

Notice of decision SSD 3846

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD 3846 – West Culburra Concept Proposal
Applicant	John Toon Pty Limited
Consent Authority	Independent Planning Commission of NSW

Decision

The Independent Planning Commission of NSW (the Commission), under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) has refused consent to the development application.

A copy of the instrument of refusal is available [here](#)

A copy of the Department of Planning and Environment's assessment report is available [here](#)

Date of decision

17 October 2018

Reasons for decision

The Commission's published Statement of Reasons for decision is available [here](#)

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application
- the findings and recommendations in the Department's Assessment Report
- the views of the community about the project (see Attachment 1)
- the material identified in Section 5, Paragraph 62, of the Statement of Reasons

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement (EIS) for the proposal from 26 April 2013 until 7 June 2013 (43 days) and received 44 submissions, including 26 objections, 7 comments and 11 in support of the proposal.

The Department also undertook the following consultation activities:

- attended multiple site visits
- met with the Applicant and the EIS consultant to discuss key aspects of the application
- met with Council staff
- met with special interest groups including the Culburra Beach and Districts Chamber of Commerce, Culburra Beach Progress Association and the Lake Wollumboola Protection Association.

In addition, the Commission held a public meeting to hear public views on the proposal.

The key issues raised by the community (including in submissions and during public meetings) include social and economic benefits, impacts on water quality in the Crookhaven River and Lake Wollumboola, flora and fauna and Aboriginal heritage. These and other issues are addressed in detail in the Department's Assessment Report and in the Commission's Statement of Reasons.