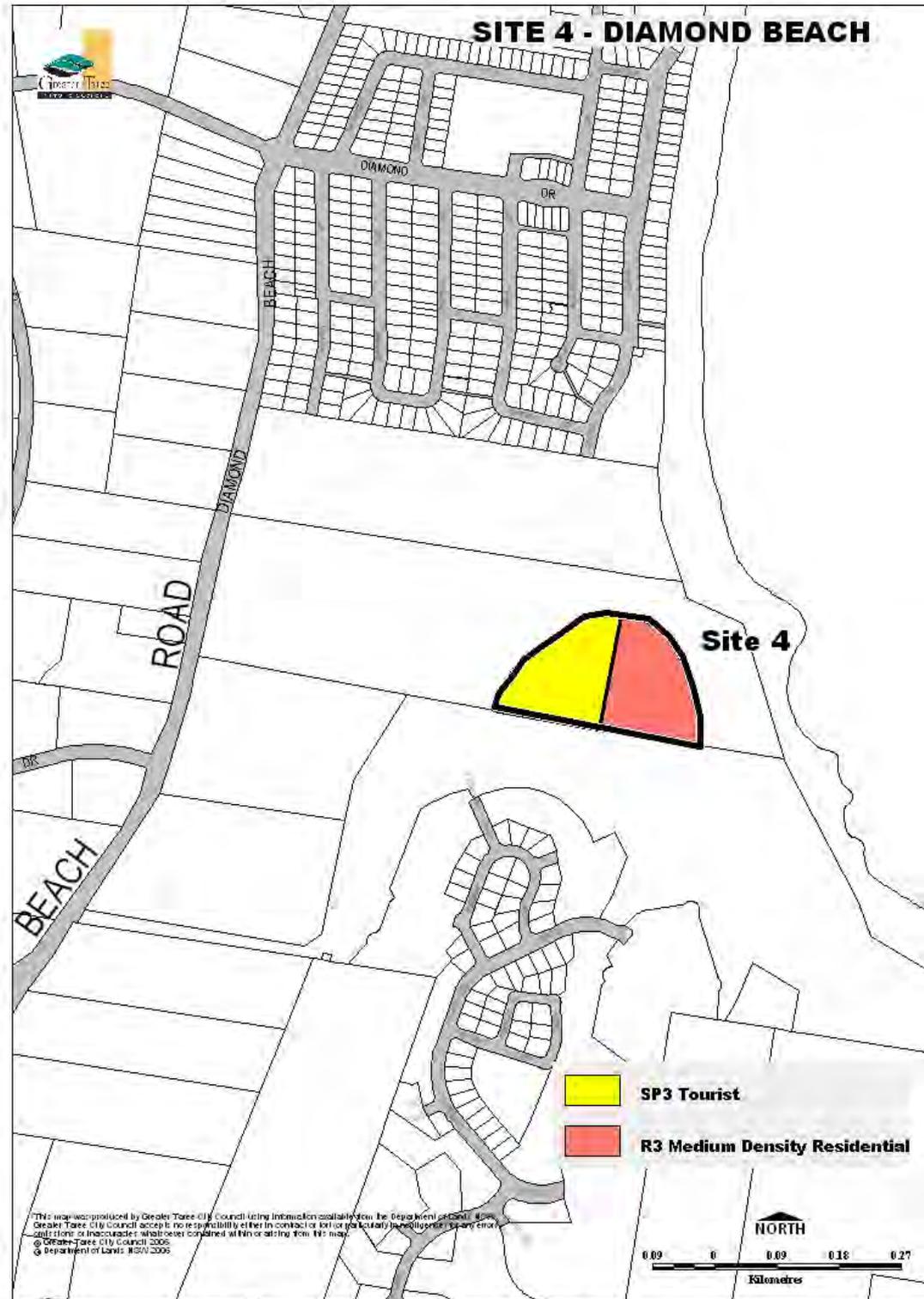


Figure 12.4 Site 4 Recommendations

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.

References

Community Profiles

Greater Taree, Hallidays Point, Harrington, Old Bar and Taree; id Consulting Pty Limited 2006.

