

Planning Proposal

For

JACK NICKLAUS GOLF COURSE OF AUSTRALIA,
POKOLBIN

Prepared for

CAPITAL CORPORATION PTY LTD

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Prepared By



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EXECUTIVE SUMMARY

The Hunter Valley is well established as one of Australia's best known wine growing regions. The core of the industry is centred on the Pokolbin, Rothbury and Broke districts which are easily accessible to local, interstate and international tourists and visitors. The expanding Newcastle Airport, located one hour by road to the east, currently provides direct commercial flights from Melbourne, Sydney, Brisbane and North Queensland. Cessnock Airport, located in the heart of the vineyards, also provides easy access to the area for chartered flights and private aircraft. With the construction of the new Hunter Expressway linking to the F3 Freeway, Sydney is within 1^{1/2} hours drive. Rail services are available to Maitland, Newcastle and Morisset and with increasing interest from cruise ships visiting the Port of Newcastle, the Hunter and all of its attractions are fast gaining a reputation as a destination for travellers from within and outside of Australia.

Australian based company, **Capital Corporation** have realised the potential of the area as a major tourist destination and wish to establish an **18 hole signature golf course of international standard in co-operation with the Jack Nicklaus Company**. It will be the only one of its kind in Australia and will be linked **to twenty five other Jack Nicklaus courses throughout the world** which will offer a golfing experience next to none. Also included will be a **golf course clubhouse, a fifty room five-star hotel, function centre with conference facilities, day spa and recreational facilities, 250 short stay tourist villas and apartments and 300 dwellings providing permanent residential accommodation for local, regional and international market**. The agreed 50/50 split of tourist to permanent accommodation units will be designed and located within the resort to provide views over the course and to the surrounding vineyards and mountain backdrops.

It is estimated that the proposed development will generate 61,300 visitor nights and 3,000 day trippers, with the net additional tourists generated by the proposed development conservatively estimated to input an additional \$6.5 million into the economy on an annual basis. This annual return together with the initial capital investment of \$150 million to establish the resort and recurring operational costs of \$6.5 million annually, the facility will be a major employment generator and long term financial stimulus to the local economy.

The proposed Jack Nicklaus golf course, together with the high quality accommodation, conference and recreational facilities, will complement and help to support the existing tourist activities in the wine district, potentially making the Hunter one of Australia's most successful tourist destinations.

INTRODUCTION AND SITE IDENTIFICATION

HDB Town Planning and Design have been engaged to prepare a Planning Proposal on behalf of our client, Capital Corporation Pty Ltd. The proposal assumes the gazettal of the Cessnock Local Environmental Plan 2010 and seeks an amendment to Schedule 1 to provide for an Additional Permitted Use on Lots 1 to 4, DP 869651, Wine Country Drive allowing for permanent residences and associated facilities within the proposed International Golf Resort.

The development, which will adjoin the “The Vintage” golf course which was designed by Greg Norman, creates a unique international attraction that could not be duplicated elsewhere in the region. The two courses will create a golfing hub within the Hunter Valley and NSW providing both social and economic benefits.

Capital Corporation first began investigating the site for the rezoning of the land in 2003 and extensive studies have been undertaken. Council has previously supported the proposal, as have the Vineyard Association and Local Aboriginal Land Council.

The Course will be part of the Jack Nicklaus International Golf experience which will cater for “high end” Golf Tourism from the international market. People will come to Australia to play this Course and while here they will no doubt also play the Greg Norman Course and avail themselves of the other tourism opportunities in the area.

The key parts of the proposed International Development of the proposed golf resort are:

Element	Function	Capital Investment Cost	
		Establishment	Operation (Annual)
18 hole golf course of international standard and designed by Jack Nicklaus	Tourism and Recreation	\$25 million	2.5 million
Golf course club house building	Tourism and Recreation	\$8 million	0.75 million
Five-star hotel including approximately 50 rooms, a function centre, day spa and recreation facilities	Tourism and Recreation	\$15 million	\$2 million
250 villas and apartments providing short stay accommodation	Tourism and Recreation	\$72 million	\$1.25 million
300 dwellings providing permanent residential accommodation	Residential	\$30 million	-
	Total	\$150 million	\$6.5 million

Detailed site investigations have been undertaken to investigate the viticultural value of the land which have concluded that the soil type would provide poor return making viticultural development unviable. In addition to this although the land is located within the Hunter Valley it is significantly separated from the existing vineyard developments and instead adjoins existing tourist activities.

