

MidCoast Rural Strategy

Marine Activities Background Report

Version 5 / Date: June 2021



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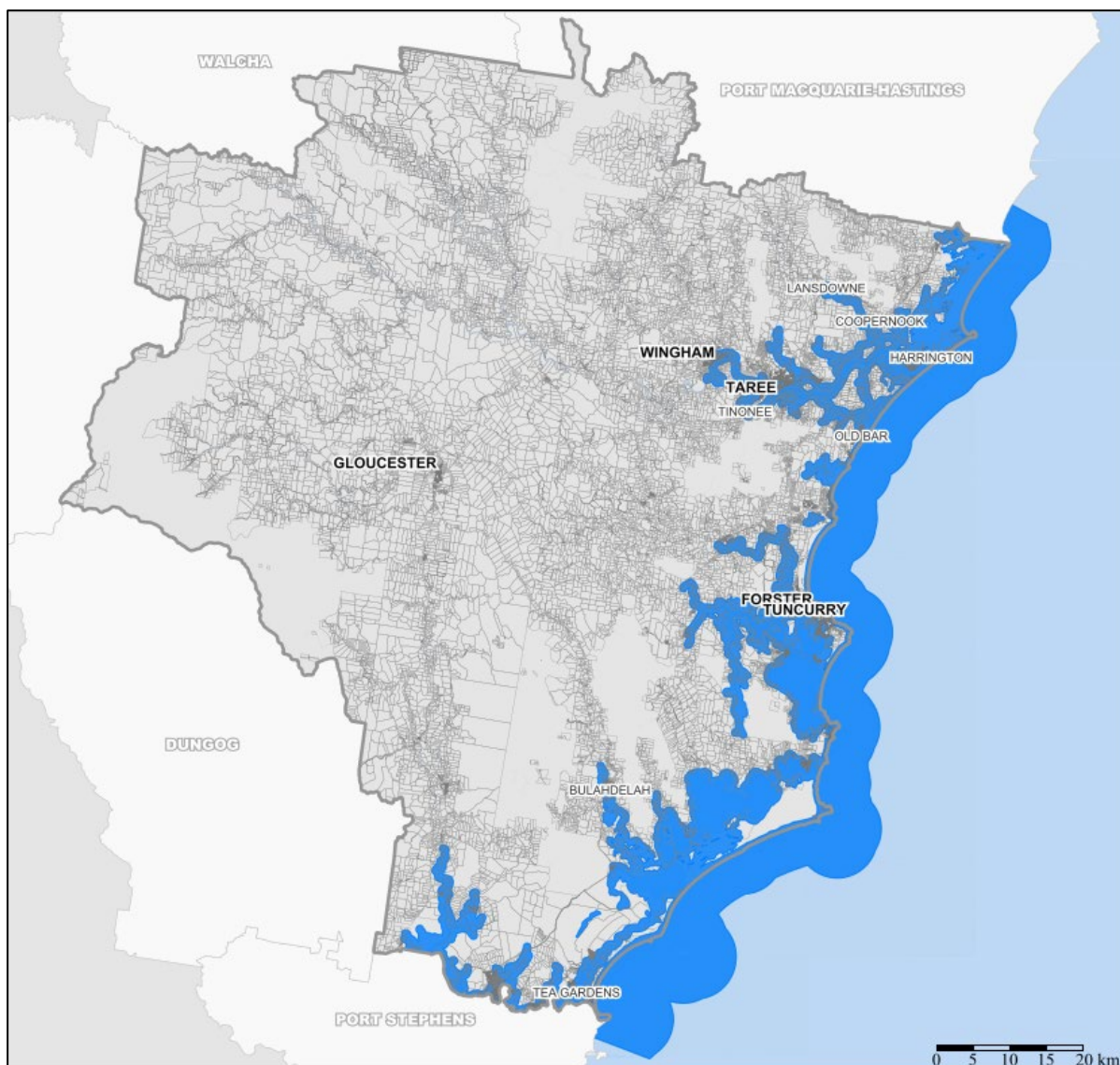
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1 Introduction

This Background Report has been prepared by MidCoast Council with assistance from City Plan Strategy and Development, in partnership with Aurora Research and Development and MJD Environmental as part of the MidCoast Rural Strategy Project ('the Project') to assist with the formulation of the MidCoast Rural Strategy ('the Rural Strategy').

This Report presents the findings of a review of land use and development planning considerations relating to marine activities occurring within waterways up to the tidal limit, within the Coastal Zone or off the coast of the MidCoast Local Government Area ('LGA'). The Coastal Zone encompasses all areas subject to the [Coastal Management Act 2016](#) and [State Environmental Planning Policy \(SEPP\) Coastal Management 2018](#) as shown Figure 1.

Figure 1. Coastal Zone of the MidCoast, Coastal Management SEPP 2018



The activities considered include aquaculture, commercial fishing, coastal tourism and recreation, marine conservation and scenic and cultural significance. This review was intended to identify locations or circumstances within the coastal zone where changes to existing planning controls would assist with supporting maritime activities.

This Report should be considered in conjunction with other Background Reports prepared as part of the Project. At the time of writing, these include Reports focusing on the following topics as relevant to rural areas:

1. Housing and Accommodation
2. Agriculture and rural-based industries
3. Land based conservation
- 4. Marine activities (this Report)**
5. Mining & Energy
6. Tourism
7. Transport
8. Rural Waterways

In particular:

- Activities that occur on and in waterways beyond the Coastal Zone are reviewed in the Waterways Background Report in more detail.
- Waterways within National Parks and other ecologically sensitive areas are also considered in the Land Based Conservation Background Report.
- Land and water-based tourism activities are discussed in the Tourism Background Report.

The conclusions and recommended planning framework described in all the Background Reports are presented for consideration and, will form part of the Draft Rural Strategy information presented for public exhibition.

2 Context

The review underpinning this Report was limited to marine activities within the Coastal Zone of the MidCoast. The Coastal Zone encompasses all areas subject to the [Coastal Management Act 2016](#) and [State Environmental Planning Policy \(Coastal Management\) 2018](#):

- the coastal wetlands and littoral rainforests area,
- the coastal vulnerability area – areas potentially affected by coastal processes such as erosion and inundation,
- the coastal environment area - waterways and estuaries that are below the tidal limit, including the Pacific Ocean, coastal lakes, rivers and creeks ('marine waterways'),
- the coastal use area - land adjoining marine waterways that are relevant to marine-related uses, activities or otherwise contributes to marine environmental health, use and management.

The review considered a range of marine activities, which already occur within or off the coast of the Local Government Area ('LGA'), as well as the associated habitat and infrastructure that support these uses:

- Aquaculture, such as priority oyster aquaculture areas and associated infrastructure,
- Commercial fishing within coastal waters and lakes,
- Water-based coastal tourism and recreation such as sailing, scenic boat cruising and ferries, power boating, recreational fishing, 4WD beach access, jet and water skiing, swimming, and associated infrastructure,
- Marine conservation areas including coastal wetlands, RAMSAR wetlands, littoral rainforest and marine park 'marine sanctuary' areas
- Areas of scenic and cultural significance including areas with high scenic amenity such as the Crowdy Head lighthouse and areas with high cultural significance to the local Worimi and Biripi people, such as Khappinghat Creek,
- Potential areas of land use conflict including 4WD beach access and shorebird nesting sites, houseboat waste disposal, private jetties, use and occupation of foreshores and riverfronts.

Noting that similar activities can occur in waterways outside of the Coastal Zone, and these are addressed separately in the Waterways Background Report; and that this is not an exhaustive list, but reflects those considered as part of the review.

The scope of the Rural Strategy generally excludes considerations for land within urban areas, including strategic, rural and coastal centres and villages. As relevant to this review, this would normally exclude most of the landside locations associated with maritime activities.

However, due to the importance of the economic sectors that rely on maritime waters, the review identified all landside waterfront locations and this report provides select recommendations for some locations in urban areas including but not limited to Crowdy Head, Manning River, Wallis Lake, Smiths Lake and Tea Gardens.

Other locations were identified and reviewed based on the presence of existing infrastructure or facilities, including boat ramps, moorings, piers and jetties located within the coastal environment; and considered within the context of other recent reviews of employment and recreation zones across the MidCoast.

3 Evidence base

The review considered publicly available information contained in a range of State, Regional and Local strategies, plans and guidelines on marine activities and infrastructure as relevant to the MidCoast. It also considered additional government and industry related data and mapping, where available.

Views from selected stakeholders and the general community have been provided through the following initiatives undertaken as part of the Rural Strategy Project.

- Telephone interviews conducted by the consultant team between May 2018 and January 2019. In total, 60 interviews were conducted with several participants representing larger groups or peak organisations. Individuals with an interest in estuary health and aquaculture development were a targeted cohort of these interviews, representing 10 of the 60 interviewees.
- A Public Workshop focusing on Tourism ('Tourism Workshop') in the MidCoast, facilitated by the consultant team on 14 June 2018 in Gloucester. This was attended by over 30 people, with a focused discussion on how the planning framework regulates tourism in rural areas, and issues currently considered most relevant to the MidCoast.
- A public survey ('Rural Strategy survey'), conducted by Council with inputs from the consultant team. This was made available online and in hard copy and was open to the public between September and November 2018. In total, 63 surveys were returned.

Where relevant, views raised by participants have been incorporated into this Report for discussion.

4 Strategic planning considerations

This section sets out the basis for local strategic planning in relation to marine activities within the MidCoast. It addresses the policy directions for plan-making in NSW, including the following Ministerial Directions issued under section 9.1 of the [Environmental Planning and Assessment Act 1979](#):

- **Direction 1.4 Oyster Aquaculture.** Matters relevant to sustaining the oyster aquaculture industry are to be considered in planning and plan-making, giving effect to the [NSW Oyster Industry Sustainable Aquaculture Strategy](#).
- **Direction 2.2 Coastal Management.** Requiring consideration of the [Coastal Management Act 2016](#) and State Environmental Planning Policy (Coastal Management) 2018 ('Coastal SEPP').
- **Direction 4.1 Acid Sulfate Soils.** Aiming to avoid significant adverse environmental impacts on land likely to contain Acid Sulfate Soils (which are predominantly located within the Coastal Zone)
- **Direction 5.10 - Implementation of Regional Strategies.** Within the MidCoast, this direction gives legal effect to the [Hunter Regional Plan 2036](#), requiring any amendments to planning controls to be consistent with its vision, land use strategy, goals, directions and actions.

Discussion predominantly focuses on Government-endorsed policy directions described in long-term strategies and plan at national, state, regional and local-levels. Where relevant, reference is also made to other technical studies or reports.

The range of marine activities within the coastal environment of the MidCoast is diverse. Development opportunities and activities are and will continue to be heavily influenced by adjoining land-based development and State-based marine management objectives, including but not limited to the following (in no particular order):

- National Parks and State Reserves located along the coast including from north to south:
 - Crowdy Bay National Park (north of Harrington)
 - Khappinghat National Park and Nature Reserve (north of Diamond Beach)
 - Darawank Nature Reserve (south of Hallidays Point)
 - Booti National Park (south of Forster/Tuncurry)
 - Myall Lakes National Park (between Pacific Palms and Hawks Nest/Tea Gardens)
- The Port Stephens – Great Lakes Marine Park, extends from the LGA boundary in the south to approximately Cape Hawke in Forster, and incorporates Port Stephens (up to tidal limit north of Karuah); Myall Lake and its tributaries; and parts of Smiths Lake;
- State Environmental Planning Policy Coastal Management (2018) classifications of and development provisions for: coastal wetlands, littoral rainforests, coastal environments and coastal use areas;
- Locally identified wetlands, littoral rainforests and other environmentally sensitive lands within or adjoining the coastal zone, including: Cattai Wetlands and Big Swamp (between Crowdy Bay National Park and Coopernook State Forest);
- Gazetted Coastal Zone Management Plans (and any transitional draft Coastal Management Programs) and associated Emergency Action Plans; that incorporate

risk assessment of coastal hazards identified within the Coastal Management Act 2016 and guide long-term management options for public and private asset management programs;

- Priority Oyster Aquaculture Areas as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy;
- The RAMSAR wetlands convention;
- Crown Land Act provisions that apply to Crown land, which may also be within the care and control of Council; and
- Land of cultural significance within the care, control and management of a Local Aboriginal Land Council as a result of a successful land claims and native title claims, or subject to an as yet undetermined claim.

Noting that some lands within the marine/coastal environment are subject to one or more of these controls and may have undocumented Aboriginal cultural significance, development opportunities for new marine activities may be limited and any activities that may occur, must be managed in line with site-specific conservation outcomes.

4.1 National Level Considerations

4.1.1 RAMSAR Convention

The RAMSAR Convention's mission is:

“the conservation and wise use of all wetlands through local, regional and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world”¹.

Key legislation supporting the conservation and wise use of Australian wetlands are the [Environment Protection and Biodiversity Conservation Act 1999](#) (EPBC Act), the [Water Act 2007](#) and state or territory based land and water planning legislation.

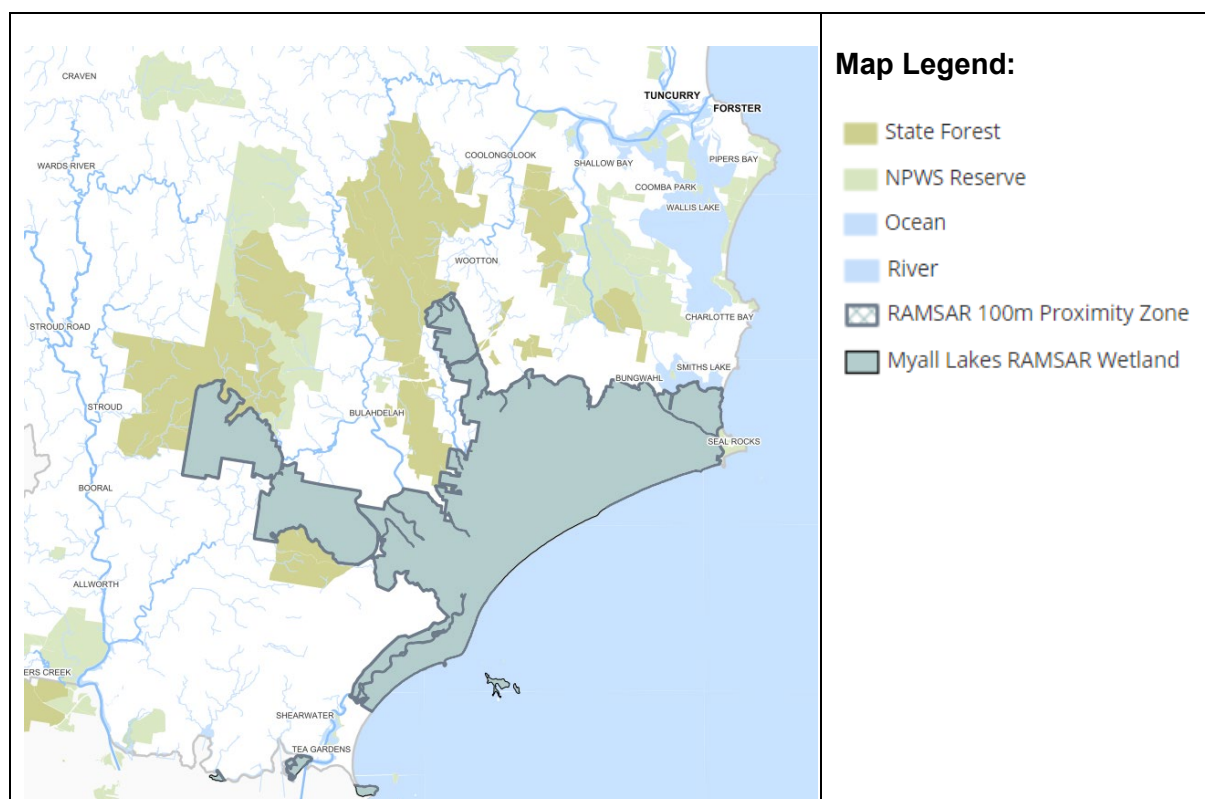
The EPBC Act is discussed in more detail within the Land-Based Conservation Background Report. In summary, the Act identifies RAMSAR wetlands as matters of national environmental significance (MNES) and regulates actions that have the potential to significantly impact on the ecology of a RAMSAR wetland.

Similarly, the Water Act establishes mechanisms to support sustainable management of water resources to protect or restore environmental assets such as RAMSAR wetlands.

Within the MidCoast, the Myall Lakes Ramsar Wetland includes the Myall Lakes National Park which extends from north Hawks Nest to the southern edge of Smiths Lake; and Corrie Island National Park at the entrance of the Myall River south of Tea Gardens, as shown in Figure 2.

¹ <https://www.environment.gov.au/water/wetlands/publications/australias-obligations-under-ramsar-convention-legislative-support-wetlands-fact-sheet>

Figure 2. Mapped extent of Myall Lakes RAMSAR Wetland, MidCoast LGA



While the RAMSAR Wetland extends beyond the Coastal Zone identified within the Coastal Management SEPP, its functioning and protection most closely influence marine activities and land use within the coastal zone.

Maintaining, protecting and managing land in close proximity to the RAMSAR wetland will ensure the functioning of this critical habitat is maintained. The beneficial aspects of wetlands are increasingly recognised in terms of a source of blue carbon ecosystems for climate change and adaptation and the ability for these environments to shield the coast from coastal processes.²

4.2 State Level Considerations

The Department of Planning Industry and Environment undertook a review of coastal management in 2016 and developed a range of new state documents including the [Coastal Management Act 2016](#). These documents are to be considered in context with the [Marine Estate Management Act 2014](#) and NSW Oyster Industry Sustainable Aquaculture Strategy³, both of which directly affect land use, development and marine activities within the coastal zone of not only the MidCoast LGA, but all of New South Wales.

In addition to these overarching legislative matters there are various policy considerations endorsed by the NSW Government. These policies provide a framework through objectives and goals relevant to long-term planning for the MidCoast and have been reviewed by the consultant team:

- Marine Safety Regulation 2016⁴ – anchoring, restriction wake boats

² <https://www.environment.gov.au/water/wetlands-climate-change-resources>

³ <https://www.dpi.nsw.gov.au/fishing/aquaculture/publications/oysters/industry-strategy>

⁴ <https://www.legislation.nsw.gov.au/#/view/regulation/2016/308/full>

- NSW Boat Ramp Facility Guidelines⁵
- NSW Moorings Reforms Program⁶
- NSW Domestic Waterfront Licences - Guidelines⁷
- NSW Regional Ports Strategy⁸
- Trial of the Hybrid Environmentally Friendly Moorings at Shoal Bay.

It is noted that within the preparatory documents for the NSW Regional Ports Strategy:

Economic analysis of the regional ports determined that the Present Value contribution to the NSW economy over a projected 10-year period will be in the order of \$6.7 billion. The highest contributing business sectors are: Commercial fishing and aquaculture \$844 million; Commercial boating \$50 million; Recreational boating \$3.1 billion (including fishing); and Tourism \$2.9 billion⁹

These important coastal industries have been identified as areas of future economic growth and are significant opportunities for the MidCoast which occupies 10% of the NSW coastline and three regional ports at Crowdy Head, Forster-Tuncurry and Tea Gardens.

Consistent with this, key legislative documents will be discussed, as they pertain to land use planning for marine waterfront precincts and the aquaculture industry in particular. Additional information on coastal infrastructure specifically, is included in the review of marine waterfront precincts section of this document.

4.2.1 Coastal Management Act 2016

In 2016 the NSW Government implemented the Stage 1 of the State-wide Coastal Reforms, relating to sea level rise, coastal erosion and protection which:

- amended the wording on Section 10.7 planning certificates to identify current and future coastal hazards (property certificates required from Council when selling/purchasing land);
- introduced the Draft Coastal Management Act, designed to replace the Coastal Protection Act 1979; and
- introduced the NSW Coastal Management Manual to assist local Councils to implement the requirements of the new Act, including the preparation of Coastal Management Programs, which would replace coastal zone management plans.

Stage 2 of the Coastal Reforms included the public exhibition of the Draft Coastal Management State Environmental Planning Policy, which is discussed elsewhere in this report. Additional information on the Coastal Reforms can be found on the Department of Planning, Industry and Environment [Coastal Management](#) website.

Upon gazettal in June 2016 the [Coastal Management Act 2016](#) replaced the Coastal Protection Act and its key objective is to 'guide management of the coast in accordance with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State'.

⁵ NSW RMS 2015

⁶ NSW RMS 2014

⁷ NSW Industry 2018

⁸ <https://www.industry.nsw.gov.au/lands/major-projects/regional-ports>

⁹ https://www.industry.nsw.gov.au/_data/assets/pdf_file/0006/142773/Regional-Ports-Strategy.pdf

The Act determines the process and requirements for the development of coastal management programs including but not limited to:

- *co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- *to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- *to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- *to support the objects of the [Marine Estate Management Act 2014](#).*¹⁰

Within the MidCoast LGA there are three existing gazetted coastal zone management plans (CZMPs), which will be transitioned into coastal management programs (CMPs), and one CMP already in development, these will be discussed in more detail later in this report:

- [Manning Valley Coastal Zone Management Plan](#) (January 2018);
- Old Bar – Manning Point Coastal Management Program (in development);
- [Great Lakes Coastal Zone Management Plan](#) (August 2016); and
- [Jimmys Beach, Winda Woppa Coastal Zone Management Plan](#) (March 2016).

These documents are relevant to the consideration of marine activities within the coastal zone, particularly as it relates to the zoning of tidal waters within the coastal zone, and how these waterways are managed in conjunction with existing land-based structures and commercial activities.

Catchment and estuary plans are discussed in more detailed within the Waterways Background Report.

4.2.2 Marine Estate Management Act 2014

The [Marine Estate Management Act 2014](#) works in conjunction with the Coastal Management Act and operates over nominated waters to promote: biodiversity and ecosystem integrity; economic opportunity; cultural, social and recreation use of the marine estate.¹¹

Within the MidCoast, the Port Stephens-Great Lakes Marine Park extends from Port Stephens Bay to the southern end of One Mile Beach, Forster as shown in Figure 3. The marine park covers approximately 980sq km and contains a range of habitats, beaches, seagrass beds, mangroves, saltmarsh and open waters, with the state's largest:

- drowned river valley (Port Stephens);
- brackish barrier lake system (Myall Lakes); and
- intermittently open and closed lake (Smiths Lake)

The park also includes two off-shore islands:

¹⁰ <https://www.legislation.nsw.gov.au/#/view/act/2016/20/part1/sec3>

¹¹ <https://www.legislation.nsw.gov.au/#/view/act/2014/72/part1/sec3>

The Port Stephens-Great Lakes Marine Park Operational Plan 2010 describes the marine park zones as follows:

Sanctuary zones (approx. 17,283 ha, 17.6%) provide the highest level of protection for habitats, animals and plants, as well as areas of cultural significance. Only activities that do not harm plants or animals and do not damage or interfere with habitat are permitted in these areas.

Habitat protection zones (approx. 33,781 ha, 34.4%) provide for the protection of habitat and areas of cultural significance. These zones allow for a range of recreational and commercial fishing activities, but prohibit purse seining, estuarine hauling, mesh netting, set-lining, drift-lining, trawling, dredging and long-lining, as well as the collection of some species. They also include some seasonal closures. This zoning also influences developments within the marine park (e.g. wharf and boat ramps) to ensure they concur with the objects of the zone and minimise impacts to key habitats.

General use zones (approx. 46,890 ha, 47.75%) provide for ecologically sustainable management of habitat, animals and plants, through a wide range of ecologically sustainable uses. These zones allow for many forms of fishing but prohibit trawling, dredging and long-lining.

Special purpose zones (736 ha, 0.75%) accommodate areas that require specialised management. In PSGLMP, special purpose zones have been established to provide for marina management, coastal infrastructure development and aquaculture activity.

In this regard, consideration of waterway zones and land use permissibility within these zones as they may apply within the coastal zone and to marine activities in particular, should be considered as supporting the objectives and initiatives of these zones, where these waters are located outside of the National Park estate.

Zones and land use permissibility consistent with the objectives and aims of the Act may in turn assist in the assessment and determination of development proposals within the marine park, which are required to be referred to the Marine Park Authority in accordance with the [Act](#) and associated [Regulations](#).

It must also be noted that while sanctuary and habitat zones are specifically identified within the broader marine park, the maintenance and protection of these areas is reliant upon holistic management of development and associated impacts within the waterway and its associated catchment.

4.2.3 Crown Land Management Act 2016

The [Crown Land Management Act 2016](#) is relevant to the care, control and management of waterways and marine activities within the coastal zone, as many developments and activities will require permits and/or leases issued in accordance with this Act.

Not all crown land is managed by the State, with many reserves in the Crown Land estate, being under the care, control and management of local Councils, detailed below:

Crown reserves are land set aside on behalf of the community for a wide range of public purposes including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

New South Wales has more than 34,000 Crown reserves. The reserve management system enables the NSW Government, local councils and members of the community to work together to provide care, control and management over Crown reserves.

Through our network of regional offices, we ensure that Crown reserves are responsibly managed and that natural resources such as water, flora and fauna and scenic beauty are conserved, while still encouraging public use and enjoyment of the land.¹⁴

Council relies on several funding sources to maintain and improve assets within local and Crown reserves, which are generally made up of a combination of traditional revenue streams and government-funded grants including but not limited to¹⁵: council rates and charges; council user charges and fees; operating grants; and other ad hoc payments.

Critically, the land use zone applied to Crown lands and the permissibility of land uses on that land, must be consistent with the public purpose i.e. reserve for recreation; and should reflect any plan of management that applies to that land.

Similarly, the application of zones and permissibility of land uses within waterways should reflect existing leases, licenses and activities permitted by the Crown within those waters, from commercial aquaculture leases, to the construction of private wharves and jetties.

From a strategic planning perspective, the condition of land-based infrastructure that provides and maintains access from our key marine waterfront precincts to the adjoining waterways is critical, to both commercial and tourist activities.

Intermodal Terminals and Logistics Hubs

Intermodal terminals are places that provide for freight connections between different modes of transport. Within our marine waterfront precincts, they serve aquaculture leaseholders and commercial fishing, critical to our regional economy; by facilitating the successful movement of live and fresh produce to local, regional, state, national and inter-state markets.

Walking and cycling

Walking and cycling infrastructure can also help encourage healthy and active communities. This infrastructure can also provide a diversity of experiences for visitors to our coastal areas.

The NSW government is focused on improving cycling connections within urban centres which also provides an opportunity to capitalise on the growth of cycle tourism in scenic areas. More than half of the international cycling tourists who visit Australia choose NSW as their riding destination¹⁶.

The MidCoast features outstanding natural assets within our coastal towns and villages. These opportunities may be realised through the development and implementation of the 2018-2021 Delivery Program & 2018-2019 Operational Plan initiative to 'review existing bike plans to develop a single MidCoast Council Bike Plan'¹⁷.

The updated bike plan should consider cycle tourism bike routes to better connect villages to larger urban settlements, which have existing well-utilised road and pedestrian networks. This aligns with the MidCoast Destination Management Plans which states there is a need to increase cycling touring trails, both on and off road, within the region¹⁸. It is understood that a

¹⁴ <https://www.industry.nsw.gov.au/lands/what-we-do/crown-land/reserves>

¹⁵ NRMA 2017b

¹⁶ NSW Government 2010

¹⁷ MidCoast Council 2018c

¹⁸ MidCoast Council 2017c

significant cycling project is underway in the MidCoast, the cycleway from the Pacific Highway to Old Bar and then to Wallabi Point¹⁹.

Council is currently also in the process of preparing a Pedestrian Access and Mobility Plan (PAMP) which will consider wider and specific priorities for pedestrian access management in the MidCoast.

