



24 November 2021

«ownername»
«ownerpostal1»
«ownerpostal2»
«ownerpostal3»

Contact: Mr Peter Giannopoulos
Our Ref: DA 8/2018/539/1
Your Ref: -

Dear «ownername»

DESIGNATED AND INTEGRATED DEVELOPMENT

Proposal: The subdivision of land to create 38 industrial lots, 1 environmental conservation lot and 1 substation lot, to be delivered in six stages, the remediation of the site and removal of vegetation to ensure that the site is suitable for future occupation for industrial use
Property: 1134 John Renshaw Drive,
Lot: 1 DP: 1260203, Lot 13 DP 1097621 & Lot: 119 DP: 1154904, Black Hill
Applicant: Broaden Management P/L
Application No. 8/2018/539/1
Consent Authority: Land and Environment Court
(Note: an appeal to the Land & Environment Court has been commenced against the determination of the development application by the Regional Planning Panel. The Land & Environment Court will therefore now determine the development application)

Background to development proposal

The above development proposal was originally proposed as the subdivision of land to create 39 industrial lots and 1 environmental conservation lot to be delivered in six stages, including the remediation of the site and removal of vegetation to ensure that the site is suitable for future occupation for industrial use.

The proposal was initially exhibited to the public between 13 February 2019 and 15 March 2019, and then re-exhibited following amendments to the development application between 25 May 2019 and 29 June 2019.

The development application was determined by the Hunter and Central Coast Region Regional Planning Panel (Panel) on the 15 October 2020 by way of refusal.

t: 02 4993 4100 **f:** 02 4993 2500

p: PO Box 152 Cessnock NSW 2325 or DX 21502 Cessnock **e:**
council@cessnock.nsw.gov.au **w:** www.cessnock.nsw.gov.au

ABN 60 919 148 928

The applicant lodged an appeal with the Land and Environment Court against the Panel's refusal of the development application on 20 November 2020. The application is still before the Court for determination, the hearing dates are yet to be determined. The application was set for hearing for the 21 February 2022 to 25 February 2022 but the Land and Environment Court determined to relist the matter.

On 4 November 2021 the Land and Environment Court granted leave to an amendment of the above development application. The amended application was placed on exhibition on the 21 December 2021 and the exhibition period was due to conclude on the 19 January 2022.

The amendments to the development application include:

- a. Amended eastern intersection, including relocation of the intersection approximately 230 metres west along John Renshaw Drive, from where it was originally proposed on the eastern boundary of the site
- b. Reconfiguration of Lots and roads (including the provision of 2 additional roads) in Stages 1 , 2 and part Stage 3 to facilitate the updated eastern intersection access and the proposed roads which have been approved on the land to the east. A comparison of the updated lot sizes are shown in Table 1.
- c. Amended western intersection, including no works proposed to Donaldson Mine land at lot 1392 in DP 1126633.
- d. Amended Landscape Plan.

Further amendments to development application

On 22 December 2021 the Land and Environment Court granted leave to amend the development. The development application has been amended to include:

- a. a document titled Updated Stantec Note dated 8 December 2021 and
- b. a revised Transport Impact Assessment (Issue B) dated 16 December 2021.

The proposed development is Designated Development as defined under Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

The proposed development is also Integrated Development as defined under Section 4.46 of the *Environmental Planning and Assessment Act 1979*. This means that additional approvals are required under other legislation. The other approvals are as follows:

Additional Approvals Required as an Integrated Development	
Type of Approval	Approval Agency
Scheduled Activities Section 43 – Environment Protection Licence, <i>Protection of the Environment Operations Act 1997</i>	Environmental Protection Authority
Controlled Activity Approval Section 91, <i>Water Management Act 2000</i>	Natural Resources Access Regulator
Aboriginal Heritage Impact Permit Section 90, <i>National Parks and Wildlife Act 1974</i>	Heritage NSW Department of Premier and Cabinet
Section 22 Approval, <i>Coal Mine Subsidence Compensation Act 2017</i>	Subsidence Advisory
Section 100B, <i>Rural Fires Act 1997</i>	NSW Rural Fire Service

For your convenience a locality map, details of the amended development proposal and documents accompanying the amended application can be accessed by utilising Council's online enquiry system, called 'Application Tracker'.

Application Tracker' can be accessed through Council's website on <http://datracker.cessnock.nsw.gov.au> and using the above application number and then clicking on the "Documents" view link; or alternatively utilising free internet to view electronic documents at Cessnock and Kurri Kurri Libraries.

Making of submissions on development proposal

Council is inviting the public to make a submission in relation to the development proposal. The exhibition period commences on 11 January 2022 and will conclude on 8 February 2022.

Where a submission is made by way of an objection, the objection must be in writing and the grounds for objection must be clearly specified.

The views expressed in written submissions will be considered by the Land & Environment Court. If you lodge (or have previously lodged) a submission to the development proposal, Council's legal representatives will correspond with you separately about the hearing of the appeal and the opportunity for you to make submissions to the Land & Environment Court orally at the hearing of the matter.

All comments or objections should be made by utilising Council's 'Application Tracker' "Make a Submission" link which is located under the "Exhibition Details/Make a Submission" Tab. Once you have submitted your submission you will automatically receive a confirmation and copy of your submission via reply email.

Submissions are NOT kept confidential. Council releases submissions when a request is made in accordance with privacy laws and the relevant provisions under the *Government Information (Public Access) Act 2009*. When a submission is released by law, Council routinely withholds contact numbers, email addresses and signatures. Should you wish for all personal details or any information that may identify you to be withheld from the public, please advise Council of this in your submission.