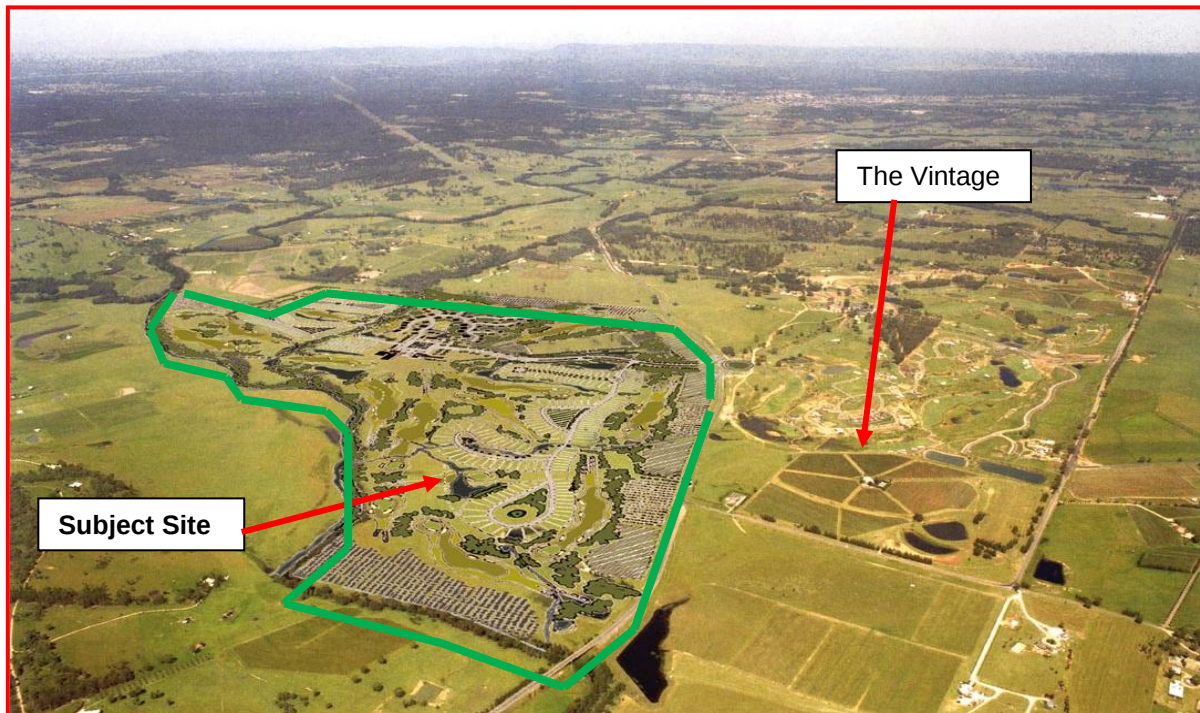


Figure 1 – Aerial Photo Looking South with the Proposed Development Overlaid

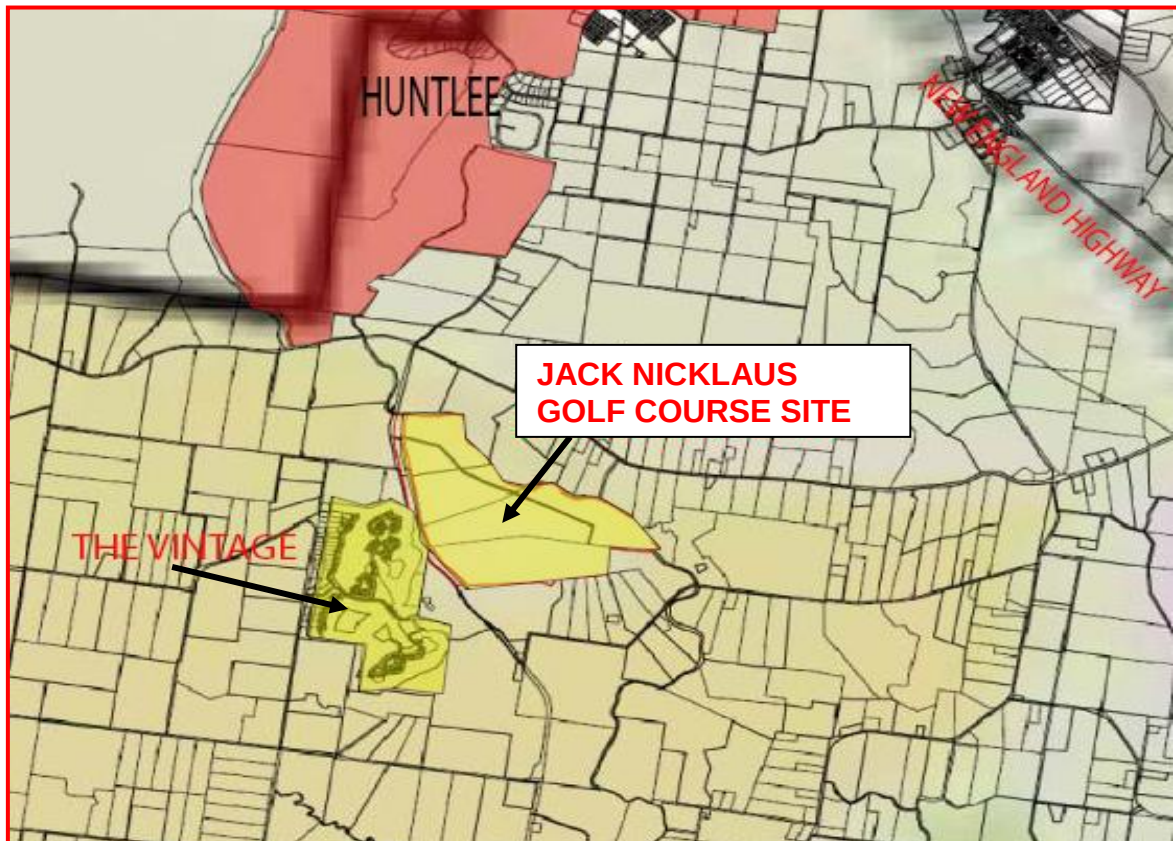


Figure 2 – Location Plan

OBJECTIVES

The site is currently zoned 1(v) Rural Vineyards Zone however as gazettal of the Draft Cessnock LEP 2010 is imminent this proposal assumes the land to be zoned RU4 Rural Small Holdings as proposed within the Draft Cessnock LEP 2010. This proposal assumes gazettal of the Draft LEP and seeks to amend Schedule 1 to allow an “Additional Permitted Use” for permanent residences on the site and other tourist associated facilities. On this basis, the objective or intended outcome of this planning proposal is:

To enable the development of Lots 1-4, DP 869651, Wine Country Drive, Rothbury for permanent residency and associated facilities within the proposed Golf Resort.

Note: Should the proposed RU4 zone not be gazetted by the Department, the proposal will include the rezoning of the Land to RU4 – Rural Small Holding Zone.

EXPLANATION OF PROVISIONS

This planning proposal is based on the assumption that the proposed RU4 Rural Small Holding Zone proposed within the Draft Cessnock LEP 2010 will be gazetted.

The objectives of the RU4 Rural Small Holding are as follows:

- To enable small scale sustainable primary industry and other compatible land uses.
- To maintain the rural and scenic character of the land.
- To ensure that development does not unreasonable increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.
- To encourage appropriate tourist development (including tourist related retail) consistent with the rural and viticultural character of the Vineyards District.

A “recreational facility (outdoor) (ancillary to tourist and visitor accommodation)” and the associated uses of function centre, indoor recreation facility, restaurant, retail premises are permitted within the RU4 zone.