Contributions Plans

Greater Taree Section 94 Contributions Plan 2001.

Hallidays Point Section 94 Contributions Plan 2001.

Development Strategies:

Greater Taree Conservation and Development Strategy (Draft) (October 2005).

Greater Taree Conservation and Development Strategy – Summary Document (Draft) (November 2005).

Greater Taree Economic Profile: Current structure and Future Directions (April 2005), Hunter Valley Research Foundation, Hamilton NSW.

Hallidays Point Conservation and Development Strategy Review 2006 (18 May 2006).

Hallidays Point Conservation and Development Strategy (June 2006).

Harrington Development Strategy (July 1998).

Old Bar/Wallabi Point Development Strategy (January 2003).

Environmental Plans

Ballina LEP 1987.

Coffs Harbour LEP 2000.

Hastings LEP 2001.

North Coast Regional Environmental Plan.

Standard Instrument (Local Environmental Plans) Order 2006.

LEP Practice Note PN 06-002 *Preparing LEPs using the standard instrument: standard zones*, 12 April 2006.

LEP Practice Note PN 06-003 *Preparing LEPs using the standard instrument: definitions*, 4 September 2006.

SEPP (Seniors Living) 2005.

SEPP 21 – Caravan Parks.

Tweed LEP 2000.

Wollongong City Centre LEP 2007.

Studies

Draft Mid North Coast Regional Strategy.

Old Bar – Wallabi Point Precinct 1 Local Environmental Study (Draft), Oregon Pty Ltd, 2006.

Old Bar – Wallabi Point Precinct 1 Stage 1 Report Environmental Assessment and Design Principles, Geolyse August 2004.

Tourism Plans and Information

Forecast (April 2006), Fourth Release of the Tourism Forecasting Committee, Tourism Research Australia, Canberra, ACT.

Hunter Regional Tourism Plan 2005-2008, Tourism NSW.

Indigenous Tourism Research (Information Sheet), Department of Industry, Tourism and Resources, Australian Government.

Nature Based Tourism Research (Information Sheet), Department of Industry, Tourism and Resources, Australian Government.

North Coast (NSW) Regional Tourism Plan 2004-2007, Tourism NSW.

Our Future Tourism Masterplan 2003, Tourism NSW.

Tourism Impact Model for Australian Local Government, Department of Industry Tourism and Resources, Commonwealth of Australia 2004.

Tourism White Paper Implementation Plan 2004, Department of Industry Tourism and Resources, Commonwealth of Australia.

Tourist Information Centre Information

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 its 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

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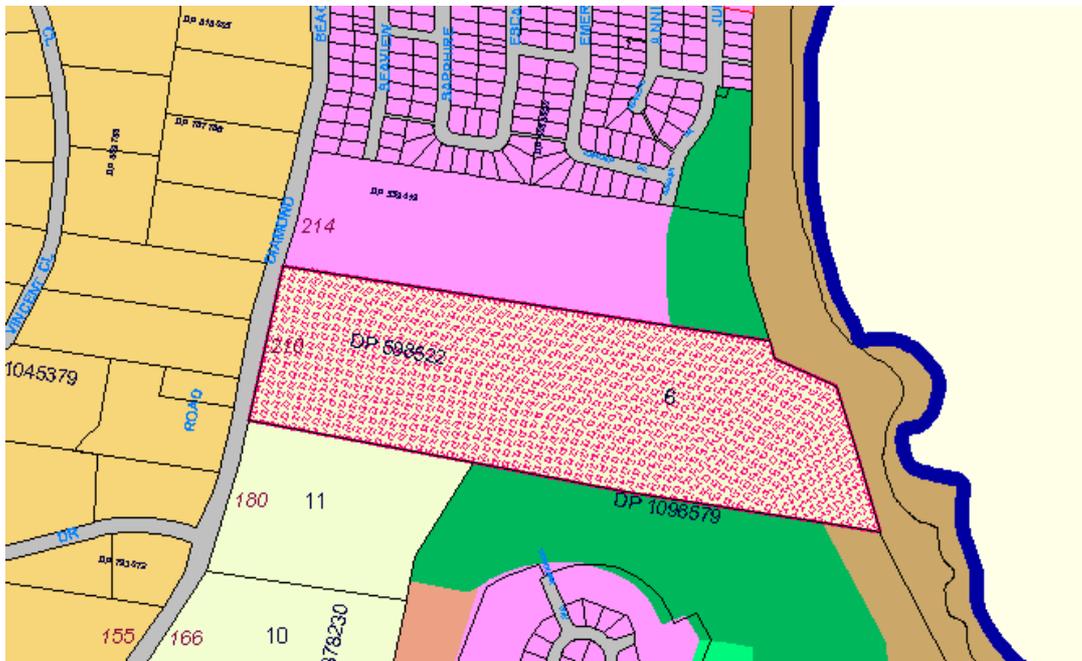
		permanent residential use
	Shared community facilities	dual facilities to cater for tourism outcomes and local community facilities in non-tourism times are desirable, but still difficult to deliver in terms of commercial viability.
	Flexibility to achieve in the long-term	our area is similar to theirs 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