4.2.4 NSW Oyster Industry Sustainable Aquaculture Strategy

The [NSW Oyster Industry Sustainable Aquaculture Strategy](#) (OISAS):

- *identifies those areas within NSW estuaries where oyster aquaculture is a suitable and priority outcome;*
- *secures resource access rights for present and future oyster farmers throughout NSW;*
- *documents and promotes environmental, social and economic best practice for NSW oyster farming and ensures that the principles of ecological sustainable development, community expectations and the needs of other user groups are integrated into the management and operation of the NSW oyster industry;*
- *formalises industry's commitment to environmentally sustainable practices and a duty of care for the environment in which the industry is located;*
- *provides a framework for the operation and development of a viable and sustainable NSW oyster aquaculture industry with a clear approval regime and up-front certainty for existing industry participants, new industry entrants, the community and decision makers;*
- *identifies the key water quality parameters necessary for sustainable oyster aquaculture and establishes a mechanism to maintain and where possible improve the environmental conditions required for sustainable oyster production; and*
- *ensures that the water quality requirements for oyster growing are considered in the State's land and water management and strategic planning framework.*²⁰

The OISAS in particular, identifies priority oyster aquaculture areas along the NSW coast, where Crown land leases exist. In 2018-2019, the NSW oyster industry produced about 76 million oysters worth \$59 million at the farm gate²¹.

Given the MidCoast produces approximately one third of all NSW oysters²², the priority oyster areas in the LGA are extensive, as shown from north to south, in Figure 4 below.

¹⁹ NSW Roads and Maritime Services 2018e

²⁰ <https://www.dpi.nsw.gov.au/fishing/aquaculture/publications/oysters/industry-strategy>

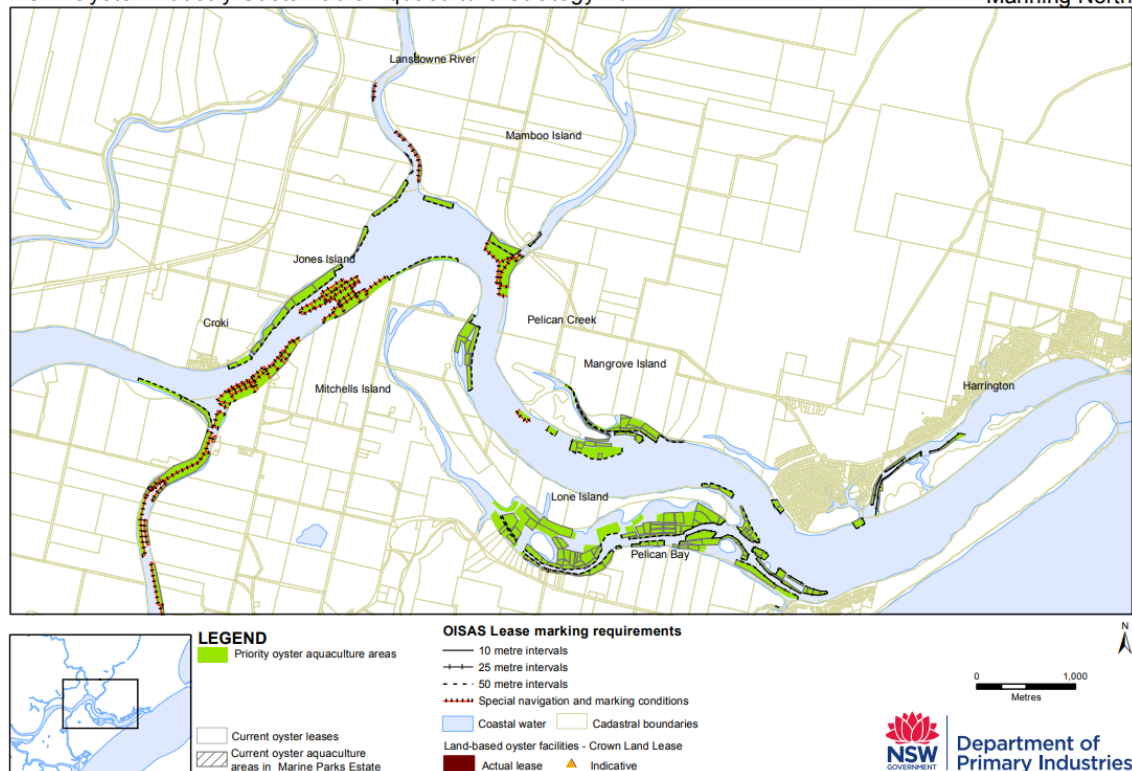
²¹ <https://www.nswoysters.com.au/industry-snapshot.html>

²² [MidCoast Regional Economic Development Strategy Supporting Analysis](#)

Figure 4. Locations of Priority Oyster Aquaculture Areas in the MidCoast

NSW Oyster Industry Sustainable Aquaculture Strategy 2014

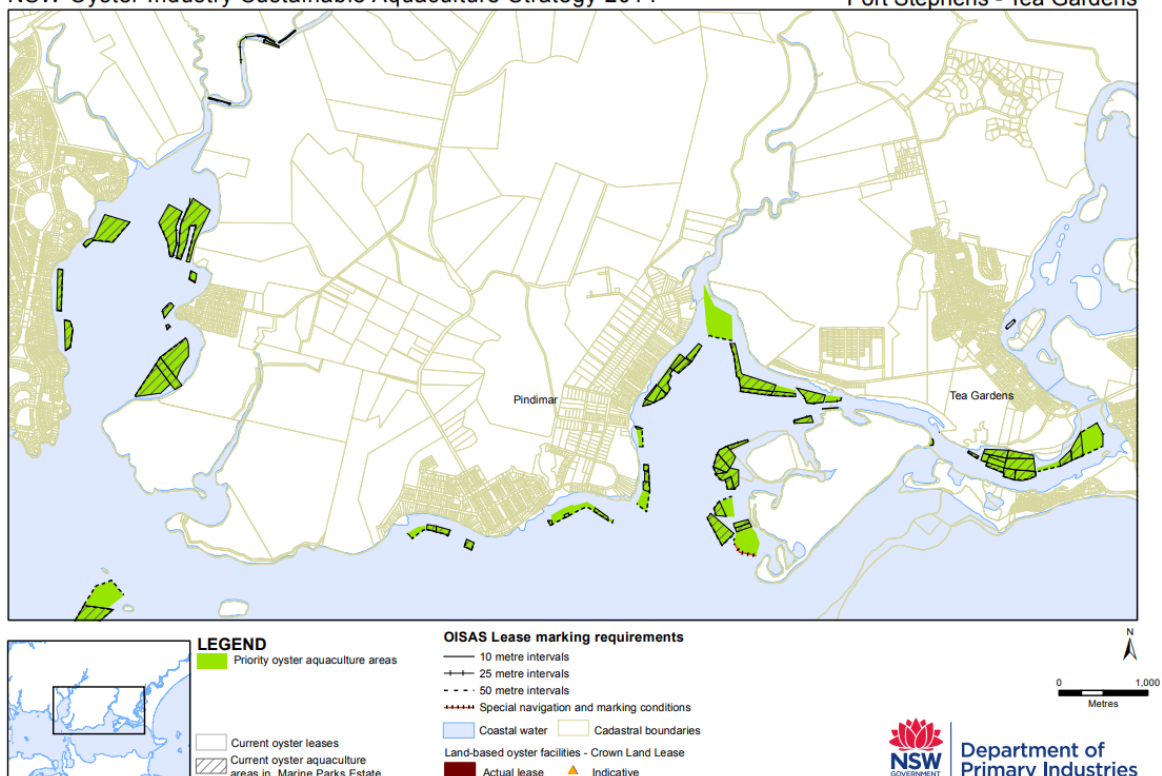
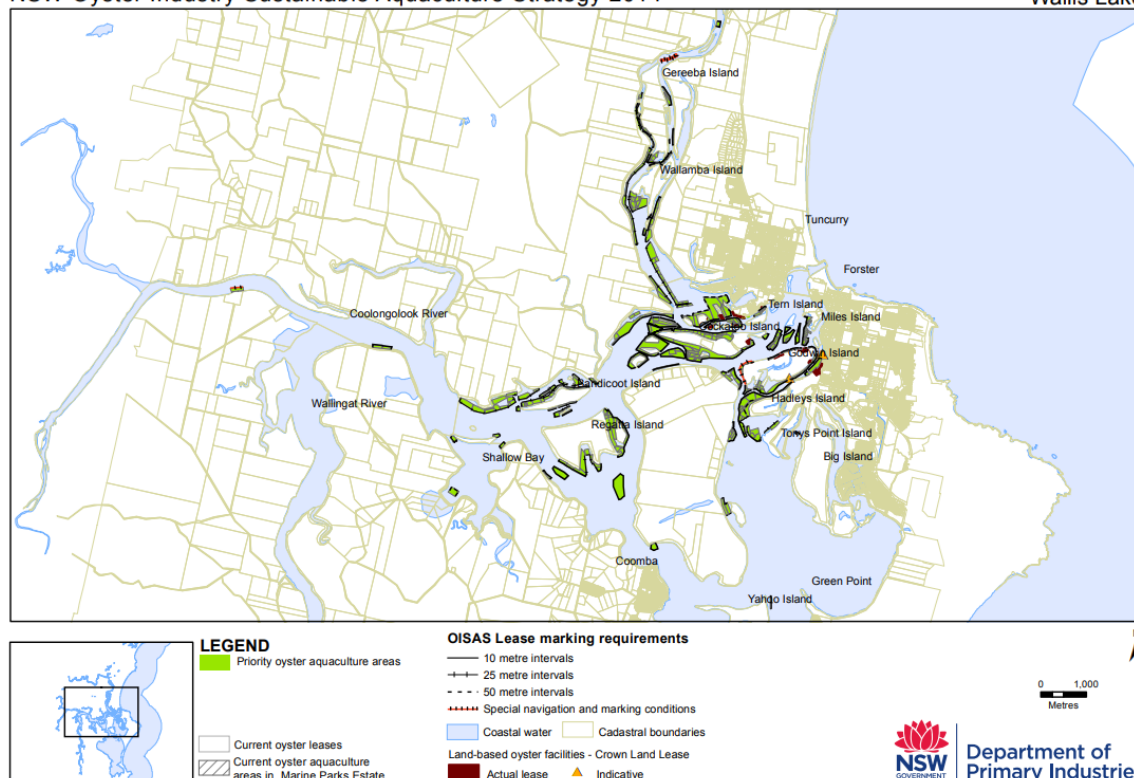
Manning North

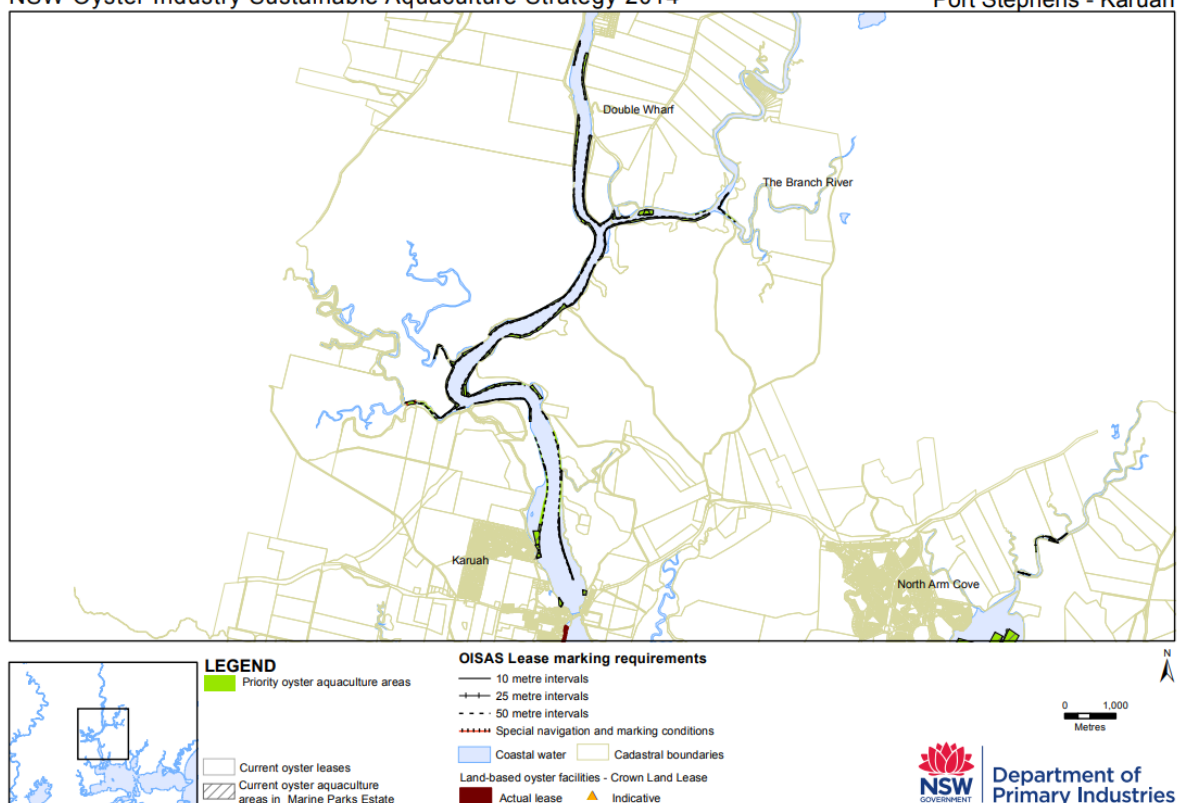
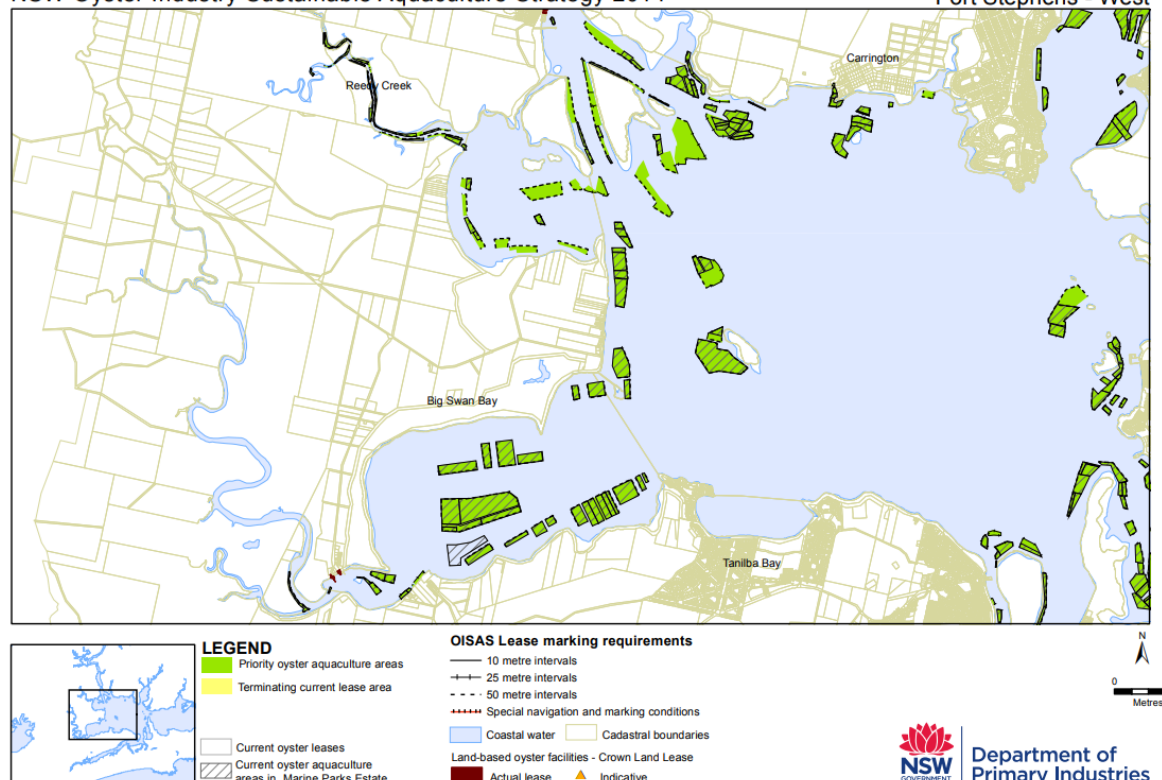


NSW Oyster Industry Sustainable Aquaculture Strategy 2014

Manning South







Critically, aquaculture and oyster aquaculture in particular has also now been incorporated more comprehensively as a permissible land use throughout waterway zones and irrespective of the zoning of the waterways, the provisions of the OISAS must be taken into account in any aquaculture application under the provisions of the Primary Production and Rural Development SEPP 2019 and relevant (compulsory) Schedule of a local environmental plan.

These provisions will be discussed in more detail later in this paper and given additional consideration in reviewing the challenges and opportunities available within the marine waterfront precincts of the MidCoast.

4.3 Regional Level Considerations

4.3.1 Hunter Regional Plan 2036

The [Hunter Regional Plan](#) (the Plan) provides for the integration of land use and transport as outlined in Ministerial Direction 3.4 and this is evident in both the vision and introduction of this document.

Vision: The leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The Hunter is the leading regional economy in Australia, with thriving communities and a biodiversity-rich natural environment. The Hunter is home to more than 860,000 people and is still growing due to its reputation as one of the great places to live and work.

Beyond Greater Newcastle are vibrant centres, towns and villages, many of which have benefited from emerging job opportunities in the health, agriculture, tourism, defence, energy and transport sectors. Faster inter-regional transport and digital technology are making it easier for residents and businesses to interact and do business.

Visitors are arriving in greater numbers on cruise ships, via Newcastle Airport and by a variety of rail and highway links to sample international quality wines and fresh food, walk along convict-built trails, trek through World Heritage-listed national parks and swim at lovely beaches.

Communities are enjoying a green grid of open space and recreational facilities – including more walking and cycling networks – as well as the distinctive character and heritage of their areas.

The region's protected natural environment enriches the experience of living in the region, sustains the region's water supply and protects biodiversity.

Ministerial Direction 5.10 requires future changes to planning controls to be consistent with Hunter Regional Plan 2036.

Therefore, the vision, land use strategy, goals, directions and actions described in the Hunter Regional Plan are considered generally reflective of current Government policy directions at National and State levels. On that basis, the Hunter Regional Plan was used as a platform for identifying top-down considerations for local strategic planning.

The Hunter Regional Plan recognises the importance of marine activities and coastal environments to regional economic development. Five directions are particularly relevant to high-level planning for marine activities and waterways within the MidCoast, with these being:

Goal 1 – The Leading regional economy in Australia

The Hunter is the largest regional economy in Australia, ranking above Tasmania, the Northern Territory and the Australian Capital Territory in terms of economic output. It drives around 28 per cent of regional NSW's total economic output and is the largest regional contributor to the State's gross domestic product.

The region has an estimated 322,000 jobs and this is projected to increase to 384,000 by 2036. There is potential to achieve higher jobs growth by planning for more diversified use of employment land.

The economy is increasingly diversified, with strong growth occurring in health care, social assistance, accommodation, food and professional services. This growth demonstrates the region is well placed to benefit from the macro trends affecting the Australian economy, such as the ageing population and greater exposure to the global economy.

The Hunter is strategically situated to leverage proximity to Asia and the region's growing agricultural, health, education and tourism sectors to supply developing Asian economies with resources and products.

The Plan aims to strengthen the region's economic resilience, protect its well-established economic and employment bases and build on its existing strengths to foster greater market and industry diversification.

Regional Development Australia's Smart Specialisation Strategy for the Hunter Region (2016) identified growth areas including food and agribusiness. There are other industries, such as tourism, health and education, which are expected to expand as part of an overall national trend.

Direction 6: Grow the economy of MidCoast and Port Stephens

The MidCoast and Port Stephens area is defined by its pristine natural environment and diverse agriculture.

The area's economy and employment base are largely service-based and highly seasonal, especially in the coastal towns of Forster and Nelson Bay. These factors reflect its tourism economy and ageing communities. The quality of the natural environment also underpins valuable rural and resource industries.

The completion of the Pacific Highway upgrade has cut travel times for visitors accessing the wide range of tourist activities in the area. This is supported by upgrades to Newcastle and Taree airports, allowing more visitors to directly enter the area.

Travel times offer opportunities for industries to expand and supply products to Greater Newcastle and Sydney. This will act as a catalyst for employment growth. Attracting new industries and growing existing industries that can leverage the accessibility provided by the Pacific Highway will support economic growth.

6.1 Enhance tourism infrastructure and connectivity, recognising the importance of:

- regional and inter-regional connections via the Pacific Highway and the Newcastle and Taree airports and cruise ship gateways; and*
- local routes such as the Lakes Way and Nelson Bay Road.*

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

6.4 Promote growth of industries that can leverage accessibility provided by the Pacific Highway.

Direction 9: Grow tourism in the region

There is huge potential for the Hunter to increase the number of nights visitors spend in the region from an annual 8.8 million.

Protecting the Hunter's pristine natural areas will keep them attractive to visitors. The coastal areas are some of the most visited and scenic parts of the region and are entry points to the vast Barrington Tops National Park, a World Heritage area.

The region can also capitalise on the growth in food-based or gastronomic tourism throughout the Manning Valley and Hunter Valley to support growers of products such as olives and oysters, as well as the beef and dairy industries.

9.1 Enable investment in infrastructure to expand the tourism industry, including connections to tourism gateways and attractions.

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

9.5 Develop capacity for growth in food-based tourism.

Direction 10: Protect and enhance agricultural productivity

There are major international trends that the Hunter can capitalise on to increase agricultural productivity, such as increasing global connectivity and proximity to Asia, where the demand for fresh food is growing. Globally, middle-class markets are expected to be looking for value-added agricultural produce, including wine, cheese and other food products.

Domestically, the Hunter has competitive advantages courtesy of its proximity to the rapidly growing Sydney market, connectivity to regions to the north, west and south, and the export capability available through the Port of Newcastle and Newcastle Airport.

Further diversification will enable the region's agricultural industries to seize these opportunities. There are already 3,503 agricultural businesses operating in the region, delivering more than \$946 million in wholesale value. Agricultural producers require ongoing access to a specific combination of resources and conditions such as quality land and water supply, favourable climate, labour, supply chains, processing facilities and markets.

10.1 Protect locations that can accommodate agricultural enterprises from incompatible development, and facilitate the supply chain, including infrastructure, distribution areas, processing facilities and research and development in local plans.

10.2 Address sector-specific considerations for agricultural industries through local plans.

10.3 Protect the region's wellbeing and prosperity through increased biosecurity measures.

10.4 Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector and build the sector's capacity to adapt to changing circumstances.²³

Goal 2 - A biodiversity-rich natural environment

The Hunter's diverse natural environment includes some of the most unique ecological systems in Australia. Within the region there are three terrestrial bioregions – the Sydney Basin, North Coast and Brigalow Belt South, and the Hawkesbury and Manning Shelf marine bioregions.

The natural environment sustains important terrestrial and aquatic ecological systems and good habitat connections, including part of a national corridor extending from Victoria to Far North Queensland. Pristine natural areas are conserved in a network of protected areas, from the World Heritage values of the Greater Blue Mountains to the Port Stephens–Great Lakes Marine Park.

Good planning and design will be fundamental to protecting the environment and building greater resilience to natural hazards and climate change.

Direction 15: Sustain water quality and security

Water catchments in the region include the Hunter and Manning river systems and the Karuah and Lake Macquarie water catchments, which encompass important coastal lakes and lagoons, coastal wetlands, sensitive estuaries and the protected waters of Port Stephens and the Great Lakes.

Monitoring and managing the impacts of existing land uses, and in the future those associated with growth, will be essential to protect the quality and security of the region's water supplies.

²³ <https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Hunter/Hunter-regional-plan/The-leading-regional-economy-in-Australia>

15.4 Implement catchment-based plans for the ongoing sustainable management and health of estuaries.

15.5 Apply the neutral or beneficial water quality objectives to land use planning in surface and groundwater drinking water catchment areas to minimise the effects of development on waterways, including watercourses, wetlands, groundwater dependent ecosystems, riparian lands, estuaries, lakes, beaches and marine waters.

15.6 Reduce the risk of introduction or spread of aquatic pests and diseases from new development that may affect fisheries and aquaculture industry practices.

15.7 Incorporate water-sensitive design into development that is likely to have an adverse impact on coastal water catchments, water quality and flows.

Direction 16: Increase resilience to hazards and climate change

Most people in the Hunter live near the coast, bushland or rivers. The appeal of these places is obvious; however, they may also come with challenges such as flooding, coastal inundation, erosion and bushfires. For example, the Hunter and Manning rivers and their major tributaries are flood prone. These issues are a significant factor when planning for future growth.

Coastal communities are likely to be more vulnerable to the threat of coastal recession and over the longer term, sea level rise.

Land use planning that supports changes to the physical environment and infrastructure can help to avoid or manage risks and build community resilience to hazards. The NSW Government will support councils to develop evidence and provide strategic advice to inform their decision-making.

16.1 Manage the risks of climate change and improve the region's resilience to flooding, sea level rise, bushfire, mine subsidence, and land contamination.

16.2 Review and consistently update floodplain risk and coastal zone management plans, particularly where urban growth is being investigated.²⁴

Goal 3 – Thriving Communities

The Hunter is home to some of the most diverse communities in NSW and their distinctive character is a significant competitive advantage for the region.

Many communities are set within and around the Hunter's natural features and open space, which are among the region's best assets. The quality of these areas and the ability to access them gives residents an array of unique experiences and the opportunity for a healthy lifestyle.

The Hunter contains natural features that are important cultural heritage for Aboriginal communities. Conserving these assets and respecting the Aboriginal communities' right to determine how they are identified and managed will preserve some of the world's longest standing spiritual, historical, social and educational values.

Protecting built heritage values through revitalisation will create thriving communities that are great places to live.

Direction 18: Enhance access to recreational facilities and connect open spaces

Expanding on the recreational walking and cycling trails that already exist in the region will allow more people to experience the region's wonderful natural areas.

The waterways in the region, such as Lake Macquarie, Port Stephens and Manning River, support important water-based recreational activities including both powered and non-powered boating activities.

²⁴ <https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Hunter/Hunter-regional-plan/A-biodiversity-rich-natural-environment>

18.3 Enhance public access to natural areas, including coastal and lake foreshores.

18.4 Assist councils to develop open space and recreation strategies that identify a range of accessible open space and recreation opportunities; integrate open space, active transport and recreation networks; and improve public foreshore access.

18.5 Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.²⁵

Collectively, these directions provide the following insights relevant to preparing the Rural Strategy, which are considered in more detail throughout this Report:

- Priority support for fishing and aquaculture activities, with emphasis placed on the MidCoast's role in oyster production. This includes managing the natural environments to sustain healthy coastal waters, which underpins production capacity and value.
- Priority for developments relating to water-based tourism and recreational experiences. These recognise commercial-scale operations (e.g. chartered tours) and more passive activities (e.g. personal boating and fishing, sight-seeing, etc.).
- General support for enhancing appropriate public access to natural areas, including coastal and lake foreshores. This will likely rely on development within marine waterfront precincts, which are mostly located within or adjoining urban areas, discussed later in this paper; and improvements to transport networks and access arrangements (e.g. parking, boating facilities, etc.) within popular coastal or lakeside areas, outside towns and villages.

4.3.2 MidCoast Regional Economic Development Strategy 2018-2022

The development of Regional Economic Development Strategies across New South Wales was the initiative of the [NSW Department of Premier and Cabinet](#), through the Centre for Economic and Regional Development (CERD). These Strategies were developed with strong linkages to the findings and recommendations of the 20 Year Economic Vision for Regional NSW strategy document.

