

TATHRA STRUCTURE REPORT

(Disclaimer:

“This is a draft Structure Report. Council staff have prepared this draft for public comment. At this stage of the process, the draft does not necessarily indicate any resolved policy position of the Council. Councillors will only resolve a position on this strategy after careful consideration of all public submissions received and after amendments may have been effected to address concerns raised in submissions that Council feels are justified. Help Council ensure it adopts the best possible policies for our Shire by having your say on the draft.”)

During exhibition, the input from State Agencies will be sought, particularly the Department of Infrastructure, Planning and Natural Resources. State Policies and Departmental input will also influence the final recommendations.

Environment, Planning & Development Services Department
Bega Valley Shire Council
Preliminary Draft 3
16 August 2005

TATHRA STRUCTURE REPORT

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TATHRA STRUCTURE REPORT

1. GOALS OF THE STRUCTURE REPORT

Council is reviewing its planning controls and its social and economic policy objectives as part of Council's 20 year vision to steer the direction of the Shire through to 2025.

Structure Reports are being prepared for each district of the Shire to explore broad land use needs and project requirements for 20 years. Once a structure report has been adopted it will then form part of the input to Council's comprehensive Local Environmental Plan and address any shorter term land planning issues.

The broad goals of this structure report are seen as follows:

- (i) To review all land use within the study area, determine land suitability and project long term land use.
- (ii) To set goals for Council's supply of infrastructure and services.
- (iii) To improve the protection of important natural resources within the study area and protection of Aboriginal and European cultural heritage.
- (iv) To reinforce a 'Coastal Village' feel in accordance with the principals the NSW Governments "Coastal Design Guidelines – Coastal Villages".
- (v) To reinforce the direction for Tathra which is seen as being a dormitory suburb for Bega but incorporating important tourist industry assets, regionally significant heritage and natural resource assets and regional recreation facilities.

In general the structure report will identify potential changes in land use which will then be investigated in more detail as part of the comprehensive Local Environmental Plan.

2. STUDY AREA

The study area is defined on Map 1. The lands within the study area comprise the Tathra village, Mogareeka, Tathra River Estate and rural and environmental protection zoned lands forming the hinterland to these settlements.

The lands to the west of the study area are being assessed as part of the Bega Structure Report. To the south of the structure report area, are significant areas of National Park and lands already developed for rural small holding development.

To the north and northeast of the structure report area are lands included in the Bega Structure Report and the remaining area is contained within the Mimosa Rocks National Park. The study area includes the important natural features of the lower Bega River estuary

and Mogareeka Inlet. It incorporates the Black Ada Swamp which is an important regional SEPP 14 Wetland and the visually prominent Tathra Headland.

The western part of the study area comprises significant areas of forest and landscape backdrop to the settlements and to the important tourist route comprising Sapphire Coast Drive and the Tathra-Bermagui Road. These forested areas also provide an important greenbelt between the developed areas of Tathra and Kalaru which helps to reinforce each localities own unique identity.

3. OVERVIEW OF EXISTING PLANNING CONTROLS

The subject land is within the Bega Valley Local Environmental Plan 2002. This plan was developed as an interim document pending Councils production of a comprehensive Local Environmental Plan over the coming few years. Maps 1 and 2 depict the current zonings of the study area as defined in LEP 2002.

There are also a number of Development Control Plans which apply to the area and these are defined as follows:

- DCP 1 Residential Standards
- DCP 2 Subdivision Standards
- DCP 4 Exempt and Complying Development
- DCP 9 Rural Residential Development
- DCP 10 Rural Water Supply Areas
- DCP 19 Mogareeka Village
- DCP 20 Tathra Headland
- DCP 21 Tathra River Estate (Stage One)

(Other Shire wide DCPs and contributions plans also apply for specific categories of development).

At State level, all of the study area lies within the coastal zone and is effected by the Coastal Policy and State Environmental Planning Policy No. 71 – Coastal Protection. The area is also included within the Lower South Coast Regional Environmental Plans Nos. 1 and 2 which set height controls for the area and general planning principles as contained in the Lower South Coast Settlement Strategy 1997.

4. OVERVIEW OF EXISTING DEVELOPMENT

Within the study area there are 3 areas of closer settlement and a few scattered houses over the remainder of the area. The Tathra village area had a population of 1,646 as at 2001 and the current estimated population is 1,660. If the recommended options of the structure report are adopted, it is suggested that the population of the current Tathra urban area will rise to about 1970 by the year 2025.

This population is supplemented by significant tourist numbers during the peak tourist season. While the population of the Tathra area increases more than 70% during the peak period of January, the shoulder periods of October through to April also include significant numbers of tourist visitors.

The structure report envisages only limited increases in tourism accommodation over the next 20 years given the scarce supply of remaining lands with any tourism potential. As such the peak tourism holiday population at 2025 is projected to be 3,500.

The Tathra village area comprises a mix of older more established housing on the headland and ridge area surrounding Bega Street and newer residential development in the beach flat area and slopes running up against the areas of Council managed crown public recreation reserve, the Tathra Wildlife Reserve and areas of Vacant Crown Land. There are currently 3 major caravan parks and 1 small caravan park in the area with a total of 2 long term, 510 short term and 15 camp sites. There are also currently 509 tourist beds listed with Council in other tourist accommodation plus a further 186 beds in the rural sections of the study area. There is also perhaps a further 100 beds of casual letting.