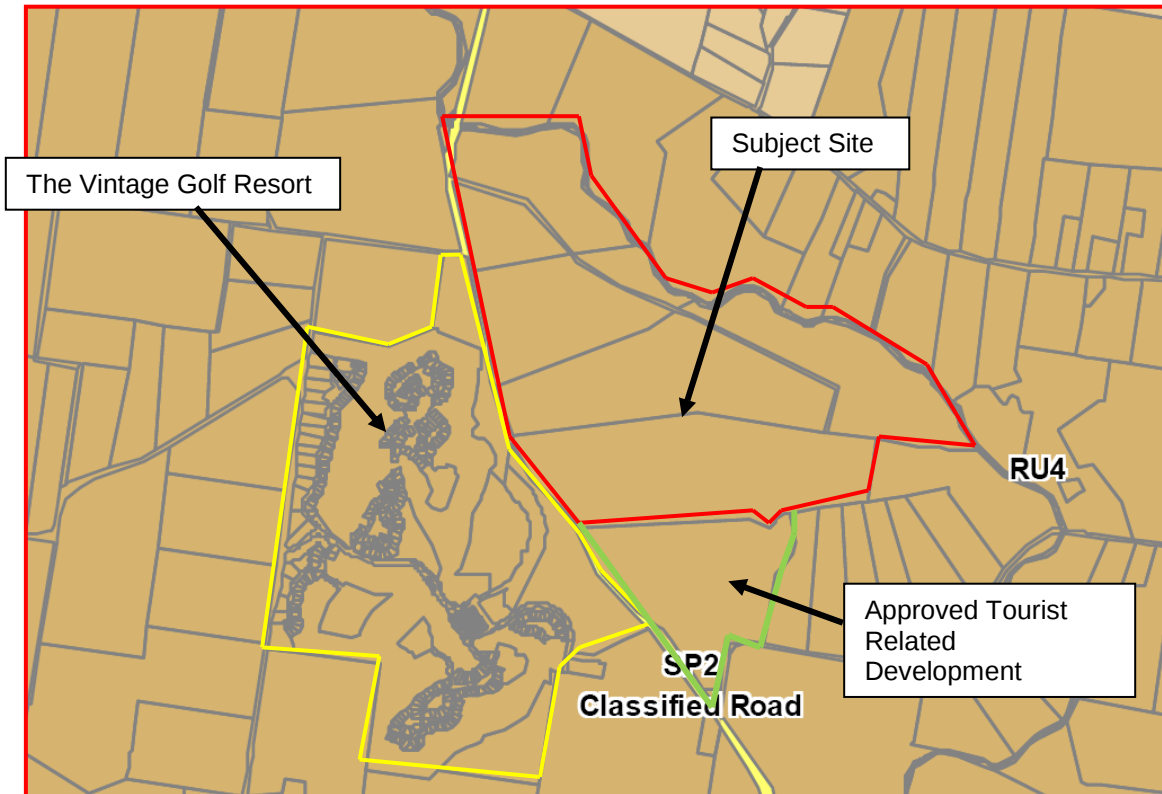


Figure 3 - Extract from Proposed Zone Map – Source: Cessnock Draft LEP 2010

The development of the site to create the Jack Nicklaus Golf Course of Australia, comes at a significant cost, and as a consequence a component of permanent residential occupancy is required to generate a base and add vibrancy to the complex. Permanent occupancy is an integral part of rural golfing resorts to allow for year round usage beyond peak tourism periods. In this case it is also essential to provide for long stay accommodation to overseas companies and individuals who will purchase houses.

This proposal therefore seeks an amendment to the Cessnock Local Environmental Plan to allow an “Additional Permitted Use” pursuant to Clause 2.5 and Schedule 1 of the Cessnock LEP.

The additional permitted use requested would be to the following effect:

“Such parts of the “Jack Nicklaus Golf Course of Australia”, Wine Country Drive, Pokolbin, as identified on the Additional Permitted Uses Map – subdivision of land and the erection of attached dwelling, dual occupancy, dwelling-houses, apartment/villas, multi-dwelling housing, residential flat building, pub, hotel or motel accommodation and the like on the lots so created where the subdivision is, in the opinion of the Council, required as an integral part of a major tourist and visitor accommodation development”.

