

APPENDIX A: DRAFT INSTRUMENT OF REFUSAL

State Significant Development Notice of Refusal of Development Application

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

The Independent Planning Commission, as the declared consent authority under clause 8A of the State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, refuses the development application referred to in Schedule 1, for the reasons set out in Schedule 2.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2018

SCHEDULE 1

Application No.:	SSD 3846
Applicant:	John Toon Pty Limited
Land:	Culburra Road, Culburra Beach Lot 61 DP 755971, Part lots 5, 6 and 7 DP 1065111 Shoalhaven local government area
Development:	West Culburra Concept Proposal

SCHEDULE 2

The reasons for refusing the development application are:

- (a) the site is unsuitable for the scale of development proposed as it:
 - i. is inconsistent with strategic planning for urban development across the region
 - ii. is incompatible with population growth projections for Culburra Beach
 - iii. is inconsistent with strategic studies recommending environmental protection of the Lake Wollumboola catchment
 - iv. presents an unacceptable risk to water quality in the Crookhaven River estuary and Lake Wollumboola
 - v. presents an unacceptable risk to Aboriginal heritage sites of regional significance
- (b) the Applicant has been unable to demonstrate the impacts could be effectively mitigated
- (c) the development is not in the public interest.