Map 2 depicts the current urban zonings of the Tathra village area. There are very limited areas of remaining vacant urban zoned land and those that exist are mostly either Crown land or lands under the control of the Bega Local Aboriginal Land Council. While some further urban development may occur on these lands, the majority of the remaining potential for Tathra Village lies in infill in the 2(b) and 2(c) zoned areas. There are also significant sections of vacant and underdeveloped lands in the commercial 3(a) zoned area. Commercial Land Supply is considered adequate to 2025.

Mogareeka village is currently the subject of a Development Control Plan No. 19. Little further development potential is seen for Mogareeka given the expense that would be involved in sewerage the area for such a small development site.

Tathra River Estate currently comprises some 62 rural residential allotments ranging in size from 1,300 to 6,900 sq.m. Approximately 39 hectares is currently vacant and zoned 2(a), a further 17 hectares is currently vacant and zoned Urban 2(c) and a significant area on the main peninsula of Tathra River Estate is zoned Rural 1(a) (70 hectares).

Infrastructure

As at July 2005 the Tathra Treatment Works was estimated to have a spare capacity of 400 equivalent dwellings.

The recommendation of the structure report is that development continue in the Tathra area based on a first come first serve basis until the spare capacity is absorbed. The cost of further extensions to the Tathra Sewerage Treatment Works appear prohibitive and as such the 400 equivalent dwellings would appear to be the infill capacity of Tathra for the next 20 years.

Monitoring of groundwater and estuarine water quality is a key approval condition of current effluent disposal from the Tathra STP (effluent disposal is via irrigation to the Tathra Beach Country Club). As such the current spare capacity will be dependent on the ongoing acceptance by Department of Environment and Conservation of the approved effluent disposal system.

Should urban development at Tathra River Estate proceed, this will need to be based on the proviso that this area is responsible for its own disposal of effluent. A minimum of 200 potential dwellings should be reserved for Tathra Village. Council will need to resolve if it supports any of the spare current capacity being allocated to TRE as this does place firm limits on the size of Tathra village.

Water

For the purpose of the structure report, reticulated water resources are seen as being adequate for the 20 year projection subject to some minor infrastructure adjustments should Tathra River Estate expand.

Recreation

Existing active recreation areas are seen as adequate for the structure report period and a range of improvements are proposed to the coastal reserve network as defined in the Tathra Foreshores Plan of Management. Other public assets proposed for Tathra are explored in the discussion relating to the Yenkin plan.

5. NATURAL RESOURCES CONSTRAINTS AND OPPORTUNITIES

As part of the structure report, Council commissioned Bushfire and Environmental Services Pty Ltd to prepare a preliminary land capability review of the structure report area. That review is Reference 3 of the structure report.

This document establishes a series of sieve maps which point out key flora, fauna, bushfire and soil erosion constraints. These constraints have been utilised in formulating recommendations for the 20 year structure report. Significant sections of the forested areas in the western part of the structure report contain habitat important for threatened fauna and flora species. This forested area also contains significant scenic value but also poses bushfire hazard and risk to the existing settlements. Most of the topography of the area is rolling to hilly land with some steep sections in the south and in the forested escarpment that forms the western boundary of the existing Tathra urban area.

Areas of land covered by the structure report are prone to flooding but these comprise lands not proposed for further development.

The vegetation of the study area is complex covering some 14 broad floral associations. There are some 18 threatened fauna that have been recorded in the study area and 2 species of threatened flora. Soil landscapes of the area are complex but in the main comprise highly erodable soils of low fertility.

There are significant areas mapped as high risk and low risk potential for acid sulphate soils however most of these sites are outside of areas identified for any further development.

The majority of the study site is mapped as Bushfire Prone Land Vegetation Category 1 under the mapping provided by the Rural Fire Service of NSW. Smaller areas are mapped as

Bushfire Prone Land Category 2 and these apply to the fringe areas of Tathra River Estate and the urban settlement of Tathra.

The receiving waters of the study area include the Bega Estuary and associated wetlands. The estuary is often poorly flushed and as such the management of effluent, soil erosion and leaching of nutrients is of vital importance. New development needs to meet the requirement of no net increase in water pollution.

5.1 BEGA RIVER ESTUARY MANAGEMENT PLAN

Council has initiated the Estuary Management Process for the Bega River and will shortly be appointing consultants to undertake an Estuary Processes Study and prepare an Estuary Management Plan. The majority of the Structure Report study area falls within the Estuary Management Plan study area and as such is important to integrate both processes to ensure consistent outcomes and clear connections between planning decisions and the science on which those decisions have been made.

Previous public consultation has indicated that the local community's priority issues with regard the estuary include; development pressure, water quality, effluent disposal, entrance management and protection of the estuary's and adjoining terrestrial environments fauna and flora. The estuary is also a major recreational environment, with increasing levels of all types of recreational boating in particular being evident in recent years.

The Bega River has been closed for prolonged periods in recent years and this pattern is expected to continue and see longer closures if predicted periods of lower rainfall eventuate. These natural patterns of entrance closure may have implications for the management of the estuary, land use planning decisions with regard to land in the immediate catchment, and the ongoing operation and capacity of the Tathra sewage treatment works.