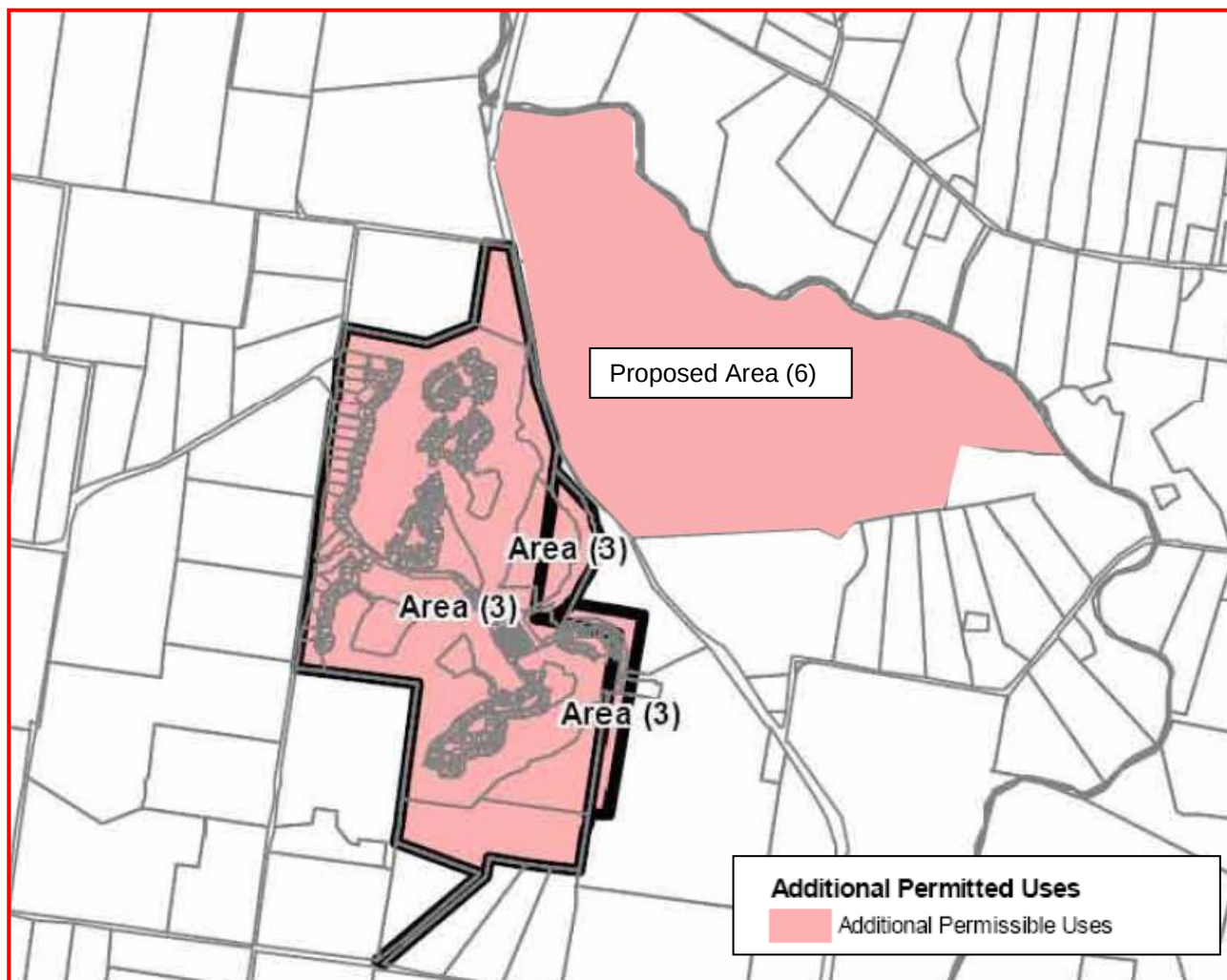


Figure 4 – Proposed Additional Permitted Use Map

JUSTIFICATION

3.1 Section A – Need for the Planning Proposal.

3.1.1 *Is the planning proposal a result of any strategic study or report?*

The site is not identified as a 'release area' within the Lower Hunter Regional Strategy 2006-31 however is considered to satisfy the sustainability criteria (Refer to Section B). A separate report was previously forwarded to Council and Department of Planning dealing with this issue. Importantly this site has not been identified as regionally significant agricultural land on the Natural Resources Map in the Lower Hunter Regional Strategy. Therefore the development of the site to provide an internationally recognised tourist facility with permanent occupancy by way of an additional permitted use can therefore be considered.

3.1.2 *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The objective of this proposal assumes adoption of the Draft Cessnock LEP 2010 which seeks to rezone the site to RU4 Rural Small Holding. The proposed development of the site for an International golf resort is a permitted use with consent within the RU4 zone. However, the permanent occupancy component requires an Additional Permitted Use in order for the future development to proceed. Other options to achieve the intended outcome, including alternative zone options, have been considered and deemed to be inappropriate in the circumstances.

The Department of Planning have identified the Gateway Process as the most appropriate course for this proposal. It is therefore considered that an amendment to the Cessnock Local Environmental Plan 2010 through the gateway process is the most effective and timely method to achieve the desired outcome rather than seek to resurrect previous applications.

3.1.3 Is there a net community benefit?

The following Net Community Benefit Test (adapted from draft Centres Policy) has been completed to determine if the proposal would produce a net community benefit.

- The Planning Proposal meets the sustainability criteria set out within Appendix 1 of the Lower Hunter Regional Strategy and is therefore considered compatible with the Strategy (refer to Section B over for Criteria Assessment).
- The site is not located within a global/regional city, strategic centre or corridor however is located on the southern edge of the Huntlee Development and within the Hunter Valley, a significant tourist region and surrounded by similar land uses.
- The Planning Proposal will not create a precedent or create or change the expectations of the landowner or other landholders. The proposal seeks to apply an additional permitted use which follows similar development in the locality and is unique in its International tourism potential which would have significant flow on affects for the tourist and viticulture industries in the area.
- The cumulative effects of other spot rezoning proposals in the locality are not applicable to the proposed development as this site is unique, being excluded as regionally significant agricultural land by the Lower Hunter Regional Strategy and its juxtapositioning with another major course.
- The proposal will not result in the loss of any employment lands. Future development of the site will not only facilitate permanent employment generating activity, the construction will also create significant short term employment opportunities and significantly lift the tourism profile of the Hunter.
- The Planning Proposal will result in an additional supply of residential dwellings and add to the housing choice in the area, consequently impacting positively upon the supply of

residential land in the area. It is not in the centre of viticultural land being adjacent to other land already used for residential or tourism and in close proximity to the Huntlee New Town.

- It has been confirmed that the existing public infrastructure is capable of servicing the proposed site and all upgrades required will be funded by the developer. Public transport is currently available to the location.
- There is a bus service which operates between Branxton, Cessnock and Maitland available to future occupants however in this rural location private vehicles will be the preferred option. It is considered that the existing road network is capable of accommodating this anticipated level of traffic.

Based on the answers above, it is evident that the Planning Proposal will result in a “Net Community Benefit”.

3.2 Section B – Relationship to strategic planning framework.

3.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy – 2006-31

The Lower Hunter Regional Development Strategy was developed to guide the regions growth over the next 25 years by identifying future development areas, principal land use types, settlement patterns and conservation outcomes. In particular the strategy will:

- Ensure that sufficient employment lands are available to cater for 66,000 new jobs.
- Plan for an additional 160,000 residents and 115,000 new dwellings
- Establish important green corridors, to protect and even enhance the Region’s strong environmental and biodiversity assets.
- Reinforce the role of the Newcastle city centre as the regional city.

The Cessnock vineyard district is a major tourist icon for the Lower Hunter Region which attracts other complementary development to the area such as golf related tourism. The vineyard district has the opportunity to become a nucleus for quality golf courses. These include the Greg Norman designed “Vintage” golf course, which adjoins the site, Cypress Lakes and now the Jack Nicklaus Golf Course of Australia.

This planning proposal is not inconsistent with the vision expressed in the Lower Hunter Regional Strategy, in that it will provide for a specific housing market and create an employment source that will continue long into the future as well as include self funded infrastructure and be designed to

protect and enhance the environmental and ecological values of the site. The Jack Nicklaus Golf Course of Australia will be one of 25 world wide facilities attracting high end international tourism. To be successful it needs to have permanent residences on-site. The number of permanent residents is fixed at 50% and does not dominate the main purpose of the site being tourism based on International Golf. Rather it expands it by providing an all year round market, underpinning the feel and vibrancy of the proposal.

Although the Strategy does not identify the site as a ‘release area’ other release sites not currently identified within the Strategy, may be considered if it can be demonstrated that the proposal satisfies the Sustainability Criteria stipulated in Appendix 1 of the Strategy.

