



**PLANNING CERTIFICATE**  
**ISSUED UNDER SECTION 149(2) and (5)**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**  
**and**  
**ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION**  
**2000**

InfoTrack  
DX 578 Sydney

Applicants Reference  
128261-#42822166#



**CERTIFICATE DETAILS**

CERTIFICATE NUMBER: 27  
DATE OF CERTIFICATE: 15/01/2018

**PROPERTY DETAILS**

ADDRESS: John Renshaw Drive BLACK HILL NSW 2322  
TITLE: LOT: 1131 DP: 1057179  
PARCEL NO.: 504157

**BACKGROUND INFORMATION**

This certificate provides information on how the relevant parcel of land may be developed, including the planning restrictions that apply to development of the land, as at the date the certificate is issued. The certificate contains information Council is aware of through its records and environmental plans, along with data supplied by the State Government. The details contained in this certificate are limited to that required by Section 149 of the *Environmental Planning and Assessment Act, 1979*.

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**1. Name of relevant planning instruments and DCPs**

- (1) **The name of each environmental planning instrument that applies to the carrying out of development on the land:**

Cessnock Local Environmental Plan 2011

Hunter Regional Plan 2036

State Environmental Planning Policy No 14—Coastal Wetlands

State Environmental Planning Policy No 21—Caravan Parks

State Environmental Planning Policy No 30—Intensive Agriculture

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 36—Manufactured Home Estates

State Environmental Planning Policy No 44—Koala Habitat Protection

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)

State Environmental Planning Policy No 71—Coastal Protection

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Integration and Repeals) 2016

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State Significant Precincts) 2005

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017





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- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

There are no Draft Local Environmental Plan/s affecting this land.

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Cessnock Development Control Plan 2010

**2. Zoning and land use under relevant LEPs**

- (a) The land is identified as being in:

IN2 Light Industrial under the Cessnock Local Environmental Plan 2011

E2 Environmental Conservation under the Cessnock Local Environmental Plan 2011

E4 Environmental Living under the Cessnock Local Environmental Plan 2011.

- (b) The purpose for which development may be carried out without consent within the zone;  
(c) The purposes for which development may not be carried out within the zone except with development consent; and  
(d) The purpose for which development is prohibited within the zone.

IN2 Light Industrial

- 2) Permitted without consent

Nil

- 3) Permitted with consent

Depots; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial training facilities; Light industries; Neighbourhood shops; Places of public worship; Pubs; Roads; Timber yards; Warehouse or distribution centres; Any other development not specified in Item 2 or 4

- 4) Prohibited

Agriculture; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Hazardous storage establishments; Health services facilities; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Agriculture; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating



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facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Hazardous storage establishments; Health services facilities; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Offensive storage establishments; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Resource recovery facilities; Sewerage systems; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

**E2 Environmental Conservation**

**2) Permitted without consent**

Home occupations

**3) Permitted with consent**

Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Home-based child care; Recreation areas; Roads; Secondary dwellings; Tourist and visitor accommodation

**4) Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**E4 Environmental Living**

**2) Permitted without consent**

Environmental protection works; Home-based child care; Home occupations

**3) Permitted with consent**

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care; Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Home businesses; Home industries; Information and education facilities; Landscaping material supplies; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Water reticulation systems

**4) Prohibited**

Aquaculture; Industries; Intensive livestock agriculture; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**Schedule 1 Additional permitted use**





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11 Use of certain land at Black Hill Road, Black Hill

(1) This clause applies to land being part of Lot 1131, DP 1057179 and part of Lot 119, DP 1154904 at Black Hill Road, Black Hill that is in Zone IN2 Light Industrial and identified on the Additional Permitted Uses Map.

(2) Development for the purpose of general industries is permitted with development consent.

- (e) **Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed:**

No

- (f) **Whether the land includes or comprises critical habitat:**

The land is not land that includes or comprises critical habitat declared to be critical habitat under Part 3 of the Threatened Species Conservation Act 1995.

- (g) **Whether the land is a conservation area (however described):**

The land is not a conservation area under the Cessnock Local Environmental Plan 2011.

- (h) **Whether an item of environmental heritage (however described) is situated on the land:**

An item of environmental heritage identified in Cessnock Local Environmental Plan 2011 is not situated on the land.

### **3. Complying Development**

- (1) **Complying development may be carried out on the land under each of the following codes for complying development, to the extent stated, because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.**

- (2) **Complying development may not be carried out on the land under each of the following codes for complying development, to the extent and for the reasons stated under clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.**

#### **Housing Code**

Complying Development may not be carried out under the Housing Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

#### **Rural housing code**

Complying Development may not be carried out under the Rural Housing Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.



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## **Housing Alterations Code**

Complying Development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## **General Development Code**

Complying Development may be carried out on the land under the General Development Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## **Commercial and Industrial Alterations Code**

Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## **Commercial and Industrial (New Buildings and Additions) Code**

Complying Development may be carried out under the Commercial & Industrial (New Buildings and Additions) Code where it meets the requirements of Clause 3.4 Complying development on bush fire prone land contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## **Container Recycling Facilities Code**

Complying Development may be carried out on the land under the Container Recycling Facilities Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## **Subdivisions Code**

Complying Development may be carried out on the land under the Subdivision Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## **Demolition Code**

Complying Development may be carried out on the land under the Demolition Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## **Fire Safety Code**

Complying Development may be carried out on the land under the Fire Safety Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## **5. Mine subsidence**



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Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*.