6. ABORIGINAL CULTURAL HERITAGE

The Mogareeka/Tathra area would have been an area regularly visited and occupied by Aboriginal peoples prior to European settlement.

Recorded Aboriginal sites exist within the Tathra River Estate vacant areas and within sections of the Crown and other timberlands in the southwest of the study area.

Given the significant occupation likely to have existed in the area, any new developments involving significant site disturbance should be the subject of archaeological review in close consultation with the Bega Local Aboriginal Land Council. See Council Protocol which is copied at Appendix 1.

7. EUROPEAN CULTURAL HERITAGE

The study area contains 5 identified heritage items in Council's Local Environmental Plan. The most significant of these is the Tathra Wharf which is one of the last surviving coastal steamer wharves on the eastern seaboard of Australia. Tathra's early European settlement was based on the wharf and related transport routes to Bega. Early land use in the area involved timber getting particularly for the Kalaru brick pits and areas surrounding Tathra River Estate. Parts of Mogareeka and land in the south of the study area were utilised for dairying up until the 1960's.

With improvements to road transport between Bega and Tathra, the Tathra settlement became accessible as a dormitory suburb for Bega and as such the population of the area has grown quite swiftly over the past 30 years.

In the 1960's Tathra was a village of a few hundred. In 1986 the Tathra village population was 1,249 and in 2005 the estimated population is 1,660.

8. IDENTIFICATION OF OPTIONS

The following options are identified with reference to Map No. 3.

Area 1 - Tathra River Estate

The Healthy Rivers Commission report into the Bega River and the subsequent 'Statement of Intent' recommended that development in the estuary area, specifically Tathra River Estate, should only be approved following strict environmental guidelines and criteria, focusing on effluent disposal and stormwater quality. The Bega River is often closed for a large percentage of some years, resulting in only periodic flushing of the lower estuary and large areas of SEPP 14 wetlands, leaving these areas quite susceptible to the impacts of effluent and stormwater.

All existing Tathra River Estate zonings will be reviewed as part of the subsequent Local Environmental Study to ensure that the zonings:

- protect and if possible enhance the environmental values of the estate and lower estuarine environment
- reflect the area's unique topography in appropriate development location, scale and densities
- protect the area's aesthetic values
- consider the amenity of the many recreational users of the Bega River and existing residents of Tathra River Estate
- protect the area's cultural heritage.

Tathra River Estate has the potential to become a model for best practice coastal development and it is vital that all development options considered are based on the above principals and can demonstrate sustainable outcomes with regard to environmental, economic and social impacts.

The Tathra River Estate area is seen as having 5 options:

- (i) Leave the area zoned as it currently exists.
- (ii) Back zone the existing vacant urban zoned lands to minimise development.
- (iii) Allow development of the vacant areas to low density rural residential in line with best practice coastal development with a particular emphasis on highest quality onsite sewerage management.
- (iv) Allow clustered urban development (CIC draft model is a possible example – see Appendix (ii)).
- (v) Review all the vacant areas for potential urban zoning to 2(a) and/or 2(b).

Options (i), (ii) and (v) are not recommended for further consideration.

The current zoning pattern is not considered to reflect the optimal land use for the area and a long term strategy is needed to avoid continuing pressure on Council to consider rezoning the 1(a) zoned lands in the northern half of Tathra River Estate. Council may have capacity to service part of the vacant 2(a) and 2(c) zoned lands at Tathra River Estate, subject to the developer meeting all necessary environmental controls and costs of extension of infrastructure. But the current mix of zones does not reflect the best use of the various landforms.

The option of back zoning, while it could have environmental benefits, is not considered a reasonable economic and social outcome for the area as some further development potential is seen to exist in the remaining lands. Ongoing grazing of the lands could have environmental impacts of similar magnitude on water quality as other options .

The option of intensive urban development over all the remaining areas is considered to have the potential for far too severe an impact on the sensitive environments and on the important coastal landscape.

Option (iii) – Low Density Rural Residential

Under this option, 1(c) style development could be permitted on the area subject to a Development Control Plan which specifies a detailed layout. Stringent onsite sewerage management controls and stormwater controls would be required with a low density rural residential layout with the suggested minimum average lot density of 2ha. It would be recommended that no dwellings or development be sited within 100m of Racecourse Creek, Black Ada Swamp, any wetland areas, the Bega River or areas of groundwater and that all development be setback at least 50m from any internal watercourse.

This option could see a minimum of roading and hard surfaces, which inturn may result in reduced volumes of stormwater requiring treatment. Council's ongoing maintenance requirements could also be minimised through the need for only a small expansion of Councils infrastructure network.

This option is recommended for further investigation.

A sub option also recommended for further investigation would be a holding option where the vacant lands could be subdivided into large rural residential lots in a pattern able to be further subdivided should a future Council wish to explore such an option.

Cluster Urban Option

This option has 2 sub options. There is some spare sewer capacity following the recent augmentation of the Tathra sewage treatment works and part could be allocated to the Tathra River Estate area (perhaps 200 equivalent dwellings with conventional sewerage or perhaps a little more with pressure sewerage).

If 65 equivalent dwelling capacity was reserved for the existing stage 1, then perhaps a further 100 to 150 dwellings might be seweraged at Tathra River Estate. This is the first sub option. More exact capacity is being researched and will be presented to Council prior to any decision .

