



30 October 2017

Arrawarra Beach Pty Limited
1/55 Grandview St
PYMBLE NSW 2073
kevin@astoriagroup.com.au

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 17-005

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: 30 October 2017

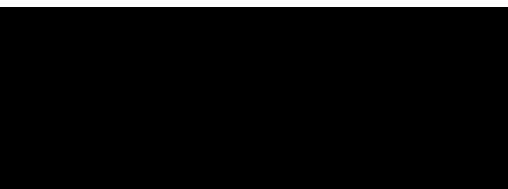
Reasons for refusing consent

1. The Panel is not satisfied that the proposed revetment wall 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 considers that the Development Application does not contain sufficient information to demonstrate how the proposed legally binding arrangement for the ongoing management and maintenance of the proposed revetment wall may be extended to the restoration of all adjacent land that may be eroded as a result of the proposed revetment wall, such as the E1 zoned land occupied by saltmarsh vegetation, Littoral Rainforest and/or Aboriginal cultural heritage sites on the northern shore of Arrawarra Creek.
3. The Panel considers that the proposed revetment wall is inconsistent with the objective of the Solitary Islands Marine Park Habitat Protection Zone, and a number of DPI – Fisheries policies, resulting in DPI – Fisheries being unable to issue General Terms of Approval.
4. The Panel considers that the proposal's likely impacts on marine and estuarine ecosystems have not been adequately addressed and may result in a significant change to habitat, species diversity and abundance.

5. The Panel considers that the proposal is 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 potential impacts of the proposed revetment wall have not been fully addressed and remedied. 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

30 October 2017

Schedule 1

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

Application made by: Arrawarra Beach Pty Limited

Applicant: Arrawarra Beach Pty Ltd

Application made to: New South Wales Coastal Panel

Development application: CP 17-005

Date of application: 16 March 2017 and accepted by the New South Wales Coastal Panel on 6 April 2017. Further information provided by the Applicant on 3 May 2017.

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

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: 30 October 2017

Determination of application: Refused

Part B – Notes relating to the determination of DA CP 17-005

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 16 March 2017 and accepted 6 April 2017 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.