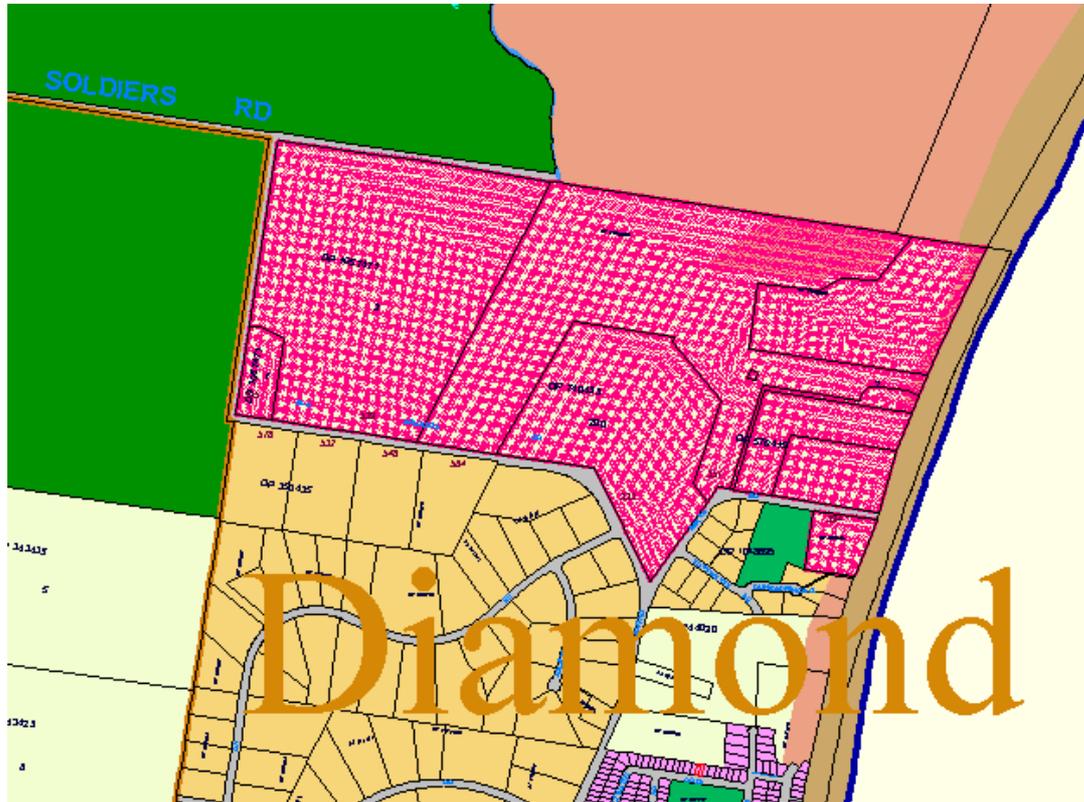
This site was the proposed location for a Health Resort (Cos proposal). The site has now changed hands and Council has resolved to rezone the land for residential (west of the creekline), and a combination of Tourism, environmental protection, and mixed uses for the remainder of the site.

