
Sent: 24/05/2022 12:35:00 PM
Subject: ATT: Development Assessment | DA2022/0047 | 11 Seaforth Crescent Seaforth
Attachments: ATT Development Application_DA2022_0047_11 Seaforth Cresc Seaforth 250522.pdf;

Please find attached a **letter** in relation to DA2022/0047 - 11 Seaforth Crescent Seaforth.

Briefly, the proposed slipway, as part of the overall proposed development, cannot be assessed by Council as it is not the relevant consent authority.

Slipways are water-based development per the SEPP (Biodiversity & Conservation) 2021, and Transport for NSW is the consent authority for these structures.

As such, the development application should be withdrawn and amended.

Regards,

Marianne Bryant
Waterfront Planner
M: 0411 456 599



25th May 2022

Megan Surtees
Planner
Northern Beaches Council

Dear Ms Surtees,

re: DA2022/0047 | 11 Seaforth Crescent Seaforth

We write on behalf of the owners of 9 Seaforth Crescent Seaforth in relation to the proposed “Demolition works and construction of boat shed and slipway, including repairs to the existing launching ramp and swimming enclosure”.

We bring to your immediate attention the fact that Northern Beaches Council is not the consent authority for the proposed slipway for the following reason:

Slipways are listed as **water-based development** per the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722#sch.12>

NB: Sydney Regional Environmental Plan 2005 (SREP 2005) was repealed in March 2022 and its provisions wholly absorbed into the State Environmental Planning Policy (Biodiversity and Conservation) 2021, **specifically Chapter 10**, with the exception of procedures relating to the Foreshores and Waterways Planning and Development Advisory Committee.

Clause 10.4 Consent authority of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 states at (4):

“Except to the extent to which some other environmental planning instrument provides, the consent authority for water-based development is the Minister administering the *Ports and Maritime Administration Act 1995*.”

By sub-delegation Transport for NSW becomes the consent authority.

Therefore, the slipway proposed to be located along the property boundary and the division of waterways between 9 & 11 Seaforth should be completely excised from the development application currently under assessment by Northern Beaches Council.

We also note for your information that although Transport for NSW may have provided landowners consent for the development application to proceed, the PTL determination letter will have stated something to the effect of: “A copy of this letter must be submitted with your application to the relevant consent authority...”

Essentially Transport for NSW flag in that landowner consent letter that it is the responsibility of the applicant (or their advising planner) to lodge applications to the relevant consent authority.

As stated, Northern Beaches Council is not the relevant consent authority for the proposed slipway, but rather Transport for NSW.

As such, the current development application should be withdrawn and re-lodged once the engineer plans have been revised to remove the proposed slipway and the statement of environmental effects redrafted to remove all references to the slipway.

We ask that you respond to this email as a matter of priority.

Yours sincerely,

Marianne Bryant
Waterfront Planner