

22 July 2011

PARSONS BRINCKERHOFF
680 George Street
SYDNEY NSW 2000

Attention: Mr Neville Moran

Joint Regional Planning Panel Designated Development Application Notice Of Determination

Issued under the Environmental Planning and Assessment Act 1979
Sections 80, 80A & 81 (1)(a)

Development Consent No:	DA/1282/2010
Property Address:	Lots 317, 318 and 319 DP 1089554 11, 15 and 18 Billbrooke Close, Cameron Park NSW 2285
Description of Development:	Industry - Asphalt Plant
Consent Authority:	Hunter and Central Coast Joint Regional Planning Panel
Determination:	Refused
Determination Date:	21 July 2011

Reasons for Refusal

- 1 The amenity of the locality, including Billbrooke Close, will be adversely affected by the proposed development by reason of the development's:
 - (a) visual impact of the bulk and scale of the tower and the associated stacks;
 - (b) traffic generation in times of peak production periods;
 - (c) dust and odour generation;
 - (d) being out of character with the existing and likely future uses of the neighbourhood.

- 1 The proposed development does not comply with Lake Macquarie City Council's Development Control Plan No. 1 – Principles of Development, clauses:
 - 2.1.3 Unacceptable scenic impact;
 - 2.7.1 Scale and appearance of the proposed development are inconsistent with street character, or its desired character;
 - 2.7.6 Impact on views to the site are unacceptable;
 - 3.6.1 Environmental Performance:

Performance Criteria 4: The proposed development adversely impacts on the visual amenity of the locality;

Performance Criteria 6: The risks and hazards of the proposed development are not within acceptable limits.
 - 3.6.3 The proposed development's design and appearance are contrary to the existing and likely future context of Billbrooke Close.
- 2 The likely effect of the emissions from the proposed development upon rainwater collected in rainwater tanks for domestic consumption has not been addressed.
- 3 The proposed development is not in the public interest.
- 4 The proposed development is inconsistent with Objective 1(c) of the 4(1) Industrial (Core) zone under Clause 15 of Lake Macquarie Local Environmental Plan 2004.

Right of Appeal

If you are dissatisfied with this determination Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months:

- (a) after the date on which you receive this notice, or
- (b) the date on which that application is taken to have been determined.

The Environmental Planning and Assessment Act 1979 gives a right of appeal to an objector who is dissatisfied with this determination of the consent authority. The objector may, within twenty eight (28) days after the date on which the notice of the determination was given in accordance with the regulations, and in accordance with rules of court, appeal to the Court.

Right of Review

A request to review the determination of a development application pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 can only be undertaken where the consent authority is Council, other than:

- (a) a determination to issue or refuse to issue a complying development certificate, or
- (b) a determination in respect of designated development, or
- (c) a determination in respect of integrated development, or
- (d) a determination made by the council under section 116E in respect of an application by the Crown.

Chris Dwyer

Principal Development Planner

Lake Macquarie City Council

For and on behalf of the Hunter and Central Coast Joint Regional Planning Panel