

**NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT APPLICATION
BY WAY OF REFUSAL**

Environmental Planning and Assessment Act, 1979
DA21/2330

TO:

SET Consultants Pty Ltd
PO Box 495
NOWRA NSW 2541

being the applicant(s) for DA21/2330 relating to:

82 Cyrus St, HYAMS BEACH - Lot 1 - DP 1222535

REFUSED USE AND/OR DEVELOPMENT:

Seawall

DETERMINATION DATE:

[#Application Date#]

REFUSAL DATE:

[#Application Date#]

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:

REASONS FOR REFUSAL

1. The development application has not satisfactorily demonstrated compliance with the relevant provisions of section 27 Coastal Management Act 2016.
2. The development application 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)

RIGHTS OF REVIEW AND APPEAL

Determination under Environmental Planning and Assessment Act, 1979

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request and determination of the review must be undertaken within the prescribed period.

Division 8.3 of the EP&A 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 the prescribed period.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within the prescribed period.

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within the prescribed period.

GENERAL ADVICE

Privacy Notification

Personal information contained on this Development Consent 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 Shoalhaven City Council:

Peter Woodworth
Team Supervisor – Development Assessment
City Development