Threshold sustainability criteria	Measurable Explanation of Criteria
<u>Infrastructure Provision</u> (Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way)	- The construction of the residential component will be carried out over a 10 year period. A management scheme will be adopted under community title where ongoing maintenance and infrastructure funding will be spread on a pre-determined basis amongst the resort and permanent dwellings. - It is proposed to provide the site with a reticulated water supply at the developers cost. This may also include a header tank or small reservoir on site enabling a trickle system to maintain the reservoir levels, reducing the demand on the existing system. In addition to this, each dwelling will have a rainwater tank. - Effluent produced from the entire resort development, including the residential dwellings will be collected and treated on site for reuse. Each of the dwellings will be connected to a non-potable water supply, to supply the toilet, washing and yard use. - The grey water produced from the resort and residential dwellings will also be used in the proposed irrigation system for the golf course. - Access to electricity and telecommunications is available from the existing supply in the area, subject to possible augmentation/upgrades by the developer. - There is a bus service which operates between Branxton, Cessnock and Maitland available to future occupant. However in this rural location private vehicles will be the preferred option. It is considered that the existing road network is capable of accommodating this level of traffic and the traffic generated for the residential component of the site will be minimal in comparison to the resort.
<u>Access</u> (Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided)	- The site is located on Wine Country Drive approximately 8km south of Branxton and 14km north of Cessnock. The site is serviced by a bus system running in a loop from Maitland, Cessnock, Branxton and back to Maitland. - It should be noted that this site only sits 2km south of the proposed Huntlee New Town project and directly opposite The Vintage. - Some 40% of the future occupants will be corporate or investment lettings on a casual basis. A further 40% will be second and third homes

	that would also be occupied on a casual basis, primarily related to tourism and holiday usage. The final 20% would be permanent residents of the site likely to be relatively affluent and retired/semi-retired. It is therefore considered that permanent occupancy will not impact on the running of the resort or place additional stress on existing public transport services. - The proposed access, transport and parking arrangements for the resort and permanent occupancy are considered satisfactory.
<u>Housing Diversity</u> (Provide a range of housing choices to ensure a broad population can be housed)	- The development of the site will add to the housing choice within the region. With the exception of the Vintage there are no other themed residential precincts in the area. This type of residential accommodation is targeted at a specific market that is under supplied in the area.
<u>Employment Lands</u> (Provide regional employment opportunities to support the Illawarra's expanding role in the wider regional and NSW economies)	- The proposed resort will be a significant employer in the region. The development will provide employment for skilled and unskilled workforces as well as offer training, apprenticeships and development courses in hospitality and green keeping. It will be a major employer in the area during construction and once operational.
<u>Avoidance of Risk</u> (Land use conflicts, and risk to human health and life, avoided.	- A Flood Management Report was developed to guide the design of the development which examined the impact of flooding on the site. Residential development will be clustered in the centre of the site on higher ground and will not be subject to inundation by the 1%AEP. - The soil is not highly erodible and Geotechnical Evaluations have identified the site as being suitable for future development. - The site is surrounded by like uses and permanent occupancy will be centrally located within the site. In addition to this significant buffers to each boundary will ensure the development does not conflict with adjoining land uses. - The site contains bushfire prone land. A Bushfire Threat Assessment was undertaken as part of the initial site assessment which concluded that the site can be appropriately developed without placing any of the proposed or existing properties at risk.
<u>Natural Resources</u> (Natural resource limits not exceeded/environmental footprint minimised)	- Permanent occupancy as opposed to tourist accommodation will not affect the existing environmental footprint, nor impact on demand for water and sewer. Extensive research was undertaken in developing the proposed design for the development includes full water balance, stormwater control and servicing studies to ensure minimal impact on the environment. - As stated above it is proposed to reuse all waste water on site for irrigation purposes and to supplement this with existing allocation from the private irrigation district.

	- Potable water will be extended to the site at the cost of the developer. Surface water flows passing through the site will be allowed to pass through unobstructed, therefore not affecting environmental flows. All flows from the site will eventually find their way back to Black Creek, thus maintaining downstream supply. - The site has been specifically identified under the Regional Strategy as not being regionally significant agricultural land. This is reinforced by a detailed Agricultural Suitability Assessment and Viticultural Soil Assessment (2007) which indicates the site would provide poor return if used for agricultural or viticultural purposes.
<u>Environmental Protection</u> (Protect and enhance biodiversity, air quality, heritage and waterway health)	- The site is predominantly cleared and is not identified as being within a regional conservation plan. - It should be noted that vacant land will not be offered for sale, each lot will have a dwelling constructed and the lot landscaped prior to sale. - The proposed permanent occupancy would have no significant impact on air quality; erosion will be controlled on site which will aid in controlling dust and thus increasing air quality. - Surface water flows will be unimpeded and rainwater from roofs and paved areas will be captured for reuse on the site. Water will be treated through water quality ponds and detention facilities to ensure that the flow from the site is no greater than its undeveloped state. - Aboriginal Heritage sites identified on site, are to be protected and a transect through the site will be maintained for future research purposes. The local Aboriginal Land Council has given support to the project.
<u>Quality and Equity in Services</u> (Quality health, education, legal, recreational, cultural and community development and other Government services are accessible).	- The provision of services within the site will be fully funded by the developer and appropriate measures will be taken to ensure impact on existing services is negligible. - Due to the permanent occupancy ratio, it is unlikely that there would be any significant impact on existing regional infrastructure such as hospitals, health care, etc.

Table 1 – Threshold sustainability criteria and measurable explanation of criteria for a proposed development site outside designated areas

3.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Cessnock Wide Settlement Strategy 2003

The Citywide Settlement Strategy (CWSS) was produced by Council in response to an identified need to reconsider current planning policies and to embrace the principles of ecologically sustainable development. It aims to provide land use recommendations on future directions for population growth, by defining limitations and identifying opportunities for development and conservation.

The CWSS examines the Cessnock Local Government Area on a water catchment basis, using defined growth management principles, identified key issues and objectives. Recommendations have been formulated for each catchment and for the Local Government Area as a whole. The subject land is within the Black Creek Catchment Area which was not specifically identified in the CWSS for future residential development. However the CWSS does identify the need for additional residentially zoned land. It is considered the environmental constraints identified by the Strategy can be adequately addressed and the development of the site is compatible with the surrounding land uses particularly the “Vintage Golf Course”. The proposal is not inconsistent with the Strategy.