The Canberra Investment Corporation have an interest in the subject land. A preliminary concept plan and report provided by CIC forms Appendix (ii) of this structure report and is recommended for further investigation as sub option 2. This sub option would see in the order of an additional 300 dwellings in addition to the existing stage 1.

Area 2 – Koori Lands

These lands are under the ownership of the Bega Local Aboriginal Land Council. The bulk of the area is quite constrained land given topography and natural resource values however some small areas of possible urban expansion are identified at Nos. 8, 9 and 10. While further consultation is recommended with the Bega Local Aboriginal Land Council, the preliminary recommendation is that the bulk of Area 2 remains zoned 7(d) for environmental protection subject to final resolution of the extent of urban expansion in areas 8, 9 and 10.

Much of the area has potential for passive recreation and a public land use agreement might be investigated with the Land Council.

Area 3 – Rural Zoned Lands

Lots 75, 232 and 139 are currently the subject of an approval for some concessional allotment subdivision.

The cleared and fringe timber areas of this section of the study area have capacity for a range of uses. While part of this area could accommodate urban development, this is seen as having a lower priority to possible low density rural residential for the 20 year period.

Lots 741, 75 and Part 139 (mapped as “3(a)” on Map 3) could be reviewed for possible 1(c) zoning allowing for perhaps a 2ha. minimum average subdivision density excluding drainage lines. A detailed Development Control Plan would need to be considered as part of any rezoning.

Lots 14, 232, 106, 108 and parts of Lots 139 and 105 contain significant environmental constraints and bushfire hazard. It may be possible to slightly extend the urban area (8) into Lot 105 otherwise it would seem the preferred land use is to investigate the remainder of the area for 7(d) zoning. Sections of this area might be identified for long term acquisition (or exchange) by the Government for addition to the Bournda National Park.

(See also related comment in Area 4).

Parts of Lots 14, 232 and 139 might be cleared and developed for small holdings if environmental values and wildlife corridors can be addressed.

Area 4 – Crown Land

This parcel contains Crown lands that are partially cleared but are regenerating. While the subject land could physically accommodate a range of development (perhaps eco-tourism development), its proximity to the National Park and surrounding important vegetation render it highly constrained and it is recommended the area be either proposed for addition to Bournda National Park or Council explore if exchanges are possible with owners of the environmentally sensitive lands in Area 3. This could see important natural areas transferred to National Park but by way of compensation, parts of Lots 233 and 239 could be granted to those owners in Area 3 and in turn developed as a eco-tourist precinct.

Area 5 – Mogareeka

Mogareeka village is unsewered and is unlikely Council could justify the costs of sewerage this village in the 20 year period. As such the options for the village remain constrained and is considered covered adequately by the current Mogareeka Development Control Plan No. 19.

Area 6 – Tathra Townscape Study

In 1996, Council engaged landscape students from the University of Melbourne under the guidance of Professor David Yenckin, to effect a townscape study.

The then Council deferred any action on the report.

While sections of the report are now clearly dated, the work has many points of relevance to the development of Council's 20 year vision for Tathra. Many of the town improvements and landscaping suggestions are worthy of further consideration.

It is recommended, when budget permits, Council have the study reviewed and updated to match the land use pattern resolved through this structure report process. This could then lead to improved design guidelines for public and private works.

Area 7 – Existing Tathra Urban Zones

Sections of the Tathra urban area as defined in Map 2 are zoned for medium density development as either 2(b) or 2(c) zones. The 2(c) zone on the beach flats is considered to represent land with further potential for tourism apartments and it is considered this should be the focus for further redevelopment in this area.

The 2(c) zone fronting Bega Street would appear to be more destined and trending towards permanent accommodation and as such should be reconsidered for 2(b) zoning. The 2(b) zone might be slightly extended west of the service station in Bega Street to incorporate the large undeveloped parcel opposite the Tathra Primary School (Lot 178 DP 750236).

The 3(a) zone is recommended for retention subject to some minor adjustment at the northern end to take account of recent State land acquisitions and to review constraints on the remaining vacant lands that are dominant on the headland. Height controls are needed in this area to ensure a gradual transition from the areas of open space on Tathra Headland through to the Hotel and urban areas beyond.

The other 2(a) zoned areas should remain as such and Tathra needs a more detailed building design code to enhance the style of redevelopment, which may include detailed height controls.

Tathra Foreshores Reserve

The planning and management of this area is addressed by the Tathra Foreshores Plan of Management. The reserve system is largely complete apart from proposed acquisition of 2 private land parcels which are under negotiation as part of the State Government Coastal Lands acquisition program.

Future Urban Lands at Tathra

With reference to Map 3, Areas 8, 9 and 10 comprise lands that are currently zoned 2(a) Residential, in part. It is recommended that these areas be further reviewed to set definite limits to their possible urban development and define a layout in a Development Control Plan.

The approach should include the opportunity to increase bushfire buffering of the urban interface.

Tathra Structure Report Recommendations (Draft for public comment)

- (1) That the following preferred options be referred to the comprehensive LEP process for final assessment.
 - (a) That staff refine the investigations of Areas 8, 9 and 10 on Map 3 for urban zoning and that mapping come forward for the comprehensive LEP defining suitable sections within Areas 8-10 to be zoned Residential 2(a) (Residential Low Density Zone).

