



The General Manager
Bega Valley Shire Council
PO Box 492
Bega NSW 2550

Council@begavalley.nsw.gov.au

Attention: Mark Fowler

14 February 2020

Our ref: DOC20/72799

Your ref: 2019.208

Dear Mr Fowler

Subject: Development Application 2019.208, Cattle Bay Marina, Lot 2 DP1138056 and Lot 4 DP1138056, Cattle Bay Road, Eden – OEMP, CEMP and draft Notice of Determination review

I refer to your request for the Department of Planning, Industry and Environment (DPIE) to review and provide comments on the additional information received on 23 January 2020.

We have reviewed the information and recommend that the draft notice of determination, Construction Environmental Management Plan, and Operational Environmental Management Plan are updated to reflect our comments. Attachment 1 provides further detailed information on the changes required.

Please note, that all references to the Office of Environment and Heritage in the draft conditions of consent should be updated to the Department of Planning, Industry and Environment.

If you wish to discuss the contents of this letter further, please contact Lyndal Walters (02) 6229 7157.

Yours sincerely,

ALLISON TREWEEK
Senior Team Leader – Planning South East
Biodiversity and Conservation

Enclosure: Attachment 1 – Detailed comments on Cattle Bay Marina OEMP, CEMP and Notice of Determination.

Attachment 1 - Detailed comments on Cattle Bay Marina OEMP, CEMP and Notice of Determination**Aboriginal cultural heritage**

We support the draft conditions of consent for Aboriginal heritage matters, including the requirement for an Aboriginal Heritage Management Plan (AHMP) to be prepared. We recommend that the AHMP be prepared following development approval and prior to the commencement of any on site works to ensure the protection of Aboriginal cultural heritage values. The AHMP is to be prepared in consultation with DPIE and the Eden Local Aboriginal Land Council.

Biodiversity**CEMP - Section 4.5.3 Marine Fauna.**

We note that this section states that 'a Marine Mammal Protection Plan (MMPP) should be developed and implemented during and after construction', and that a 'Marine Mammal Protection Plan is to be prepared prior to construction of the marina'. In our letter of 5 August 2019 Biodiversity and Conservation Division (BCD) requested that a draft MMPP be provided for our input.

BCD would like to see the MMPP specifically reflected in the conditions of consent, either that it is required to be an attachment to both the CEMP and OEMP, or as a separate requirement in the conditions of consent. The MMPP must be provided prior to construction commencing.

Recommended condition of consent:

Prior to the issue of any construction certificate by the Principal Certifying Authority, a Marine Mammal Protection Plan (MMPP) shall be prepared in consultation with Department of Planning and Industry, Biodiversity Conservation Division. The MMPP must be attached to both the CEMP and OEMP.

OEMP – Section 20 – Marine Ecology

This section includes references to mitigation measures outlined in sections 10.3 10.5, 10.5 and 10.1, however it is unclear what document these are referencing. This will need to be clarified and then the relevant sections amended.

In addition, the maintenance items set out in section 20 should be reflected in section 10 - Marina Maintenance. This includes;

- Inspection and regular clearing of marine debris from the waters inside the marina and along the Cattle Bay beach-line.
- The regular inspection should include a periodic inspection of the seabed in the marina to clear out any accumulated rubbish that could threaten marine life.

Coastal processes

Our previous comments from 10 September 2019 refer to a report prepared by Royal HaskoningDHV which indicated that the proponent should consult with DoI to establish a joint monitoring program for potential changes to Cocora Beach as a result of the Eden Safe Harbour and Cattle Bay wave attenuators. The report noted that mitigation measures would depend on the nature of the impact and could be outlined in the final OEMP. The monitoring program has not been referred to in the draft OEMP provided so this will need to be included in the final OEMP.