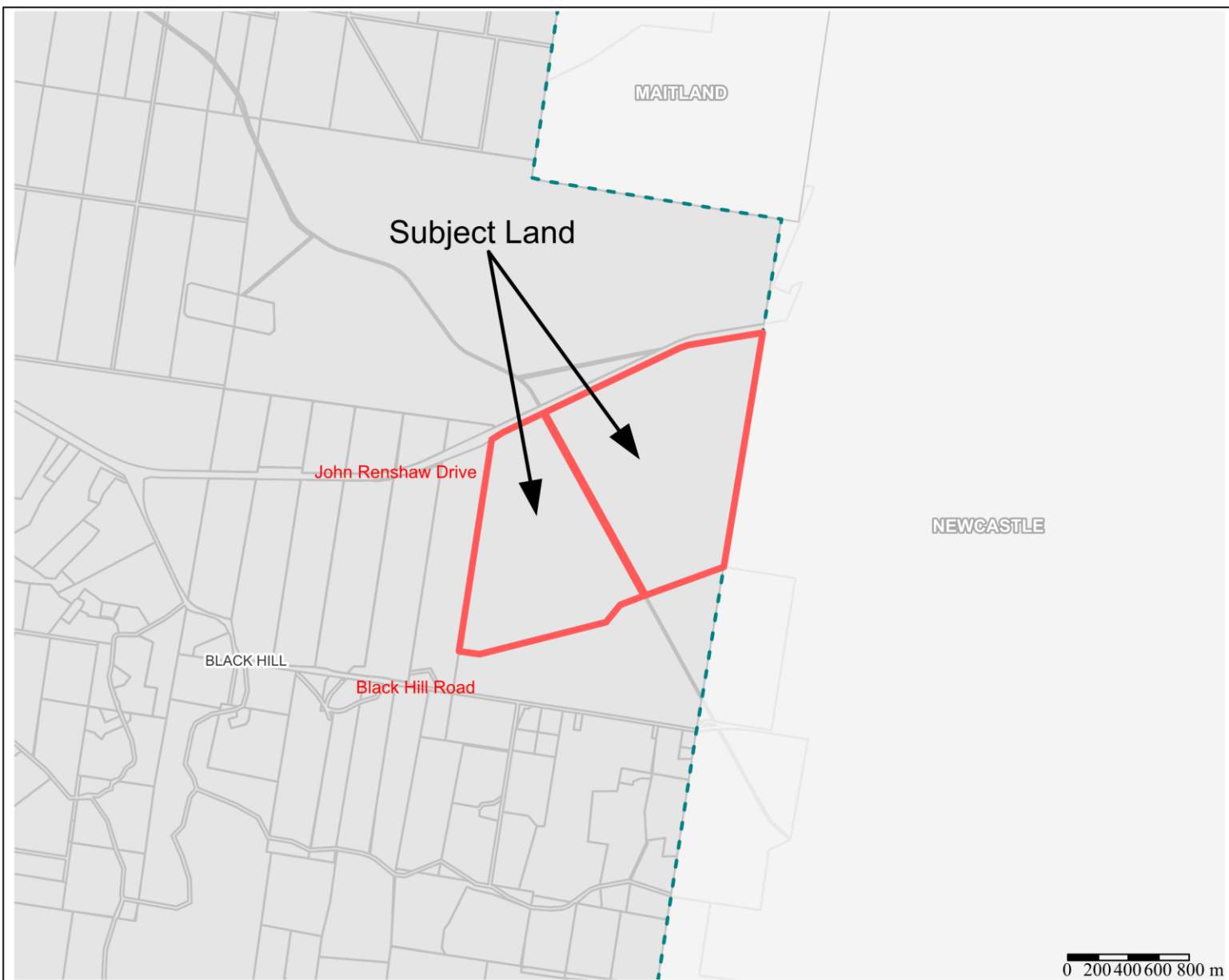
For further information, please contact Mr Peter Giannopoulos of Council's Planning and Environment department on telephone 02 4993 4112.

In light of the current COVID-19 circumstances, face to face meetings with Council Officers are not available.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'P. Giannopoulos', is written over a faint, larger version of the same signature.

Peter Giannopoulos
Team Leader Development Services

**Property**

Parcel No	514270
Title	LOT: 1 DP: 1260203
Property Address	1134 John Renshaw Drive BLACK HILL

Cessnock City Council

62 – 78 Vincent Street
Cessnock NSW 2325
Telephone: 02 4493 4100
Email:

council@cessnock.nsw.gov.au



Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

Disclaimer: Cessnock City Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. © New South Wales Government (Spatial Services), © Cessnock City Council.



Projection: GDA94 / MGA zone 56

Date: 21/09/2021

Drawn By: Susan Parry

Subject Land Map

Map Scale: 1:36112 at A4

Created on 24/11/2021 2:55 PM



Property

Parcel No	514270
Title	LOT: 1 DP: 1260203
Property Name	
Property Address	1134 John Renshaw Drive BLACK HILL

Cessnock City Council

62 – 78 Vincent Street
Cessnock NSW 2325
Telephone: 02 4493 4100

Email:
council@cessnock.nsw.gov.au



Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

Disclaimer: Cessnock City Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. © New South Wales Government (Spatial Services), © Cessnock City Council.



Projection: GDA94 / MGA zone 56

Date: 24/11/2021

Drawn By: Whitney Walker

Map Scale: 1:36112 at A4