Priority is to be given in investigations to ensure Best Practice is achieved in Bushfire Protection, environmental protection and maintenance of aesthetic values.
 - (b) That staff refine the investigations of Area 3(a) for rezoning to Rural 1(c) (Rural Small Holdings).

- (c) That staff explore options for possible land exchanges between owners in Area 3 and Crown Lands in Area 4 with a view to conserving the essential forest cover in Area 3 and possibly accommodating an eco-tourism precinct in Area 4.
 - (d) That, dependent on the outcome of (c), staff review the zoning of Areas 3 and 4 for 7(d).
 - (e) That staff effect further consultation with Bega Local Aboriginal Lands Council with a view to recommending long term use options for Area 2 but based on a preliminary option of 7(d) zoning. Options for public access are also to be explored.
 - (f) That staff review the 2(b) and 2(c) zones and exhibit possible modifications to achieve the objectives in Section 8.
- (2) That Council prepare a Draft Local Environmental Study for Area 1 to assess the 2 preferred options defined in Section 8, including 2 sub options for urban use of 100-150 and 300 equivalent dwellings respectively. That the draft study be reported to Council on completion with a view to resolution of an amending LEP to implement a preferred option.
 - (3) That, while dated, Council utilise the Tathra Townscape Study 1996 and the State Governments Coastal Design Guidelines – Coastal Villages as a guide for urban infill and public infrastructure, pending provision of funding for a review and update of the documents to complement the adopted Structure Report and the introduction of new coastal building guidelines.
 - (4) That staff review Council's Coastal Corridor Strategy and integrate into Tathra – Bournda Natural Resources Strategy to address the complex range of natural resource and environmental issues within and extending beyond the study area.

Appendix (i) – Aboriginal Heritage Assessment Protocol



Bega Valley Shire Council



PROTOCOL FOR CONSULTATION WITH BEGA, MERRIMAN'S AND EDEN LOCAL ABORIGINAL LAND COUNCILS, IN CONSIDERATION OF COUNCIL'S CIVIL WORKS AND DEVELOPMENT ASSESSMENT FOR PRIVATE WORKS

This protocol has been developed as part of the implementation of the Memorandum of Understanding between the Council, the three Local Aboriginal Land Councils and Native Title Holders dated 13 June 2001.

To fulfil the undertakings in the Memorandum of Understanding that there will be appropriate consultative mechanisms and assessment processes to address Aboriginal Heritage values in place between the Council and the Koori community when land is proposed for development, the Council and the three Local Aboriginal Land Councils agree to the following protocols.

1. DEFINITION OF CATEGORIES OF LAND

For the purposes of this protocol, the Shire is divided into three categories of land.

Category A

Land in the curtelage of a recorded Aboriginal Site registered with the National Parks and Wildlife Service.

Category B

Lands mapped as sensitive lands on a map endorsed by the Council and the Local Aboriginal Land Council.

Category C – Other Areas

2. CATEGORY A LANDS (Areas recognised with the National Parks and Wildlife Service)

Category A lands automatically trigger the provisions of the National Parks and Wildlife Act. As such, an archaeological report may be required and appropriate consultation with the Local Aboriginal Land Council involved is a component of the preparation of such a report.

The developer and/or the Council is obliged to implement the recommendations of the archaeological survey and this may define things such as a program of works and various inspection requirements during the conduct of any works. Generally there will be a

requirement for an archaeological report if development is proposed on Category A lands that involves surface and/or subsurface disturbance.

3. CATEGORY B LANDS (LANDS MAPPED AS SENSITIVE LANDS)

For works involving significant surface and/or subsurface disturbance (ie in excess of five hundred square metres in area) the following protocol will be observed:

- Council will request a desk top evaluation report from the relevant Land Council or traditional Elders Council as determined by the Aboriginal community. The standard fee for this report will be \$225 plus \$20 per hectare of area to be disturbed.
- Should the desk top evaluation report reveal no significant issues, then development consent can issue and/or works commence in accordance with the requirements of the desk top evaluation report.
- Should the desk top evaluation report identify issues that require field examination then a pre-development field inspection report will be required. The fee for such a report is to be negotiated and endorsed by the Director, Environment, Planning and Development, prior to commencement of work. The basis of the fee will be \$450 per person (inclusive of GST) per day. (Minimum fee \$225).
- Should the pre-construction field report define a need for inspections during construction phase, an agreed schedule of inspections will be resolved with the Land Council and the developer. The fee basis for these inspections is to be \$450 per day, per person.
- Clearance letters will be provided by the Land Council at each stage of works.
- Should relics as defined in the National Parks & Wildlife Act be discovered at any stage of the process, this will trigger the statutory requirements of the National Parks and Wildlife Act and the protocols from Category A lands will apply.

4. CATEGORY C – OTHER AREAS

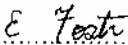
For land defined in the "Other Areas" category, Council staff (limited to those staff who have received appropriate training in Aboriginal Heritage Assessment) will include an Aboriginal Heritage Assessment as part of the general project evaluation before the development application or civil work is determined.

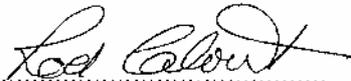
Should evidence arise at any stage of the assessment or construction process, that indicates the possible presence of Aboriginal Heritage Items, works will cease on that area relating to the possible item and a field inspection will be requested from the relevant Local Aboriginal Land Council at the standard hourly rate as provided for Category B lands.

