

Director Environment and Building Policy,
NSW Department of Planning and Environment
GPO Box 39,
Sydney NSW 2001.

Submission regarding the draft Coastal Management SEPP.

The Tathra Beach Country Club holds a Crown Land Special Lease from for an area which, since the granting of the Lease, has been designated SEPP 14 Wetland No.69 & 70. The Lease specifically mentions that the purpose of the Lease was to enable the Club to establish a Golf Course, Tennis Courts and playing fields for the use of the community.

The Land Board Office (On behalf of Tathra Country Club) lodged a Development Application, 80/169, with the Inlay Shire Council (now amalgamated with Bega Valley Shire Council):-

APPLICATION NO. 80/169 : Land Board Office (On behalf of Tathra Country Club)

Description: Lot 248, D.P. 40290 Parish Wallagoot.

Location: Tathra Country Club

Zone: 1 (a)

Area: 57.32 ha.

Valuation No : N/A

Proposed Development : Granting of Special Lease to enable a Golf Course, Tennis Courts and playing fields to be established.

Recommendation : *Approved under Delegated Authority.*

Inlay Shire Council Meeting Held on : 21st July, 1980.

This application was approved subject to a number of conditions (including):

- (6) That development be commenced and substantially completed within a period of twelve (12) months from the date of approval.

The Special Lease, as mentioned in **Proposed Development** above, was granted by the Minister for Lands and published in the Government Gazette 22nd August, 1980, for the term 22 August, 1980 until 21 August, 2020. This action was completed in compliance with Condition (6) above. The Special Lease, as mentioned, is still in force until 2020 as indicated by correspondence from Mr.Chris Fowler, Co-ordinator Leases & Ports, Land NSW Nowra.

The Environmental Planning and Assessment Act 1979 No. 203:

Section 109B Saving of effect of existing consents

- (1) Nothing in an environmental planning instrument prohibits, or requires a further development consent to authorise the carrying out of development in accordance with consent that has been granted and is in force.
- (2) This section:
 - a. Applies to consents lawfully granted before or after the commencement of this Act, and
 - b. Does not prevent the lapsing, revocation or modification, in accordance with this Act, of a consent, and
 - c. Has effect despite anything to the contrary in Section 107 or 109.
- (3) This section is taken to have commenced on the commencement of this Act.

In correspondence from Bega Valley Shire Council dated 14 September, 1999, states that the Club enjoys “existing consent” over land under use for that consent purpose and further states that :” However the Club certainly does **not** enjoy existing consent rights over any of the land in your lease beyond the developed golf course and the practise fairway.”

It appears that the Club, as stated by Council, can only develop the existing golf course as a golf course and cannot utilise the other sections of our leasehold which have not been developed contrary to the Development consent by Council on the original granting of the Lease.

As indicated, the Special Lease is currently in force, and has been since it was granted on 22 August, 1980, therefore it would appear that it qualifies under Section 109B “Saving of effects of existing consents”, as it was granted prior to the commencement of the Environmental Planning and Assessment Act 1979 No 203, which commenced on 1st September, 1980, and State Environmental Planning Policy No 14 Coastal Wetlands, which commenced on 12 December, 1985.

The extent of the proposed development to complete the golf course would, I believe, involve the mowing of no more than about 2 hectares of grass, forming of tees, fairways and greens. The overriding environmental impact is the growing of grass. The comprehensive Environmental Impact Statement prepared for Bega Valley Shire Council and Department of Land and Water Conservation, Project Manager: Department of Public Works and Services by Sinclair Knight Merz for Tathra Sewerage Augmentation, published on October, 1997, in regard to our leasehold, addresses the impact of development of the golf course on flora, fauna and archaeology matters.

The original Development Application for the completion of the golf course was lodged on 18 November, 1997, DA 97/1300, and was withdrawn on 20 September, 2000 on the advice from Mr.Rod Calvert, Administrator, Bega Valley Shire Council.

The area in question was previously used as a racecourse from about 1889 until the last race conducted at the site on 31 October, 1931.(Information from current Council Records). In 1974 the NSW Department of Public Works proposed the same site for a ‘ponding area’ for the new Tathra Sewerage Works and cleared the undergrowth and moved soil to commence construction, however it was found to be below the 1/100 year flood mark and therefore not suitable for sewerage ponding. A letter from Public Works asks the Club for the exchange of property to locate the Sewerage Works above the 1/100 year flood mark to where it is located now and the Club to utilise the proposed ponding area. It was considered that the impact of flooding on the golf course would be minimal as the floodwaters consist of fresh water and negligible current impact.

The current SEPP14 mapping indicates the high water mark of the 1983 flood (1/8 year flood) and was used by the Council (Imlay Shire) to prevent development, such as caravan parks, for public recreation in that area.

Perhaps consideration might be given to having the SEPP14 wetland 69 & 70 amended to allow for the development of the golf course as originally intended.

G.Alnis
President,
Tathra Beach Country Club
21 December, 2016.