3.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

The following SEPP's are relevant to the Planning Proposal:

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

Initial site investigations included a Statement of Effect on Threatened Flora and Fauna. The statement included consideration of the provisions of SEPP 44 and concludes that the land is neither potential Koala habitat nor core Koala habitat.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This section addresses all relevant s.117 Directions which are applicable to the subject site and its proposed use. Please refer to table over.

LOCAL PLANNING DIRECTIONS Section 117(2) of the <i>Environmental Planning and Assessment Act 1979</i>		
Direction Name & Number	Application of Direction	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land	Council seeks to rezone the subject site to RU4 Rural Small Holdings zone within the Draft Cessnock Local Environmental Plan 2010. The proposed resort is classed as Recreational (Outdoor)Facilities (ancillary to tourist and visitor accommodation) which is permitted development with consent within the RU4. This planning proposal does not wish to change the proposed zone as detailed within the Draft LEP however seeks an additional permitted use to allow permanent occupancy within the proposed development pursuant to Clause 2.5 of the Draft LEP. It should be noted that the site has not been identified in the Lower Hunter Regional Strategy as having regionally significant agricultural value (Map 2). It has been specifically excluded, which reflects its previously established low agricultural value. The site is not suitable for agriculture and is located adjacent to existing like developments on relatively cleared land with little environmental impact. Initial site investigations included agricultural and viticultural assessments on site. The outcome of those investigations concluded that the site has little agricultural value and return on viticultural uses would unlikely to be economically viable. Detailed studies have also been undertaken by way of a Social Impact Assessment and Economic Assessment which give favourable conclusions to the use of the site for the proposed international golf resort. The proposed resort is permitted with consent in the RU4 zone and the use of the site for this purpose is supported through extensive

		studies which establish that the site is unsuitable for agricultural purposes.
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable	
1.4 Oyster Aquaculture	Not Applicable	
1.5 Rural Lands	The objectives of this direction are to: a. protect the agricultural production value of rural land, b. facilitate the orderly and economic development of rural lands for rural and related purposes.	Detailed site investigations included agricultural and viticultural assessments on site. The outcome of those investigations concluded that the site has little agricultural value and return on viticultural uses would unlikely to be economically viable. Detailed studies have also been undertaken by way of a Social Impact Assessment and Economic Assessment give favourable conclusions to the use of the site for the proposed international golf resort. The site is surrounded by like uses and presents a suitable and economic development of the land. (See Rural Zones for further info)
2. Environment and Heritage		
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas	This proposal does not seek to create, remove or alter an environmental protection zone boundary or provision and is therefore not inconsistent with this direction
2.2 Coastal protection	Not Applicable	
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site does not have any items of European heritage significance recorded of either local, regional or state significance. An archaeological assessment has been undertaken on the site. A number of Aboriginal sites were identified during the investigations. These sites have been taken into account in the design of the project and not proposed to be affected. A transect through the site shown on the staging plans has been left free of major development to facilitate future archaeological research if required.

		In addition, written agreement and support was obtained at the time of the initial investigations from the Local Aboriginal Land Council. The proposed amendment is therefore not inconsistent with this direction.
2.4 Recreation Vehicle Areas	Not Applicable	
3. Housing Infrastructure and Urban Development		
3.1 Residential Zones	The objectives of this direction are: a. To encourage a variety and choice of housing types to provide for existing and future housing needs, b. To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c. To minimise the impact of residential development on the environment and resource lands	The proposed permanent occupancy will add variety to the existing housing stock within the area. In respect to densities on site, this is a specific themed development and lots will not be offered for sale as a vacant undeveloped land. The development will also have an overarching community title plan, which would ensure the ongoing maintenance of the development. The proposed development will provide for adequate servicing of the site in terms of telecommunications, road networks, sewer, water, etc. These works will be completed prior to construction of dwellings. In addition, the development is not inconsistent with the sustainability criteria of the Lower Hunter Regional Strategy and is justified by the environmental studies submitted as part of this application.
3.2 Caravan Parks and Manufactured home Estates	Not Applicable	
3.3 Home Occupations	Not Applicable	
3.4 Integrating Land Use and transport	The objectives of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: a. Improving access to housing, jobs and services by walking, cycling and public transport, and b. Increasing the choice of available transport and reducing dependence on cars, and	As the permanent occupancy will be within a recreation complex, which is an employment source itself and within an area (the vineyard area) that is also an employment source, it is unlikely that the development is inconsistent with this direction. Public transport is available along Wine Country Drive adjacent to the site and a bus service runs a number of times per day between Cessnock, Branxton and Maitland.

	c. Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d. Supporting the efficient and viable operation of public transport services, and e. Providing for the efficient movement of freight	This service does not however appropriately cater for the shift work that is worked within the tourism industry. The proposed residential component associated with this development is closer to a major job source, being the vineyard area than urban areas such as Cessnock, Kurri Kurri, Maitland, etc. The site is also only 2km south of the proposed Huntlee New Town project which will have an estimated population of some 20,000 when complete.
3.5 Development near Licensed Aerodromes.	Not Applicable	
3.6 Shooting Ranges	Not Applicable	
4. Hazard and Risk		
4.1 Acid sulphate soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	The original Geotechnical investigations carried out by Coffey Geosciences 1997 stated that there is negligible risk of acid sulphate soils forming on the site. This site is not identified as having acid sulphate soil risk.
4.2 Mine Subsidence and unstable land	Not Applicable	
4.3 Flood Prone Land	The objectives of this direction are: a. To ensure that development on flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and b. To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Part of the site adjacent to Black Creek is subject to inundation by the 1% AEP. A Flooding and Stormwater Management Plan in conjunction with Servicing Strategy, Water Balance and Waste Water Management was prepared as part of the initial investigations. This information was utilised to ensure that the development was designed to ensure that permanent occupancies and main buildings sit above the 1% AEP. Any flooding on the property would occur either as backwater from Black Creek or localised flooding events from the drainage line running through the site. Both scenarios have been considered in the design of the development. Flood free access is available to Wine Country Drive on the high side of the development to the west.

