

RECORD OF DEFERRAL
SOUTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DEFERRAL	6 February 2018
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe, Renata Brooks, Lindsay Usher
APOLOGIES	Rob Pollock
DECLARATIONS OF INTEREST	Russel Fitzpatrick and Sharon Tapscott are both conflicted as Councilors, as Council considered and refused a previous modification application for the development consent DA 2014.430.

Public meeting held at Bega Valley Regional Learning Centre, 14 Cabarita Place, Merimbula on 6 February 2018, opened at 3:00 pm and closed at 3:50 pm.

MATTER DEFERRED

2017STH022 – Bega Valley – DA2014.430 at Cattle Bay Road, Eden (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

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.

The Panel discussed:

- concerns in relation to increased risks to water quality and human health from the proposed modification in the presence of a less risky alternative; and
- the applicants concerns about contributions and Council officers response.

The Panel determined to defer this matter until the appropriate public exhibition has been undertaken by Council, and a supplementary Council assessment report has been provided which responds to any issues raised in public submissions. The advertisement of the proposal must be in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* for designated development.

The Panel has not been convinced to support the modification to the consent as proposed, on the information so far presented, but will further consider the proposal in light of any public submissions received.

When this process has occurred and the subsequent information has been received, the Panel will hold another public meeting. In the case that no public submissions are received during exhibition, the Panel may determination this matter electronically.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Pam Allan (Chair)	 Alison McCabe
 Renata Brooks	Approved via email at 8:22 am on 19/02/18 Lindsay Usher

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH022 – Bega Valley – DA2014.430
2	PROPOSED DEVELOPMENT	Section 96(2) application seeking to modify Development Consent 2014.430 dated 1 December 2015 by way of changing the approved method of sewage collection and disposal from the approved marina.
3	STREET ADDRESS	Cattle Bay Road Eden and waterway area of Cattle Bay
4	APPLICANT/OWNER	Eden Cattle Bay Marina Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 71 (Coastal Protection) 2002 ○ Bega Valley Local Environment Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: ○ Bega Valley Development Control Plan 2013 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 24 January 2018 • Written submissions during public exhibition: 2 State Agency submissions • Verbal submissions at the public meeting: ○ Support – Keith Bowden ○ Object – Bryan Hunter, Kristy McBain (Mayor Bega Valley) ○ On behalf of the applicant – Michael Jarvin (Managing Director Advanced Marina Management Pty Ltd)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection and briefing meeting 6 February 2018 • Final briefing meeting to discuss council's recommendation, 6 February 2018, 2pm. Attendees: ○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe, Renata Brooks, Lindsay Usher ○ <u>Council assessment staff</u>: Keith Tull, Robert Slapp, Jim Collins, David Rodgers
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report