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.



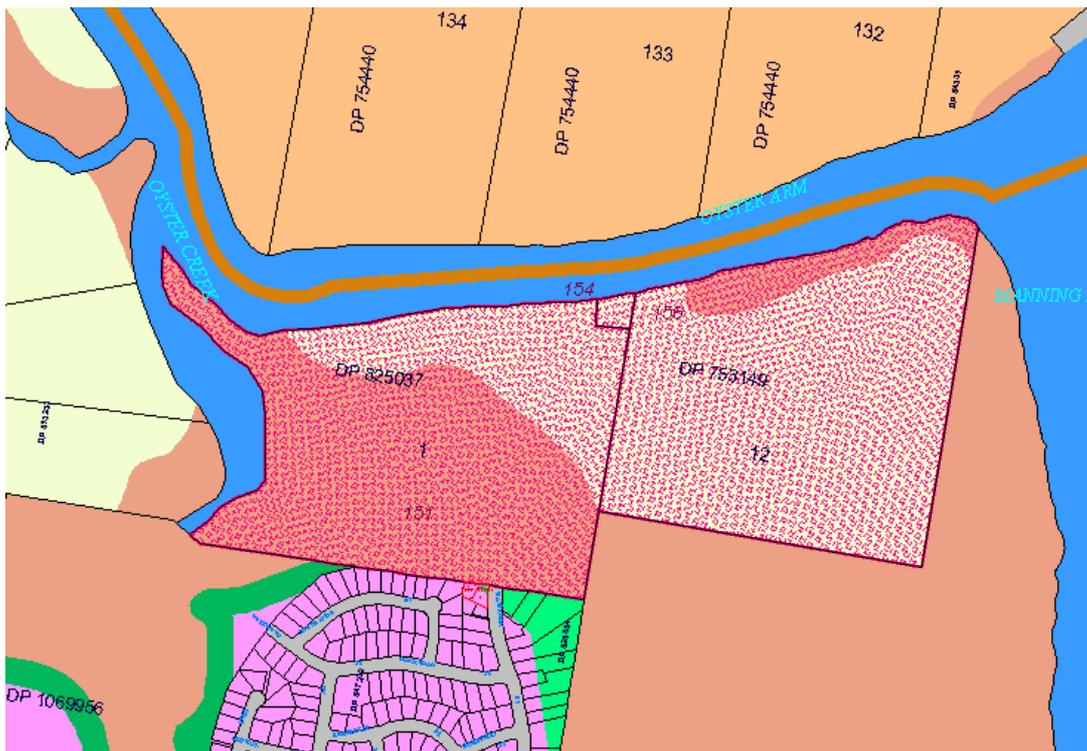
North Diamond Beach

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.



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 site 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.

