



12 December 2016

Ms Keiley Hunter
Keiley Hunter Town Planning
PO Box 4481
COFFS HARBOUR NSW 2450

Development Application Notice of Determination

Issued under Sections 80(1)(b) & 81(1)(a) the Environmental Planning and Assessment Act 1979 and Clause 129A(2) of State Environmental Planning Policy (Infrastructure) 2007

Development Application No: CP 16-001

Property Address: Lots 1 and 2 DP 1209371
No. 46 Arrawarra Beach Road, ARRAWARRA, NSW

Description of Development: Coastal protection works - Revetment wall

Determination: Refuse Consent

Determination Date: 06 December 2016

Reasons for refusing consent

1. The Panel is not satisfied that the proposed revetment wall that is the subject of the Development Application will not, over the life of the works, pose or be likely to pose a threat to public safety as required by s55M(1)(a)(ii) of the Coastal Protection Act 1979.
2. The Panel is not satisfied that the proposed revetment wall design is structurally adequate as the Development Application has not sufficiently considered the immediate and long-term wave erosion hazard as identified in the BMT WBM Coffs Harbour Coastal Processes and Hazards Definition Study (2011).
3. The Panel is not satisfied that the proposed revetment wall will limit storm wave overtopping to safe levels for persons or property.
4. The Panel considers that the Development Application does not contain sufficient information to demonstrate how the proposed legally binding arrangement for the ongoing maintenance of the proposed revetment wall may be extended to the restoration of adjacent land that may be eroded as a result of the proposed revetment wall, such as the land occupied by saltmarsh vegetation and littoral rainforest on the northern shore of Arrawarra Creek.

5. The Panel considers that the primary purpose of the proposed revetment wall is to protect future residential development on the site from coastal hazards and is therefore inconsistent with the objectives of the E2 Environmental Conservation zone which seek to protect, manage and restore areas of high ecological or cultural values and prevent development that could have an adverse effect on those values.
6. The Panel considers that the proposal's likely impacts on marine and estuarine ecosystems have not been adequately addressed, particularly as reclamation works are proposed, and may result in a significant change to habitat, species diversity and abundance.
7. The Panel considers that the potential impacts of the proposed revetment wall have not been fully addressed. It is therefore considered that the subject site is not suitable for the proposed development and, as a result, the granting of consent is not in the public interest.

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 clause 8 of State Environmental Planning Policy 71-Coastal Protection;
- (b) the relevant matters prescribed by s79C of the Environmental Planning and Assessment Act 1979 and, in particular, sub-section 79C(1); and
- (c) Government Coastal Policy under sub-clause 92(1)(a)(ii) of the Environmental Planning and Assessment Regulation 2000.



Professor Bruce Thom
Chair
NSW Coastal Panel

12 December 2016

Schedule 1

Part A – Table (*Environmental Planning and Assessment Regulation 2000 clause 100*)

Application made by: Keiley Hunter Town Planning

Applicant: Arrawarra Beach Pty Ltd

Application made to: New South Wales Coastal Panel

Development application: CP 16-001

Date of application: 22 February 2016 (additional information to satisfy lodgement provided 23 March 2016) and accepted by the New South Wales Coastal Panel on 31 March 2016. Further information provided by the Applicant on 1 July 2016, 28 October 2016 and 5 December 2016.

On land comprising: 46 Arrawarra Beach Road, Arrawarra

Local Government Area: Coffs Harbour City Council

For the carrying out of: Coastal protection works

Estimated cost of works: \$681,818.18

Type of development: Coastal protection works - Revetment 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: 6 December 2016

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 Arrawarra Beach Pty Ltd

Development Application means the application signed by the Applicant 28 January 2016 and lodged with the NSW Coastal Panel 22 February 2016 and accepted 23 March 2016 for the construction of Coastal protection works (revetment wall) at No 46. Arrawarra Beach Road, Arrawarra (Lots 1 and 2 DP 1209371).

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