

## SOUTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Bega Valley Shire Council on 1 December 2015 at 12.00 pm

Panel Members: Pam Allan (Chair), Allen Grimwood, Alison McCabe, Bill Taylor & Michael Britten

Apologies: none Declarations of Interest: none

### Determination and Statement of Reasons

**2014STH026 – BEGA VALLEY – DA2014.430 [Lot 1 & 2 & 4 DP 1138056 and Crown lands below Mean High Watermark] as described in Schedule 1.**

**Date of determination:** 1 December 2015

#### **Decision:**

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

#### **Panel consideration:**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Reasons for the panel decision:**

The Panel agreed to approve the development application for the following reasons:

- This development will meet a demand for an increased number of marina berths in the area
- This will be a significant regional development, providing employment and investment opportunities in the greater community
- Measures will be taken to satisfactorily mitigate environmental impact
- Issues raised by members of the public have been adequately addressed by the applicant and the conditions of consent.

#### **Conditions:**

The development application was approved subject to the conditions attached to the Council Assessment Report and as amended at the meeting. Please note the conditions that have been amended:

a) Condition 23 be amended to read:

*'Public access to the floating component of the marina and proposed new wharf shall be maintained between the hours of 7am to 8pm (summer daylight saving) and 7am to 5pm (non-daylight saving) to Council's satisfaction unless closure is in the interest of the public safety and/or security.'*

b) New conditions:

- i. *No approval is granted for any use or works on the E2 Environmental Conservation zoned land other than the upgrade of the existing wharf facility and associated services and public access.*
- ii. *Development on Lot 4 DP 1138056 be restricted to a access point only of a width of approximately 6-7 metres.*

#### **Further motions:**

Panel members unanimously carried the following two motions:

That,

The Department of Trade and Investment (Crown Lands) be encouraged to liaise with Roads and Maritime Services and the Port of Eden Authority to facilitate the relocation of the swing moorings that are displaced by the marina to a suitable alternate location in Twofold Bay.

## SOUTHERN JOINT REGIONAL PLANNING PANEL

and that,

The Department of Trade and Investment (Crown Lands) be encouraged to include unrestricted public access to the existing jetty in any leasing arrangement and including the requirement to upgrade the existing jetty.

### Panel members:

 <b>Pam Allan (Chair)</b>	 <b>Allen Grimwood</b>	 <b>Alison McCabe</b>
 <b>Bill Taylor</b>	 <b>Michael Britten</b>	

## SOUTHERN JOINT REGIONAL PLANNING PANEL

### SCHEDULE 1

1	<b>JRPP Reference – LGA – Council Reference:</b> 2014STH026 – BEGA VALLEY – DA2014.430
2	<b>Proposed development:</b> Cattle Bay Marina
3	<b>Street address:</b> Lot 1 & 2 & 4 DP 1138056 and Crown lands below Mean High Watermark
4	<b>Applicant/Owner:</b> Eden Resort Hotel Pty Ltd, Mr Henrich Ruiz de Roxas
5	<b>Type of Regional development:</b> CIV> \$5 million, Council Interest
6	<p><b>Relevant mandatory considerations:</b></p> <ul style="list-style-type: none"> <li>• Environment Protection and Biodiversity Conservation Act 1999</li> <li>• Threatened Species Conversation Act 1995</li> <li>• State Environmental Planning Policy 14 (Wetlands) 1985</li> <li>• State Environmental Planning Policy 33 (Hazardous and Offensive Developments) 1992</li> <li>• State Environmental Planning Policy 44 (Koala Habitat Protection) 1995</li> <li>• State Environmental Planning Policy 55 (Remediation of Land) 1998</li> <li>• State Environmental Planning Policy 71 (Coastal Protection) 2002</li> <li>• Bega Valley Control Plan 2013</li> <li>• Bega Valley Section 94 and 94A Contributions Plan 2014</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<p><b>Material considered by the panel:</b></p> <p>Council Assessment Report Dated 16 November 2015</p> <p>Written submissions during public exhibition: 25</p> <p>Verbal submissions at the panel meeting: Against- Amanda Midlam, Megan Pendlebury and Chris Poynton; On behalf of the applicant- Michael Jarvan and Greg Britton</p>
8	<p><b>Meetings and site inspections by the panel:</b></p> <p>Site Inspection: 17 February 2015</p> <p>Briefing meeting: 1 December 2015</p> <p>Determination Meeting: 1 December 2015</p>
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> Attached to Assessment Report