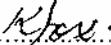
5. APPROVAL OF REPORTS AND PAYMENT TO LAND COUNCILS

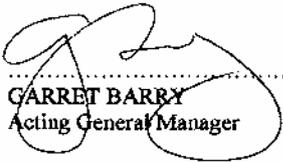
On completion of the required report or submission of a compliance letter, the relevant Local Aboriginal Land Council will be entitled to submit an invoice for the agreed payment. Council will endeavour to pay the invoice within 7 days of Council's acceptance of the report. (For a report to be accepted, the report must be certified by an appropriate qualified Council Officer).

This protocol will be trialed for 12 months from date of signing then reviewed by the parties.

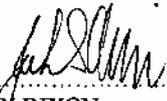

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EDDIE FOSTER
Merrimans Local Aboriginal
Land Council


.....
ROD CALVERT
Administrator


.....
KATHY JONES
Bega Local Aboriginal Land Council


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GARRET BARRY
Acting General Manager
12/2/2002


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BEN CRUSE
Eden Local Aboriginal Land Council


.....
JOHN DIXON
On behalf of Bega, Eden, Merrimans
Group of Elders and Native Title Holders

Appendix (ii) – Preliminary Concept from Canberra Investment Corporation Relating to the Clustered Urban Development Option



Tathra River Estate Concept Plan | A Statement of Design Intent
 Canberra Investment Corporation LTD
 22nd March 2005

Design Strategy

Environmental sustainability, visual sensitivity and lifestyle quality are the central design objectives underpinning the Concept Plan. The site planning approach draws upon a cluster concept which consolidates residential uses in strategic locations conducive to development and of minimal visual intrusion when viewed from surrounding areas. A significant proportion of the peninsula will remain as open space comprising ridgeline and watercourse conservation, buffers to sensitive habitats, cultural conservation areas, riverfront setbacks and recreational parkland. The extent, placement and design of communal open space will support the implementation of environmental sustainability initiatives and will establish the riparian and rural landscapes as the overriding character of the development.

Access and Circulation

The concept proposes a network of public loop roads as an extension to the existing road system. New roads will afford convenient access to the residential and village uses and will include public thoroughfares to riverfront parkland. Housing clusters will be internally serviced by private accessways; a series of low key private roads highly responsive to landform and existing site features. A structure of trails, boardwalks and open spaces will provide a comprehensive pedestrian and bike riding network.

The concept presents for investigation the opportunity for a link to Andy Poole Drive which would provide an access alternative to Thompson Drive for the new community and existing residents.

Built Form

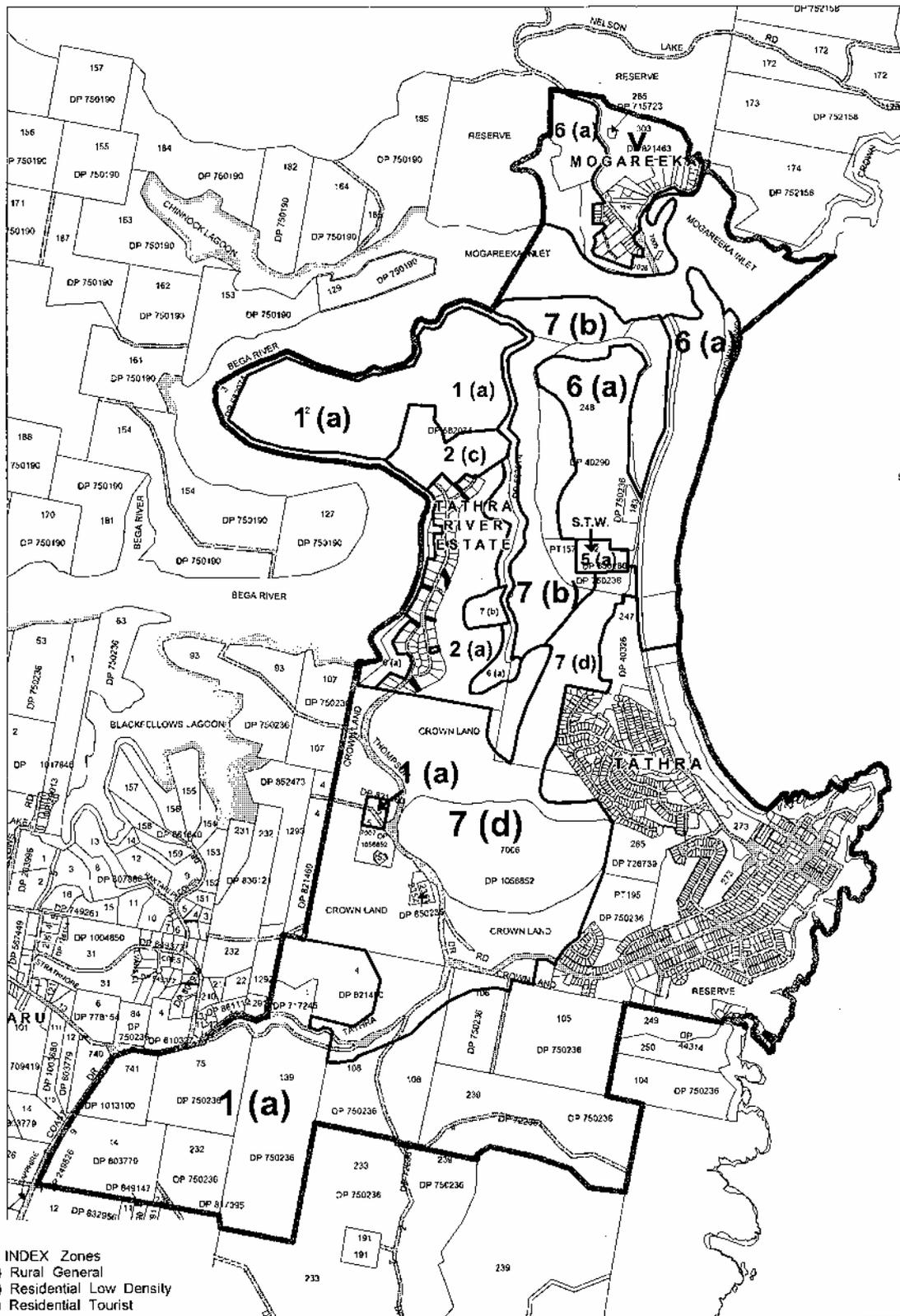
A variety of dwelling types are envisaged ranging from detached dwellings to strategically located attached forms. The scale of single house forms will predominate - clustered and sensitively set in the landscape. Variety in form, materials and colour within an overall consistent architectural language will be encouraged and controlled through community design guidelines. Individual building siting and landscaping will address the issues of climate responsiveness, minimal landform modification, privacy and visual context. The public realm – proposed short-stay lodges, the Village, streetscape designs, shade structures, furnishings, boardwalks/trails, signage etc. – will further reinforce the desired character and quality of the estate.