		This Amendment does not seek to alter, remove or create provisions that affect flood prone land. The direction would therefore not apply in this instance; however, flooding has been taken into consideration in the design phase and would meet the requirements of the Flood Management Control Plan and State Government Policy.
4.4 Planning for Bushfire Protection	The objectives of this direction are: a. To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and b. To encourage sound management of bushfire prone areas	The subject land is identified on Cessnock City Council's Bushfire Prone Land Map as being affected by bushfire threat. A Bushfire Threat Assessment was undertaken as part of the original site investigations in 2005. It concluded that future buildings can be safely positioned in areas of the site, so as to provide adequate protection for bushfire attack in accordance with this direction.
5. Regional Planning		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies	The site is not identified by the Lower Hunter Regional Strategy 2006-31 as an urban release area for future housing within the Hunter Region however is deemed to meet the criteria of Schedule 1 (see section 3.3.2 of this report). The proposed permanent occupancy element of the proposal is therefore considered to be in accordance with the Lower Hunter Regional Strategy and this direction.
5.2 Sydney Drinking Water Catchments	Not Applicable	
5.3 Farmland of State and regional Significance on the NSW Far North Coast	Not Applicable	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not Applicable	
5.6 Second Sydney Airport:	Not Applicable	

Badgery's Creek		
6. Local Plan Making		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development	This planning proposal seeks a Gateway Determination from the Department of Planning for an Additional Permitted Use to allow permanent residence on the site. This procedure is considered the most efficient and appropriate assessment for this type of proposal.
6.2 Reserving Land for Public Purposes	Not Applicable	
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessary restrictive site specific planning controls	Council seek to rezone the subject site to RU4 Rural Small Holdings zone within the Draft Cessnock Local Environmental Plan 2010. The proposed resort is classed as Outdoor Recreational Facilities (outdoor) (ancillary to tourist and visitor accommodation) which is permitted development with consent within the RU4. This planning proposal does not wish to change the proposed zone as detailed within the Draft LEP however seeks an additional permitted use to allow permanent occupancy within the proposed development pursuant to Clause 2.5 of the Draft LEP. The additional permitted use to allow permanent occupancy will be a site specific planning control however is considered the most appropriate legislation change in order for the proposed development to proceed. This is also consistent with the existing permitted uses at the adjoining golf club "The Vintage" and "The Oaks Golf and Country Club".

Table 2 – 117 Ministerial Directions

3.3 Section C – Environmental, social and economic impact.

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A Statement of Effect on Threatened Flora and Fauna was undertaken in 2005. The assessment addressed the requirements of the Threatened Species Conservation Act, 1995, Section 5A of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy No. 44 – Koala Habitat Protection and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

One threatened species was identified on the site (*Pomatostomus temporalis* – Grey-crowned Babbler). In addition, the Assessment identifies a small stand of woodland as being consistent with a woodland representation of Lower Hunter Spotted Gum – Ironbark Forest, an endangered ecological community.

The Grey-crowned Babbler was observed frequenting the woodland area and the report recommends that a sufficient amount of this woodland should be retained to support this threatened population. Enhancement of the retained portion and management measures, such as weed control and restrictions on domestic pets will also assist in stabilizing this local population.

The stand of Lower Hunter Spotted Gum – Ironbark Forest is relatively small and isolated from surrounding communities. The stand was in poor condition, showing signs of past disturbance and ongoing dieback, although there has been a small amount of regeneration of some eucalypts.

The resort design provides for the retention and enhancement of this woodland to support the Grey-crowned Babbler community. The final area will be dependent upon current ecological advice. Part of the area can also be incorporated in the golf course and provide natural landscaping bordering the proposed villas.

It is considered that further investigations will be undertaken at Development Application stage to ensure the proposed development will protect the ecological values of the site.

3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bush Fire Hazard

It is not considered that bush fire threat is a significant constraint to developing this site. The nature of the development ensures that asset protection zones can be achieved, with the assistance of appropriate plantations and golf course layout, and can be managed to a high level. Reticulated potable and irrigation water supplies will be available and all dwellings will have tank

water storage. Internal roads will be of high standard and bitumen sealed. A perimeter fire trail system will be incorporated with plantation and golf course service roads.

A Bush Fire Threat Assessment was prepared as part of the initial site investigations and will be updated. All recommendations resulting from bushfire assessment and from the NSW Rural Fire Service will be incorporated into the final design plans.

Flooding

Part of the site adjacent to Black Creek is subject to inundation by the 1% AEP. A Flood Study was prepared for the project to assist in designing the proposed development. The study identified the extent of the 100-year ARI flood along Black Creek. All proposed buildings are located above the identified flood level, with only compatible development within the flood storage areas.

Proposed on-site stormwater detention and stormwater management facilities will ensure that post-development discharge flows do not exceed pre-development discharge flows. Water quality safeguards are also an integral part of stormwater management on the site.

Erosion/Sedimentation

The original Geotechnical Investigations indicated that there was no evidence of excessive soil erosion on site. The soils have a low propensity for dispersion and soil erosion is not considered to be a constraint to development of the site. A Soil and Water Management Plan will be prepared and submitted for approval with a future Development Application.

The site consists of gently sloping terrain to flat alluvial floodplain. It is considered to have a low to very low risk of slope instability. The Mine Subsidence Board advised that the subject land is not within a proclaimed Mine Subsidence District and is not subject to any building restrictions imposed by the Board. There are no registered bores on the site and only two bores exist within a 1-kilometre radius.

Contamination/remediation

An assessment of potential contamination sources on the site was completed during the initial site investigations and concluded that the site is unlikely to be contaminated from previous land use practices.

Heritage

The subject land does not contain any item listed in the Schedules under the Hunter Regional Environmental Plan (1989) Heritage or in Schedule 3 to Cessnock Local Environmental Plan 1989 – Items of the Environmental Heritage.

Aboriginal Archaeology

A Preliminary Archaeological Investigation was conducted on the site in November 1997. Artefact scatters were observed in exposed surface locations, with a suggestion that more sites may be detected with further investigation. The report recommended further site investigations, including larger area excavations in targeted locations, accurate mapping of land units and analysis of artefact samples (if found).

The National Parks and Wildlife Service (NPWS) were consulted during and after this investigation. NPWS recognises the potential importance of the site and supports the retention of a conservation zone within the development, subject to test excavations to verify the existence of significant evidence of early occupation.

Extensive consultation was also undertaken with the local Aboriginal community through the Mindaribba Local Aboriginal Lands Council and the Wonnarua Tribal Council. This consultation was commenced in 1997/98 during the preliminary site investigations and recommenced in 2004/05 following the engagement of Myall Coast Archaeological Services.

