

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 20-1-2004

(FILE NO. S04/00164PT1)

CONSTRUCTION OF 5 TOURIST ACCOMMODATION UNITS WITH CAR PARKING

I, Chris Wilson, Acting Deputy Director-General, Office of Sustainable Development Assessments and Approvals as delegate for the Minister for Planning as described by the Instrument of Delegation dated 12 September 2005 and pursuant to Section 80 (1) (b) of the *Environmental Planning & Assessment Act, 1979*, and clause 10 of State Environmental Planning Policy No.71 – Coastal Protection determine the development application referred to in the attached Schedule 1, by **refusing consent** to the application for the reasons outlined below:

1. The development proposal is not consistent with the aims and matters for consideration as listed in State Environmental Planning Policy No.71 – Coastal Protection, particularly with regard to the type, bulk, scale and size of the development being inappropriate for the location.
2. The strata subdivision of the proposed development does not comply with the definition of “Tourist Accommodation Units” in Shoalhaven LEP 1995.
3. The strata subdivision of the proposed development is contrary to the provisions of the Shoalhaven Development Control Plan No.100 and Council resolution 92.0496 regarding subdivision and operation of tourist accommodation.
4. The excessive bulk and mass of the proposed development is contrary to the provisions of the Shoalhaven Development Control Plan No.99 regarding building setbacks.
5. The proposal fails to achieve an adequately high standard of design resulting in poor standards of amenity for future occupiers.
6. The proposal fails to achieve a high standard of design in terms of the objectives and guidelines of Shoalhaven Development Control Plan No.99 to achieve good aesthetics and urban design principals, intended land use activity to amalgamate lots, desired future character, streetscape and landscape design.
7. Approval of the development would not be in the public interest.

Chris Wilson

**Office of Sustainable Development
Assessments and Approvals**

Sydney, 2005

SCHEDULE 1

PART A—TABLE

Application made by:	Colin Irwin 9 Moss Street, Nowra NSW 2541
Application made to:	Minister for Planning
Development Application:	DA 20-1-2004
On land comprising:	Lot B in DP 390332 17 Fegan Street, Huskisson
Local Government Area	Shoalhaven City Council
For the carrying out of:	Demolish existing dwellings and construction of 5 tourist apartments with underground parking for 7 cars
Estimated Cost of Works	\$800,000
Type of development:	State Significant Development
S.119 Public inquiry held:	No
BCA building class:	N/A
Approval Body / Bodies:	Not Integrated
Determination made on:	
Determination:	A development consent is not granted for reasons outlined in the Determination

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 20-1-2004

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.