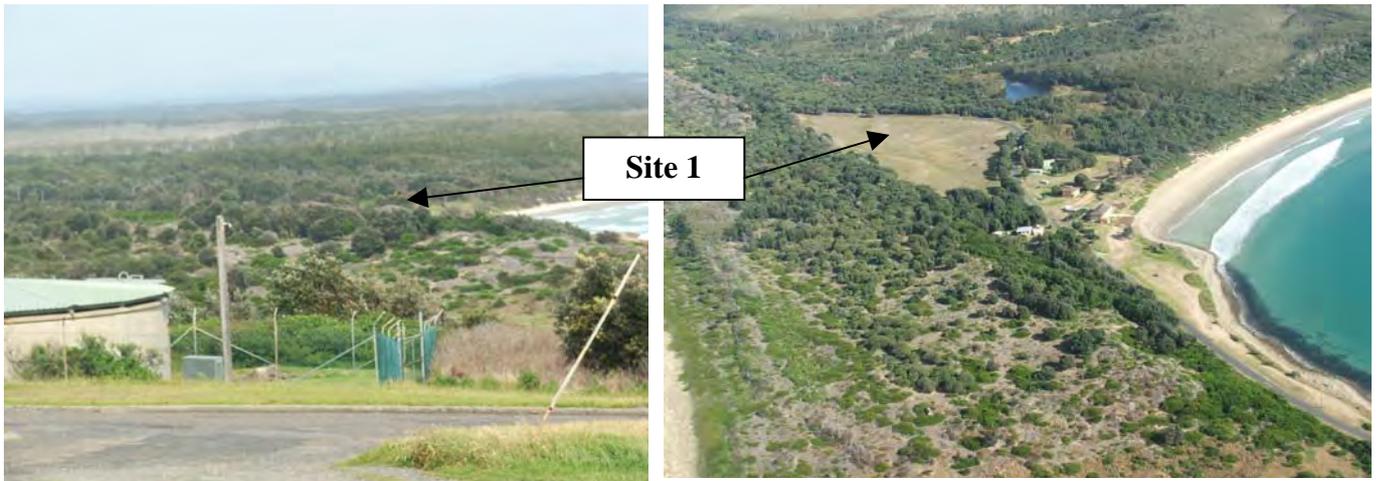


Figure 7.1: Site 1 – Crowdy Head

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.

