



PLANNING PROPOSAL

Amendment to the Cessnock Local Environmental Plan 2011

The Vintage and Vintage Balance Lands (including Beggars Bridge), Wine Country Drive and McDonalds Road, Rothbury

Version 7

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PART 1: OBJECTIVES & INTENDED OUTCOMES

Objectives

The primary objective of the Planning Proposal is to facilitate the expansion of an existing major integrated tourist development of appropriate quality and scale thereby contributing strongly to the tourism industry, employment growth and diversification, locally and regionally.

The intended outcome is to enable The Vintage development to become a sustainable and economically viable tourist facility in the long term to ensure short, medium and longer term benefits to the local and regional economies. The proposal includes:

- Additional provision of 9 to 12 holes on the golf course;
- Cellar door & café on the corner Palmers Lane & Wine Country Drive;
- Expansion of vineyards on Palmers Lane;
- 260 residential lifestyle lots;
- 40 rural lifestyle lots;
- 200 residential resort lifestyle units;
- 210 tourist accommodation units consisting of:
 - 50 unit lodge development at site entrance on Wine Country Drive
 - 40 tourist units around vineyard facility on Beggars Bridge
 - 60 unit 3.5/4 star motel on the SG7 precinct of the masterplan.
 - 20 Tourist apartments within the Commercial Tourism precinct
 - 40 unit Medi-Spa
- Conference facility, residence and restaurant to host a wine and cooking school within the Beggars Bridge precinct; and
- Retention of vineyards within the Beggars Bridge precinct of the Master Plan.

This existing development site contains an international standard 18 hole golf course, two hotels (Grand Mercure Apartments and the Chateau Élan Spa and Resort), conferencing, wedding and function facilities, recreation facilities and an extensive open space network along with approvals for 465 lots out of the original 522 lots in the original Master Plan of 1996.. Total investment to date is estimated at over \$500m. The value of this extension is approximately \$400m bringing total investment at The Vintage to over \$900m.

PART 2: EXPLANATION OF PROVISIONS

The proposed objective will be achieved by:

- a) Introducing the SP3 Tourism zone in Part 2 of the Cessnock Local Environmental Plan 2011 (CLEP);
- b) Rezoning the entire site from RU4 Primary Production - Small Lots to SP3 Tourism;
- c) Including Additional Local Provisions into the Cessnock Local Environmental Plan 2011 (CLEP) via a new Clause 7.11;
- d) Amending Schedule 1 of the existing Cessnock Local Environmental Plan (CLEP) 2011; and
- e) Amending the zoning, lot size and urban release maps as shown at Appendices 3-6.

Zone SP3 Tourism

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses; and
- To facilitate an integrated tourist development which is viable and sustainable and which contributes positively to the local and regional economic and employment opportunities and diversification.

2 Permitted with consent

Attached dwellings; Building identification signs; Business identification signs; Cellar door premises; Child care centres; Dwelling houses; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Food and drink premises; Function centres; Home businesses; Home industries; Home occupations; Horticulture; Information and education facilities; Kiosks; Markets; Neighbourhood shops; Recreation facility (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Semi-detached dwellings; Sewage treatment plants; Tourist and visitor accommodation; Viticulture; Water recycling facilities; Water reticulation systems; Water storage facilities; Water treatment facilities.

3 Prohibited

Any other development not specified in item 2 or 3.

Insert Part 7 - Additional Local Provisions

7.11 The Vintage Integrated Tourist Development

- (1) This clause applies to land at Rothbury being Lot 106, DP 1038043; Lots 1–48 and 50–103, DP 270293; Lots 1–23 and 25–30, DP 270292; Lots 1–38 and 40–48, DP 270295; Lots 1–44 and 46–60, DP 270343; Lots 1–39, 42–67 and 69–86, DP 270372; Lots 1–10, DP 270384; Lots 1–3, DP 270340; Lots 1–11, DP 270479; SP 76654; Lots 1–24, DP 270459; Lots 1–4, DP 270636; Lots 1–17, DP 270688; Lots 1–10, DP 270721; Lots 1601, 1603 and 1605; DP 1142579; Lots 1503–1506, DP 1110274; Lots 2150–2151, DP 1185744; Lot 12, DP 1187663; Lots 1305 and 1307, DP 1077114; Lot 2202, DP 1167247; Lot 21–23, DP

1044459; Wine Country Drive, Rothbury; Lot D, DP 182933, Palmers Lane; and Lot 2411, DP 1060722, McDonalds Road, Rothbury.

- (2) In this clause ***integrated tourist development*** means a development that is undertaken on land referred to in subclause (1) above and which is predominantly tourist and visitor accommodation and tourist facilities) in combination with other uses permissible on the land.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development is ***integrated tourist development*** or development which supports or is ancillary to integrated tourist development.
- (4) On the land to which this clause applies:
 - (a) The number of dwellings which are permanent residential must not exceed 1022;
 - (b) The number of units which provide tourist and visitor accommodation must not exceed 995.
- (5) In this clause, any tourist or visitor accommodation room, capable of being occupied separately, is equivalent to one unit.
- (6) Despite clauses 4.1AA (3) and 4.2B (3), development consent may be granted for subdivision to create lots of any size.
- (7) Development for the following purposes is permitted with consent on land referred to in subclause (1) above:
 - (a) place of public worship;
 - (b) dual occupancies;
 - (c) multi dwelling housing;
 - (d) public utility undertaking;
 - (e) telecommunications facility; and
 - (f) exhibition village.

