

GOOD NEWS –  
SOLDIERS POINT MARINA - APPEAL DISMISSED BY LAND AND  
ENVIRONMENT COURT

1. The appeal was brought under s 97 of the *Environmental Planning and Assessment Act 1979* (the EPA Act) against a decision of the Hunter and Central Coast Joint Regional Planning Panel to refuse DA 16-2015-586-1 for extension of an existing Marina known as Soldiers Point Marina (the Marina), and use of a building off-site for valet parking.
2. ***For the reasons set out in this judgment, the decision of the Court is that the appeal be dismissed.***

**Soldiers Point Community Group Inc - Report to TRRA 12.2.18 meeting**

In Brief: The main reasons for the Court's refusal relate to ecology, site suitability and car parking.

Senior Commissioner Martin ruled that it could not be said that the development is consistent with the objectives of W2 Recreation Waterways zone. Likewise, with respect to the cumulative impact of the proposal, the Site is not suitable for the proposed development.

The Commissioner also ruled that due to insufficiency of car parking provision, the development ought not proceed.

Ultimately, the Court found that the proposal is an over development and, in the absence of adequate information regarding impacts on threatened species, the precautionary principle should be applied and the proposal be refused.

Jean Armstrong  
Soldiers Point Community Group Inc  
7 February 2018



*VICTORY: Soldiers Point Community Group president Jean Armstrong and past vice-president Peter Maloney outside Soldiers Point Marina in 2016 when the JRPP last refused plans for expansion. Picture: Sam Norris*