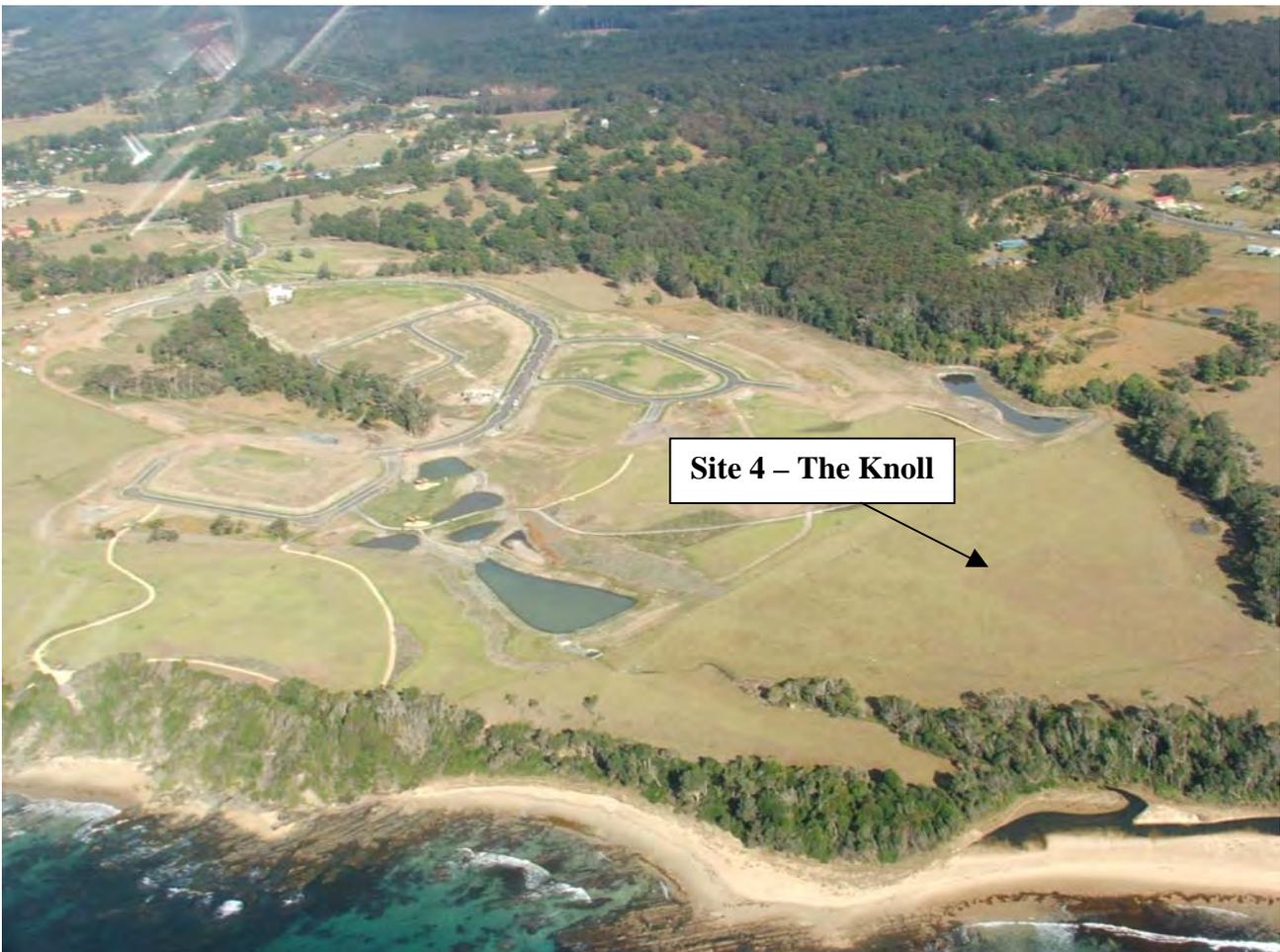


Figure 7.8: Site 4 - The Knoll, Diamond Beach

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 &	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 &	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 & Chath	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 &	4 Crescent Avenue	Taree	2430	6552 5244	***+	20	51
Comfort Inn Marco Polo	Rick &	30-32 Crescent Aven	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 Aven	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 A	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 R	Belbora	2422	6550 2665		3	6
Benbellen Country Retre	Peter	60 Cherry Tree Lane	Hannam Vale	2443	6556 7788	****+	3	6
Blackhead Beach B & B	Marga	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 c	Jean	5 Ferry Road	Croki	2430	6842 1929		3	6
Deans Creek Lodge	Brian	2 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	25 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	Janell	77 Templetons Lane	Oxley Island	2430	6553 1190		6	12
Shoemsmiths Holiday Re	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&	Bill Ge	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 V	9 Alban Street	Taree	2430	6551 3983		2	4
							72	163
Summary Bed & Break	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	Manag	Address 1	Address 2	3	Ph. No.	Rating	No.rooms	Capacity
COUNTRY RETREATS & FARMSTAYS								
Country Roads	Ken	3736 Wallanbah Rd	Nabiac	2312	6554 1396	****	2	14
Chiltern Lodge	Grant	139 Metz Road	Old Bar		6553 3190	****	4	24
Clarendon Forest Retre	Rex	Coates Road	Possum Brush	2430	6554 3162	*****	8	20
Comboyne Hideaway	Mered	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 Retre	Pat	239 Half Chain Road	Old Bar	2430	6553 7391	****	3	6
Mansfield On The Mann	Christi	Lot 95 Beaulu 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
RiversideDrop Inn	Dot He	215 Red Gum Road	Old Bar	2430	0412 120 314		2	4
215 Red Gum Road	Bob Pl	181 Newby Road	Pampoolah	2430	6551 0364		3	12
Scotts Creek Homestea	Caroly	150 Lauries Lane	Oxley Island	2430	6553 2536		3	8
Tallow-wood Rural Retr	Coralie	Bucketts Way	Krambach	2429	6550 2541		3	6
Buddhas View Mountair	Stan T	625 Glenwarrin	Elands	2429	6550 4533		3	10
							61	205
Summary Country Ret	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 Pt	The M	39-41 Old Bar Road	Old Bar	2430	6553 7133		2 Properties	14
Manning Point Hideawa	Colin	6a 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 Holiday	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, Ap		Rooms	Capacity					
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 van	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 va	152
East's Ocean Shores Ho	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 Carav	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 D	Taree	2430	6552 2857	***+ cabin	9 cabins/1 van	44
Weeroona Caravan Par	Terry	21 Main Road	Manning Point	2430	6553 2635	**** Pa	4 cabins/6 cottages	108
Australis Resort		Old Soldiers/Diamond	Diamond Beach				6motel units, 58 cat	240
								1666
Summary Caravan/Holiday Parks								
Taree/Cundletown		21 cab	110					
Croki		2 cabi	10					
Diamond Beach		29 cab	429					
Hallidays Point		71 cab	402					
Harrington		26 cab	242					
Manning Point		16 cab	274					
Mount George		1 Bun	31					
Nabiac		4 cabi	16					
Old Bar		4 cabi	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
Cooperook	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
Old Bar					9	22	9	34	371	152	579
Oxley Island							3	8			8
Pampoolah					3	6	3	12			18
Poosum 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

