

2.5 WHAT IS THE MINIMUM LOT SIZE STANDARD FOR DWELLING HOUSES FOR THIS PROPERTY?

The minimum allotment size for the erection of a dwelling within Zone No. 1(a) - Rural 1'A' zone is 40 hectares except where:-

1. The land comprises an allotment created by a subdivision referred to in clause 12(4) of the Cessnock Local Environmental Plan (CLEP), 1989 (including any residue of the existing holding);or
2. The land comprises the whole of a vacant existing holding (as defined under the provisions of the CLEP, 1989);or
3. The erection of a dwelling house is intended to replace an existing dwelling house on the land where the existing dwelling house is to be demolished or its' occupation permanently ceased.

Zone No. 5(a) - Special Uses Zone - Dwellings prohibited.

Zone No. 5(b) - Special Uses (Railways) Zone - Dwellings prohibited.

Zone No. 4(h) - Hunter Employment Zone - No minimum lot size standard under the provisions of the Cessnock Local Environmental Plan, 1989.

Zone No. 7(b) - Environmental Protection (Conservation) Zone - Consent may be granted to the erection of one, but not more than one, dwelling-house on land within Zone No 7(b), but only if the land has an area of not less than 40 hectares and there is no dwelling-house on the land.

2.6 DOES THIS PROPERTY COMPRISE OR INCLUDE CRITICAL HABITAT UNDER THE THREATENED SPECIES CONSERVATION ACT?

No, however the property maybe affected by other threatened species matters. Separate enquiries should be made to the N.S.W. National Parks and Wildlife Service.

2.7 IS THIS PROPERTY WITHIN A CONSERVATION AREA?

No

2.8 IS AN ITEM OF ENVIRONMENTAL HERITAGE SITUATED ON THIS PROPERTY?

Yes

3. STATE SIGNIFICANT DEVELOPMENT (S.S.D.)

3.1 REFER TO THE FOLLOWING STATE ENVIRONMENTAL PLANNING POLICIES:

SEPP 34 – Major Employment Generating Industrial Development
SEPP 48 – Major Putrescible Landfill Sites
SEPP 55 – Remediation of Land

3.2 DECLARATIONS IN THE GOVERNMENT GAZETTE UNDER SECTION 76A(7):

Extractive industry, aquaculture industry and rail freight terminals that meet certain criteria (August 3, 1999).

3.3 DIRECTIONS UNDER SECTION 101 OF THE UNAMENDED ENVIRONMENTAL PLANNING AND ASSESSMENT ACT:

Coal mining development (June 4, 1988)

4. COASTAL PROTECTION

The Cessnock Local Government Area is not affected by Clauses 38 or 39 of the Coastal Protection Act, 1979.

5. MINE SUBSIDENCE

The only proclaimed mine subsidence districts within the Cessnock Local Government Area are:- Elrington, Cessnock, Aberdare, Neath, Pelaw Main, Tomalpin Mine Subsidence area & Stanford Merthyr which are predominantly Crown Land Holdings. Certain parts of the Cessnock LGA are also affected by shallow mine workings from past mining activities. These areas may be subject to mine subsidence to which Council will not necessarily have a policy restricting development (see Hazard Risk Restrictions below). Intending purchasers should make their own enquiries to satisfy themselves that this particular site is not affected by potential mine subsidence.

6. ROAD WIDENING AND ROAD REALIGNMENT

IS THIS PROPERTY AFFECTED BY ANY PROPOSAL FOR ROAD WIDENING OR ROAD REALIGNMENT?

No

7. HAZARD RISK RESTRICTIONS

IS THIS PROPERTY AFFECTED BY ANY COUNCIL OR PUBLIC AUTHORITY POLICIES RESTRICTING DEVELOPMENT BECAUSE OF ANY OF THE FOLLOWING HAZARDS?

7.1 Landslip

No

7.2 Bushfire

Yes

7.3 Flooding

No

7.4 Subsidence

Yes

7.5 Acid Sulphate Soils

No

7.6 Does the State Government's Unhealthy Building Land Policy effect this site because it is low lying?

No

7.7 Does the State Government's Unhealthy Building Land Policy effect this site because it is potentially contaminated?

No

If Council has not adopted a policy restricting development of the subject land by reason of a particular hazard, it does not necessarily mean that the risk from that hazard is non-existent. Further enquiries can be made of the appropriate bodies.

8. LAND RESERVED FOR ACQUISITION

IS THIS PROPERTY RESERVED FOR ACQUISITION BY THE CESSNOCK LOCAL ENVIRONMENTAL PLAN OR ANY DRAFT LOCAL ENVIRONMENTAL PLAN?:

No

9. CONTRIBUTION PLAN

WHICH CONTRIBUTION PLAN/S AFFECT THIS PROPERTY?

