



northern
beaches
council

23 August 2017

Mr Gavin Butler
President
Newport Residents Association
PO Box 1180
NEWPORT BEACH NSW 2106

Our Ref: 2017/299061

Dear Mr Butler

Royal Motor Yacht Club (Broken Bay) Pty Ltd v Northern Beaches Council (2017)

I refer to your letter to Council's Administrator dated 11 June 2017 regarding the above. The Administrator referred this to me to respond. Please accept my apologies for the delay in responding.

While Council vigorously defended the Land and Environment Court proceedings and presented a strong case that the Club's development application should be refused, the Court's Chief Judge nevertheless approved the development application. As you would appreciate, Council is disappointed with the decision.

Council has carefully considered whether to appeal the Chief Judge's decision. Only errors of law can be appealed from a decision of a Land and Environment Court judge. Such an appeal would involve proceedings in the NSW Court of Appeal. Having reviewed the Land and Environment Court's judgment in detail, it is considered that there is no material error on a question of law and an appeal against the decision would not be successful.

While an appeal is not an avenue to be pursued in the circumstances, Council staff are considering whether there are other means to address the implications of the Court's decision.

Should you have any further questions in relation to this matter please contact my office on 9942 2430.

Yours faithfully



Mark Ferguson
Chief Executive Officer