Yes

**6. Road widening and road alignment**

Whether or not the land is affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the *Roads Act 1993*, or
- (b) any environmental planning instrument, or
- (c) any resolution of the council.

The land is not affected by a road widening or road realignment proposal under:

- (a) Division 2 of Part 3 of the *Roads Act 1993*, or
- (b) any environmental planning instrument, or
- (c) any resolution of the council.

**7. Council and other public authority hazard risk restrictions**

Whether or not the land is affected by a policy:

- (a) adopted by the council, or
- (b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,

That restricts the development of the land because of the likelihood of:

- (1) Landslip

No

- (2) Bushfire

No

- (3) Tidal inundation

No

- (4) Subsidence

No

- (5) Acid Sulphate Soils

No

- (6) Any other risk (other than flooding)

No





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**7A. Flood related development controls information**

- (1) Whether or not development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.

No

- (2) Whether or not development on the land or part of the land for any other purpose subject to flood related development controls.

No

**Note:** Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

**8. Land reserved for acquisition**

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 (above) makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the *Environmental Planning & Assessment Act 1979*.

No

**9. Contributions plans**

The name of each contributions plan/s applying to the land.

Section 94 Contribution Plan for Residential Development

Section 94 Contribution Plan for Tourist Development

**9A. Biodiversity certified land**

The land is not biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Note.** Biodiversity certified land includes land certified under Part 7AA of the *Threatened Species Conservation Act 1995* that is taken to be certified under Part 8 of the *Biodiversity Conservation Act 2016*.

**10. Biodiversity stewardship sites**

The land is not a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016, but only insofar as the Council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage.





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**Note.** Biodiversity stewardship agreements include biobanking agreements under Part 7A of the *Threatened Species Conservation Act 1995* that are taken to be biodiversity stewardship agreements under Part 5 of the *Biodiversity Conservation Act 2016*.

## 10A. Native vegetation clearing set asides

The land is not a set aside area under section 60ZC of the Local Land Services Act 2013, but only insofar as the Council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section.

## 11. Bush fire prone land

Some of the land is bushfire prone land as defined in the Environmental Planning & Assessment Act 1979.

## 12. Property vegetation plans

The land is not land to which a property vegetation plan approved under Part 4 of the Native Vegetation Act 2003 (and that continues in force) applies, only insofar as the Council has been notified of the existence of the plan by the person or body that approved the plan under the Act.

## 13. Orders under *Trees (Disputes Between Neighbours) Act 2006*

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

No

## 14. Directions under Part 3A

There is not a direction by the Minister in force under Section 75P(2)(c1) of the Environmental Planning & Assessment Act 1979 that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project of the land under Part 4 of that Act does not have effect.

## 15. Site compatibility certificates and conditions for seniors housing

- (1) The land is not land to which the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

There is no current site compatibility certificate (senior's housing) of which Council is aware, in respect of proposed development on the land.

- (2) There are no terms of a kind referred to in clause 18(2) of that policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

## 16. Site compatibility certificates for infrastructure



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There is not a valid site compatibility certificate (infrastructure) of which Council is aware, in respect of proposed development on the land.

## **17. Site compatibility certificates and conditions for affordable rental housing**

- (1) There is not a current site compatibility certificate (affordable rental housing), of which the Council is aware, in respect of proposed development on the land.
- (2) There are no terms of a kind referred to in clause 17(1) or 38(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

## **18. Paper subdivision information**

- (1) There is no development plan adopted by a relevant authority that applies to the land of that is proposed to be subject to a consent ballot.
- (2) There is no subdivision order that applies to the land

**Note: words and expressions in this clause have the same meaning as they have in Part 16C of the *Environmental Planning and Assessment Regulation 2000*.**

## **19. Site verification certificates**

There is not a current site verification certificate, of which Council is aware, in respect of the land.

**Matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:**

- (a) The land or part of the land is not significantly contaminated land within the meaning of the Contaminated Land Management Act 1997 at the date this certificate is issued.
- (b) The land is not subject to a management order within the meaning of the Contaminated Land Management Act 1997 at the date this certificate is issued.
- (c) The land is not the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997 at the date this certificate is issued.
- (d) The land is not the subject of an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997 at the date this certificate is issued.
- (e) The land is not the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997 (if a copy of such a statement has been provided at any time) to the local authority issuing the certificate.



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**Additional information pursuant to Section 149(5) of the *Environmental Planning & Assessment Act 1979***

**(5) A council may, in a planning certificate, include advice on such other relevant matters affecting the land of which it may be aware.**

Council's records do not indicate that the land the subject of this Certificate is subject to Noise Exposure.

The land the subject of this Certificate is not affected by a Tree Preservation Order. Land that is not covered by Council's urban Tree Preservation Order is subject to the provisions of the Native Vegetation Act 2003. Referrals can be made to Local Lands Services on Tel: 02 4930 1030.

**For further information, please contact Council's Strategic Land Use Planning unit, of the Planning & Environment directorate on 02 4993 4183.**

Gareth Curtis  
Director Planning & Environment