Site Management & Maintenance

The cluster concept approach directly supports the proposed community title structure of ownership and management. Expansive communal open spaces provide opportunities for the implementation of Water Sensitive Urban Design (WSUD) initiatives, climate responsive site planning strategies, a dual reticulated sewerage system and conservation/regeneration of coastal and riparian habitats.

Via an owners association, communal open space will be consistently maintained to high visual and safety standards.

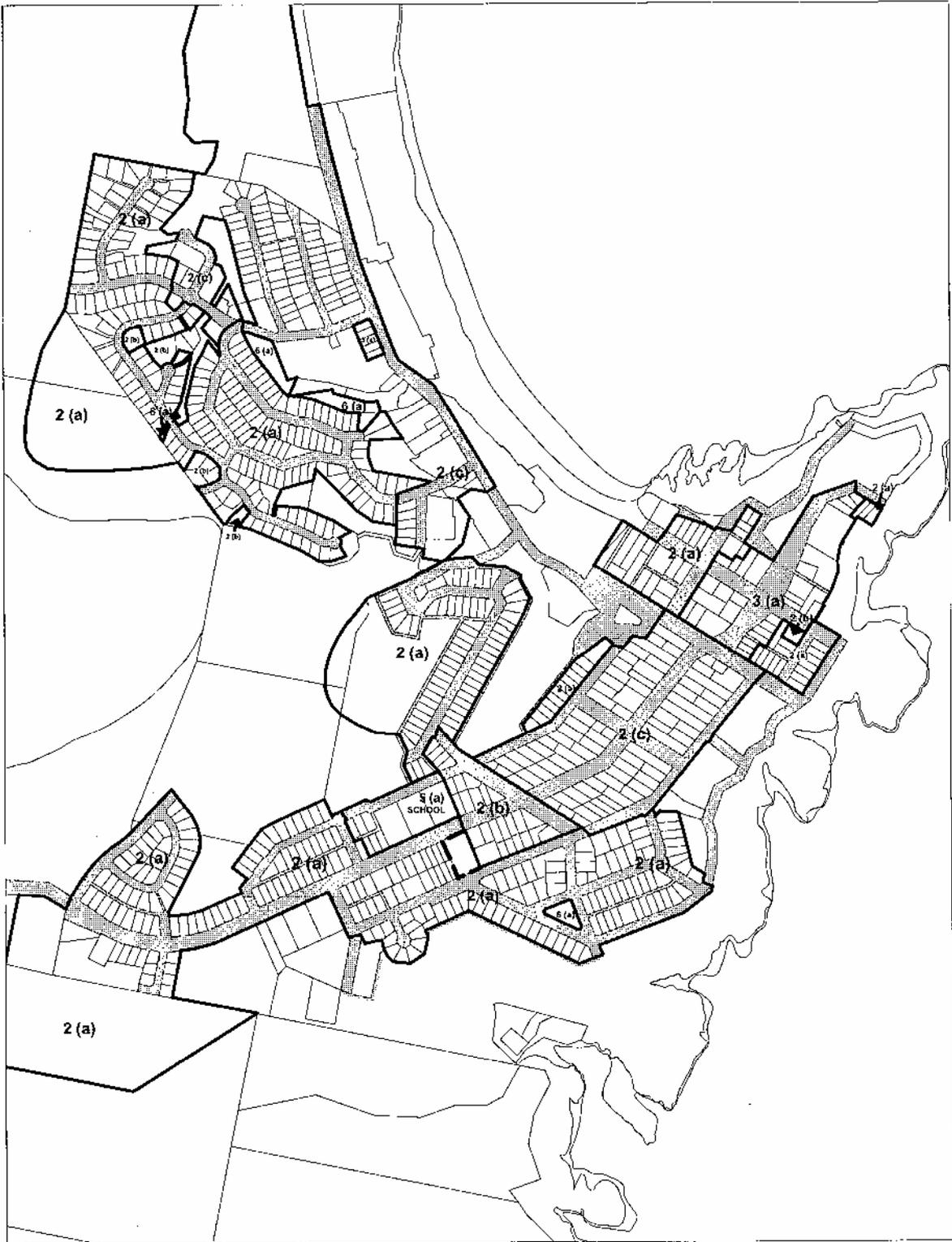
Investigations will be undertaken to determine the significance of potential cultural heritage zones. The concept will preserve areas of intrinsic value into the new community through the placement of buffers and explore opportunities to sensitively integrate such areas with educational and interpretive facilities.



