

**NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT
APPLICATION
BY WAY OF REFUSAL
Environmental Planning and Assessment Act, 1979
RA17/1002**

TO:

PDC Services as Agents for Tonandua Pty Ltd
76 Berry St
Nowra NSW 2541

being the applicant(s) for **RA17/1002** relating to:

204, 206 and 208 Kinghorne Street, Nowra -	Lot 1 DP 130928, Lot A DP 370205 and Lot 5 DP 542693
19 and 21 Gould Avenue, Nowra -	Lot A DP 392035 & Lot B DP 370205

REFUSED USE AND OR DEVELOPMENT:

Construction of a residential apartment complex consisting of two buildings containing: four (4) x studios; 16 x one-bedroom; 45 x two-bedroom and 26 x three-bedroom apartments. Total – 91 apartments. A basement car parking area with 140 spaces

DETERMINATION DATE: **15 April 2019**

REFUSAL DATE: **15 April 2019**

Pursuant to Section 4.18 of the Act, notice is hereby given that the above application has been determined by **REFUSAL** for the reasons as outlined in Part A:

PART A

REASONS FOR REFUSAL

1. Non-compliance with *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* in relation to the Apartment Design Guide (s4.15(1)(a)(i) of the EP&A Act).
2. The applicant's written request to vary the height of building development standard under clause 4.3 of Shoalhaven Local Environmental Plan 2014 has not adequately addressed both of the matters required to be demonstrated by cl 4.6(3)(a) and (b) of SLEP 2014 (s4.15(1)(a)(i) of the EP&A Act).
3. The development is likely to have adverse impacts on the built environment (s4.15(1)(b) of the EP&A Act).
4. The site is not suitable for the development as proposed (s4.15(1)(c) of the EP&A Act).
5. The development is not in the public interest (s4.15(1)(e) of the EP&A Act).

PART B

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Determination under Environmental Planning and Assessment Act, 1979

*Under Division 8.2 – Reviews 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 Crown development. The request must be made **within three (3) months** of the date of the receipt of the determination to allow Council time to undertake the review within the prescribed period of six (6) months and be accompanied by the prescribed fee.*

Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979 confer 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 6 months after the applicant has been notified of the decision.

An appeal under Division 8.3 of the Environmental Planning and Assessment Act 1979 by an objector may be made only within 28 days after the date the objector is notified of the decision.

PART C

GENERAL ADVICE TO APPLICANT

Privacy Notification

Personal information contained within this Determination and any associated documents will be published on Council's website as required by the *Government Information (Public Access) Act 2009* (GIPAA).

SIGNED on behalf of the Southern Regional planning Panel