CERD worked closely with local councils to the Strategies, which apply standardised regional economic development methodology to identify: existing economic strengths; new opportunities to enhance the region's development performance and competitiveness; and to set the region on a path to sustainable economic development.

The [MidCoast Regional Economic Development Strategy](#) (REDS) was released in July 2018. The process included a series of well-attended workshops held across the region, aimed at collaborating to build sustainable economic development. The strategy includes an action plan for the next three years, leveraging regional strengths such as our land and water assets, our infrastructure, and our location, lifestyle and amenity.

The MidCoast REDS is linked with Council's **Community Strategic Plan** and **Destination Management Plan**, and provides a strategic platform for community, business and Council to work with the State Government in driving economic growth. It is an important plan that will help attract State resources to underpin economic projects and create employment in the region.

REDS identified key strengths of the MidCoast regional economy that can be capitalised upon, including our *Land, water and related assets, Infrastructure and location*:

²⁵ <https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Hunter/Hunter-regional-plan/Thriving-communities>

The MidCoast Region has several estuaries highly suitable for aquaculture. These include areas around the Manning River, Wallis Lake, Karuah River and Port Stephens.

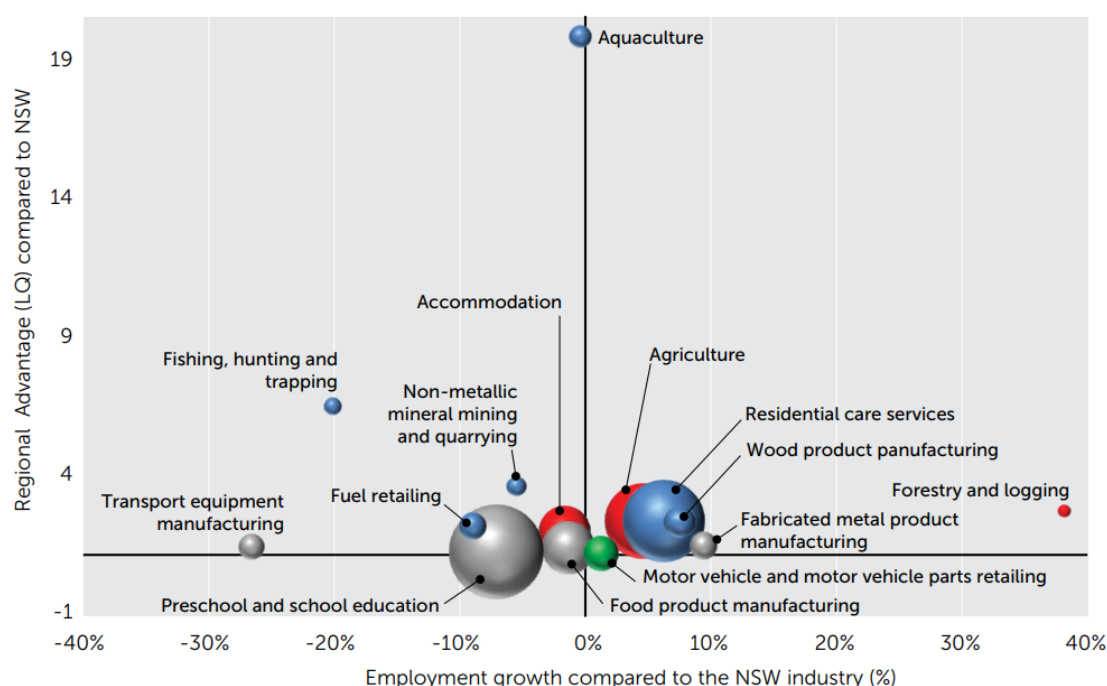
There are a number of key industry specific assets that are used for processing product from the land and from water industries. These include the beef abattoir located in Wingham (which is export licensed), private seafood processing, saw milling facilities and mining infrastructure.

The use of natural resources for productive purposes is supported by good transport infrastructure for delivering product to market. The Pacific Highway and other regional roads are key assets which enable agriculture, forestry and fishing products to be delivered to markets outside the Region.²⁶

REDS also recognises the *Lifestyle, institutions and amenity* of the MidCoast:

The Region has 192 kilometres of coastline, with key features including the Manning and Myall Rivers, Wallis, Smiths and Myall Lakes. The twin towns of Forster-Tuncurry are high profile, popular destinations. The coastal waters, lakes and rivers have multiple uses including marine park tourism, whale watching, recreational fishing and recreational boating. In addition to tourism the coastal locations are popular for retirees and others seeking a sea-change lifestyle. The Manning River is an important asset that could be further leveraged in the development of Taree for tourism and lifestyle benefits.²⁷

Figure 5. Location Quotients and Employment Growth for MidCoast Industries



Source: Census 2011, 2016. See the Supporting Analysis for notes regarding the analysis.

REDS also examined the region's competitive advantage (Location Quotient) by industry and comparing these findings to the same sector across NSW.

Two of the top five industries in the MidCoast were identified as: Aquaculture (LQ of 19.5); and Fishing, Hunting and Trapping (LQ of 6.6).

²⁶ <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Regional-Economic-Development-Strategy>

²⁷ <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Regional-Economic-Development-Strategy>

With the combined economic output of the Agriculture, Forestry, Fishing & Related Processing industries representing 7.3% of the region's gross value add; and the Wallis Lakes area accounting for 29% of production of Sydney Rock Oysters in NSW in 2015–16.²⁸

However, these industries do not generally employ a large number of people when compared to other industries; and may not be experiencing growth when compared to the same industry across NSW.

For example - Aquaculture is a specialised industry where the MidCoast has a significant regional advantage however, it employs a relatively small number of people and this number was in slight decline compared to the rest of NSW at the time of analysis (2018). This differential is illustrated by the size of the 'bubbles' in Figure 5 above.

However, the Strategy goes on to identify opportunities to strengthen and grow key industry sectors, including the local marine-based aquaculture industry and coastal tourism.

In Strengthening the Region as a location of choice the Strategy recommends:

- directly invest in key tourism assets to increase visitation, particularly in the off-season, recognising that coastal towns in particular, are at capacity during peak summer months;
- renewal of maritime facilities for the aquaculture industry and tourism activities, particularly in Forster-Tuncurry;
- identifying and improving tourism assets in particular key destination assets e.g. Lakes2Ocean and Great Lakes iconic coastal walk and cycleway.

Creating a Supportive Business Environment to encourage growth and investment is expected to:

- encourage partnerships to enable businesses to leverage each other and other groups;
- actively support new and existing businesses with advice and other services; and
- provide targeted support (detailed in the action plan) to key sectors including investments that will stimulate growth

Finally, a key component of the Strategy is to Market the Region and in particular, this would include encouraging residents to 'play in their own backyard' and experience the diversity of environments that the MidCoast can offer.²⁹

4.4 Local Level Considerations

At the local-level i.e. applying exclusively within the local government area (LGA), additional policy considerations are set out in a range of documents endorsed by the State Government and/or Council. Again, these offer goals, directions and actions that complement, or provide more detail, than those provided in the Hunter Regional Plan 2036.

It is important to note here that the MidCoast Regional Economic Development Strategy, while it applies exclusively to the MidCoast LGA, has been recognised as a regional strategy as it has this intention and purpose. The fact that the MidCoast LGA was found to be an

²⁸ NSW Department of Primary Industries (2017) Aquaculture Production Report 2015–2016.

²⁹ <https://intranet.midcoast.nsw.gov.au/sites/teams/1555559560209/Documents/Rural%20Strategy/1.%20draft%20strategy%20AM/MidCoast-REDS-Final-Report.pdf>

effectively independent Functional Economic Region during preparation of the Strategy, is informative as both an opportunity and a challenge for the MidCoast.

The following Council documents, which will be discussed in additional detail below, have been identified as particularly relevant to long-term planning for the MidCoast:

- [MidCoast 2030: Shared Vision, Shared Responsibility](#)
- [MidCoast Destination Management Plan](#)

4.4.1 MidCoast 2030: Shared Vision, Shared Responsibility

MidCoast 2030 was the first Community Strategic Plan prepared for the new 10,000 square kilometre MidCoast local government area created in May 2016.

Our Vision: We strive to be recognised as a place of unique environmental and cultural significance. Our strong community connection, coupled with our innovative development and growing economy, builds the quality of life we value.

Within this Plan we valued: our unique, diverse and culturally rich communities; a connected community; our environment; our thriving and growing economy; strong leadership and shared vision³⁰. Critically, we also recognised that our rural and coastal areas are key economic, social and environmental assets and this is reflected in the goals and actions outlined in Table 1.

Much of the rural area is used for farming, primarily dairy and beef cattle with a growing poultry industry. Oyster farming and fishing are important industries on our coast.

Our region is also a key holiday destination. During the summer months the population swells with tourists coming to enjoy the region's pristine coastline and beaches, coastal lakes, lagoons and other attractions.

As a community we are conscious of our environmental footprint and we manage the resources we have available to us wisely as we transition from an economy based on traditional agriculture and industrial practices to one which is more diversified.

Table 1. Marine Activity Goals and Actions from MidCoast 2030

WE VALUE... a connected community		
Where do we want to be?	How will we get there?	Who can help?
It is safe and easy to get around our region	Encourage the use of alternative transport options through the provision of a safe, accessible and connected walking and cycling network.	MidCoast Council NSW and Federal Government Community groups Regional Development Australia Chambers of Commerce and business community Utility providers Transport providers
We utilise technologies to connect us locally and beyond	Use technology and innovation to improve the way we live, work, learn and connect.	
We protect the health and	Continue to develop a sustainable network of water, sewer and storm water systems to meet	

³⁰ <https://www.midcoast.nsw.gov.au/Council/Plans-and-reports>

safety of our communities	community needs and health and safety standards. Increase the capacity of community, businesses and organisations to understand and meet public health standards.	
<p>How will we know we are on track?</p> <p>3 The condition of our sealed roads has improved</p> <p>4 There is an increase in the number of new developments connected by footpaths and cycleways</p>		

WE VALUE... our environment		
Where do we want to be?	How will we get there?	Who can help?
We protect maintain and restore our natural environment	<p>Value, protect, monitor, and manage the health and diversity of our natural assets, wildlife and ecosystems.</p> <p>Ensure climate change risks and impacts are understood and managed.</p> <p>Protect, maintain and restore water quality within our estuaries, wetlands and waterways.</p> <p>Improve the capacity of industry and the community to achieve the best possible outcomes for the natural environment.</p> <p>Ensure our natural assets are maintained to a standard appropriate to their use.</p>	<p>MidCoast Council</p> <p>NSW and Federal Government</p> <p>Environmental groups</p> <p>Volunteers</p> <p>Not for profit organisations</p> <p>Local Aboriginal groups and organisations</p> <p>Education and training providers</p> <p>Chambers of Commerce and business community</p>
We balance the needs of our natural and built environments	<p>Ensure growth and new development complements our existing natural assets, cultural assets and heritage sites.</p> <p>Optimise land use to meet our environmental, social, economic and development needs.</p>	
How will we know we are on track?		
1 There are improved or maintained scores in the annual waterways report card		
4 The community is satisfied with land use planning decisions		

WE VALUE... our thriving and growing economy		
Where do we want to be?	How will we get there?	Who can help?
Our region is a popular place to visit, live, work and invest	<p>Develop and promote our region as an attractive visitor destination offering products and experiences that meet the needs of our visitors and residents.</p> <p>Provide an environment to grow and strengthen local businesses, and attract new business.</p>	<p>MidCoast Council</p> <p>NSW and Federal Government</p> <p>Community groups</p> <p>Volunteers</p> <p>Not for profit organisations</p>

Our villages and business precincts are vibrant commercial, cultural and social hubs	<p>Implement innovative programs and projects to support business precincts in creating and maintaining vibrant spaces.</p> <p>Ensure strategies and processes recognise, maintain and support sustainable economic growth.</p> <p>Use existing knowledge, expertise and technology to develop businesses based on new ways of thinking.</p>	<p>Regional Development Australia</p> <p>Service clubs</p> <p>Local Aboriginal groups and organisations</p> <p>Creative arts sector and representative groups</p> <p>Tourism providers and Destination NSW</p>
We encourage greater rural and agricultural economic diversity	Encourage the diversification and sustainability of agribusiness through the utilisation of sustainable farming practices, new technologies and innovation.	Chambers of Commerce and business community
<p>How will we know we are on track?</p> <p>1 There is a reduction in the MidCoast unemployment rate</p> <p>2 The net number of new businesses has increased</p> <p>3 Annual visitor numbers have increased</p>		

WE VALUE... strong leadership & shared vision		
Where do we want to be?	How will we get there?	Who can help?
We work in partnership with our community and government to ensure council is a trusted and flexible organisation that delivers on their needs	<p>Partner with, and positively influence the State and Federal Governments in delivering local priorities and services.</p>	<p>MidCoast Council</p> <p>NSW and Federal Government</p> <p>Community groups</p> <p>Volunteers</p> <p>Not for profit organisations</p> <p>Regional Development Australia</p>
We develop and encourage community and civic leadership	<p>Inform, educate and empower council, business and community leaders to respond and adapt to challenges and change. Identify and participate in initiatives for regional cooperation and collaboration.</p> <p>Use existing knowledge, expertise and technology to develop businesses based on new ways of thinking.</p>	<p>Local Aboriginal groups and organisations</p> <p>Other councils</p> <p>Education and training providers</p> <p>Chambers of Commerce and business community</p>
<p>How will we know we are on track?</p> <p>2 The community is satisfied that decisions are made in their best interest</p> <p>3 The community is satisfied with the level of engagement by council</p>		

4.4.2 MidCoast Destination Management Plan

The MidCoast Regional Economic Development Strategy endorses the MidCoast Destination Management Plan (DMP) and recommends its implementation to support investment in key tourism assets to increase yield and visitation, particularly in the off season. In particular:

The Baseline Analysis of Tourism in MidCoast New South Wales report summarises the current state of Tourism in the MidCoast and explores some of the opportunities for Sustainable Tourism Growth in the region over the next 15 – 20 years. It was produced in August & September 2016 for MidCoast Council.

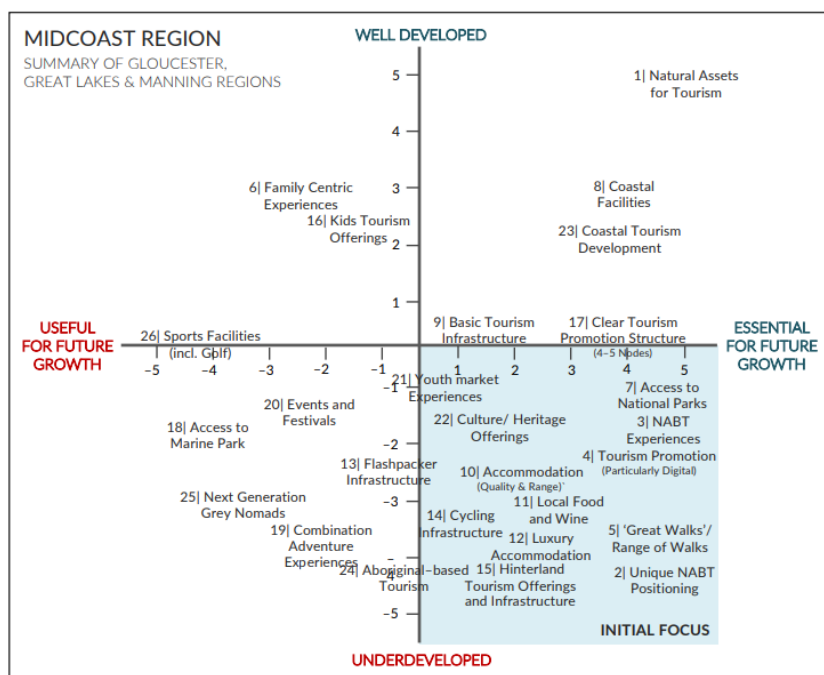
It identifies a number of significant opportunities for the region – some very significant – that have the potential to grow the MidCoast Tourism Industry to over AUS \$1.55 billion by 2030; an increase of more than 270% from its current value of AUS \$570.4 million.

In exploring these various opportunities, a potential future for the MidCoast's Tourism Industry has emerged that is quite different from its current state. A future where Tourism makes full use of the region's exceptional Natural Tourism assets much more effectively and where:

- + *The overall Tourism mix is a much more balanced and sustainable one;*
- + *Over 25% of the MidCoast economy is directly or indirectly supported by Tourism; and*
- + *The MidCoast is renowned both domestically and Internationally as one of Australia's leading Nature and Adventure-based Tourism regions.³¹*

This analysis included identification of areas of growth and opportunity, shown in Figure 6 which illustrates that while coastal facilities and tourism are well developed, complementary tourism activities are underutilised, including but not limited to: Marine Park access, adventure experiences, Aboriginal cultural tourism, and Great walks.

Figure 6. MidCoast Tourism Gap Analysis³²



³¹ <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Tourism-Destination-Management-Plan>

³² MidCoast Tourism Destination Management Plan

One of the key insights from the Destination Management Plan consultation process were:

- *recognition of the beautiful nature-based attributes of the region and the rivers and waterways connecting the mountains to the sea;*
- *a clear desire to avoid over-development and provide a contrast to other coastal towns, such as Port Stephens, Port Macquarie and Coffs Harbour – as well as the opportunity to revitalise and improve maintenance of key sites etc.*³³

These and other more detailed insights about coastal tourism strengths and weaknesses are outlined within the Plan and documented below in Table 2.

Table 2. MidCoast Destination Management Plan SWOT Analysis

STRENGTHS	OPPORTUNITIES
<p>Natural environment including world heritage listed national parks, wetlands of international significance, waterways, lakes and river systems</p> <p>Range of existing outdoor recreation and nature-based facilities and places</p> <p>High-quality local produce including Wallis Lake oysters, local wineries, etc – Manning Valley Naturally brand doing well in agriculture sector</p> <p>Established tourism industries e.g. dolphin & whale watching, kayaking and some existing high-quality accommodation</p> <p>Cycling and walking trails</p> <p>Wide range of popular events and festivals</p> <p>Contemporary coastal villages</p>	<p>MCC's and region's commitment to sustainability</p> <p>Urban renewal in Taree and Forster to take advantage of and improve access to the Manning River and Wallis Lake respectively</p> <p>Strengthen relationships with potential partners to deliver new products and experience, such as NPWS and the Local Aboriginal Land Councils and private sector</p>
WEAKNESSES	CHALLENGES
<p>Limited range of accommodation types</p> <p>Maintenance required to some visitor infrastructure and facilities e.g. walking trails</p> <p>Limited resources for implementation of signature experiences</p>	<p>Hyper-seasonality over summer along the coast</p> <p>Inconsistent promotion and use of local produce in local restaurants and cafes</p> <p>Managing visitor economy infrastructure projects across multiple land tenure</p> <p>Growing demand during non-peak (low and shoulder) seasons and increasing regional dispersal</p>

The Plan goes on to identify signature and supporting experience priorities, some of which are identified as game-change projects, with high priority for implementation given the potential for high interest and economic return within the region:

- *'Soil to Sea' produce event or markets to recognise and promote the diverse and seasonal produce or 'nature's bounty' offered by the NSW Mid North Coast region*

³³ [MidCoast Tourism Destination Management Plan](#)

and leverage the global trend relating to experience locally-curated food and drink experiences

- *Initiate a 'Sharing Our Produce' capacity building and networking program to encourage greater awareness, use and promotion of local produce*
- *Undertake an audit of the key nature-based assets, sporting facilities, recreational activities and events across the region, including those delivered by tour operators or community groups to create an itinerary of events, experiences and activities:*
 - *Food and drink, including farm gate trails, paddock to plate experiences*
 - *Nature and adventure, for example, cycling touring, bushwalking and kayaking trails, including 'Junior Discovery' trails and 'Waters and Wetlands Tours'*
 - *Outdoor recreation opportunities and sporting facilities, for example, from golf to rowing, mountain biking or surfing.*
- *Develop a calendar of nature-based and wildlife events, including major wildlife and seasonal events, such as the whale migration, platypus sightings and fishing seasons (e.g. black bass and deep-sea species).*
- *Implement the Great Lakes Great Walk & Aquatic Trails Project Master Plan*
- *Implement the 'Lake to Ocean (L2O) Trail' in Forster Tuncurry. To appeal to the active families' market and provide linkages between the Forster Revitalisation, Great Lakes Great Walk and Aquatic Trails network, linkages to Cape Hawke the Bicentennial trail and NSW Coastal Cycleway.*
- *Dark Point Ecolodge or glamping experience (linked to the Great Lakes Great Walk and Aquatic Trails project – LALC, Aboriginal community and NPWS involvement required)*
- *Aboriginal Health & Well-being Retreat – potentially the first of its kind in Australia and involving production of native plants³⁴*

Two game-changer projects documented within the Plan are specifically related to opportunities and experiences available within the coastal environment of the MidCoast and linkages between marine waterfront precincts:

1. The Great Lakes Great Walk and Aquatic Trails project, envisages the development of an internationally significant Great Walk along a 100km stretch of coast between Forster and Hawks Nest, incorporating Myall Lakes and Booti National Parks. The experience would involve a combination of land-based and aquatic trails, extending from Port Stephens into Myall Lakes, Smiths Lake and Wallis Lakes. The concept would be similar to the Great Ocean Road Walk in Victoria, and if successful, would be integrated into a broader coastal walks scheme on the east coast of Australia.
2. The recognition of the MidCoast as a Centre of Excellence for the Environment and Wetlands, would reinforce Council and the community's commitment to environmental sustainability. This initiative requires identification and advocacy across a range of MidCoast strategies and initiatives including but not limited to the Biodiversity Framework, Asset Management programs and protection of these environments through the application of appropriate environmental zonings, and restoration of wetlands and estuaries on private land.

³⁴ <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Tourism-Destination-Management-Plan>

4.5 Environmental Planning Instruments and other regulatory considerations

The manner in which marine activities and infrastructure is considered through various State and Local environmental planning instruments, is relevant to long-term planning and plan making considerations.

These environmental planning instruments are: State Environmental Planning Policies (SEPP) and Local Environmental Plans (LEP). The content and format of an LEP is required to be consistent with the Standard Instrument Principal Local Environmental Plan (2006) and not inconsistent with, or repetitious of, the provisions of any relevant SEPP.

This section briefly describes how these types of activities are permitted (with or without consent), and relevant considerations relating to the assessment and determination of development applications within the MidCoast.

4.5.1 State Environmental Planning Policy (Coastal Management) 2018

The [State Environmental Planning Policy \(Coastal Management\) 2018](#) provides new statutory definitions and mapping for four 'coastal management areas' that make up the 'Coastal Zone', as listed below.

Each of these areas overlap and have separate objectives for planning, which (as per the Ministerial Direction) will strongly influence how Council applies land use zonings and other controls. For locations where more than one area applies, the planning objectives and controls for all relevant areas must be considered:

- Coastal wetlands and littoral rainforests (including surrounding lands), which are protected for conservation under Federal legislation;
- Coastal vulnerability area, which are subject to hazards such as coastal erosion and tidal inundation. Maps for this area are not yet available;
- Coastal environment area, which have recognisable natural features; and
- Coastal use area, which encompasses the remaining land not relevant to the above three areas.

Council has already prepared coastal zone management plans for the following areas.

- [Manning Valley Coastal Zone Management Plan](#) (January 2018);
- Old Bar – Manning Point Coastal Management Program (in development);
- [Great Lakes Coastal Zone Management Plan](#) (August 2016); and
- [Jimmys Beach, Winda Woppa Coastal Zone Management Plan](#) (March 2016)

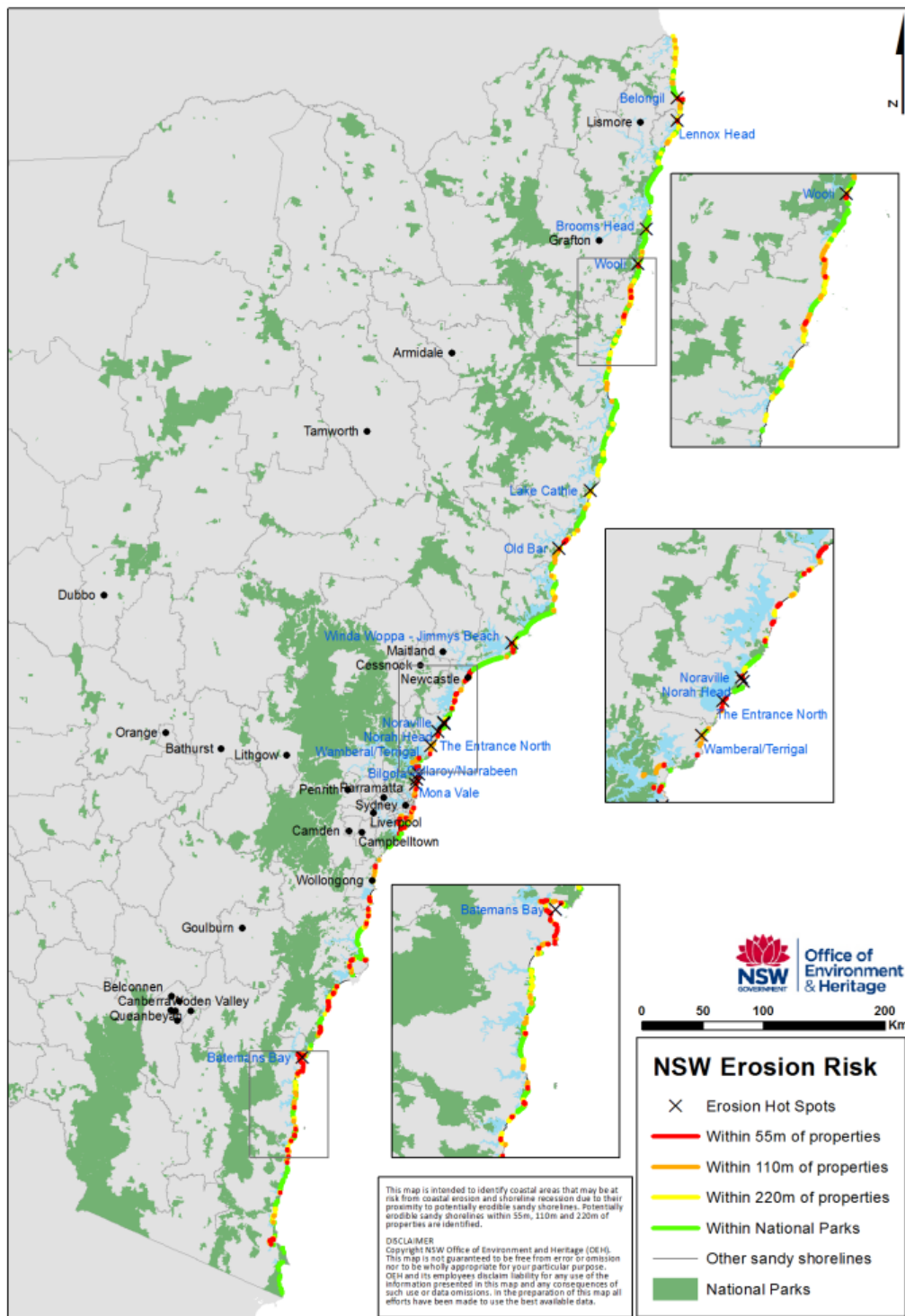
These documents are relevant to the consideration of marine activities within the coastal zone, particularly as it relates to the zoning of tidal waters within the coastal zone, and how these waterways are managed in conjunction with existing land-based structures and commercial activities.

