



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

DETERMINATION OF DEVELOPMENT APPLICATION NO. CP 12-001

Development Application for the construction of a sand-filled geotextile container seawall in front of seven adjacent properties known as Nos. 24-40 Lewis Street, Old Bar, New South Wales.

The New South Wales Coastal Panel (the Panel), pursuant to clause 129A(2) of State Environmental Planning Policy (Infrastructure) 2007 and section 80(1)(b) of the Environmental Planning and Assessment Act 1979, determines Development Application No CP12-001 by refusing consent to the application for the reasons outlined below.

1. The Panel is not satisfied that the proposed Works, the subject of the Development Application, will not, over their expected 25 year life, unreasonably limit or be likely to unreasonably limit public access to, or use of, the affected beach as required by s55M(1)(a)(i) of the Coastal Protection Act 1979.
2. The Panel is not satisfied that the proposed Works, the subject of the Development Application, will not, over their expected 25 year life, pose or be likely to pose a threat to public safety as required by s55M(1)(a)(ii) of the Coastal Protection Act 1979.
3. The Panel does not consider that satisfactory arrangements have been offered by the Applicants, for the expected 25 year life of the proposed Works, to secure adequate funding for the carrying out of restoration and maintenance works pursuant to s55M(1)(b) of the Coastal Protection Act 1979.
4. In determining to refuse this application, the Panel also took into consideration:
 - (a) by reason of clause 129A(3)(b) of State Environmental Planning Policy (Infrastructure) 2007, the matters identified in clause 2(1) (and particularly sub-clauses 2(1)(b) and (f)) and clause 8 (and particularly sub-clauses 8(b), (d) and (j)) of State Environmental Planning Policy 71-Coastal Protection;
 - (b) the matters prescribed by s79C of the Environmental Planning and Assessment Act 1979 and, in particular, sub-sections 79C(1)(b)-(e) inclusive; and
 - (c) Government Coastal Policy under sub-clause 92(1)(a)(ii) of the Environmental Planning and Assessment Regulation 2000.



Derek Rutherford
Deputy (and Acting) Chair
New South Wales Coastal Panel

Sydney
26 July 2013

Schedule 1

Part A – Table

(Environmental Planning and Assessment Regulation 2000 clause 100)

Application made by: International Coastal Management

Applicant: Owners Corporation of Strata Plan 61034 (Meridian Resort)

Application made to: New South Wales Coastal Panel

Development application: CP 12-001

Date of application: 6 June 2012 (and as subsequently amended on 24 October 2012, 16 January 2013 and 20 June 2013)

On land comprising: 24-40 Lewis Street Old Bar NSW 2430

Local Government Area: Greater Taree City Council

For the carrying out of: Erosion Protection Works

Estimated cost of works: \$630,000

Type of development: Sea wall

Planning Assessment Commission public hearing: No

Section 82A review request: No

Appeal right: see Part B below

Approval body: New South Wales Coastal Panel

Determination made on: 26 July 2013

Determination of application: Refused

Part B – Notes relating to the determination of DA CP 12-001

Appeals

The Applicant has the right to appeal to the Land and Environment Court of New South Wales under s97 of the Environmental Planning and Assessment Act 1979. The right to appeal is only valid, for a development application, within 6 months after the date on which the Applicant received this notice.

Part C – Definitions

In this determination:

Applicant means Owners Corporation of Strata Plan 61034 (Meridian Resort)

Development Application means the application dated 6 June 2012 as amended on 24 October 2012 and 16 January 2013 for the construction of a sand-filled geotextile container seawall in front of seven adjacent properties at Old Bar, and as depicted in amended drawings dated 6 November 2012 and 14 June 2013 and proposed consent conditions received on 20 June 2013.

Works means the erosion protection works proposed in the Development Application.