- INDEX Zones**
- 1 (a) Rural General
 - 2 (a) Residential Low Density
 - 2 (c) Residential Tourist
 - v Village
 - 5 (a) Special Uses
 - 6 (a) Existing Open Space
 - 7 (b) Environment Protection Foreshore
 - 7 (d) Environment Protection General

TATHRA STRUCTURE PLAN
Study Area

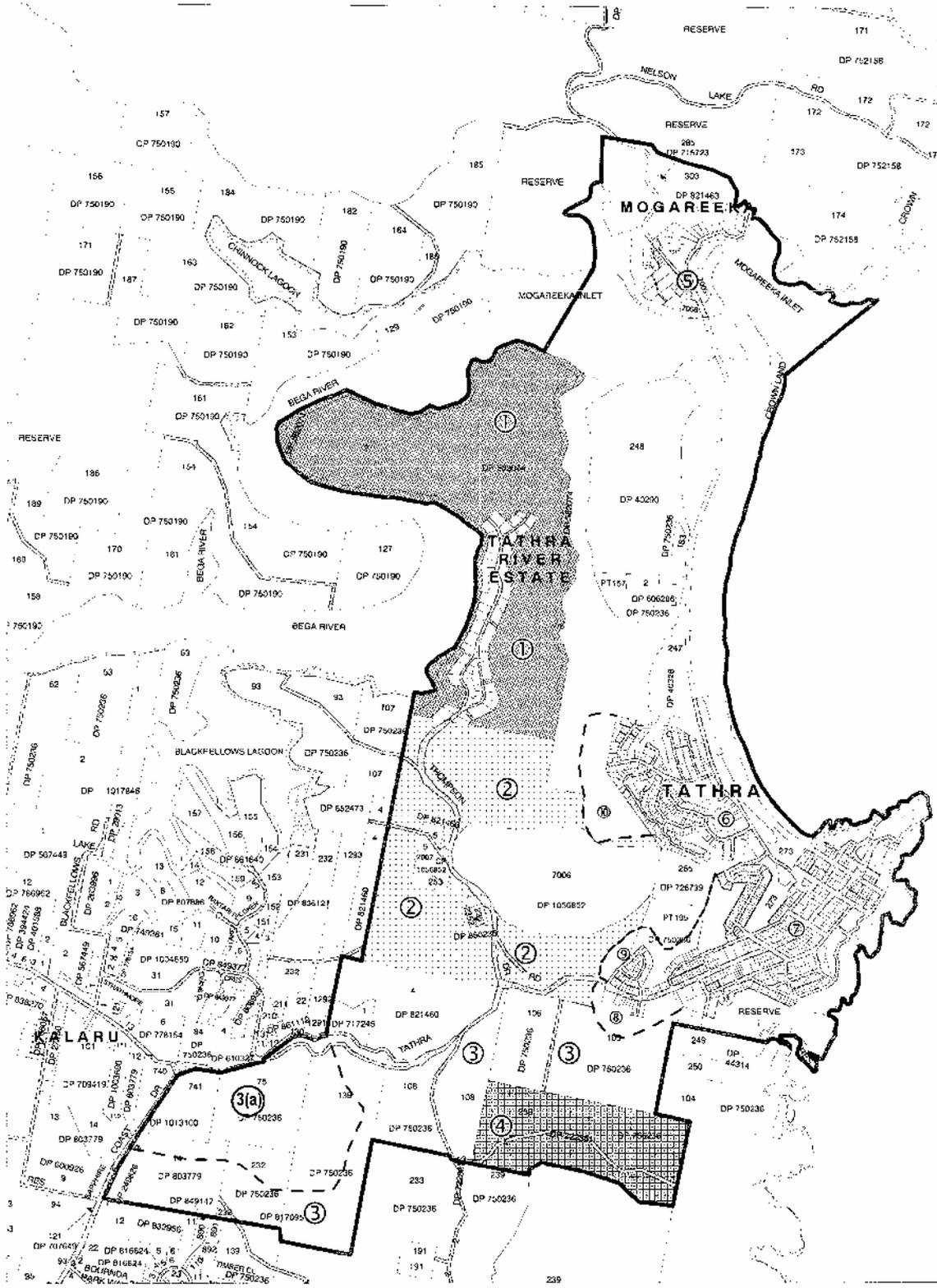
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 August 2005
 MAP 1



TATHRA STRUCTURE PLAN
Tathra Urban



August 2005
MAP 2



TATHRA STRUCTURE PLAN
Land Use Options

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August 2005
MAP 3