These Coastal Zone Management Plans (CZMPs) collectively identify and address the risks associated with coastal processes for the whole of the 'Coastal Zone' as defined by the Coastal SEPP, and provide objectives for balancing community use, coastal amenity and ecological health. Each plan sets out recommendations for adjustments to current planning controls that

would assist with giving effect to the desired management objectives. These predominantly relate to controls applied through Council's Development Control Plan ('DCP').

Jimmys Beach at Winda Woppa and Old-Bar-Manning Point, are identified as coastal erosion 'hot spots' by the (former) NSW Office of Environment and Heritage as illustrated in Figure 7 below.

Figure 7. NSW Coastal Erosion Risk Map identifying erosion 'hot spots'³⁵

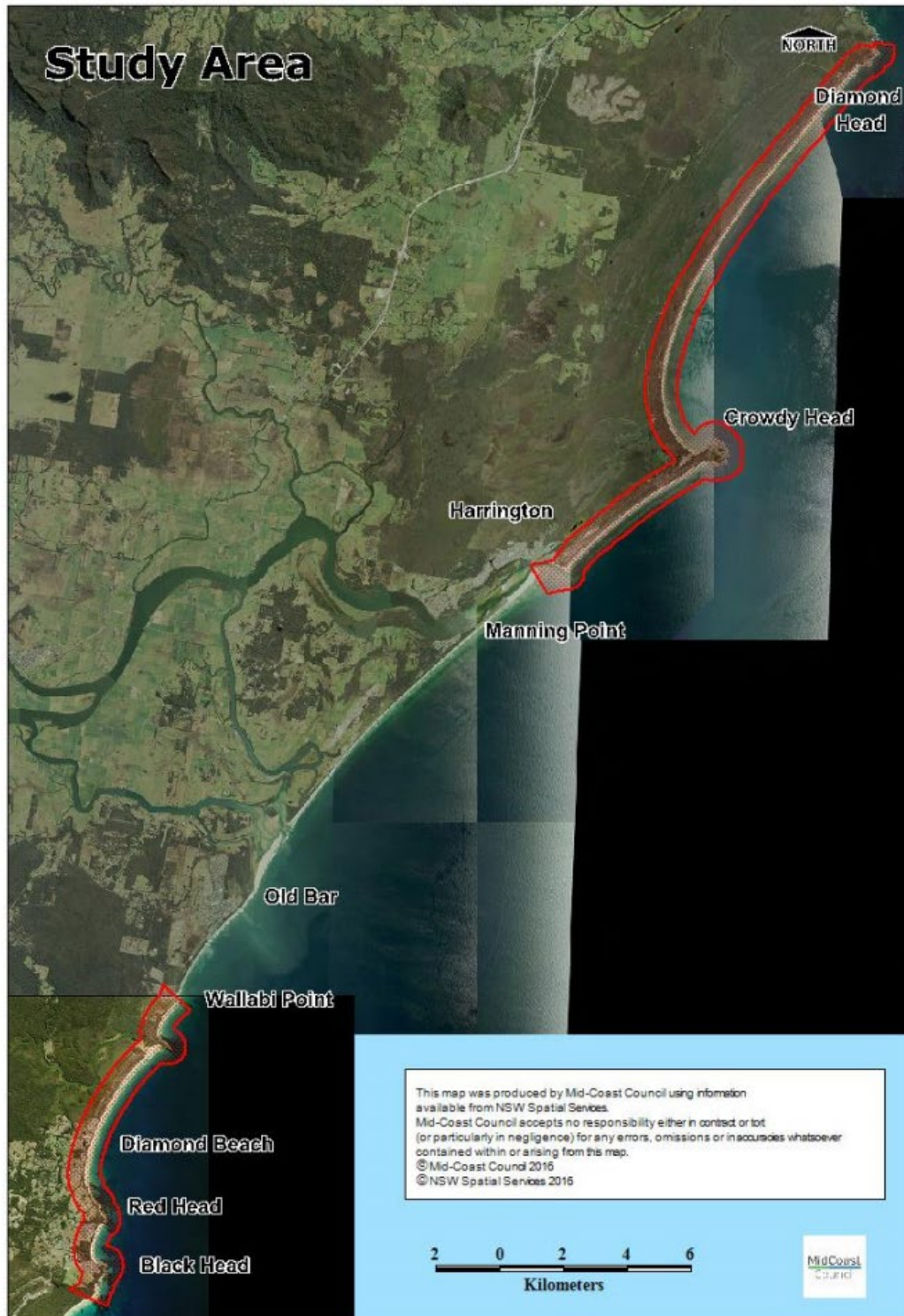


³⁵ [NSW Government Coastal Erosion in NSW Statewide Exposure Assessment \(2017\)](#)

Locations identified as 'hot spots' are required to have an Emergency Action Response Plan prepared in conjunction with the CZMP/CMP. Council has historically prepared separate CZMPs for these hot spot locations and this may be expected to continue as these documents are transitioned into CMPs.

The location and extent of the coastal zone management plan/ coastal management program study areas, are illustrated in Figure 8, Figure 9 and Figure 10.

Figure 8. Manning Valley Coastal Zone Management Plan, excluding Old Bar - Manning Point³⁶



³⁶ [Manning Valley Coastal Management Plan 2018](#)

Figure 9. Great Lakes Coastal Zone Management Plan, excluding Jimmys Beach³⁷



³⁷ [Great Lakes Coastal Zone Management Plan 2016](#)

Figure 10. Location and Management Options identified for Jimmys Beach, Winda Woppa³⁸



Prior to the introduction of the Coastal Management SEPP Councils were also engaged in a program of river, lake and estuary management plan development and implementation, in partnership with other public agencies and landowners. These were developed under separate legislative frameworks, but will now be incorporated into coastal or catchment management plans.

Within the MidCoast LGA these historic plans have been focussed upon land and water management in the former Great Lakes and Greater Taree LGAs as shown in Table 3 below.

Table 3. River, Lake and Estuary Management Plans of the MidCoast

Great Lakes Region ³⁹	Greater Taree Region ⁴⁰
<p>Darawakh/Frogalla Wetland Management Plan</p> <p>Forster Keys Management Plan</p> <p>Great Lakes Coastal Catchment Initiative</p> <p>Karuah River Catchment Management Plan</p> <p>Karuah River Ecological Condition Assessment</p> <p>Lower Myall River Estuary Study (2011)</p> <p>Lower Wallamba River Rivercare Plan</p> <p>Mid-Wallamba River Rivercare Plan</p> <p>Pindimar and Bundabah Foreshore Erosion Study</p>	<p>Acid Sulphate Soils</p> <p>Estuary Management</p> <p>Farquhar Inlet entrance opening management plan</p> <p>Manning River maintenance dredging strategy</p> <p>Riverbank restoration</p>

³⁸ Jimmys Beach Coastal Zone Management Plan (2016)

³⁹ <https://www.midcoast.nsw.gov.au/Environment/Coastal-River-Management/River-Lake-Estuary-Management/Great-Lakes-Region>

⁴⁰ <https://www.midcoast.nsw.gov.au/Environment/Coastal-River-Management/River-Lake-Estuary-Management/Manning-Valley-Region>

Great Lakes Region ³⁹	Greater Taree Region ⁴⁰
Smiths Lake Estuary Coastal Zone Management Plan Wallamba River Restoration Wallis Lake Estuary and Catchment Management Plan Wallis Lake Navigation Dredging Wallis Lake Sponges Wallis Lake Wetlands Strategy Water Quality Improvement Plan (WQIP) Waterway and Catchment Report Card (and Full Background Reports)	

The findings and recommendations of these documents have resulted in significant environmental improvements, particularly with regards to the management of stormwater and agricultural run-off; water quality improvement and report cards; restoration and rehabilitation programs for degraded environments.

These and similar programs in the future are supported through the application of an environmental levy, critical to the ongoing investigation, management and improvement of sensitive environments throughout the MidCoast.

4.5.2 Exempt and Complying Development Codes SEPP 2008

The [Exempt and Complying Development \(CODES\) SEPP](#) contains planning provisions for developments that are likely to have minimal environmental impact to reduce the level of assessment or approval required.

Development on land in the coastal environment and in particular within coastal towns, villages and marine waterfront precincts, does not qualify as exempt or complying development, and is subject to a higher level of assessment via a development application given: the potential sensitivity of the environment; hazards that may affect the land; or potential impact of development within the location.

1.19 Land on which complying development may not be carried out

(1) Specific land exemptions for Housing Code, Inland Code, Low Rise Housing Diversity Code, Rural Housing Code and Greenfield Housing Code To be complying development specified for the Housing Code, the Inland Code, the Low Rise Housing Diversity Code, the Rural Housing Code or the Greenfield Housing Code, the development must not be carried out on—

- (a) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding, detached development (other than a detached studio) or swimming pool, or
- (b) land that is reserved for a public purpose by an environmental planning instrument, or
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
- (c1) land that is significantly contaminated land within the meaning of the [Contaminated Land Management Act 1997](#), or

- (d) land that is subject to a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) or a property vegetation plan approved under the [Native Vegetation Act 2003](#), or
- (d1) land that is subject to a private land conservation agreement under the [Biodiversity Conservation Act 2016](#) or that is a set aside area under section 60ZC of the [Local Land Services Act 2013](#), or
- (e) land identified by an environmental planning instrument as being—
 - (i) within a buffer area, or
 - (ii) within a river front area, or
 - (iii) within an ecologically sensitive area, or
 - (iv) environmentally sensitive land, or
 - (v) within a protected area, or
- (f) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by—
 - (i) a coastline hazard, or
 - (ii) a coastal hazard, or
 - (iii) a coastal erosion hazard, or
- (g) land in a foreshore area, or
- (h) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for—
 - (i) the erection of ancillary development, attached development or detached development, or
 - (ii) the alteration of, or an addition to, ancillary development, attached development or detached development, or
- (i) land that is declared to be a special area under the [Water NSW Act 2014](#), or
- (j) unsewered land—
 - (i) to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument.

(2) Development specified in the **Housing Code, Inland Code or the Low-Rise Housing Diversity Code** is not complying development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 5.

(3) Subclause (2) ceases to have effect—

- (a) on 30 November 2018 in relation to land in the local government area of Lake Macquarie and identified on [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Lake Macquarie Complying Development Land Map](#) (SEPP_ECD_4650_LCD_002_20130730) specified in Schedule 5, and
- (b) on 30 November 2021 in relation to land in the local government area of Mosman and identified on any map specified in Schedule 5.

(3A) Development specified in the **Low Rise Housing Diversity Code** is not complying development under that code if it is carried out on land on which there is a heritage item or a draft heritage item.

(4) Specific land exemptions for Housing Alterations Code and General Development Code To be complying development specified for the Housing Alterations Code or the General Development Code, the development must not be carried out on unsewered land—

- (a) to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250m², or
- (b) in any other drinking water catchment identified in any other environmental planning instrument.

(5) Specific land exemptions for Commercial and Industrial (New Buildings and Additions) Code To be complying development specified for the Commercial and Industrial (New Buildings and Additions) Code, the development must not be carried out on—

- (a) land within a heritage conservation area or a draft heritage conservation area, or
- (b) land that is reserved for a public purpose in an environmental planning instrument, or
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
- (d) land that is significantly contaminated land within the meaning of the [Contaminated Land Management Act 1997](#), or
- (d1) land that is subject to a private land conservation agreement under the [Biodiversity Conservation Act 2016](#) or that is a set aside area under section 60ZC of the [Local Land Services Act 2013](#), or
- (e) land that is subject to a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) or a property vegetation plan approved under the [Native Vegetation Act 2003](#), or
- (f) land identified by an environmental planning instrument as being—
 - (i) within a buffer area, or
 - (ii) within a river front area, or
 - (iii) within an ecologically sensitive area, or
 - (iv) environmentally sensitive land, or
 - (v) within a protected area, or
- (g) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by—
 - (i) a coastline hazard, or
 - (ii) a coastal hazard, or
 - (iii) a coastal erosion hazard, or
- (h) land in a foreshore area, or
- (i) unsewered land—
 - (i) to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, or
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument.

Also, under clause 5.7 of all LEPs, development consent is required for any development on land below the mean high-water mark of any body of water subject to tidal influence. This will be discussed later in this report.

4.5.3 Primary Production and Rural Development SEPP 2019

The [State Environmental Planning Policy \(Primary Production and Rural Development\) 2019](#) came into force in February 2019 and repealed the following Policies:

- State Environmental Planning Policy No 30—Intensive Agriculture,
- State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas,
- State Environmental Planning Policy No 62—Sustainable Aquaculture,
- State Environmental Planning Policy (Rural Lands) 2008.

As a result, the Policy aims to cover a broad range of activities and initiatives across the State:

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

Within the context of the Marine Activities paper this is particularly relevant to aquaculture and the range of activities associated with oyster-production in coastal waterways and adjoining lands. In this regard, the paper will focus on Part 5 Sustainable Aquaculture and Schedule 2 Marine waters aquaculture (other than oyster aquaculture).

Part 5 Sustainable Aquaculture

The objects of this Part are as follows—

- (a) to encourage sustainable marine waters aquaculture and set out the minimum site location and operational requirements for permissible development for the purpose of marine waters aquaculture,*
- (b) to establish a regime for categorising development for the purpose of aquaculture based on the applicable level of environmental risk associated with site and operational factors (including risks related to climate change, in particular, rising sea levels) and to identify certain categories of development as designated development,*

(c) to require consent authorities to take into consideration the effect of development on existing and future oyster aquaculture development and oyster aquaculture areas when assessing development applications.⁴¹

In particular, this Part of the SEPP requires the consent authority to take into consideration, any aquaculture industry development plan that may be relevant; and consult with the Planning Secretary on the project profile analysis which identifies environmental and operational criteria for ranking the level of environmental risk relevant to both the proposed site and operational attributes of the proposal.

The project profile analysis then determines whether or not the proposal is to be assessed as designated development, which requires advertising for a minimum period of 28 days.⁴²

Part 5 also requires the consent authority to assess whether or not the proposed development would have any adverse impact on oyster aquaculture development or a priority oyster aquaculture area. If it does, the Secretary of the Department of Industry must be consulted for a minimum period of 21 days.

The consent authority and Secretary must consider the NSW Oyster Industry Sustainable Aquaculture Strategy, and the consent authority may refuse the proposal if it is satisfied that the development will adversely affect an existing or future oyster aquaculture development.⁴³

Schedule 2 Marine waters aquaculture (other than oyster aquaculture), gives provisions for the exclusion of certain locations and the establishment of minimum criteria for permissible development, but was blank at the time of writing this report.

4.5.4 State Environmental Planning Policy (State and Regional Development) 2011

Development, predominantly infrastructure, can be classed as state or regionally significant under the [State and Regional Development SEPP](#).

Two consent authorities may assess and determine development projects under this SEPP – the Independent Planning Commission for certain State significant development; and the Joint Regional Planning Panel for certain Regionally significant development.

Schedule 1 identifies a broad range of State Significant transport and infrastructure development categories, including but not limited to: port facilities or wharf or boating facilities (not including marinas) that has a capital investment value of more than \$30 million;

Schedule 3 identifies additional categories of State significant infrastructure, undertaken by or on behalf of a public authority including: General public authority activities; and Port facilities and wharf or boating facilities (not including marinas) that has a capital investment value of more than \$30 million.

Schedule 7 also allows for Regionally significant development in broad categories including but not limited to:

- General development that has a capital investment value of more than \$30 million.
- Council related development that has a capital investment value of more than \$5 million if Council is the applicant, owner of the land to be developed, the developer or party to an agreement relating to the development.

⁴¹ <https://www.legislation.nsw.gov.au/#/view/EPI/2019/137/part5/div1/cl20>

⁴² <https://www.legislation.nsw.gov.au/#/view/EPI/2019/137/part5/div3>

⁴³ <https://www.legislation.nsw.gov.au/#/view/EPI/2019/137/part5/div4>

- Development carried out by or on behalf of the Crown that has a capital investment value of more than \$5 million.
- Private infrastructure and community facilities that has a capital investment value of more than \$5 million for specific purposes including but not limited to: air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities.
- Designated development for specific purposes including but not limited to: marinas or other related land and water shoreline facilities.

These activities may also be permitted to be undertaken in whole or part, by a public authority without consent or going through the normal development assessment processes, if permitted under the Infrastructure SEPP, discussed below.

4.5.5 State Environmental Planning Policy (Infrastructure) 2007

The [Infrastructure SEPP](#) is a major consideration for local strategic planning and plan-making relating to public infrastructure in the coastal zone and marine waterfront precincts, in that it makes certain development permitted without consent when undertaken by or on behalf of a public authority. These exemptions include provisions for port, wharf or boating facilities.

4.5.6 Standard Instrument Principal Local Environment Plan

The [Standard Instrument LEP](#) contains the following relevant definitions relating to marine activities and coastal environments:

agriculture means any of the following—

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note. Part 6 of the [Plantations and Reforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

aquaculture has the same meaning as in the [Fisheries Management Act 1994](#). It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

Note. Aquaculture is a type of ***agriculture***—see the definition of that term in this Dictionary.

boat building and repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either—

(a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to—

(i) dwellings that are permitted on rural land, and

(ii) dwellings that are used for caretaker or staff purposes, or

(b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

coastal hazard has the same meaning as in the [Coastal Management Act 2016](#).

coastal lake means a body of water identified in Schedule 1 to [State Environmental Planning Policy \(Coastal Management\) 2018](#).

coastal protection works has the same meaning as in the [Coastal Management Act 2016](#).

coastal waters of the State—see section 58 of the [Interpretation Act 1987](#).

coastal zone has the same meaning as in the [Coastal Management Act 2016](#).

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

estuary has the same meaning as in the [Water Management Act 2000](#).

Note. The term is defined as follows—

estuary means—

(a) any part of a river whose level is periodically or intermittently affected by coastal tides, or

(b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or

(c) anything declared by the regulations (under the [Water Management Act 2000](#)) to be an estuary,

but does not include anything declared by the regulations (under the [Water Management Act 2000](#)) not to be an estuary.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note. Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

fish has the same meaning as in the [Fisheries Management Act 1994](#).

Note. The term is defined as follows—

Definition of “fish”

(1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2) **Fish** includes—

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3) **Fish** also includes any part of a fish.

(4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

industrial retail outlet means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located, but does not include a warehouse or distribution centre.

Note. See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackereries, tanneries, woolscours and rendering plants.

Note. Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Note. Local distribution premises are a type of **warehouse or distribution centre**—see the definition of that term in this Dictionary.

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

mean high water mark means the position where the plane of the mean high-water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the [Fisheries Management Act 1994](#).

native vegetation has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

oyster aquaculture means the cultivation of any species of edible oyster for a commercial purpose.

Note. Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

pond-based aquaculture means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

Note. Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public land has the same meaning as in the [Local Government Act 1993](#).

public reserve has the same meaning as in the [Local Government Act 1993](#).

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Public Service agency, corporation, firm or authority carrying on the undertaking.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand-crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note. Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note. Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note. Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note. Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

tank-based aquaculture means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

Note. Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note. Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or artificial waterbody means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or natural waterbody means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means—

(a) *natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or*

(b) *artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.*

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

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

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

(c) *wharves for commercial fishing operations,*

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

(e) *sea walls or training walls,*

(f) *administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.*⁴⁴

The Standard Instrument LEP also includes zones, local clauses specific to coastal environments and marine activity areas:

Zone IN4 Working Waterfront

Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone— Roads

1 Objectives of zone

- *To retain and encourage waterfront industrial and maritime activities.*
- *To identify sites for maritime purposes and for activities that require direct waterfront access.*
- *To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of development on land uses in other zones.*

2 Permitted without consent

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Jetties; Light industries

4 Prohibited

⁴⁴ <https://www.legislation.nsw.gov.au/#/view/EPI/2006/155a/dict1>

Zone W1 Natural Waterways

Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone— Environmental facilities, Environmental protection works

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

3 Permitted with consent

Aquaculture

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W2 Recreational Waterways

Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone— Boat sheds, Environmental facilities, Environmental protection works, Water recreation structures

1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

3 Permitted with consent

Aquaculture; Kiosks; Marinas

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W3 Working Waterways

Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone— Boat sheds, Environmental facilities, Environmental protection works, Water recreation structures

1 Objectives of zone

- To enable the efficient movement and operation of commercial shipping, water-based transport and maritime industries.
- To promote the equitable use of waterways, including appropriate recreational uses.
- To minimise impacts on ecological values arising from the active use of waterways.

- To provide for sustainable fishing industries.

2 Permitted without consent

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Port facilities; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3⁴⁵

Local Clauses

A range of local clauses are available from the Standard Instrument LEP or Model Clauses and are usually associated with other mapped controls, these clauses may also be developed by Councils to reflect local character and assessment requirements.

'Model clauses' are those that have been settled by the Parliamentary Counsel's Office in relation to topics commonly raised by Councils across the State⁴⁶. Two model clauses are particularly relevant to waterways within the MidCoast:

Model Clause 7.3 Flood planning

General information: Councils are first encouraged to identify flood planning areas through their strategic work and to zone appropriately, wherever possible. Care should therefore be taken in determining the permissible development on land that may be subject to flooding to ensure that appropriate uses are included and that relevant types of development require consent under the applicable zones.

Councils are then encouraged to apply this model clause in flood planning areas, particularly where flooding matters cannot be fully addressed by limiting land uses e.g. in areas where an existing zone and existing land uses include residential accommodation.

Councils in coastal areas may wish to refer to 'projected sea level rise' instead of 'climate change' in subclause (1)(b).

Councils' attention is also drawn to the section 117 Direction 4.3 Flood Prone Land. In applying the clause, councils should provide a map of the flood planning area. This will assist councils in demonstrating their consideration of s 149(2) certificate matters.

Further details of requirements behind the clause should be provided in councils' DCPs. This may include, for example, evacuation route maps, setbacks for buildings and types of construction. An LEP Practice Note to provide further guidance on the use of this clause is being prepared.

(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) This clause applies to:

- (a) land that is shown as "Flood planning area" on the Flood Planning Map, and*
- (b) other land at or below the flood planning level.*

Drafting direction Councils know of some areas that flood and those areas are mapped as the "flood planning area", but there are other areas where accurate mapping is not possible. Consequently, the wording of this subclause captures the land that can be accurately mapped

⁴⁵ <https://www.legislation.nsw.gov.au/#/view/EPI/2006/155a/partlanduseta>

⁴⁶ <https://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Resources>

and the land that cannot. Such unmapped land includes the “flood planning area” (as defined in the Floodplain Development Manual) up to the “flood planning level”.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land; and
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Drafting direction The following subclauses apply to council areas that include coastal land:

(4) Subclause (5) applies to:

- (a) land shown as “projected 2100 flood planning area” and “projected 2050 flood planning area” on the Flood Planning Map; and to
- (b) other land below the projected 2100 flood planning level and the projected 2050 flood planning level as a consequence of projected sea level rise.

(5) When determining development to which this subclause applies, council must take into consideration any relevant matters outlined in subclause 3(a) – (e), depending on the context of the following:

- (a) the proximity of the development to the current flood planning area; and
- (b) the intended design life of the development; and
- (c) the scale of the development; and (d) the sensitivity of the development in relation to managing the risk to life from any flood, and
- (e) the potential to relocate, modify or remove the development.

Drafting direction Subclauses (4) & (5) shall only be used once council has identified the ‘projected 2100 flood planning area’ and ‘projected 2050 flood planning area’ as outlined in the to be finalised draft Flood Risk Management Guide 2009, which will update the sea level rise information in the NSW Floodplain Development Manual 2005

The definition of projected sea level rise shall only be included in subclauses (6) once council has identified the ‘projected 2100 flood planning area’ as outlined in the to be finalised draft Flood Risk Management Guide 2009, which will update the sea level rise information in the NSW Floodplain Development Manual 2005

6. A word or expression used in this clause has the same meaning as it has in the NSW Government’s Floodplain Development Manual published in 2005, unless it is otherwise defined in this clause.

7. In this clause:

flood planning area means the land shown as “Flood planning area” on the Flood Planning Map

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus [XX] metres freeboard.

Flood Planning Map means the [Name] Local Environment Plan 2010 Flood Planning Map.

projected sea level rise means the 2050 and 2100 sea level rise planning benchmarks as specified in the NSW Government's Sea Level Rise Policy Statement 2009.⁴⁷

Model Clause 6.4 Development on the foreshore must ensure access [local]

Drafting direction. The following definition must be included in the Dictionary:

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest bay or river.

foreshore building line means the line shown the foreshore building line on the Foreshore Building Line Map.

Foreshore Building Line Map means the [Name] Local Environmental Plan 2008 Foreshore Building Line Map.

In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:

- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,*
- (b) public access to link with existing or proposed open space,*
- (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,*
- (d) public access to be located above mean high water mark,*
- (e) the reinforcing of the foreshore character and respect for existing environmental conditions,*
- (f) management of sea level rise or change of flooding patterns as a result of climate change.⁴⁸*

Standard Instrument Principle Local Environmental Plan Clauses are identified as being for 'optional' or 'compulsory' inclusion within a local environmental plan.

3.3 Environmentally sensitive areas excluded [compulsory]

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.*
- (2) For the purposes of this clause—*

environmentally sensitive area for exempt or complying development means any of the following—

- (a) the coastal waters of the State,*
- (b) a coastal lake,*
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the [Coastal Management Act 2016](#)),*
- (d) land reserved as an aquatic reserve under the [Fisheries Management Act 1994](#) or as a marine park under the [Marine Parks Act 1997](#),*
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,*

⁴⁷ <https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/model-local-clauses-for-standard-instrument-leps-7-3-flood-planning.pdf>

⁴⁸ <https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/model-local-clauses-for-standard-instrument-leps-6-4-development-on-the-foreshore-must-ensure-access.pdf>

- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the [National Parks and Wildlife Act 1974](#) or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the [Crown Land Management Act 2016](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#) or declared critical habitat under Part 7A of the [Fisheries Management Act 1994](#).

*Direction. Additional areas may be added to this list.*⁴⁹

5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]

- (1) *The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.*
- (2) *Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).*

5.19 Pond-based, tank-based and oyster aquaculture [compulsory]

- (1) *Objectives The objectives of this clause are as follows—*

- (a) *to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,*
- (b) *to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.*

- (2) *Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—*

- (a) *that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,*
- (b) *in the case of—*
 - (i) *pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small-scale aquarium fish production, and*
 - (ii) *pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and*

⁴⁹ <https://www.legislation.nsw.gov.au/#/view/EPI/2006/155a/part3/cl3.3>

(iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small-scale aquarium fish production, and

(iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.

(3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.

(4) Extensive pond-based aquaculture permitted without consent in certain zones Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—

(a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and

(b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.

(5) Oyster aquaculture—additional matters that consent authority must consider in determining a development application. In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—

(a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and

(b) the NSW Oyster Industry Sustainable Aquaculture Strategy.

(6) Oyster aquaculture permitted without consent in priority oyster aquaculture areas Development for the purpose of oyster aquaculture may be carried out without development consent—

(a) on land that is wholly within a priority oyster aquaculture area, or

(b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

(7) Definitions In this clause—

aquaculture industry development plan means an aquaculture industry development plan published under Part 6 of the [Fisheries Management Act 1994](#).

extensive aquaculture has the same meaning as in the [Fisheries Management \(Aquaculture\) Regulation 2017](#).

NSW Oyster Industry Sustainable Aquaculture Strategy means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

priority oyster aquaculture area means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the NSW Oyster Industry Sustainable Aquaculture Strategy, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.⁵⁰

⁵⁰ <https://www.legislation.nsw.gov.au/#/view/EPI/2006/155a/part5>

Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

Part 1 Pond-based and tank-based aquaculture

Division 1 Site location requirements

1 Conservation exclusion zones

(1) Must not be carried out on the following land, except to the extent necessary to gain access to water—

(a) land declared an area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#),

(b) vacant Crown land,

(c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

(2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—

(a) land declared as an aquatic reserve under the [Marine Estate Management Act 2014](#),

(b) land declared as a marine park under the [Marine Estate Management Act 2014](#).

