



CESSNOCK  
CITY COUNCIL



LAND AND ENVIRONMENT COURT OF NSW FILED ON	
20 NOV 2020	
	INT

Broaden Management P/L  
CARE Barr Property & Planning  
PO Box 3107  
MEREWETHER NSW 2291

Contact: Peter Giannopoulos  
Our Ref: DA 8/2018/539/1  
Your Ref: 16NEW0055

Dear Sir or Madam

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Pursuant to Section 4.16 (cf previous s 80) of the *Environmental Planning and Assessment Act 1979*, Cessnock City Council hereby gives notice that **Development Application 8/2018/539/1** has been determined by the Hunter and Central Coast Regional Planning Panel by the refusal of consent, subject to the reasons listed in Schedule 1.

**Date of determination:** 15 October 2020

**Description of development:** The subdivision of land to create 39 light 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

**Property description:** 1134 John Renshaw Drive and 0 John Renshaw Drive, Black Hill  
  
Lot 1 DP 1260203 and Part Lot 119 DP 1154904  
  
(initially lodged as: 337 Black Hill Road (Lot 1131  
  
Deposited Plan 1057179), Black Hill

**Applicant:** Broaden Management P/L

**Owner:** Trustees Roman Catholic Church

**Consent Authority:** Hunter and Central Coast Regional Planning Panel

If you have any further enquiries regarding this notice of determination, please contact Council's Team Leader Development Services, Peter Giannopoulos on direct line 02 4993 4112.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'P. Giannopoulos', with a stylized flourish at the end.

Peter Giannopoulos  
Team Leader Development Services

**ADVICE:**

The following matters are included as advice relative to this Application:

- (a) The applicant has the right to appeal this determination in accordance with the provisions of Section 8.7 (cf previous 97) of the *Environmental Planning and Assessment Act 1979*.
- (b) The applicant has the right to request a review of this determination in accordance with the provisions of Section 8.3 (cf previous s82A) of the *Environmental Planning and Assessment Act 1979*.

**ABBREVIATIONS:**

AS	Australian Standard
BCA	Building Code of Australia
CC	Construction Certificate
DA	Development Application
EP&A Act	Environmental Planning & Assessment Act 1979
EP&A Regulation	Environmental Planning & Assessment Regulation 2000
PC	Principal Certifier
OC	Occupation Certificate
OSD	On Site Detention
RMS	Roads and Maritime Services
SEPP	State Environmental Planning Policy
WAE	Works as Executed

## REASONS FOR REFUSAL

The Panel determined to refuse the application for the following reasons:

- The application does not demonstrate that the safety, efficiency and ongoing operation of classified roads, including John Renshaw Drive, will not be adversely affected by the development. Accordingly the objectives and provisions of Section 101 of *State Environmental Planning Policy (Infrastructure) 2007* cannot be satisfied.
- The Environmental Impact Statement (EIS) submitted in conjunction with the application has not been properly prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs), specifically in respect to the adequacy and manner in which community consultation was undertaken.
- The likely environmental impacts of the development on the built and natural environments are not fully and clearly identified. In particular, the traffic impacts of the development and the environmental impacts associated with mitigation works associated with off-site traffic works, have not been fully assessed.
- The likely visual impact of the development has not been adequately addressed, particularly with respect to screening the proposed subdivision from John Renshaw Drive
- The extent of cut and fill is excessive and the relationship of finished levels to the boundary interfaces result in unreasonable impacts and poor amenity outcomes.
- The Environmental Impact Statement (EIS) inadequately describes the proposed development, in terms of offsite works and lacks as assessment of those works as required under Section 4.15 of the EPA Act 1979.
- The EIS inadequately analyses feasible alternatives to carrying out the proposed development. The EIS has not satisfied the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.
- The complete removal of all vegetation in the IN2 zoned lands results in a lack of landscape space for the development and inadequate visual screening of the development to the rural landscape setting.
- The application and accompanying documentation is not clear regarding a proposed stage 1 6 lot super lot subdivision and the EIS and accompanying reports do not address this element of the proposal.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Environment/ecological
- Traffic and access
- Character
- Amenity
- Design, layout and requirements
- Legislation/planning policy
- Archaeological and geotechnical

The Panel considered that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

## **SCHEDULE 1**

### **REASONS FOR REFUSAL**

1. The application does not demonstrate that the safety, efficiency and ongoing operation of classified roads, including John Renshaw Drive, will not be adversely affected by the development. Accordingly the objectives and provisions of Section 101 of *State Environmental Planning Policy (Infrastructure) 2007* cannot be satisfied (consideration under section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*).
2. The Environmental Impact Statement (EIS) submitted in conjunction with the application has not been properly prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs), specifically in respect to the adequacy and manner in which community consultation was undertaken (consideration under section 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*).
3. The likely environmental impacts of the development on the built and natural environments are not fully and clearly identified. In particular, the traffic impacts of the development and the environmental impacts associated with mitigation works associated with off-site traffic works, have not been fully assessed (consideration under section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
4. The likely visual impact of the development has not been adequately addressed, particularly with respect to screening the proposed subdivision from John Renshaw Drive (consideration under section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
5. The extent of cut and fill is excessive and the relationship of finished levels to the boundary interfaces result in unreasonable impacts and poor amenity outcomes.
6. The EIS inadequately describes the proposed development, in terms of offsite works and lacks as assessment of those works as required under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
7. The EIS inadequately analyses feasible alternatives to carrying out the proposed development. The EIS has not satisfied the requirements of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.
8. The complete removal of all vegetation in the IN2 zoned lands results in a lack of landscape space for the development and inadequate visual screening of the development to the rural landscape setting.
9. The application and accompanying documentation is not clear regarding a proposed stage 1 6 lot super lot subdivision and the EIS and accompanying reports do not address this element of the proposal.