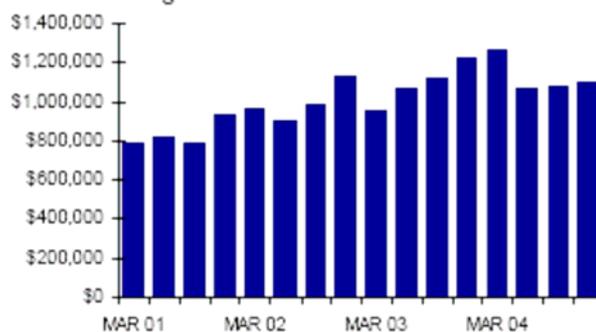
The Greater Taree Economic Profile provides a range of findings and recommendations for economic development for the area, including the following relevant statements:

- *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



SOURCE: Australian Bureau of Statistics, Catalogue Nos 8635.1.40.001 and 6401.0

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

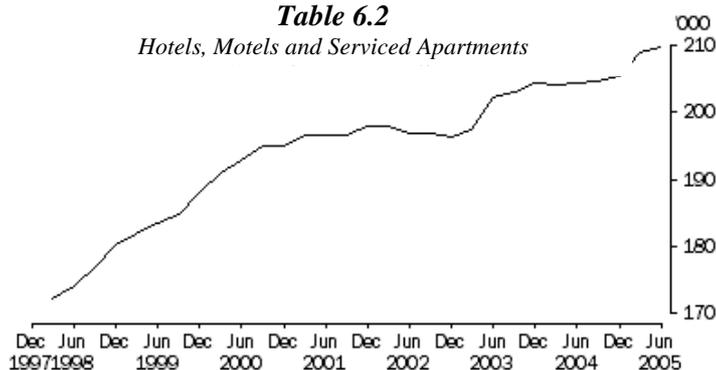
- A need to identify market segments: recreational tourism, business tourism, and sporting and other event based tourism.
- A need to give opportunity for the market to build a range of tourism accommodation by appropriate zoning, not restricting development opportunities.
- A latent demand for business 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

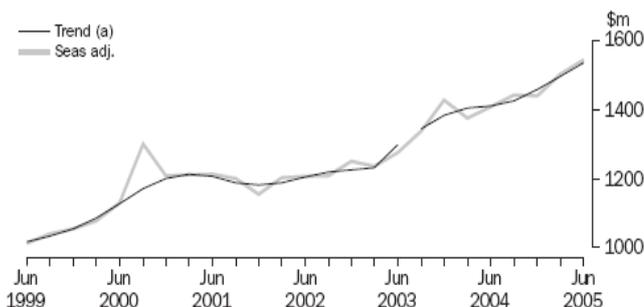


(a) Room occupancy rates are not subject to a break in series.

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



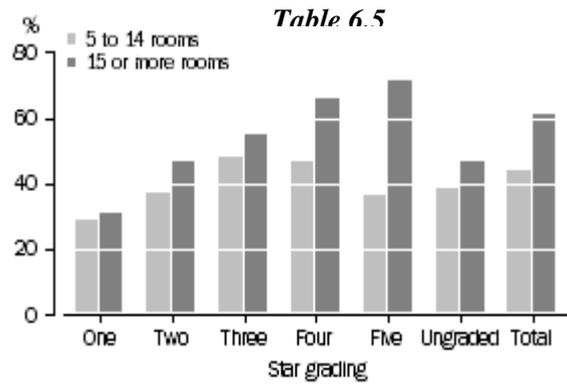
(a) Break in time series between the March and June quarters 2003.