Note. Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

Division 2 Operational requirements

2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

5 Outlets from culture ponds etc

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

6 Definition

In this Division—

intensive aquaculture has the same meaning as it has in the [Fisheries Management \(Aquaculture\) Regulation 2017](#).

Part 2 Extensive pond-based aquaculture

Division 1 Site location requirements

7 Conservation exclusion zones

(1) *Must not be carried out on the following land, except to the extent necessary to gain access to water—*

- (a) *land declared an area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#),*
- (b) *vacant Crown land,*
- (c) *land within a wetland of international significance declared under the Ramsar Convention on Wetlands.*

Note. *Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.*

8 Flood liability

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

Division 2 Operational requirements

9 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

10 Pond design

- (1) *Must not require the construction of new ponds, water storages, dams or buildings.*
- (2) *Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.*
- (3) *Must be capable of preventing the escape of stock into natural waterbodies or wetlands.*

11 Culture water

*Must use freshwater.*⁵¹

4.5.7 Land use permissibility within a Local Environmental Plan

The Standard Instrument-Principal Local Environmental Plan ('Standard Instrument LEP'), mandates that intensive livestock agriculture must be included as either "Permitted without consent" or "Permitted with consent", only in the RU1 Primary Production zone.

Extensive agriculture is Permitted without consent in the RU1 Primary Production and RU2 Rural Landscape zones.

Aquaculture is Permitted with consent in the following zones: RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, RU4 Primary Production Small Lot, IN4 Working Waterfront, SP1 Special Activities, SP3 Tourist, both the RE1 Public and RE2 Private Recreation zones, and all of the Waterway zones.

Oyster aquaculture is specifically Permitted with consent in the following zones: RU5 Village, RU6 Transition, all of the Residential zones, all of the Business zones, all Industrial zones,

⁵¹ <https://www.legislation.nsw.gov.au/#/view/EPI/2006/155a/sch6>

the E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living zones; with significant variation as to whether or not tank-based or pond-based aquaculture is also permitted with consent.

In this regard, Council has some discretion as to whether or not any or all of the above land use activities as defined, are permitted with consent across the majority of the LGA.

It is important to note that even when Council nominates that these activities require consent, the Infrastructure SEPP may still allow public authorities to undertake these activities in whole or part, as exempt development.

From this, and the provisions from the Standard Instrument LEP, it must be considered that aquaculture and oyster production in particular, are considered to be an appropriate form of agriculture throughout the coastal zone and in particular, the waterways within that zone and adjoining marine waterfront precincts generally.

This reflects the existing predominant agricultural use of the W2 Natural Waterways throughout the MidCoast and reinforces the importance of this industry to the economy of the region.

4.5.8 Council as Consent Authority

In most circumstances, where development is not triggered by state significant or regional development under the State and Regional Development SEPP, Council will be the consent authority for development within the coastal environment and marine waterfront precincts. Applications would be assessed against:

- any relevant considerations in the LEP, including any zone objectives;
- any Development Control Plan;
- any relevant Council Policy.

4.5.9 Development controls

The majority of development controls associated with the aquaculture industry are contained in legislative and State-wide provisions and do not need to be replicated within the local development control plan.

However, the design and built form of development within the coastal zone and marine waterfront precincts may be included in State-based legislation and local controls, particularly in the adoption and consideration of controls relating to water sensitive design, stormwater management and nutrient run-off into coastal waters. These controls are usually applied throughout the LGA in recognition that the catchments extend well beyond the coastal waters and any up-stream impacts on water quality can have a cumulative impact on waters as they flow to the ocean.

5 Review of Marine Waterfront Precincts

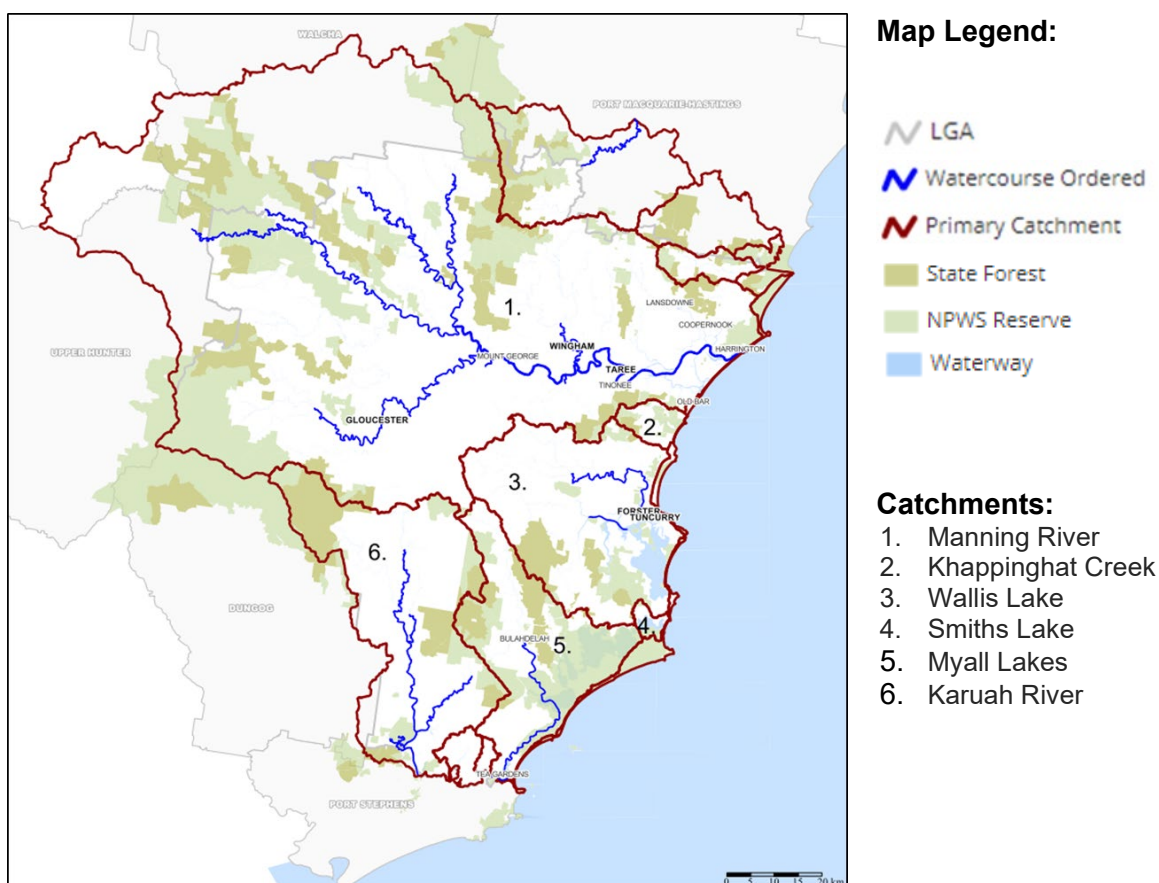
This section summarises the key findings of our review research efforts for existing maritime-focused areas identified in the LGA. This information is presented for context, to support the recommendations outlined in the Planning Framework presented later in this paper.

The coastal environment is made up of separate marine systems or features, including tidal tributaries. Seven separate ‘marine waterfront precincts’ can be described as having unique natural, social and economic characteristics:

1. Crowdy Head Harbour
2. Manning River (North and South arms)
3. Khappinghat Creek
4. Wallis Lake
5. Smiths Lake
6. Myall Lakes system
7. Karuah River / Port Stephens

Except for the separate identification and discussion on Crowdy Head, these relate directly to the broad catchment areas referred to within the Rural Waterways paper, as illustrated in Figure 11 below.

Figure 11. Broad Catchment Areas of the MidCoast from the Rural Waterways paper



Marine activities rely on several types of facilities and infrastructure to provide commercial and recreational connections between land-based facilities and water-based activities. These are considered and discussed in the following section of this paper, to inform strategic and local plan recommendations within the Rural Strategy.

5.1 Crowdy Head Harbour

Crowdy Head is a coastal headland located approximately 70km north of Forster, 40km east of Taree, and 80km south of Port Macquarie as illustrated in Figure 12 .

Figure 12. Crowdy Head location relative to Taree and the Manning Catchment



Figure 13. NSW Boat Ramp Facility at Crowdy Head Harbour⁵²



⁵² <https://www.rms.nsw.gov.au/maritime/using-waterways/boat-ramps-map/boat-ramps/index.html>

Existing Infrastructure

The marine waterfront precinct in Crowdy Head is the Crowdy Head Harbour as shown in Figure 13.

At the time of writing, the landside of the harbour is zoned IN4 Working Waterfront. The waterbody within the harbour is zoned W3 Working Waterways and is the only waterway with this zoning in the MidCoast LGA.

The existing harbour immediately adjoins the small village of Crowdy Head which has fewer than 100 dwellings. A brief description of the history of the harbour is provided below:

Formation of the coastal harbour commenced in 1900 with construction of a breakwater with rock blasted from a nearby quarry. Between 1972 and 1979 the breakwater was extended; dredging was carried out and mooring jetties were built.

Between 1984 and 1986 a boat launching ramp was constructed within the harbour and a new unloading wharf built for the local fishermen's co-operative.⁵³

Crowdy Head Harbour provides less than 30 commercial berths, a wharf that allows for the unloading of commercial fishing vessels and a 4-lane concrete boat ramp with an on-ramp pontoon which has been assessed as being in 'Good' condition. Landside facilities include a building which previously accommodated a fisherman's co-operative and a fresh fish outlet, BBQ area, fish cleaning table and a car park with more than 50 spaces. As documented in The fisherman's co-op at Crowdy Head Harbour closed in July 2012, as it was not profitable and had limited membership.⁵⁴ A full list of facilities available at Crowdy Head Harbour is provided in Table 4 below.

Table 4. Facilities at Crowdy Head Harbour⁵⁵

Facilities	Available
Commercial fishing - unloading and berthing	Yes
Charter vessels	Yes
Recreational and visitors berthing	Yes
Slipway and boat maintenance (unclear if in use)	Yes
Car park	Yes
Vessel sewage pump-out (unclear if in use)	No
Fuel – diesel (unclear if in use)	Yes
Waste oil collection and storage (unclear if in use)	Yes
Water and electricity	Yes
Boat launching ramp and car park	Yes
Public toilets	Nearby
Fresh fish outlet	No
Retail food and beverage	No

Aboriginal Land Claims

At the time of writing, there are currently two undetermined Aboriginal Land Claims over the Crowdy Head Harbour site (Lot 1 DP 1077643), which are:

⁵³ NSW Department of Industry 2018

⁵⁴ NSW DPI 2014

⁵⁵ Department of Industry 2018

- Claim 36129 which was lodged by the New South Wales Aboriginal Land Council on behalf of Purfleet Taree Local Aboriginal Land Council on the 21 January 2013.
- Claim 36156 lodged by New South Wales Aboriginal Land Council on behalf of Purfleet Taree Local Aboriginal Land Council on the 5 April 2013.

Restrictions on aquaculture, recreational or commercial fishing activities

Crowdy Head falls outside of any existing Marine Protected Areas however some fishing and aquaculture restrictions apply. The waters in and up to 100 metres around Crowdy Head Harbour are closed to any method of taking rock lobster and are also closed to any method involving the use of a trap or a hoop or a lift net for the catching of rock lobster.

Marine Water Activities

The Crowdy Head Harbour is situated on a peninsula with beaches on both sides - North Beach and South Beach - which are popular for swimming, surfing and recreational fishing. The area is also popular for bird watching, particularly migratory species.

The area was historically an important area for commercial fishing, however the local industry has declined and the Crowdy Head Harbour is now underutilised and falling into disrepair.

Crowdy Bay Charters operates offshore fishing charters from the Crowdy Head Boat Harbour. Available charters include reef and bottom fishing, game fishing, or coastal tours. Whale watching is popular during the migration season of winter and late spring and over this period the launching of whale watching tours from Crowdy Head Harbour are in high demand.

Strengths/opportunities

- The area is outside of a Marine Protected Area meaning that there are fewer fishing and aquaculture restrictions here than in other marine waters along the MidCoast.
- Existing harbour and boating infrastructure is currently underutilised, making the area suitable for revitalisation and growth in commercial fishing, recreational boating and tourism industries. The relative protection afforded by Crowdy Head harbour also makes it suitable stop-over for boats and yachts travelling along the Australian east coast
- The underutilised buildings also have redevelopment potential, with opportunities to diversify land-based businesses located at the Harbour, including tourism, recreation and seafood-related businesses.
- Funding for maintenance and improvements to public boating facilities (e.g. boat ramps) is generally available through a combination of the Roads and Maritime Services Boating Now Program, the NSW Fisheries Management Trust Fund, and community sourced funds provided by local businesses and community groups.
- Crowdy Head is in a unique geographical position situated on a Peninsula, which makes it a great location for whale watching.
- The Crowdy Head Lighthouse is a landmark representing the village's maritime history and strengthens the visitor potential of the area.

Threats/ challenges

- Crowdy Head village is relatively isolated, being surrounded by Crowdy Head National Park but has a strong relationship to Harrington which is located approximately 10km away. All visitors to Crowdy Head must travel through Harrington.

- There is distinct seasonality of tourism and visitation to Crowdy Head due to the limited facilities and lack of land-based attractions in the harbour, such as a local fisherman's cooperative.
- There are reported challenges associated with the shared infrastructure, maintenance and management of the harbour and land-based facilities between Council and Crown lands. Potentially due to a lack of a memorandum of understanding or similar agreement given certainty to potential occupants and leaseholders.

Recommendations

- Retain the W3 Working Waterways zone within the Crowdy Head Harbour. Review the potential land uses within this zone to ensure there are opportunities to develop and enhance the site as a hub for commercial shipping, water-based transport, maritime industries and tourism activities.
- Retain the IN4 Working Waterfront zone on land adjoining the Crowdy Head Harbour, to support the ongoing permissibility of commercial shipping, water-based transport, maritime industries and tourism activities, complementary to the water-based activities.
- Identify potential improvements to the Crowdy Head Harbour and enter into an agreement to facilitate a revitalisation program in conjunction with the Department of Industry, who are the responsible authority for managing coastal harbours in NSW and are responsible for the NSW Regional Ports Strategy⁵⁶. Establish inter-modal transport hubs for freight and tourism as part of the land-based redevelopment.
- The current seasonality of tourism and visitation could be reduced through redevelopment of the harbour facilities; and improved promotion in connection with accommodation available in Harrington and tourism activities such as the NSW Coastal Cycleway.
- The current location of the Crowdy Harrington marine rescue operational unit is in Harrington, off Beach Street. Should this location become unsuitable in the future, options for the facility to relocate to Crowdy Head harbour should be investigated.

⁵⁶ Transport for NSW 2018

5.2 Manning River (north and south arms)

The Manning River begins in the Great Dividing Range and flows through Wingham and Taree where the river divides into two arms, creating two separate river entrances. The northern arm of the river meets the Pacific Ocean at Harrington, while the southern arm meets the ocean just north of Old Bar at Farquhar Inlet as shown in Figure 14.

Figure 14. Location of Manning River entrances, relative to Taree, Harrington and Old Bar



Farquhar Inlet does not have any constructed training (sea) walls and therefore is an Intermittently Open and Closed Lagoon (ICCOL) which may be open or closed to the ocean, depending on the build-up of sand at the mouth of the creek.

At the time of writing, both arms of the Manning River from the ocean are zoned W2 Recreational Waterways, extending west, to the township of Wingham.

Existing Infrastructure

As shown in Figure 15 there are a range of marine waterfront precincts along the Manning River including, but not limited to (approximately from east to west along the river and its tributaries):

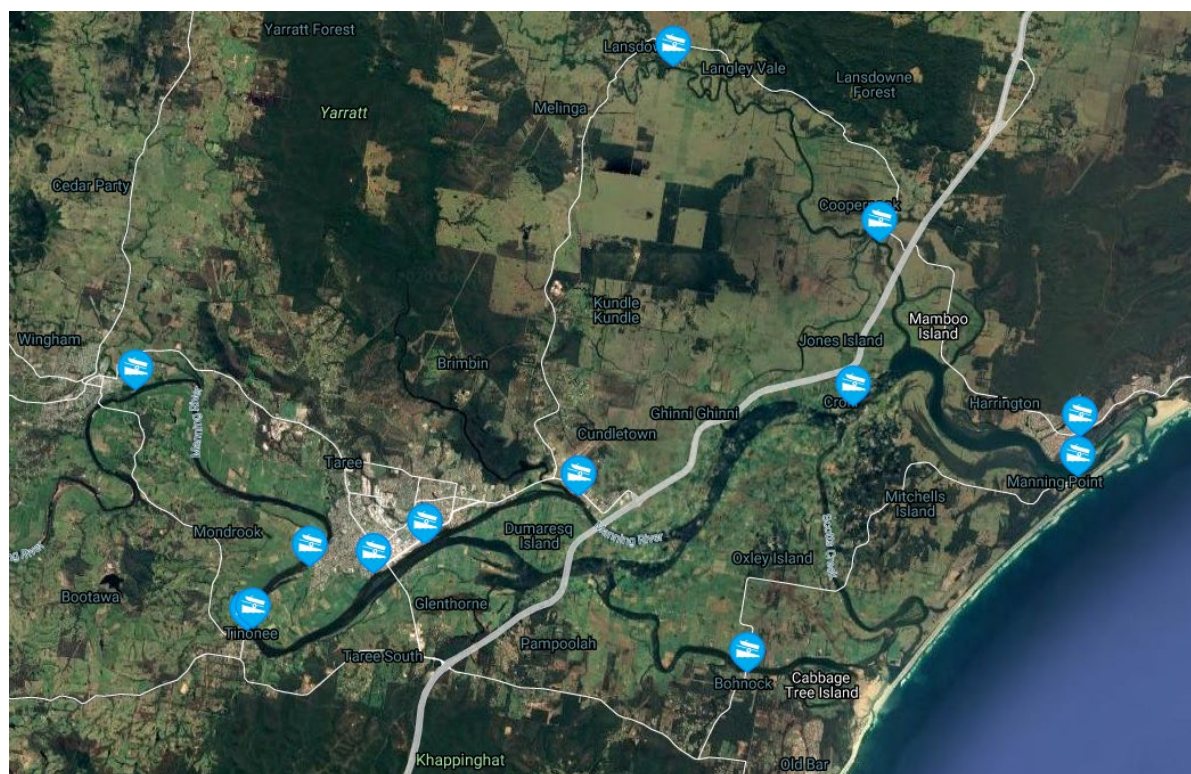
- Harrington Boat Ramp, Beach Street Harrington - concrete ramp (3 lanes) has been extended as part of the Boating Now program, condition assessed as 'fair', facilities include limited parking for cars and trailers, a pontoon, fish cleaning table and toilets nearby.

Crowdy Harrington Marine Rescue Base use this ramp to launch the Marine Rescue patrol boat, but is located 3km away from the Base/observation tower. The ramp is also used to launch boats stored at the Harrington Waters Marina nearby. Located close to aquaculture leases

- Harrington Waters Estate Marina, Electra Parade Harrington - two jetties containing a total of 15 berthing docks. Note: proximity to Priority Oyster Aquaculture Areas may limit boat storage capacity.

- Manning Point Boat Ramp, Manning Point Road Manning Point - concrete single lane ramp, BBQ, toilets nearby, recent upgrades as part of the Boating Now program include a new pontoon boat ramp extension, and sealed car and boat trailer parking. There is a convenience store and café's close by. Located close to aquaculture leases.
- Manning Point Marina, Manning Point Road Manning Point - featuring a landing and the Waterbird Restaurant.

Figure 15. NSW Boat Ramp Locations along the Manning River tributaries⁵⁷



- Bohnock Boast Ramp, Manning Point Road, Bohnock - concrete ramp (2 lanes), condition assessed as 'fair', a small wharf, private bait and tackle business including private boat. The car and boat trailer parking area has been upgraded as part of the Boating Now program, along with a new central pontoon and fish cleaning table. Located close to aquaculture leases.
- Croki Boat Ramp, Ferry Road Croki - concrete single lane ramp, condition assessed as 'poor', limited parking nearby, BBQ, picnic and toilet facilities located 400m away in a nearby park. Located close to aquaculture leases.
- Croki wharf and pontoon off Barton Street.
- Coopernook Boat Ramp, George Gibson Drive Coopernook - concrete ramp (2 lanes), condition assessed as 'good', gravel car park, a new pontoon, walkaway and fish cleaning facilities, adjacent to Coopernook Hotel.
- Landsdowne River Boat Ramp, Mill Street Landsdowne - concrete single lane, condition assessed as 'poor', located within the Landsdowne Nature Reserve (National Park), limited car parking and no other facilities.

⁵⁷ <https://www.rms.nsw.gov.au/maritime/using-waterways/boat-ramps-map/boat-ramps/index.html>; RMS 2018a

- Cundletown Boat Ramp, River Street Cundletown - concrete ramp (2 lanes), condition assessed as 'fair', contains a BBQ, picnic area and toilets nearby. Upgrades as part of the Boating Now program, will provide sealed car and boat trailer parking.
- Endeavour Place Landing and Boat Ramp, off Stevenson Street, concrete ramp (6 lanes), condition assessed as 'good', provides the most facilities in the Manning Valley area including a car park, BBQ facilities, toilets, a fish cleaning table and nearby pontoon.

The ramp is often used for large aquatic events. Recent upgrades, as part of the Boating Now program, include a boat ramp extension, sealed car and boat trailer parking and a new fish cleaning table.

The site is near the central business district of Taree and is the unconfirmed access point to supply the Taree Fishermen's Co-Op. Both sites have been identified for potential redevelopment in the MidCoast Tourism Destination Management Plan and may be addressed in more detail in the separate Manning Health & Taree CBD Precinct Plan.

- Taree Boat Ramp, West End Avenue, Taree - concrete single lane ramp, condition assessed as 'fair', limited kerb side parking and no additional facilities.
- Andrews Reserve Boat Ramp, Edinburgh Drive Taree - concrete ramp (3 lanes), condition assessed as 'good', parking is limited, facilities include a BBQ, picnic table and toilets. Being upgraded at the time of writing.
- Tinonee Boat Ramp, Hutchinson Street, Tinonee - concrete single lane ramp, condition assessed as 'good', facilities including car and trailer parking are limited.
- Taree West Boat Ramp, Manning Waters Estate, Petken Drive Taree - gravel single lane ramp, condition assessed as 'poor', no public facilities available at the site aside from informal car and trailer parking.
- Wingham Landing and Boat Ramp, Farquhar Street Wingham - concrete single lane ramp, condition assessed as 'good', facilities include an on-ramp pontoon, car and trailer parking in a gravel car park, a covered BBQ area and toilets.

The land-side facilities are at the time of writing, zoned a mixture of rural, recreation, residential and national parks. Noting that undertaking of work on these facilities by or for a public authority, is permissible irrespective of the zone, under the Infrastructure SEPP.

In addition to the boat ramps there are also a number of landings not illustrated on the above map, including but not limited to:

- Coocumbac Island Pontoon on Coocumbac Island - condition assessed as 'good', the site is managed by the National Parks and Wildlife Services
- Taree City Pontoon off Pulteney Street and Manning River Drive - condition assessed as 'good'.
- Manning Quays Pontoon, Taree off Manning Street - condition assessed as 'good'.
- Croki Wharf Pontoon off Barton Street - condition assessed as 'good'.
- Pampoolah Pontoon off Redbank Road - condition assessed as 'good'.

There are also several boating groups along the Manning River that provide additional boating infrastructure such as the Taree Aquatic Club providing a concrete ramp (2 lanes), pontoon and slipway.

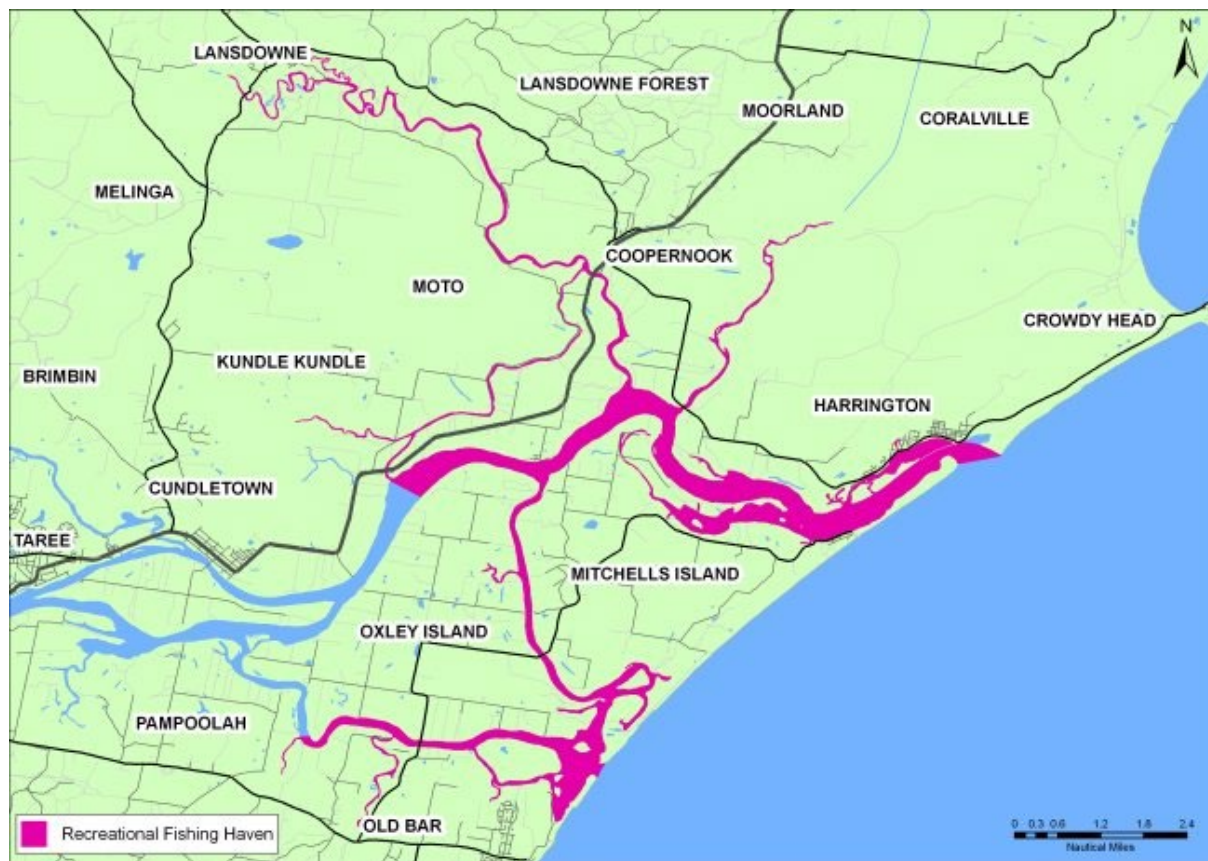
There is also a planned major mixed-use development 'Figtrees on the Manning' along the waterfront in Taree. The Masterplan outlines a proposal for a residential and commercial development that includes a marina and community facilities along the waterfront. Specific

maritime infrastructure outlined in the masterplan include a marina, jetties, viewing platforms, boardwalks and a river pool.⁵⁸

Restrictions on aquaculture, recreational or commercial fishing activities

Commercial fishing is prohibited in areas of the Manning River that are identified as a Recreational Fishing Haven. The specific areas, which are downstream of Ghinni Ghinni and Berady Creek, are shown in Figure 16 below.

