

26 June 2023

Amanda Moylan
Joint Regional Planning Panel - Southern Region

enquiry@planningpanels.nsw.gov.au

Dear Ms Moylan

**Submission – Refusal – DA21/2330
Seawall – 82 Cyrus Street, Hyams Beach**

At the Ordinary Meeting of Council held on 26th June 2023, Council resolved MIN23.329 to advise the Southern Regional Planning Panel that Shoalhaven City Council endorses the section 4.15 assessment report and recommendation prepared by Council staff for DA21/2330.

DA21/2330 for construction of a seawall at 82 Cyrus Street HYAMS BEACH (Lot 1 DP 1222535) is recommended to the Regional Planning Panel for refusal due to the proposal's likely and potential impact on coastal hazards and coastal processes, potential hydrology, water quality, safety and access issues, as well as amenity impacts to adjoining properties and the adjoining Hyams Beach. As per the Council staff recommendation, Shoalhaven City Council supports that DA21/2330 should be refused for the following reasons:

1. The development application has not satisfactorily demonstrated compliance with the relevant provisions of section 27 of the Coastal Management Act 2016.
2. The proposal has failed to demonstrate it will not likely cause increased risk of coastal hazards to the adjoining coastal land as required by State Environmental Planning Policy (Hazards and Resilience) 2021(section 4.15(1)(a)(i) of Environmental Planning and Assessment Act, 1979).
3. The proposal is inconsistent with the objectives and requirements of State Environmental Planning Policy (Hazards and Resilience) 2021, being that the proposal is considered to be unsuitable having regard to the considerations for development within the "coastal environment area" and "coastal use area" (section 4.15(1)(a)(i) of Environmental Planning and Assessment Act, 1979).
4. The development application has not satisfactorily demonstrated compliance with the relevant provisions of clause 7.2 and 7.20 Shoalhaven Local Environmental Plan 2014. (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979)

5. The proposal is considered unsuitable with regard to the provisions of Chapters G6 Shoalhaven Development Control Plan 2014. (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979)
6. The development application has not adequately demonstrated that the proposal will not have adverse amenity impacts on the natural environment in the locality and will not have an adverse social impact. (Section 4.15(1)(b) of Environmental Planning and Assessment Act, 1979)
7. The information submitted with the development application does not satisfactorily demonstrate that the site is suitable for the proposed use. (Section 4.15(1)(c) of Environmental Planning and Assessment Act, 1979)
8. Having regard to the above matters to address the relevant provisions of Environmental Planning and Assessment Act 1979 and Coastal Management Act 2018, the granting of development consent is not considered to be in the public interest. (Section 4.15(1)(e) of Environmental Planning and Assessment Act, 1979)

If you need further information about this matter, please contact Colin Wood, City Development on 1300 293 111. Please quote Council's reference DA21/2330 (D23/252429).

Yours faithfully



James Ruprai
Director - City Development