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 D

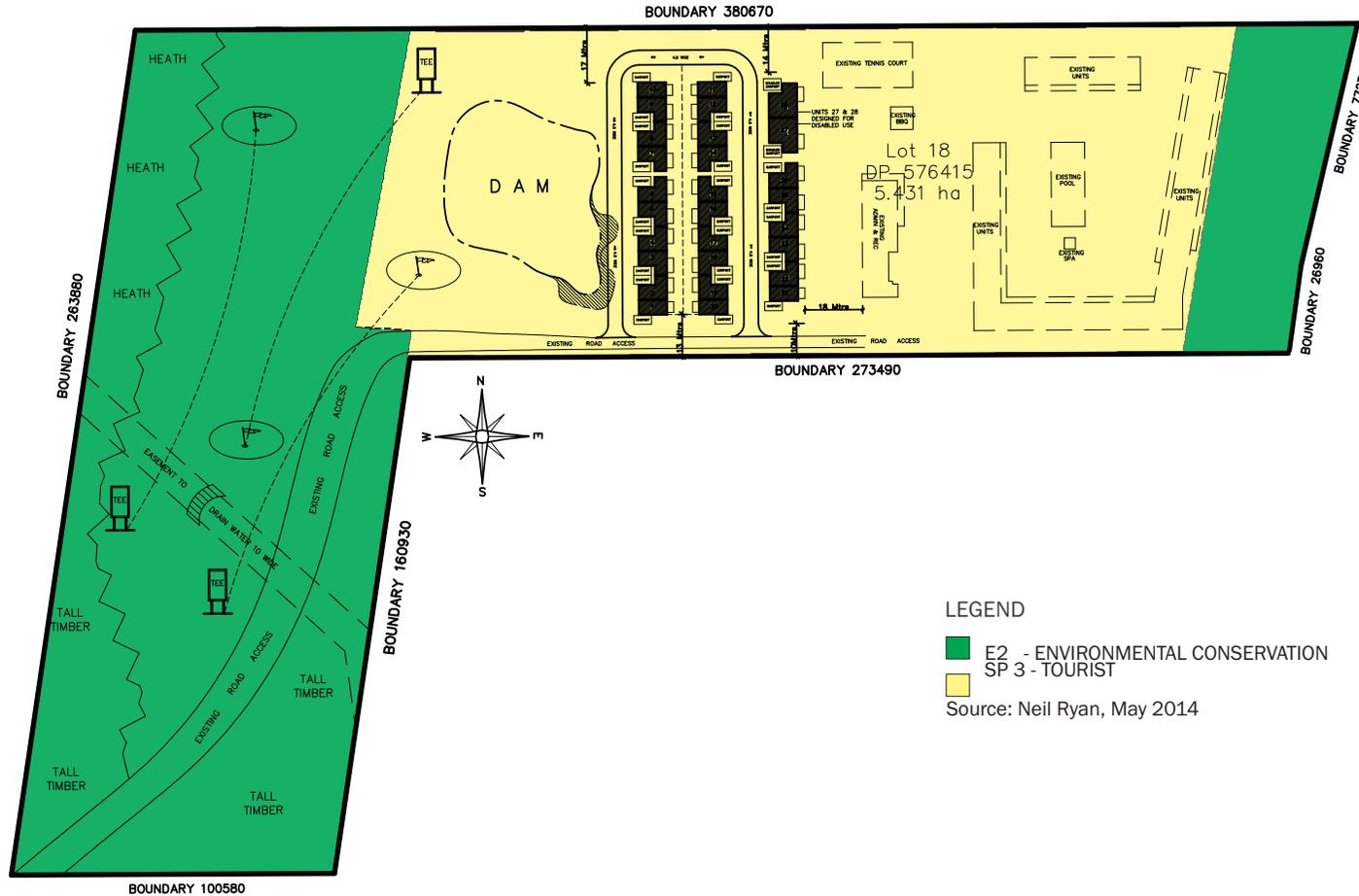
PROPOSED ZONE PLAN

PLANNING PROPOSAL

Lot 18 DP 576415, 363 Diamond Beach Road and
 Lot 17 DP 576415, 391 Diamond Beach Road,



SOUTH PACIFIC OCEAN



LEGEND

- E2 - ENVIRONMENTAL CONSERVATION
- SP 3 - TOURIST

Source: Neil Ryan, May 2014

DIAMOND BEACH ROAD

PDA Services

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property | development | assessment

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PREPARED BY: PDA Services

Appendix Ö - Lot 18 Proposed Zones