Figure 16. Manning River Recreational Fishing Haven Zones⁵⁹



In addition to the commercial fishing prohibition within the Manning River:

- prawn netting is prohibited in all areas of the river and related tributaries from June to August (inclusive) under the Fisheries Management Regulation 2006⁶⁰;
- weekend netting is prohibited in all areas of the river and related tributaries Friday to Sunday all year round⁶¹;
- using a meshing net is also prohibited in all areas of the river and related tributaries year-round⁶²; and
- spearfishing is prohibited in the river around Harrington, including within the area known as the Harrington Swimming Lagoon.

⁵⁸ Suters Architects et al. (date?)

⁵⁹ NSW DPI 2018b

⁶⁰ DPI 2018b

⁶¹ ibid

⁶² ibid

Marine Water Activities

The Manning River estuary is a popular waterway for coastal marine activities and its primary uses are for recreational boaters, commercial and recreational fishers and the aquaculture industry. Coastal areas are also very popular for 4WDs activities and swimming.

Recreational boating activities include power boating, sailing, water skiing, rowing, day trippers (sea fishing and diving) and recreational fishing. Established clubs include the Manning River Rowing Club and the Taree Power Boat Club. These clubs host recreational boating events on the Manning River throughout the year including the Easter Power Boat Classic.

River cruises historically operated along the Manning River with departing points in Taree, Harrington and Manning Point, however it is unclear at the time of writing whether this is still operational.

The Manning River estuary has a large aquaculture industry with extensive Priority Oyster Aquaculture Areas in both the northern and southern channels of the river, comprising approximately 280ha of the waterway⁶³ as shown in Figure 17. In the 2016/2017 financial year, in the Manning River the value of Sydney Rock Oyster and Pacific Oyster production totalled \$647,691.

Figure 17. Manning River Priority Oyster Aquaculture Areas⁶⁴



Commercial fisherman and oyster farmers who access the Manning River are known to use both the higher usage ramps with the most facilities and also the isolated ramps of Oxley Bends and Croki.⁶⁵

Strengths/opportunities

- The Manning River is supported by four significant towns - Taree, Wingham, Harrington and Old Bar.

⁶³ DPI 2016

⁶⁴ <https://www.dpi.nsw.gov.au/fishing/aquaculture/publications/oysters/industry-strategy>

⁶⁵ ibid

- The Manning River is a renowned fishing location which attracts many visitors to the area.

Threats/challenges

- Managing water quality due to catchment run-off in both urban and rural areas - discussed in more detail within the Rural Waterways paper.
- Balancing the competing interests of recreational boating and fishing, against aquaculture production and commercial fishing.
- Commercial fishing restrictions within the Fishing Haven Zone.
- Costs and approvals required to undertake dredging for navigation.
- Balancing conservation with recreation demands e.g. estuary threatened species, environmentally sensitive areas with recreational activities including but not limited to: 4WD beach activities, dog walking, bird watching, kite surfing and jet skis
- Anticipated ecological and environmental impacts associated with climate change such as sea level rise, increased frequency and severity of storm events, and changes to water flows within catchments and coastal estuaries.

Recommendations

- Consider application of the W1 Natural Waterways zone to areas of the Manning River that are expansive Priority Oyster Aquaculture Areas, as opposed to these areas remaining W2 Recreational Waterways. Note: similar consideration would be required in Wallis Lake and other identified locations.
- Investigate land around the Taree Fishermen's co-operative as a potential site to accommodate future marine-based activities.

5.3 Khappinghat Creek

The estuary of Khappinghat Creek is located approximately 8 kilometres south-east of Taree. The Khappinghat Creek is located between the coastal villages of Wallabi Point to the north and Diamond Beach immediately to the south as shown in Figure 18.

Figure 18. Location of Khappinghat Creek relative to Taree and Old Bar



Khappinghat Creek is part of a large, undeveloped wetland and is one of the only estuarine systems on the Mid North Coast that naturally opens and closes⁶⁶. The creek runs through the Khappinghat Nature Reserve and the majority of the catchment is in an environmental or rural zoning, with the main portion of the waterway itself within a National Park.

The area also holds great cultural importance to the Biripi and Worimi Aboriginal people and contains sacred and significant sites⁶⁷. The creek and surrounds are managed by the National Parks and Wildlife Service and other members of the Saltwater Management Advisory Committee including the Saltwater Tribal Council, the Wallabi Point community and local surfing clubs⁶⁸.

Existing Infrastructure

There are no priority marine waterfront precincts within Khappinghat Creek given the limited infrastructure and facilities within the catchment, however there is a boat ramp at the mouth of Khappinghat Creek, as shown in Figure 19.

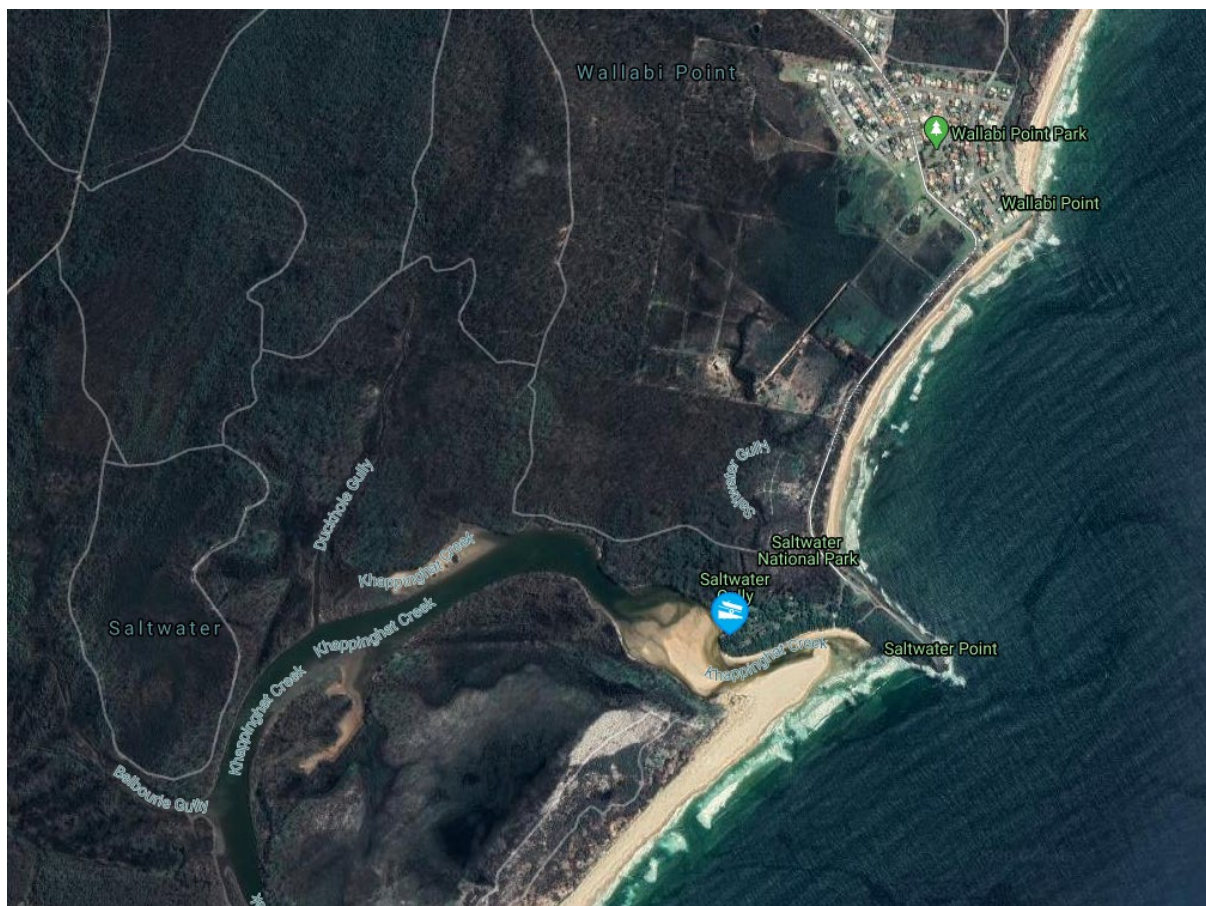
⁶⁶ NSW Office of Environment & Heritage 2012

⁶⁷ *ibid*

⁶⁸ *ibid*

The Saltwater Boat Ramp off Saltwater Road, Khappinghat Creek Lagoon is a concrete single lane ramp. Its condition is assessed as 'good'. There are many facilities at the site including wood fired BBQs and toilets, parking is available however trailer parking is limited.

Figure 19. NSW Boat Ramp at Khappinghat Creek, near Wallabi Point⁶⁹



Restrictions on aquaculture, recreational or commercial fishing activities

Commercial fishing is restricted in Khappinghat Creek with fishing involving the use of a net prohibited in the whole of the creek together with all its tributaries.

Marine Water Activities

The Saltwater Boat ramp provides access to the lagoon for traditional use by the Biripi and Worimi Aboriginal people.

The Saltwater Lagoon, which is located at the mouth of Khappinghat Creek is shallow which restricts the types of boats used and makes it unsuitable for water skiing or jet skiing.

While the creek is used for boating, swimming, recreational fishing and canoeing, it is also a popular spot for birdwatchers and the adjacent Saltwater and Wallabi beaches are popular surfing spots.

Strengths/opportunities

- Valued community asset that holds special cultural significance for the local Aboriginal people.

⁶⁹ <https://www.rms.nsw.gov.au/maritime/using-waterways/boat-ramps-map/boat-ramps/index.html#/>

Threats/ challenges

- The area is on land and water zoned E1 National Park and Nature Reserves, meaning there is limited opportunity for management by Council.
- Land along a portion of the creek is zoned E2 Environmental Conservation and is an ecologically and culturally sensitive area, restricting further development.
- Saltwater lagoon is shallow restricting boat access and marine activities.

Recommendations

- Retain the E1 National Parks and Nature Reserves zoning to support the ongoing management of the land under the *National Parks and Wildlife Act*.
- Two significant parcels within the catchment and adjoining the creek and lagoon are privately owned. Council in partnership with the Energy, Environment and Science Division of the Department of Planning, Industry and Environment should investigate: options for purchasing these lands as part of the Coastal Protection scheme; negating long-term restoration and rehabilitation of cleared areas; and options for establishing a conservation mechanism over these sites.

5.4 Wallis Lake

Wallis Lake is located adjacent to the strategic centre of Forster-Tuncurry in the north-east; Pacific Palms encompassing Elizabeth Beach, Boomerang Beach and Blueys Beach in the south-east; and Coomba Park in the west as shown in Figure 20.

Figure 20. Wallis Lake relative to Forster, Tuncurry, Nahi, Coomba Park and Pacific Palms



There are a number of tributaries flowing into the lake including the Wallingat River, Wang Wauk River, Coolongolook River and Wallamba River. The estuary is approximately 99sq km in size with an average depth of 2.3m⁷⁰. The entire lake and associated tributaries, up to the tidal mark, are currently zoned W2 Recreational Waterways.

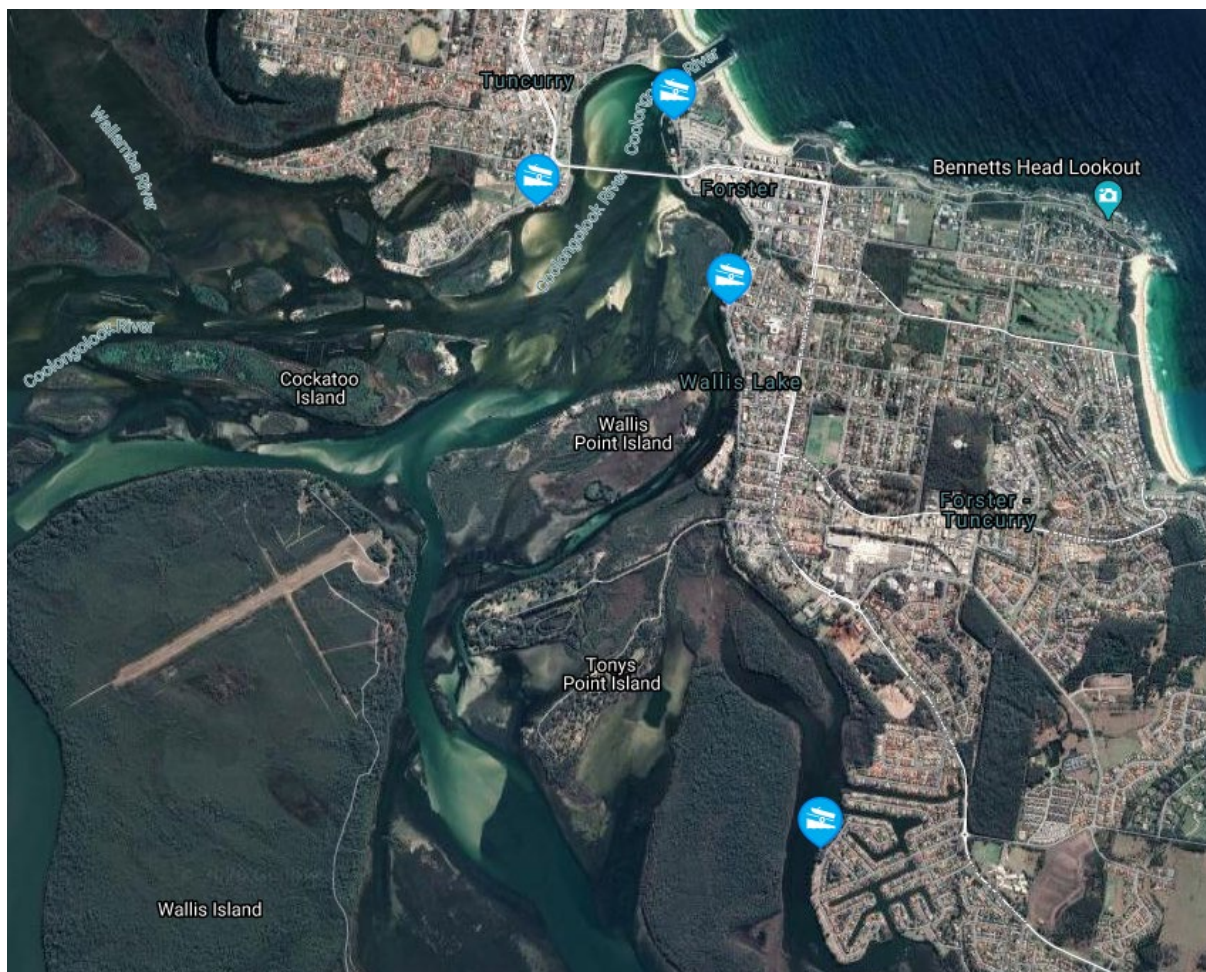
Existing Infrastructure – Forster Tuncurry

Wallis Lake contains many waterfront precincts that are relevant to marine-based activities as shown in Figure 21. Immediately below is a list of those precincts that are considered priority areas for marine based activities, following this, a further review of these priority areas and additional infrastructure is then discussed.

⁷⁰ NSW Transport for NSW 2015b

Cape Hawke Harbour, north of the Forster-Tuncurry bridge, includes both the recreational boat harbour at Dolphin Drive, Forster and the Wallis Lake Fisherman's Cooperative at Wharf Street, Tuncurry.

Figure 21. NSW Boat Ramps in Tuncurry and Forster on Wallis Lake



The Fisherman's Co-Op on the Tuncurry side of the Harbour includes: a fresh seafood outlet; a timber wharf that allows for the unloading of commercial fishing vessels; an operational slipway for boat maintenance and repair; and a number of finger jetties for local fishermen and recreational vessels.

Other marine waterfront precincts within Tuncurry include:

- Department of Primary Industries - Fisheries boat shed and jetty, located immediately on southern side of Forster-Tuncurry bridge;
- Hamilton Oysters Restaurant and Marina Palm Road, Tuncurry – has an accessible jetty and is located adjacent to the public boat ramp;
- Point Road boat ramp, Point Road Tuncurry – concrete ramp 3 lanes, good condition and close to jetties, recently upgraded as part of Boating Now program; and
- Specialised oyster processing area on western extent of Point Road, Tuncurry.

Several oyster processing facilities, at the end of Point Rd, Tuncurry. May be suitable to accommodate more businesses ancillary to the commercial fishing/aquaculture industries.

On the Forster side of the Harbour, the mooring and wharf facilities have also been upgraded recently. The boat harbour currently provides: fewer than 30 commercial berths; a 4-lane concrete boat ramp with an on-ramp pontoon; condition currently assessed as 'good'; and a

car park with more than 50 spaces. The Marine Rescue tower is located to the north of the harbour and associated car parking facility, near the southern break-wall.

Other marine waterfront precincts within Forster include:

- Memorial Drive boardwalk and landing, Memorial Drive Forster. Adjoining the Forster CBD 'Waterside' precinct.
- The 'Marina Precinct' along Little St, Forster – incorporating a range of commercial enterprises from the Forster CBD south along Memorial Drive, including the access point for whale watching tours; kayak, stand-up paddle board and several boat hire premises; and a range of café, kiosk and restaurant facilities:
 - Tikki Boatshed Marina 15 Little St, Forster - several cruising, sailing and boat charter services.
 - Paradise Marina 51 Little St, Forster and adjoining Little Street Boat Ramp.
 - Forster Marina 69 Little St, Forster - Forster Fishing Charters.
 - Blue Peter Boatshed, 95 Little St, Forster.
- Piper's Lane Landing at the corner of Little Street and Piper Lane, Forster.
- Little Street baths – a small enclosed area incorporating a small sandy beach and tidal waters.
- Barclay Oysters processing facilities, at the corner of Little and Mark St, Forster. Large parcel of land ancillary to the oyster farms in the Breckenridge Channel and Wallis Lake. Barclay Oysters is one of the largest oyster producers in the Wallis Lake area.
- Elizabeth Parade Boat Ramp, Forster – access to Breckenridge Channel from Forster Keys.

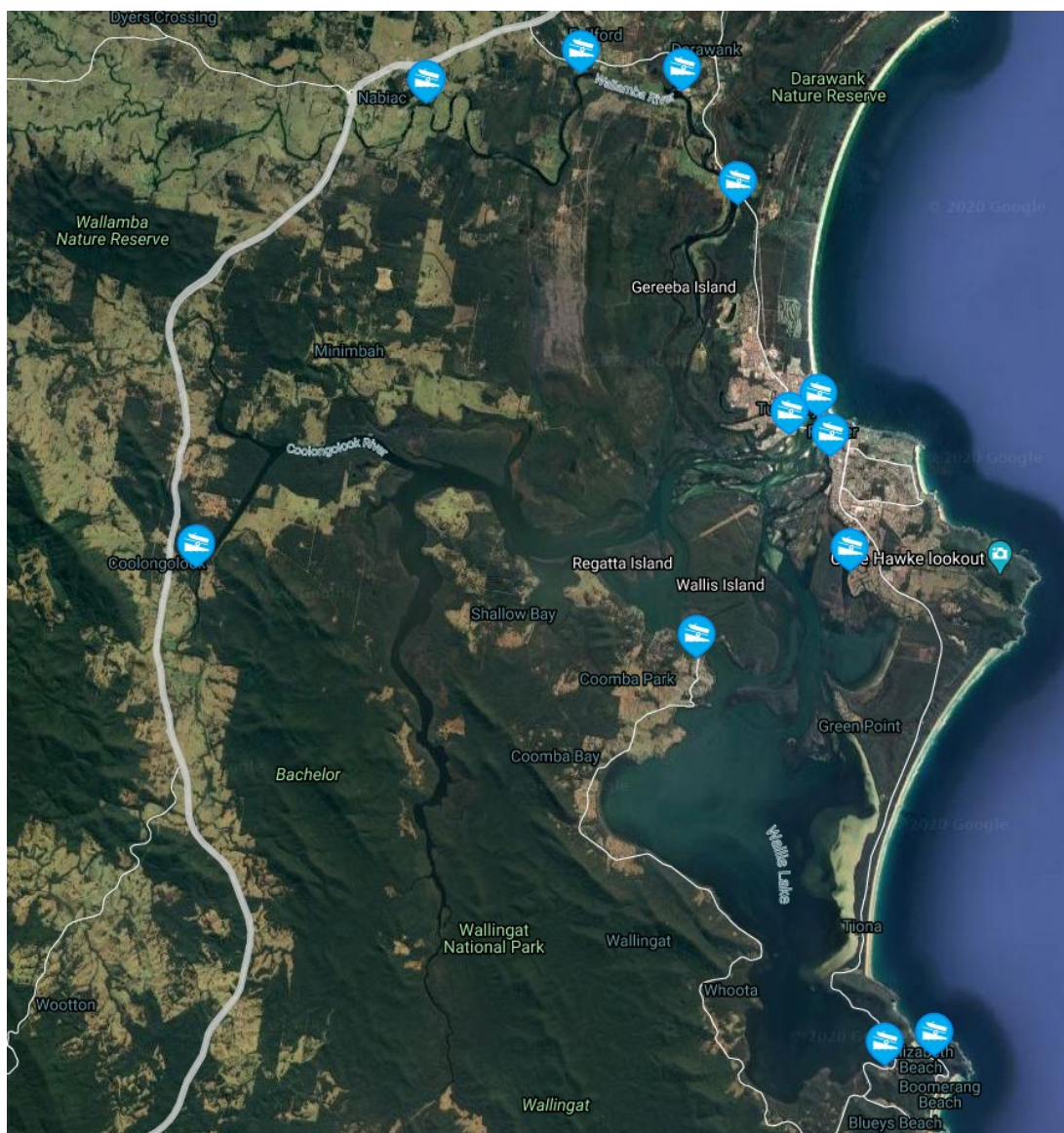
A full list of facilities available at Cape Hawke Harbour is provided in Table 5 below.

Existing infrastructure for marine-based activities within Wallis Lake is reviewed in more detail below while boat ramps within Wallis Lake and tributaries is shown in Figure 22.

Table 5. Facilities at Cape Hawke Harbour⁷¹

Facilities	Available
Commercial fishing - unloading and berthing	Yes
Charter vessels	Nearby
Recreational and visitors berthing	Nearby
Slipway and boat maintenance	Yes
Car park	Yes
Vessel sewage pump out	Nearby
Fuel - diesel	Yes
Waste oil collection and storage	Yes
Water and electricity	Yes
Boat launching ramp and car park	Nearby
Public toilets	Yes
Fresh fish outlet	Yes

⁷¹ NSW Department of Industry 2018b

Figure 22. NSW Boat Ramps on Wallis Lake and tributaries⁷²

Priority marine waterfront precincts within other areas of Wallis Lake and related tributaries including but not limited to:

- Pacific Palms landing and boat ramp off The Lakes Way, Elizabeth Beach - a concrete ramp (2 lanes), condition assessed as 'good', nearby pontoon and fewer than 10 car parking spaces. Adjoining the Pacific Palms Recreational Club and associated car parking and restaurant facilities.
- Coomba Park landing and boat ramp off Coomba Rd, Coomba Park - concrete ramp (2 lanes), condition assessed as 'fair', a nearby pontoon and fewer than 10 car parking spaces.
- Bullocky Wharf Boat Ramp off Wharf Street, Nabiac along the Wallamba River - concrete single lane boat ramp, condition assessed as 'good', facilities are limited, however there is a nearby picnic area.

⁷² RMS 2018a

- Willow Point Road Boat Ramp off Willow Point Road, Failford along the Wallamba River - gravel single lane boat ramp, condition assessed as 'poor', no facilities or infrastructure at the site.
- Shalimar Boat Ramp off Aquatic Road, Darawank along the Wallamba River - concrete single lane boat ramp, condition assessed as 'good', facilities include limited car parking, adjoining the Discovery Holiday Park which has a café and toilets.
- Riverview Place Reserve Boat Ramp off Riverview Place, Darawank along the Wallamba River - gravel single lane boat ramp, condition assessed as 'poor', limited kerbside parking available, no facilities and infrastructure exist at the site.
- Darawank Memorial Park on the Wallamba River – wharf improvements including a small landing area for boats and access the shore, a fish cleaning table and sealed car parking undertaken as part of a Better Boating Now grant funding.
- Coolongolook Cedar Wharf Boat Ramp off Mimi Street along the Coolongolook River - unsealed single lane boat ramp, condition assessed as 'fair', with unsealed car and trailer parking, a pontoon, bins and a picnic area.

There is an additional boat ramp in Elizabeth Beach, but this provides ocean access via Elizabeth Bay. This part of the bay is incorporated into the Port Stephens-Great Lakes Marine Park and is currently identified as a '*Habitat Protection Zone*'. The concrete ramp condition is assessed as 'poor' and offers fewer than 10 car parking spaces; it is located within the National Park and located in close proximity to the Elizabeth Beach Surf Life Saving Club facilities.

Restrictions on aquaculture, recreational or commercial fishing activities

Wallis Lake is not within the Port Stephens-Great Lakes Marine Park, however, there are a number of restrictions that still apply:

- The use of nets and traps, both in commercial and recreational fishing, are prohibited under the Fisheries Management (Estuary General Share Management Plan) Regulation 2006 in certain areas of Wallis Lake, in particular around oyster lease areas⁷³.
- Foster Keys Canal Estate prohibits the use of nets year-round⁷⁴.
- Lobster trapping is currently prohibited in Wallis Lake under the Fisheries Management (Lobster Share Management Plan) Regulation 2000.⁷⁵
- Areas within Wallis Lake are also closed to ocean hauling and ocean trawling⁷⁶.
- Spear fishing is also prohibited in certain areas of Wallis Lake.

Marine Water Activities

The Wallis Lake estuary is a popular waterway with many uses. The northern area of the lake incorporating the entrance and the waters around Wallis Island contains the majority of the lake's priority oyster aquaculture areas as shown in Figure 23 below⁷⁷.

⁷³ DPI 2018b

⁷⁴ *ibid*

⁷⁵ *ibid*

⁷⁶ *ibid*

⁷⁷ NSW Government 2018 SEED Portal

Figure 23. Wallis Lake Priority Oyster Aquaculture Areas



Wallis Lake is recognised as the single-most productive source of Sydney Rock Oysters in NSW⁷⁸. Oyster leases are also concentrated around the Wallamba Broadwater⁷⁹.

The Lake and related tributaries are also used for recreational fishing and boating, however, wakeboarding is prohibited in the Wallamba River⁸⁰. Wallis Lake and the Wallamba River are the most used areas of the estuary system with Coolongolook, Wallingat Rivers and Wang Wauk less utilised⁸¹.

Activity within the Wallis Lake estuary increases significantly over peak summer times to coincide with increased visitors and tourism activity in the Pacific Palms and Forster/Tuncurry areas bordering the lake⁸².

Strengths/opportunities

- There are many existing facilities located in the Forster/Tuncurry area to support additional marine-based activities. These facilities provide an opportunity for diversification and growth in existing commercial fishing, recreational boating and tourism industries.
- Wallis Lake is recognised as the single-most productive source of Sydney Rock Oysters in NSW.
- The ‘coastal harbours’ of Tuncurry is identified within the state’s ‘port network’, to be managed by Transport for NSW for trading vessel and cruise vessel visits⁸³.
- The relative protection afforded by Cape Hawke harbour and Forster Marina makes it suitable stop-over for boats and yachts travelling along the Australian east coast, however the number of berths and moorings are limited at this time.

⁷⁸ NSW DPI 2017

⁷⁹ NSW Government 2018 SEED Portal

⁸⁰ Transport for NSW 2015a

⁸¹ *ibid*

⁸² *ibid*

⁸³ Transport for NSW 2018

- Funding for maintenance and improvements to public boating facilities (e.g. boat ramps) is generally available through a combination of the Roads and Maritime Services Boating Now Program, the NSW Fisheries Management Trust Fund, and community sourced funds provided by local businesses and community groups.

