

NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT APPLICATION

BY REFUSAL

**Environmental Planning and Assessment Act, 1979
DA09/2325**

TO:

Martin Morris & Jones Pty Ltd
PO Box 1167
WOLLONGONG NSW 2500

being the applicant(s) for **DA09/2325** relating to:

Lot 1 DP 657491 (Kalandar Street), Lot 2 DP 212440 (Kalandar Street) and Lot 1 DP 32473, (Hollands Road), Nowra

REFUSED USE AND/OR DEVELOPMENT:

Demolition of an existing motel building, construction of a new building (to contain a Dan Murphy's Retail Outlet), erection of associated signage and consolidation of existing lots.

DETERMINATION DATE:

17 May 2011

REFUSAL DATE:

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by **REFUSAL** for the following reasons:

1. Pursuant to Section 79C(1)(b) Environmental Planning and Assessment Act, 1979 the proposed development will have an unacceptable social impact;
2. Pursuant to Section 79C(1)(c) Environmental Planning and Assessment Act, 1979 the site is unsuitable for the proposed development;
3. Pursuant to Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979 the proposed development is of a form and character that is contrary to the objectives of the Shoalhaven Local Environmental Plan 1985; and
4. Pursuant to Section 79C(1)(e) Environmental Planning and Assessment Act, 1979 the proposed development is not in the public interest .

RIGHTS OF REVIEW AND APPEAL

Development Determination under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a Complying Development Certificate, Designated Development or Integrated Development. The request must be made **within six (6) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within six (6) months** after receipt of this notice.*

PRIVACY NOTIFICATION

Personal information contained on this Development Consent Modification and any associated documents will be published on Council's website as required by the Government Information (Public Access) (GIPA) Act 2009.

SIGNED on behalf of Shoalhaven City Council:

Signature

**Name Andrew Lissenden
 Acting Development Manager
 Development & Environmental Services Group**