Section 94 Contribution Plan for Residential Development

Section 94 Contribution Plan for Tourist Development

10. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT, 1993

10.1 IS THE LAND WITHIN A DECLARED INVESTIGATION AREA OR IS IT A REMEDIATION SITE?

No

10.2 IS THE LAND AFFECTED BY AN INVESTIGATION ORDER OR A REMEDIATION ORDER?

No

10.3 IS THE LAND AFFECTED BY A VOLUNTARY INVESTIGATION ORDER OR A REMEDIATION ORDER?

No

10.4 IS THE LAND SUBJECT TO A SITE AUDIT STATEMENT?

No

11. BUSH FIRE PRONE LAND

IS THIS LAND "BUSHFIRE PRONE LAND"?

Yes, restrictions may apply to new development on this land.

ADDITIONAL INFORMATION PURSUANT TO SECTION 149(5) OF THE ACT.

1. According to Council records the subject land would not appear to have legal or physical access. Therefore, the construction of a dwelling house would require provision of an access according to Council's standards, at the developer's expense.
2. The land the subject of this Certificate is not affected by a Tree Preservation Order.

3. Approval has been granted to the extension of the F3 Freeway from Seahampton to Branxton, the proposed route of which passes generally through the following localities in Cessnock local government area; Stockrington, Buchanan, Buttai, Heddon Greta, Loxford, Sawyers Gully, Keinbah, Bishops Bridge, Allandale, Greta and Branxton. Properties within these areas could be affected by noise if the freeway is constructed. Enquiries should be made to the NSW Roads and Traffic Authority, Hunter Region Office, Newcastle, phone 02 4924 0240.
4. While Council does not have a policy restricting development of the land due to flooding, it may have information relating to the flood liability of the land which has not been adopted by Council as a policy. This information may be used by Council in the process of development assessment for the property. It is recommended that a written enquiry to the Roads, Bridges and Drainage Manager be made with payment of the adopted fee to ascertain any flooding information Council may have. It should also be noted that if Council does not have any information relating to flooding for this land, it does not necessarily mean that the land is not subject to flooding.
5. If this property is within 315m of the centreline of the proposed extension of the F3 freeway, and if a building has been constructed on this property since November 7, 2001, it may not be constructed to the recommended applicable standard to mitigate freeway noise. The NSW Roads and Traffic Authority (RTA) advises that the RTA will not be responsible for retrofitting noise controls for such buildings following construction of the freeway extension. Enquiries regarding the standard of construction of a recent building should be made to Council or the certifying authority. Enquiries regarding noise and retrofitting should be made to the NSW Roads and Traffic Authority, Hunter Region Office, Newcastle, Phone 02 49240240.
6. If the property fronts an unformed road, future development of the land maybe subject to an unformed roads policy. Enquiries can be made through Council's Roads, Bridges and Drainage Section.
7. Council's Exempt & Complying Development DCP 43 should be consulted prior to any demolition work being undertaken.
8. If this property has any sewage management facilities installed or constructed thereon, the Local Government (Approvals) Regulation 1999 under the Local Government Act, 1993 requires a purchaser of (or who otherwise acquires) land to, within three (3) months of transfer of the land, apply to the Council for, and obtain an approval under Section 68 of the Act to operate the system (whether or not an approval is in force at the date of transfer).

WHICH DRAFT DEVELOPMENT CONTROL PLAN/S APPLY TO THIS PROPERTY?

Draft DCP 32 - Outdoor Advertising Code

Draft DCP 33 - Outdoor Lighting Code

Draft DCP 47 - Hunter Employment Zone

REAR LANEWAYS

If your property has access to a rear laneway Council may restrict access. Separate enquiries should be made of Council in relation to this matter.

DETAILS OF DEVELOPMENT CONSENTS ISSUED

Development Application No. 8/2005/570/1 for Subdivision - Rural and Electricity Sub Station Approved 02/11/2005.

Development Application No. 8/2005/133/1 for Proposed Spine Road and Associated Infrastructure and Clearing Being Stage 2 Approved 18/05/2005.

Development Application No. 8/2004/422/1 for Proposed Demonstration Site, Marketing Suite, Helipad, Soil and Mulch Stockpile including Clearing Approved 03/11/2004.

Development Application No. 8/2004/212/1 for Stage 1C Road Infrastructure for the Hunter Economic Zone Approved 06/10/2004.

Development Application No. 8/2002/838/1 for Stage 1 Road Infrastructure for the Hunter Employment Zone Approved 19/12/2002.

For further information, please contact Council's Department of Corporate and Regulatory Services, Development Services Section.



R. GALLAGHER
ACTING DIRECTOR CORPORATE & REGULATORY SERVICES

Per: 