Threats/challenges

- Managing water quality due to catchment run-off in both urban and rural areas. This issue is addressed in more detail within the Rural Waterways paper.
- Restrictions on activities and land-side developments to protect water quality due to the high number of Priority Aquaculture Areas within the northern part of Wallis Lake.
- Limited availability of services / shops associated with marine precincts and access facilities outside Forster/Tuncurry.

Recommendations

The coordination between rural and urban initiatives, along with the implementation of controls in the land-side areas of Forster/Tuncurry that are within, or immediately adjoin, an urban area, will be critical.

Engagement with key commercial fishing/aquaculture operators has previously identified area-specific issues, some of which are outside of Council's control, but may be improved through additional advocacy and collaboration.

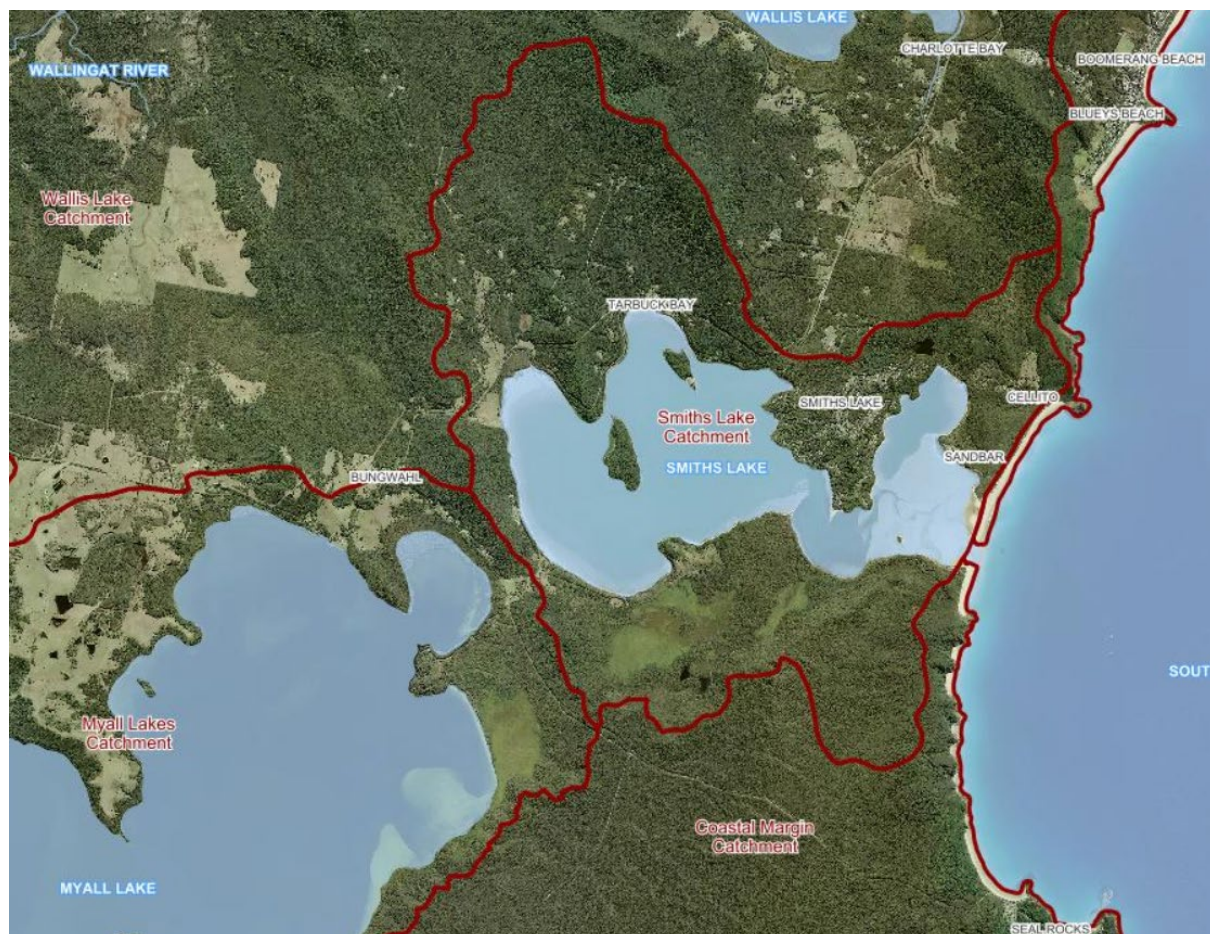
- Additional flexibility within the zones and land-based activities adjoining Wallis Lake and its tributaries, to allow for a broad range of complementary development should be undertaken as part of Council's review of employment lands.
- Consider options of applying the W1 Natural Waterways to areas of Wallis Lake with a significant number of Priority Oyster Aquaculture Areas, to recognise potential conflicts with other development associated with boating, recreational and commercial fishing industries. Noting that this zoning would not over-ride or change the application and consideration of other relevant legislation and requirements to development in and around leases, this may be a long-term matter for consideration.
- Consider the benefits of applying W3 Working Waterways and extending the IN4 Working Waterfront zone, particularly in/adjoining Cape Hawke Harbour, to support the ongoing potential of the site as a local hub for commercial shipping, water-based transport and maritime industries. Crowdy Head Harbour is currently the only waterway zoned W3 Working Waterways in the LGA.
- Identify potential improvements to Cape Hawke Harbour, particularly the Forster Marina and Tuncurry Co-op and Slipway precinct near Ray Street - enter into an agreement to facilitate a revitalisation program in conjunction with the Department of Industry, who are the responsible authority for managing coastal harbours in NSW and are responsible for the NSW Regional Ports Strategy⁸⁴. Establish inter-modal transport hubs for freight and tourism as part of the land-based redevelopment.

⁸⁴ Transport for NSW 2018

5.5 Smiths Lake

Smiths Lake is a large coastal lake situated adjacent to the village of Smiths Lake and approximately 25 kilometres south of Forster as shown below in Figure 24.

Figure 24. Smiths Lake relative to Pacific Palms, Smiths lake village and Seal Rocks



It is approximately 10sq meters in area, has an average depth of 2.4 metres and is the largest Intermittently Open and Closed Lake in NSW⁸⁵. The lake is manually opened to assist in water quality and flow management and to limit flooding of adjoining properties.

Existing Infrastructure

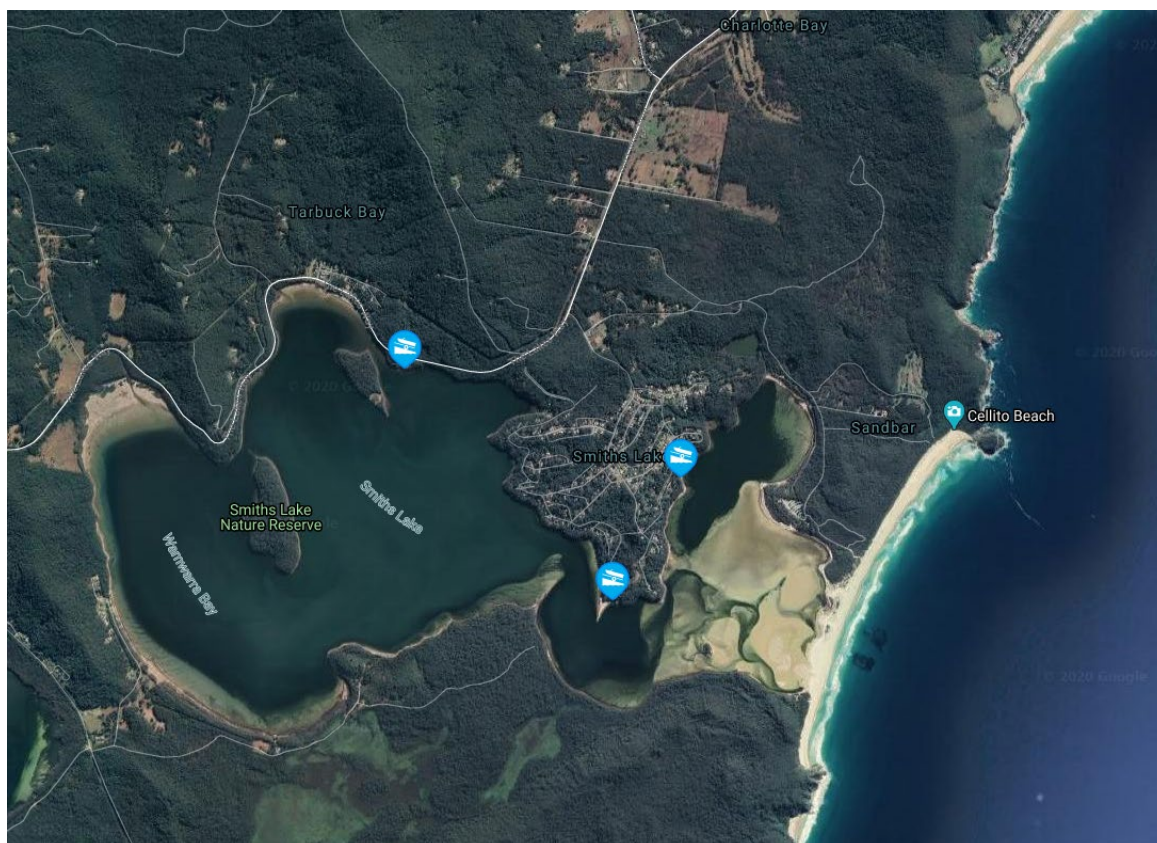
Priority marine waterfront precincts on Smiths Lake is associated with the boat shed, café and boat ramp off Amaroo Drive adjoining De Bert foreshore reserve as shown in Figure 25. The site was recently subject to improvements through the Better Boating Program.

Two other boat ramps provide access into the lake:

- Patsy's Flat Boat Ramp off Patsy's Flat Rd, Smiths Lake - unsealed ramp, condition assessed as 'poor', fewer than 10 car parking spaces and no other facilities.
- Brambles Reserve Boat Ramp off The Lakes Way, Tarbuck Bay - concrete ramp, condition assessed as 'good', offers fewer than 10 car parking spaces, public toilets are available within the reserve.

⁸⁵ NSW Transport for NSW 2015b

Figure 25. NSW Boat Ramps on Smiths Lake⁸⁶

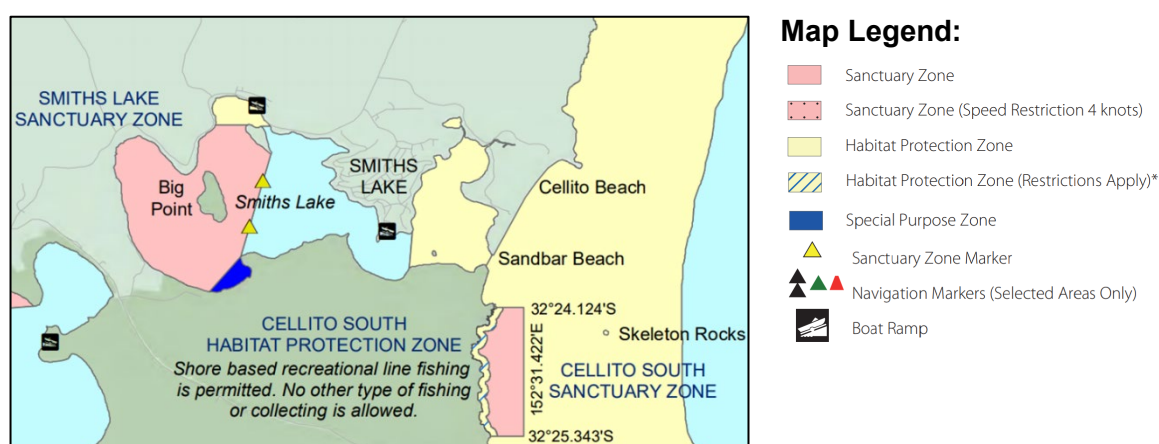


Restrictions on aquaculture, recreational or commercial fishing activities

The eastern and western portions of the lake are protected areas within the Port Stephens-Great Lakes Marine Park zones as shown below in Figure 26.

Patsy's Flat Boat Ramp adjoins the western 'Sanctuary Zone'; and Brambles Reserve Boat Ramp provides direct access into the eastern 'Habitat Protection Zone' area of Marine Park.

Figure 26. Port Stephens - Great Lakes Marine Park zones within Smiths Lake⁸⁷



Any method of fishing, collecting, aquaculture or motorised water-sports is prohibited within the western part of the lake identified as a 'Sanctuary Zone' and commercial fishing is

⁸⁶ <https://www.rms.nsw.gov.au/maritime/using-waterways/boat-ramps-map/boat-ramps/index.html>; RMS 2018a

⁸⁷ https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0011/656318/PSGLMP-Zoning-Map-Nov-2019.pdf

restricted in those parts of the lake identified as a '*Habitat Protection Zone*'⁸⁸. The area is therefore unlikely to support commercial fishing activities to the extent that associated land-based services and facilities would be required.

Marine Water Activities

Smiths Lake is primarily used for recreational fishing, boating and water sports with seasonal trends associated with the peak Summer period⁸⁹.

Strengths/opportunities

- Existing boating infrastructure at Smiths Lake and Tarbuck Bay is available.
- The location has an established reputation as a destination for visitors, as evidenced by availability of short-term rental accommodation in Smiths Lake and Tarbuck Bay.
- Tourism, including water-based activities, are supported by small convenience shopping facilities at Macwood Road, Smiths Lake, Charlotte Bay and in Pacific Palms.

Threats/ challenges

- Restrictions on activities associated with Marine Park management requirements.
- The 'Poor' condition of boat ramps and associated facilities may result in erosion and other environmental impacts associated with unauthorised, unconstructed access from public and private foreshore areas.
- Seasonality of tourism/visitor numbers

Recommendations

- Consider applying the W1 Natural Waterways zoning to the entirety of Smiths Lake, to reflect sensitivity of this waterway to development and to Marine Park classifications.
- Apply the SP3 Tourist zoning to support the ongoing permissibility of the boatshed, boat ramp and adjoining facilities, off Amaroo Drive Smiths Lake.
- Consider rezoning adjoining E3 Environmental Management areas of De Bert foreshore reserve that may be suitable for additional land-based development, to support diversification, expansion and management of activities within this single location.

⁸⁸ DPI 2018d

⁸⁹ Transport for NSW 2015b

5.6 Myall Lakes system

The Myall Lakes system as shown in Figure 27 includes: Myall Lake; Boolambayte Lake; Two Mile Lake; and Bombah Broadwater and the tributaries of Myall River, Boolambayte Creek and Nerong Creek, up to the tidal limit. The Lower Myall River including Tea Gardens and associated marine-based infrastructure is discussed in the Karuah River/ Port Stephens section to follow.

Figure 27. Myall Lakes relative to Smiths Lake, Seal Rocks and Tea Gardens



The entire Myall Lakes System holds significant ecological value. It is included within the Port Stephens – Great Lakes Marine Park and is also an internationally recognised RAMSAR listed wetland as shown in Figure 28.

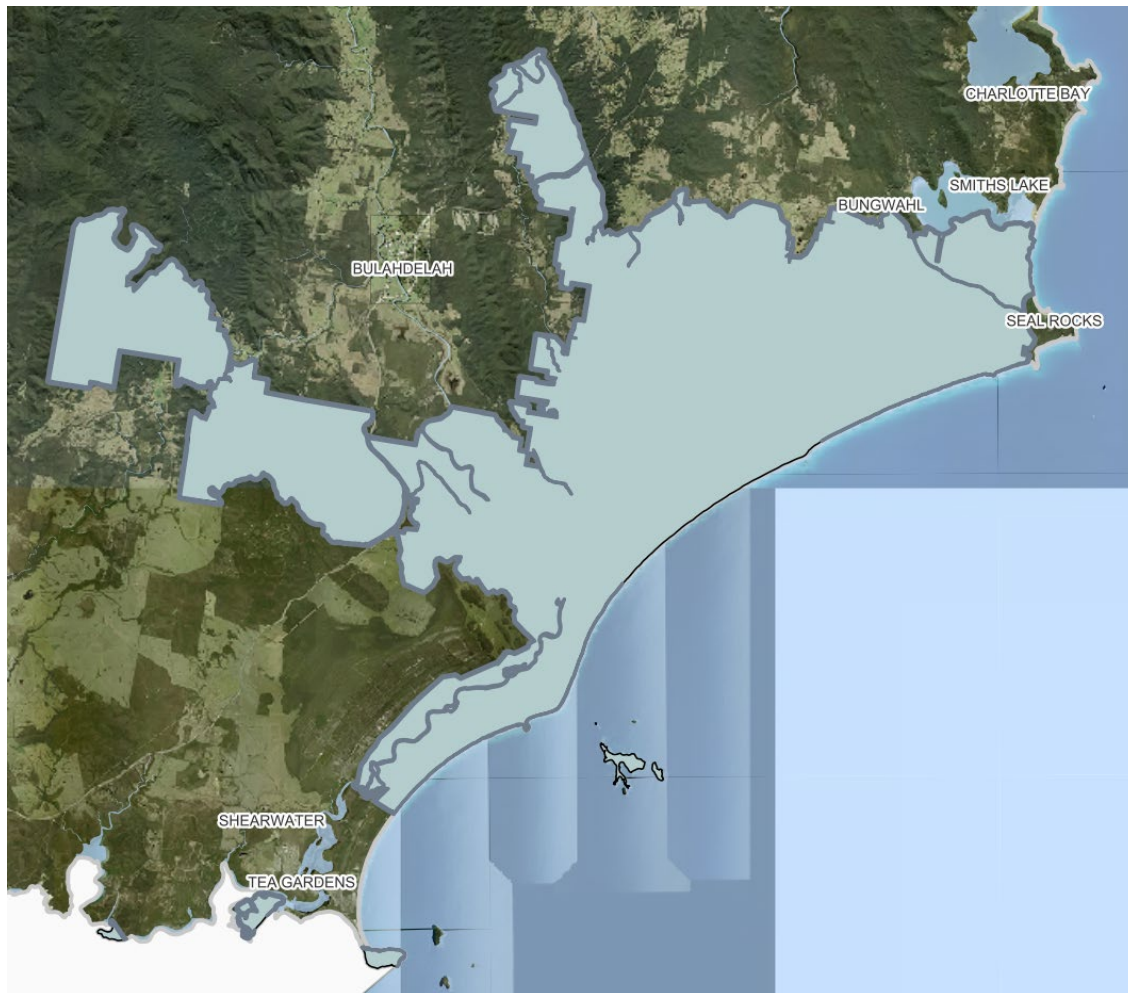
The lakes system and surrounding landside areas are zoned E1 National Parks and Nature Reserves, reflective of the area's ecological value. With the exception of the village of Nerong, the landside areas are largely incorporated into the Myall Lakes National Park.

Existing Infrastructure

There are several marine waterfront precincts on Myall Lakes and tributaries including but not necessarily limited to:

- Myall Lake North boat ramp off Godfrey Close, Bungwahl - unsealed single lane boat ramp, condition assessed as 'poor', offers fewer than 10 car parking spaces, no other facilities and provides access to a 'Sanctuary' area of the Marine Park.
- Neranie Bay boat ramp off Seal Rocks Road, Bungwahl - single lane ramp, condition assessed as 'poor', offers fewer than 10 car parking spaces, facilities including toilets, BBQ area, and provides access to the 'General Zone' area of the Marine Park.

Figure 28. Myall Lakes RAMSAR Wetland within MidCoast LGA



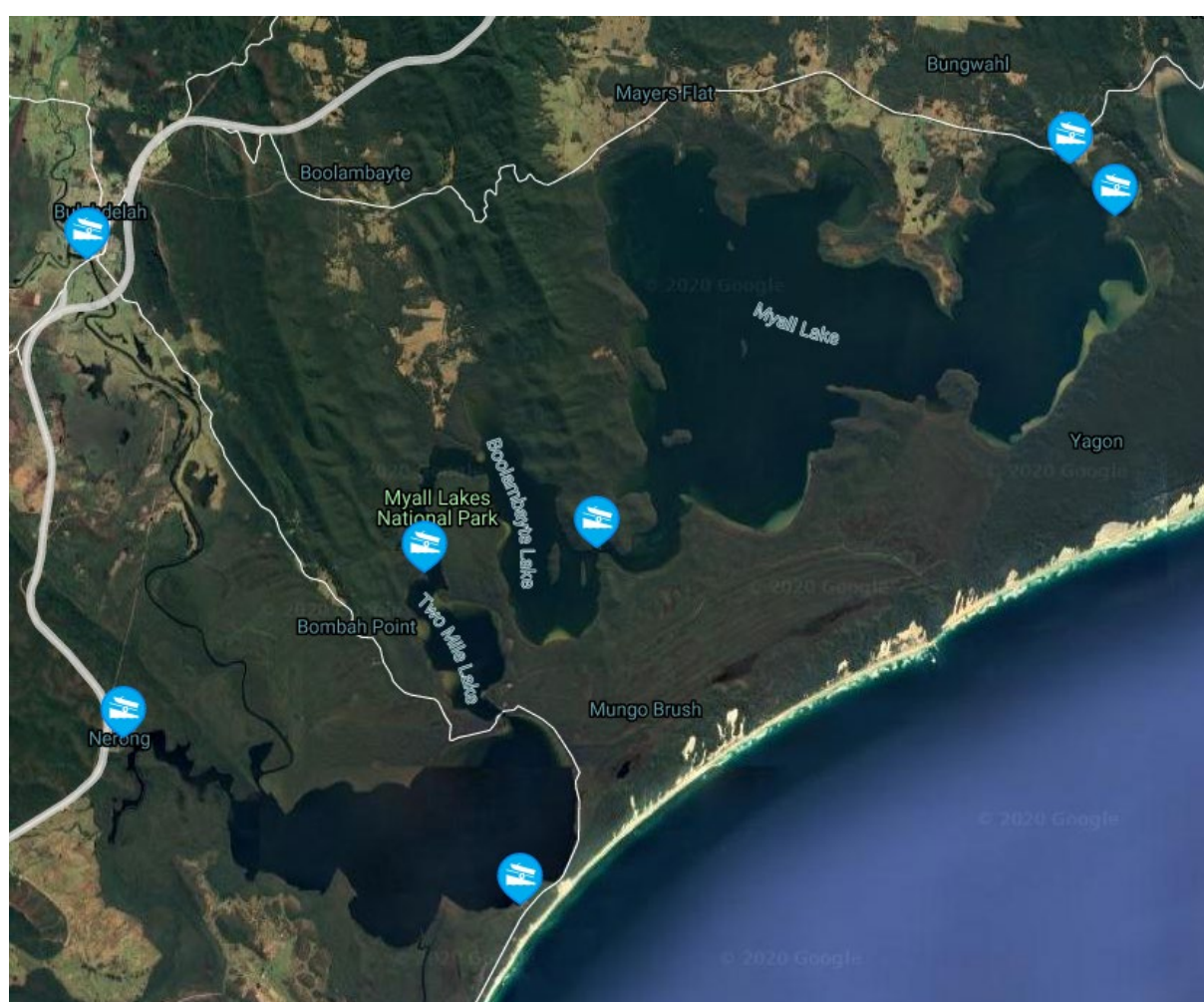
- Violet Hill boat ramp off Violet Hill Rd, Bulahdelah - concrete ramp (2 lanes), condition assessed as 'good', offers fewer than 10 car parking spaces, facilities including toilets, and provides access to 'Sanctuary' area of the Marine Park within Boolambayte Lake.
- Mungo Brush boat ramp off Tuloa Ave, Mungo Brush - concrete ramp (2 lanes), condition assessed as 'good', offers fewer than 10 car parking spaces, facilities including toilets and BBQ area and provides access to 'General' area of Marine Park within the Bombah Broadwater.
- Bulahdelah Marina off Crawford Street - features a land-based pontoon and is the base for Luxury Houseboat Hire with direct access to Myall River and the lake system.
- Bulahdelah boat ramp off Old Pacific Highway - concrete single lane ramp, condition assessed as 'good', offers 11-20 car spaces, facilities including BBQ, bins and a land-based pontoon, on land zoned RE1 Public Recreation and adjoining water zoned W2 Recreational Waterways.

- Korsman's Boat Ramp off Korsman's Camp Road, Bulahdelah - unsealed single lane ramp, condition assessed as 'poor', offers fewer than 10 car parking spaces, facilities including toilets, BBQ area, small land-based pontoon with fewer than five moorings and provides access to 'Sanctuary' area of the Marine Park within Two Mile Lake
- Waterhen Park boat ramp off Egret St, Nerong - single lane concrete ramp, condition assessed as 'fair', offers fewer than 10 car parking spaces, facilities including toilets, BBQ area, on-ramp pontoons and access to 'General' area of the Marine Park within the Bombah Broadwater.

Waterhen Park landing and boat ramp - an RMS funded study was completed in 2016 to plan for boating facility improvements in response to increased use and activity as a result of the closure of Williams River to water skiing. Noted that there is limited land to meet this additional demand, particularly for car/trailer parking.

- Bombah Point off Bombah Point Road - a small jetty with fewer than five moorings.

Figure 29. NSW Boat Ramps in Myall Lakes and tributaries⁹⁰



The Myall Lakes system is incorporated into the Port Stephens-Great Lakes Marine Park, with several areas identified as 'Sanctuary Zones', as shown in Figure 30.

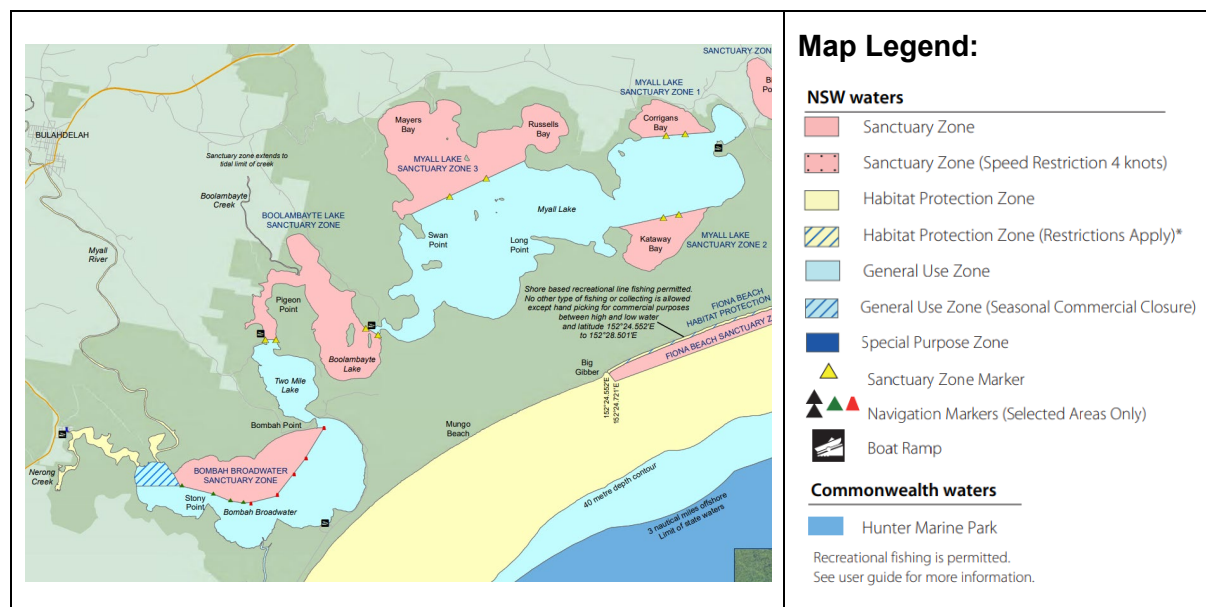
There are restrictions within the park on aquaculture, recreational or commercial fishing activities; including the prohibition of any method of fishing, collecting, aquaculture or motorised water-sports within Sanctuary Zones of the Port Stephens-Great Lakes Marine

⁹⁰ <https://www.rms.nsw.gov.au/maritime/using-waterways/boat-ramps-map/boat-ramps/index.html>; RMS 2018a

Park.⁹¹ There are several Sanctuary Zones within the Myall Lakes system including: Corrigans Bay, Kataway Bay, Russells Bay and Mayers Bay in Myall Lake; the entire Boolambayte Lake and creek; and the northern part of Bombah Broadwater.⁹²

Myall River and Nerong Creek are also identified as 'Habitat Protection Zones' which restricts commercial fishing in these parts⁹³. Marine Park Zones are shown in Figure 30 below.