The Preliminary Master Plan for the resort development has been structured to preserve all sites detected during the preliminary investigations as well as a conservation transect at least 200 metres wide, extending from Black Creek to the southern boundary of the land. The conservation transect is representative of the land units identified in the geomorphologic study and is consistent with the recommendations of the study and with discussions with NPWS.

It should be noted that the location and extent of the conservation transect is dependent upon final investigations and the outcomes of further consultation with the local Aboriginal community and with NPWS.

Access, transport and traffic

Access to the site is proposed from a single main intersection point with Wine Country Drive (MR 220). There are a number of options for the location of this access, with the preferred arrangement being a roundabout coinciding with the new Vintage access. Separate intersections for each development are also being investigated. The Traffic Assessment Report favours a 4-way roundabout. The final location and design will be determined following consultation with Cessnock City Council, the RTA and affected landowners. The RTA have advised that a part of the subject land will be required for road widening, regardless of which intersection scenario is adopted.

There is a bus service which operates between Branxton, Cessnock and Maitland available to future occupants however in this rural location private vehicles will be the preferred option. It is considered that the existing road network is capable of accommodating this level of traffic and the traffic generated for the residential component of the site will be minimal in comparison to the resort.

Internal accessibility for, pedestrians, cyclists, disabled persons and golfers will be facilitated through linkages between streets, vegetation corridors and the golf course. On-site parking will be provided in accordance with Council's requirements.

A Traffic Assessment was undertaken as part of the initial site investigations. The report was prepared following consultation with the RTA and in accordance with RTA requirements. The Report concluded that proposed traffic and parking arrangements were satisfactory.

3.3.3 How has the planning proposal adequately addressed any social and economic effects?

The social and economic benefits to the community likely to result from the Planning Proposal are those associated with: the provision of employment opportunities in the construction of the development and within the operating resort; additional outdoor recreational areas; increased trade and economic activity in the area; and, the provision of additional housing choice.

The expected value of the proposed development as a whole is considered to be in the vicinity of \$150million. The construction phase will yield \$400m in economic benefits of which \$160m will flow to the Hunter region. Due to a multiplier effects, a total of over 2,300 new full time jobs will be created with approximately 1,400 occurring in the Hunter region. This forms the lion's share of the projected economic benefits of the project and occurs only over the construction phase of the development.

The ongoing annual economic impact of the residential complex and the resort and golf course are still significant.

- The annual benefit from the residential facility is \$7.23m nationally. The benefit to the Hunter region will be \$6.14m per annum, involving some substitution effect from other areas of the economy.
- The annual benefit flowing from the resort complex is \$31m with \$18.5m captured by the Hunter region. A total of 211 full time jobs will be created with 48 in the Hunter region.
- The annual economic benefit of the golf course is over \$4m with \$2.5m flowing to the Hunter region. There will be a consequent 29 full time jobs created, of which 19 will be located in the Hunter region.

It must therefore be recognized that this proposal has the potential to inject significantly into the local economy and the wider community as a result of industry multiplier effects.

Detailed Social and Economic Impact Assessments have been undertaken and there is no evidence to suggest that there will be any significant adverse social or economic effects resulting from the proposal.

3.4 Section D – State and Commonwealth Interest.

3.4.1 Is there adequate public infrastructure for the planning proposal?

Water

It is proposed to extend and upgrade the water supply currently servicing the Vintage development opposite this site at the developers cost. This will provide the main source for potable water via an internal distribution network. Depending on further design, a header tank or small reservoir may be constructed on site, which would enable a trickle system to maintain the reservoir levels, thus reducing instantaneous demand in the Hunter Water Corporation pipe system. Water would then be distributed to potable areas via the internal distribution network and pump station under the control of the community title scheme. In addition, all dwellings will have their own rainwater tank.

This site has access to the Private Irrigation District Scheme and non-potable water supply for the golf course and resort will be drawn from this and stored in large landscaped water features.

The development of the site has been designed to operate efficiently in respect to water usage. Natural runoff will not be intercepted on the site however water features will be fed from roof areas, carparks, etc.

Effluent

Effluent produced from the resort and permanent occupancies will be collected and treated onsite for reuse. Each of the dwellings will be connected to a non-potable water supply, to supply the toilet, washing and yard use.

The operation of the golf course will rely on grey water generated from the 300 dwellings and the motel complex for irrigation. The only public water supply to the site will be the potable water supply servicing the dwellings and developments, which will be provided through a private distribution scheme on site.

Electricity

Energy Australia supplies electricity to the area and were contacted regarding the proposal and acknowledged that supply is available.

Telecommunications

Access to telecommunication lines is available in Wine Country Drive adjacent. Telecommunications and a wide range of computer networks are to be distributed in an efficient

and cost effective manner which will require the construction of a small, central antenna on site and wireless network on site.

Gas

At this time gas is not available within this area, however with the development of the Huntlee project, 3km to the north, gas may be available before the development is completed and will be sourced.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Preliminary consultation with NPWS and the Local Aboriginal Land Council's has occurred as detailed within this Planning Proposal. Investigations undertaken in the preparation of the various technical reports referenced included informal consultation with a range of local authorities (e.g. HWC, RTA, Cessnock Council).

PART 4 - COMMUNITY CONSULTATION

The gateway determination will specify the community consultation that must be undertaken for the planning proposal.

It is anticipated that this Planning Proposal will be classified as “Low Impact” as the proposal is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not involve reclassifying public land.

As such, the exhibition period will likely be 14 days.

Typically the community consultation will involve the giving of notice of the public exhibition of the planning proposal:

- In a newspaper that circulates in the area affected by the planning proposal;
- On the web-site of Cessnock City Council; and
- In writing to adjoining landowners.

The written notice must:

- Give a brief description of the objectives or intended outcomes of the planning proposal;
- Indicate the land affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Give the name and address of the RPA for the receipt of submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material must be made available for inspection:

- The planning proposal, in the form approved for community consultation by the Director
- General of Planning;
- The gateway determination; and
- Any studies relied upon by the planning proposal.

The community consultation will be complete only when the Council has considered any submissions made concerning the proposed LEP amendment and the report on any public hearing into the proposed LEP [EP&A Act s. 57(8)]. It is considered that the Planning Proposal is not of such significance and will not raise sufficient community interest to warrant a public hearing.