Figure 30. Port Stephens-Great Lakes Marine Park zones⁹⁴



There are no Priority Oyster Areas within the location and it is currently unknown whether any commercial fishing or aquaculture licences are active within the General Use or Habitat Protection Zones of the Myall Lakes.

Marine Water Activities

The Myall Lakes is primarily used for recreational fishing, boating, swimming and water sports. Usage of the lakes is highly dependent on the season, with a large number of visitors holidaying in the Myall Lakes National Park during the Summer peak period.

Strengths/opportunities

- Bulahdelah is a conveniently located 'stop-off' point for travellers heading north or south along the Pacific Highway meaning there is more potential for water-related tourism in this location.
- The Myall Lakes is a popular destination for house boats, especially along the Myall River.

Threats/ challenges

- The area is primarily zoned E1 National Park and Nature Reserves, reflecting the marine park and RAMSAR wetland protection requirements; meaning Council has limited opportunities to influence management or improvements to facilities and services within the system.

⁹¹ DPI 2018d

⁹² ibid

⁹³ ibid

⁹⁴ https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0011/656318/PSGLMP-Zoning-Map-Nov-2019.pdf

- Restrictions on activities relating to Marine Park and National Park management requirements.
- Restrictions on activities and land-side developments to protect water quality and areas of high ecological significance.
- Managing water quality due to catchment run-off in both urban and rural areas. This issue is also addressed in the Rural Waterways paper.
- Limited services and infrastructure available within the Marine Park and National Park.

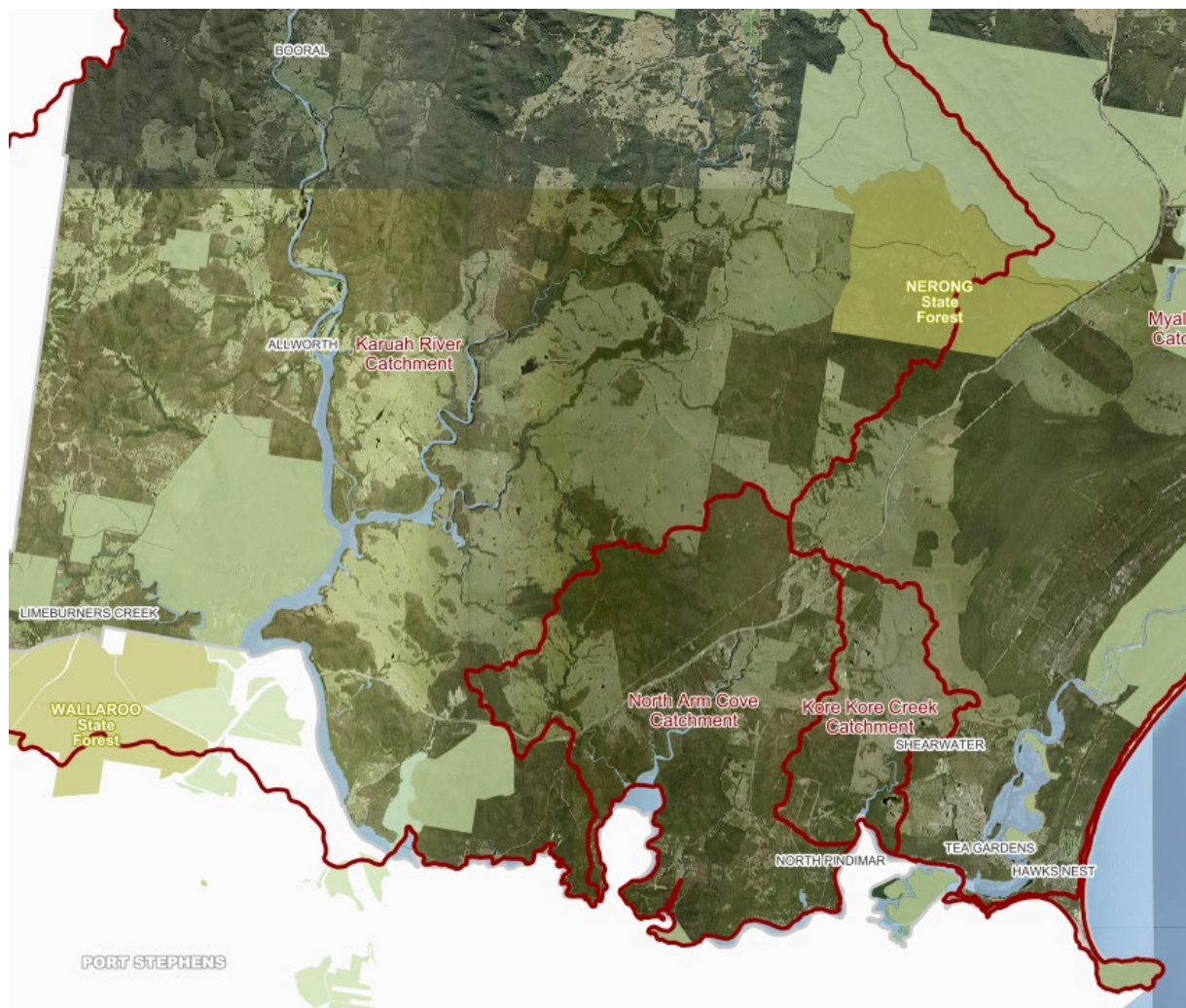
Recommendations

- Continue to engage with the State agencies and advocate for opportunities to diversify activities, infrastructure and services within the marine and national parks.
- Retain opportunities for diversification and enhancement of opportunities to access the Myall Lakes system where possible, including the Bulahdelah marina, houseboats, walking, aquatic and cultural tours, in a manner consistent and compatible with the protection and management requirements of the marine and national parks.

5.7 Karuah River and Port Stephens

The Port Stephens valley estuary is a large harbour that lies primarily within the Port Stephens LGA. From within the MidCoast LGA, it is where the Karuah River, Myall River and other creek systems meet Port Stephens Bay and the Tasman Sea as shown in Figure 31 below.

Figure 31. Karuah River and Port Stephens relative to Tea Gardens and MidCoast LGA



The whole estuary forms part of the Port-Stephens Great Lakes Marine Park as shown in Figure 33. However, the scope of this study is contained to the MidCoast LGA and will therefore focus on the northern shoreline of Port Stephens.

Existing Infrastructure

Priority marine waterfront precincts along the Myall River around Tea Gardens include:

- Tea Gardens Boat Harbour, Marine Drive East - located to the west of Singing Bridge the harbour provides access to the Myall River and Port Stephens Harbour and currently provides fewer than 15 commercial berths, a wharf that allows for the unloading of commercial fishing vessels and a concrete boat ramp nearby. The Fishing Cooperative, includes a fresh seafood outlet, restaurant and car parking for more than 50 vehicles.
- Tea Gardens Boatshed Marina, Marine Drive - facilities include more than 15 berths and piled moorings, boat hire, limited car parking and a restaurant.

Several facilities supporting marine-based activities are also co-located around Anzac Park, at Tea Gardens including:

- Marine Drive boat ramp - concrete ramp, condition assessed as 'fair', close to public car parking spaces along Marine Drive, facilities include lighting and a pontoon nearby.
- Marine Drive East boat ramp - concrete ramp (2 lanes), condition assessed as 'good', with up to 50 car /21 car and trailer parking, facilities include toilets, bins, fish cleaning table, kiosk, lighting and on-ramp pontoon.

Private and commercial moorings are available in several locations along the waterway, however they are relatively limited in number and it is acknowledged that Tea Gardens has a significant waiting list for the use of private moorings and casual berths ⁹⁵. A full list of facilities available at Tea Gardens Boat Harbour is provided in Table 6 below.

Table 6. Facilities at Tea Gardens Boat Harbour⁹⁶

Facilities	Available
Commercial fishing - unloading and berthing	Yes
Charter vessels	Yes
Recreational and visitors berthing	Yes
Slipway and boat maintenance	Yes
Car park	Yes
Vessel sewage pump out	Yes
Fuel - diesel	Yes
Waste oil collection and storage	No
Water and electricity	Yes
Boat launching ramp and car park	Yes
Public toilets	Yes
Fresh fish outlet	Yes
Retail food and beverage	Yes

The limited number of berths and moorings within this section of the Myall River may be related to: the limited access to sail boats as a result of the height of Singing Bridge; and navigational issues within this waterway, particularly associated with access from Port Stephens at the junction of the Karuah and Myall rivers near Corrie Island.

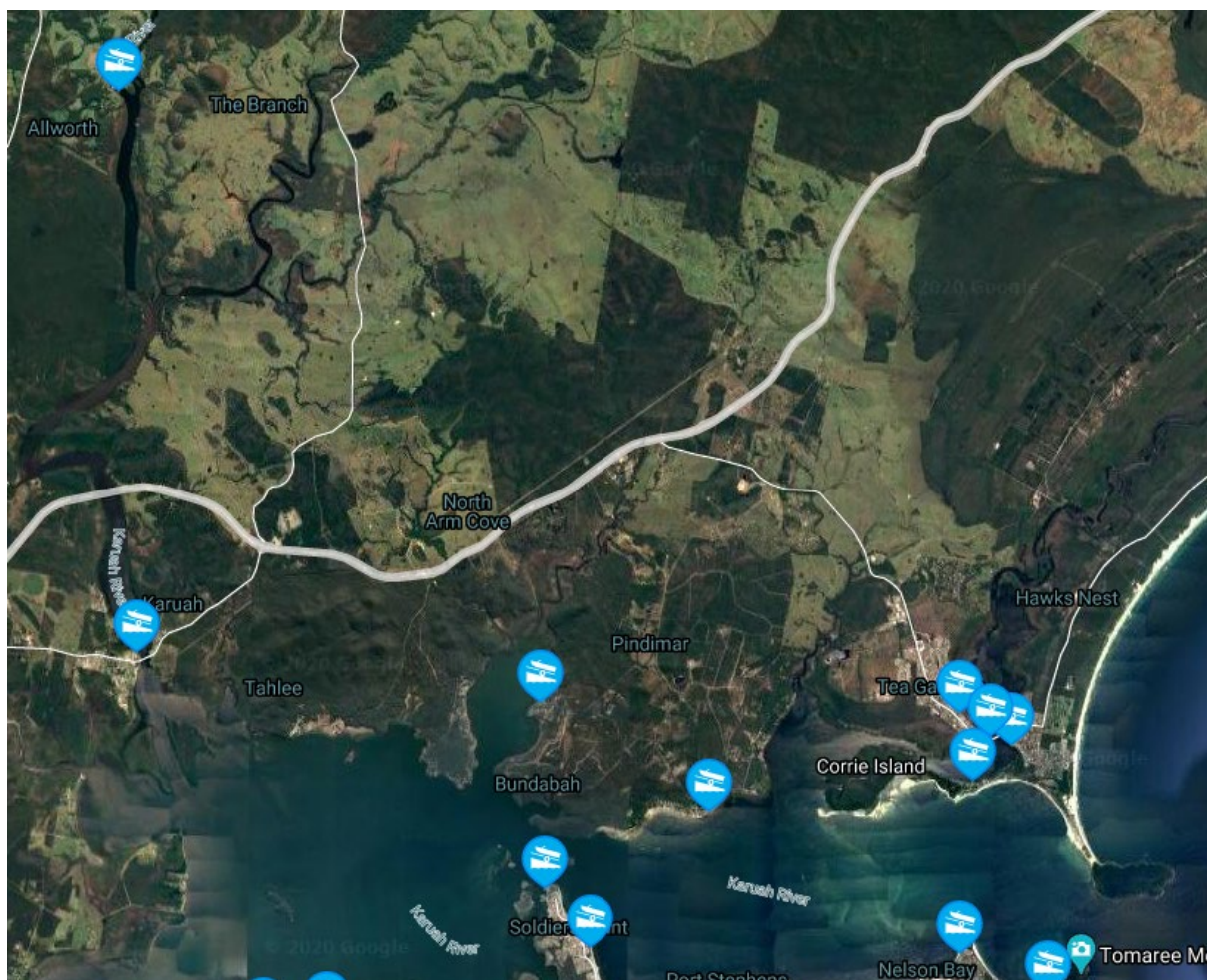
It is also noted that the water-based facilities in this location are provided within the marine park General Purpose zone, however, this is effectively a narrow navigation channel provided between the land and adjoining Habitat Protection zone. Therefore, while there is a range of land-based access points and facilities, there may be limited opportunities for expansion of the water-based facilities within the section of the Myall River system.

The surrounding Marine Drive area also offers several other public attractions, including a Visitor Information Centre, public swimming pool, restaurants, visitor accommodation and commercial ferry services between Tea Gardens and Nelsons Bay. It is also noted that while there appears to be limited growth in the marine-based activities and facilities provided within Tea Gardens, there has been a significant increase in the number of available marina berths in the Port Stephens LGA.

⁹⁵ Transport for NSW 2015a

⁹⁶ NSW Department of Industry 2018

Figure 32. NSW Boat Ramps Karuah - Port Stephens⁹⁷



Outside of Tea Gardens, other boat ramps, as shown in Figure 32, offer access into the river systems and Port Stephens Bay, including but not limited to:

- Moira Parade boat ramp, Pelican Park Hawks Nest (off Moira Parade, Hawks Nest): concrete ramp (2 lanes), condition assessed as 'fair', facilities include toilets, bins, BBQ area, fish cleaning table, kiosk, lighting, parking and an on-ramp pontoon.
- Winda Woppa boat ramp The Anchorage, Winda Woppa - concrete ramp, condition assessed as 'fair', fewer than 10 car parking spaces, no other facilities.
- Allworth boat ramp Stroud Street Allworth - concrete ramp (2 lanes), condition assessed as 'fair', limited parking, additional facilities include a fish cleaning table, bins, picnic area, a land-based pontoon, and a newly installed toilet block.
- Pindimar boat ramp Curlew Ave, Pindimar - unsealed single lane ramp, condition assessed as 'fair', limited parking and no existing facilities. Located close to Priority Oyster Aquaculture Areas.
- Bundabah boat ramp Bundabah Road, Bundabah - single lane concrete ramp, condition assessed as 'fair', limited parking and no existing facilities. Located close to Priority Oyster Aquaculture Areas.

There are also maritime facilities within the Port Stephens harbour, outside of the MidCoast LGA, including the Roads and Maritime Service Centre and Marine Rescue Base in Nelsons Bay.

⁹⁷ RMS 2018a

Restrictions on aquaculture, recreational or commercial fishing activities

The Port Stephens estuary, including the Myall and Karuah rivers, is incorporated into the Port Stephens – Great Lakes Marine Park, with several areas identified as ‘Sanctuary Zones’ and ‘Habitat Protection Zones’, as shown in Figure 33 below.

Figure 33. Port Stephens - Great Lakes Marine Park zones⁹⁸



Map Legend:

NSW waters

- Sanctuary Zone
- Sanctuary Zone (Speed Restriction 4 knots)
- Habitat Protection Zone
- Habitat Protection Zone (Restrictions Apply)*
- General Use Zone
- General Use Zone (Seasonal Commercial Closure)
- Special Purpose Zone

- Sanctuary Zone Marker
- Navigation Markers (Selected Areas Only)
- Boat Ramp

Commonwealth waters

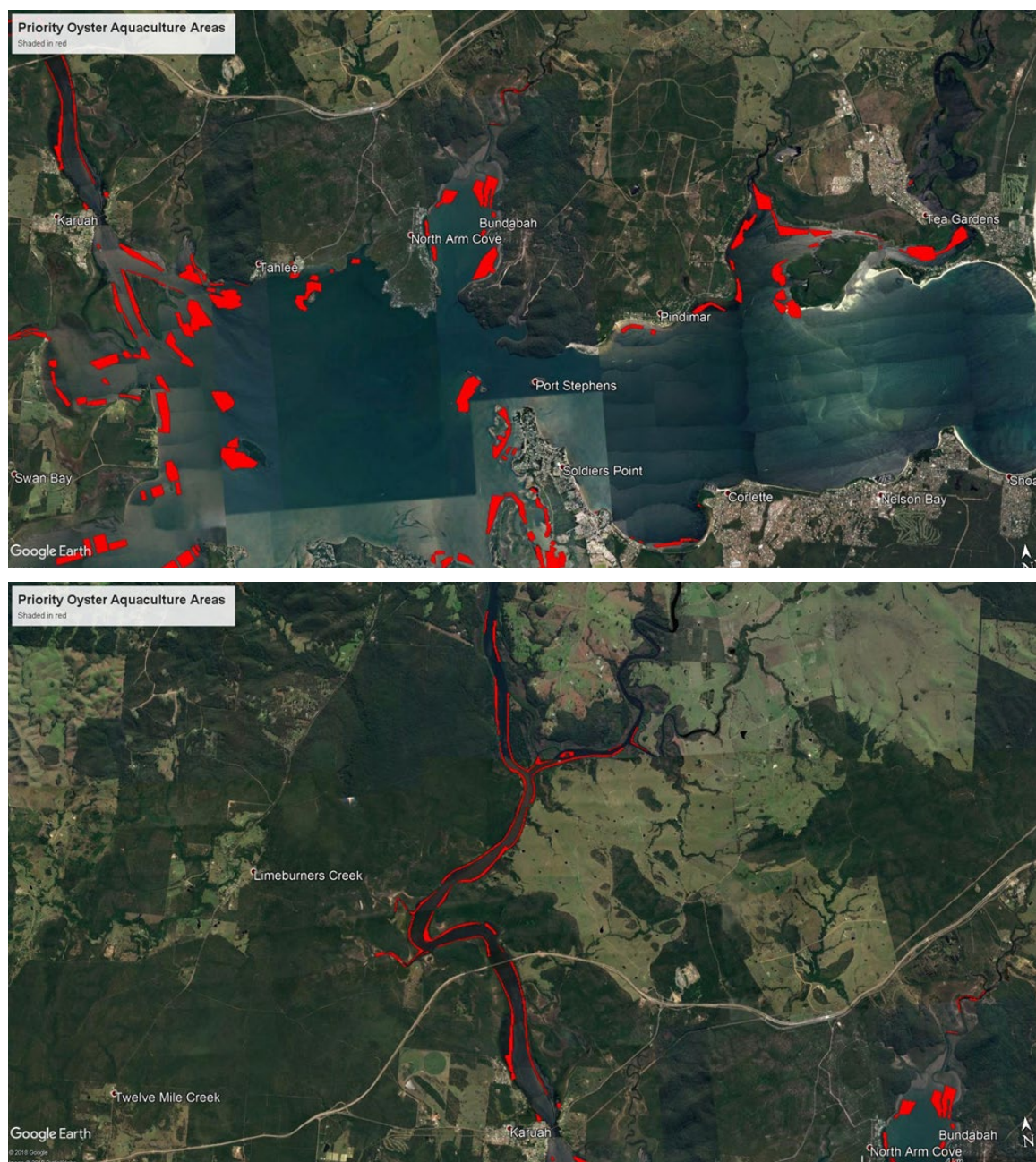
- Hunter Marine Park

Recreational fishing is permitted.
See user guide for more information.

⁹⁸ https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0011/656318/PSGLMP-Zoning-Map-Nov-2019.pdf

Any method of fishing, collecting, aquaculture or motorised water-sports is prohibited within sanctuary zones of the Port Stephens-Great Lakes Marine Park ⁹⁹ including sections of the Myall River, Fly Point – Corrie Island, North Arm Cove, Number One and the Karuah River. Sections of the Myall River, Karuah River and parts of Port Stephens are also identified as ‘Habitat Protection Zones’ where there are restrictions on commercial fishing ¹⁰⁰

Figure 34. Priority Oyster Aquaculture Areas in Port Stephens Bay and Karuah River¹⁰¹



Marine Water Activities

Port Stephens and surrounding tributaries are extremely popular for fishing and recreational boating and have historically been key areas for the pearl and oyster aquaculture industry.

Within the MidCoast LGA there are several Priority Oyster Aquaculture (POA) areas identified: at the mouth of the Myall River; in Pindimar Bay; around the foreshore at North Arm Cove and

⁹⁹ DPI 2018d

¹⁰⁰ ibid

¹⁰¹ DPI 2017

Bundabah; in Little Swan Bay; and up the Karuah River as identified Figure 34 above¹⁰². The use of wash-generating crafts is restricted along the Karuah River, within Priority Oyster Aquaculture Areas¹⁰³.

Strengths/opportunities

- The waterway is already an existing focal point for commercial fishing / aquaculture activities, continue to advocate for funding and opportunities to improve foreshore and water-based infrastructure.
- The area is a popular destination for visitors and the co-location of, and improvements to, facilities and amenities around Tea Gardens-Hawks Nest makes it an important destination for residents and visitors.

Threats/ challenges

- Restrictions on activities arising from marine park and national park management requirements;
- Restrictions on activities to support existing and potential oyster aquaculture production;
- Seasonality of tourism/visitor numbers;
- Managing water quality due to catchment run-off in both urban and rural areas. This issue is also discussed in the Rural Waterways paper; and
- The current zoning/classification of foreshore reserves may constrain opportunities to expand facilities there.
- Applying the W3 Working Waterways zoning to the Tea Gardens Harbour to support the ongoing potential of the site as a local hub for commercial shipping, water-based transport and maritime industries is inconsistent with the marine park zones in this location and existing water-based access limitations.

Recommendations

- By increasing the range of activities in this location and creating strong linkages between the infrastructure, services and activities a diverse tourism base may be established and address seasonality issues.
- Increase diversity of land uses that are permissible within existing water-front premises and adjoining recreation areas.
- Consult with aquaculture producers to determine if additional freight/transport facilities are required to maintain and improve connections to regional markets.
- Advocate for additional opportunities to partner with Port Stephens Council to create connectivity between tourism/accommodation businesses and activities such as whale watching, aquaculture production and scenic tours within Port Stephens Bay¹⁰⁴.

¹⁰² DPI 2017

¹⁰³ Transport for NSW 2015a

¹⁰⁴ Transport for NSW 2018

6 Recommended Planning Framework

This section describes the recommended local planning framework, based on the comparative relevance, protection and opportunities available in the marine precincts of the MidCoast LGA.

The recommendations are based on the review of information currently available on the specific services and facilities within the precincts previously discussed in this report, which is not exhaustive. The full list of recommendations is provided Table 7 in below.

The Rural Strategy may prescribe actions for Council or others to undertake strategic studies in future to support re-classifications, a change in zone or additional land uses with waterways and adjoining land holdings (e.g. to expand and diversify a 'landing' into a 'marina').

Table 7. Typology recommendations for Marine Waterfront Precincts

Type	Typical characteristics	Locations based on characteristics
Harbour	<ul style="list-style-type: none"> • Range of berthing facilities and moorings available for commercial, charter and private vessels. • Offers a diverse mix of land-based facilities to support commercial fishing, shipping, and recreational boating. • Fresh local produce on-site for retail sale; café/restaurant facility permitted and/or operational in vicinity. • Slipway and boat maintenance facilities available. • Boat launching ramp and car park available. • 'Commercial Harbour' or equivalent, identified by NSW Government and subject to State-level planning and/or funding. • Located within a town or village, with convenient access to higher volume of traffic, pedestrian activity and visitation. • Access and parking suitable for larger freight and tourist vehicles. • Unrestricted ocean access, 'safe-harbour' for sailing vessels. 	<p>Crowdy Head Harbour</p> <p>Cape Hawke Harbour including:</p> <ul style="list-style-type: none"> • Forster Marina, Dolphin Drive • Tuncurry Precinct, north of Forster-Tuncurry Bridge
Marina	<ul style="list-style-type: none"> • Range of private and commercial berths may be available. • Moorings may be available. • Boatshed and/or boat hire available. • Boat launching ramp; car and trailer parking available. 	<p>Manning River</p> <ul style="list-style-type: none"> • Harrington Waters, Electra Parade • Manning Point, Main Road

Type	Typical characteristics	Locations based on characteristics
	<ul style="list-style-type: none"> Located within a town or village, with convenient access to accommodate a higher volume of traffic, pedestrian activity and visitation. 	<p>Wallis Lake</p> <ul style="list-style-type: none"> Little Street Precinct, Forster Tuncurry, Point Road west of public boat ramp <p>Myall River/ Port Stephens</p> <ul style="list-style-type: none"> Marine Drive Precinct, Tea Gardens
Specialised	<ul style="list-style-type: none"> Single-use or single-user 	<p>Wallis Lake</p> <ul style="list-style-type: none"> Forster, Little Street - oyster processing Tuncurry, Point Road - oyster processing Wallis Lake, various islands – oyster processing <p>Karuah River/Port Stephens</p> <ul style="list-style-type: none"> Bulahdelah Houseboats, Crawford Street
Landing	<ul style="list-style-type: none"> Pier or jetty, normally in proximity to a boat launching ramp. Moorings may be available. May be located within or conveniently accessible to a town or village. May be associated with other public recreation facilities. 	Various locations including private structures.
Boat Ramp	<ul style="list-style-type: none"> May be associated with other public recreation facilities. 	Various locations including public reserves, national parks and private structures.

The Standard Instrument LEP provides four primary land use zonings relevant to marine waterways and associated landside development that otherwise support marine activities. The high-level intentions of these zonings are summarised in

Table 8 below, with additional commentary for their application within the LGA.

Noting that:

- All waterways within National Parks and Nature Reserves are to be zoned E1 Environmental Protection;
- Waterways are generally zoned W2 Recreation Waterway, unless they meet the criteria for an alternative waterway zone; and
- Application of the IN4 Working Waterfront zone applies where there is a requirement for the land-based activity to have direct access to the adjoining waterway. The IN4 zone applies to the whole of the parcel i.e. over the land and water.

Table 8. Marine Waterfront Precinct Land Use Zones

Zoning:	Commentary
W1 Natural Waterways	<p>Allows for a limited number of low-impact development and land uses that do not have an adverse impact on the natural value of the waterway.</p> <p>Recommended to be applied only in highly protected areas, such as waters within or tributaries of, the Port Stephens-Great Lakes Marine Park and/or RAMSAR wetlands.</p> <p>Noting that Priority Oyster Aquaculture Areas may be identified in any waterway zone.</p>
W2 Recreational Waterways	<p>Provides greater flexibility than W1 to accommodate a higher level of water-based recreation, boating and water transport, and development associated with aquaculture and fishing industries.</p> <p>Noting that Priority Oyster Aquaculture Areas may be identified in any waterway zone.</p>
W3 Working Waterways	<p>Intended to prioritise commercial shipping, ports, water-based transport, maritime industries and development associated with commercial fishing industries.</p> <p>Recommended for application only in areas expected to accommodate a higher level of commercial vessels.</p>
IN4 Working Waterfront	<p>Consider for application to land-side areas adjoining existing harbours, marinas and in association with specialised precincts described above.</p>

7 References

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