2.3 Amendment to Schedule 1 item 7 of the CLEP 2011

Amendment to item 7 of Schedule 1 of the CLEP 2011 to include:

- (l) health services facility; and
- (m) development for the purposes of shops that are primarily intended to service tourists is permitted with consent. The combined gross floor area of these shops must not exceed 1000 m².

2.4 Amendment to the Zoning Map

It is proposed to amend the CLEP 2011 Land Zoning Map so that the subject site is rezoned from RU4 Primary Production - Small Lots to SP3 Tourism in accordance with the proposed zoning map provided at **Appendix 3**.

2.5 Amendment to the Lot Size Map

It is proposed to amend the CLEP 2011 Lot Size Map so that no minimum lot size provisions apply to The Vintage and the Vintage Balance Lands in accordance with the Minimum Lot Size Map at **Appendix 5**. Future subdivision will require consent under clause 2.6 of the CLEP 2011.

2.6 Amendment to the Urban Release Area Map

It is proposed to amend the CLEP 2011 Urban Release Area Map by nominating the Vintage Balance Lands (including Wine Country Drive and Beggars Bridge) as an Urban Release Area in accordance with the map at **Appendix 6**.

2.7 Cessnock DCP 2010

Clause 6.3 of the Cessnock Local Environmental Plan 2011 requires that all Urban Release Areas are covered by a site specific Development Control Plan (DCP). When the draft DCP is adopted it will become a chapter in Part F “Specific Areas” of the Cessnock DCP. The draft DCP provisions are in addition to those in the other City wide chapters of the Cessnock DCP, and will need to be considered in conjunction with the general provisions of that Plan. The purpose of the DCP Part F chapter is to achieve a consistent approach to development in the Vintage as has been taken for other Urban Release Areas in the Cessnock LGA.

CURRENT LAND USE PROVISIONS

The existing provisions for the RU4 Primary Production Small Lots zone under the CLEP 2011 are as follows:

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this 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) that is consistent with the rural and viticultural character of the vineyards district.
- To enable the continued rural use of land that is complementary to the viticultural character of the land.

2 Permitted without consent

Extensive agriculture; Home occupations.

3 Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Cellar door premises; Child care centres; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Function centres; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Neighbourhood shops; Plant nurseries; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Tourist and visitor accommodation; Waste or resource management facilities

4 Prohibited

Hotel or motel accommodation; Any other development not specified in item 2 or 3.

Schedule 1 item 7 of the CLEP 2011 currently states:

7 *Use of certain land at Wine Country Drive, Pokolbin*

(1) This clause applies to land being:

- (a) Lot 106, DP 1038043,*
- (b) Lots 2–48 and 50–103, DP 270293,*
- (c) Lots 2–23 and 25–30, DP 270292,*
- (d) Lots 2–38 and 40–48, DP 270295,*
- (e) Lots 2–44 and 46–60, DP 270343,*
- (f) Lots 2–39, 42–67 and 69–86, DP 270372,*
- (g) Lots 2–10, DP 270384,*
- (h) Lots 1305 and 1307, DP 1077114,*
- (i) Lots 2–11, DP 270479,*
- (j) Lots 1503–1508, DP 1110274,*
- (k) Lots 2–14, DP 270459,*
- (l) Lots 1601–1605, DP 1142579,*
- (m) Lots 2–4, DP 270636,*
- (n) Lot 1105, DP 1101455,*
- (o) Lots 0–45, SP 76654,*

at Wine Country Drive, Pokolbin, known as The Vintage and identified on the [Additional Permitted Uses Map](#).

(2) Development for the following purposes is permitted with consent:

- (a) an entertainment facility for the purpose of an amphitheatre,*
- (b) exhibition homes,*
- (c) a place of public worship,*
- (d) a pub,*
- (e) attached dwellings,*
- (f) dual occupancies,*
- (g) dwelling houses,*
- (h) residential flat buildings,*
- (i) multi dwelling housing,*
- (j) recreation facilities (outdoor) for the purpose of a golf course,*
- (k) a registered club.*

PART 3: JUSTIFICATION

In accordance with the Department of Planning's "Guide to Preparing Planning Proposals", this section provides a response to the following::

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

3.1 Site Overview

The Vintage is located within the Hunter Valley Wine Country approximately 35 minutes' drive west of Newcastle, 15 minutes' drive from Cessnock and 12 minutes from Branxton via Wine Country Drive. The Hunter Expressway has recently opened (March 2014) bringing the site within a 35 minute commute from Newcastle (see **Figure 1**).

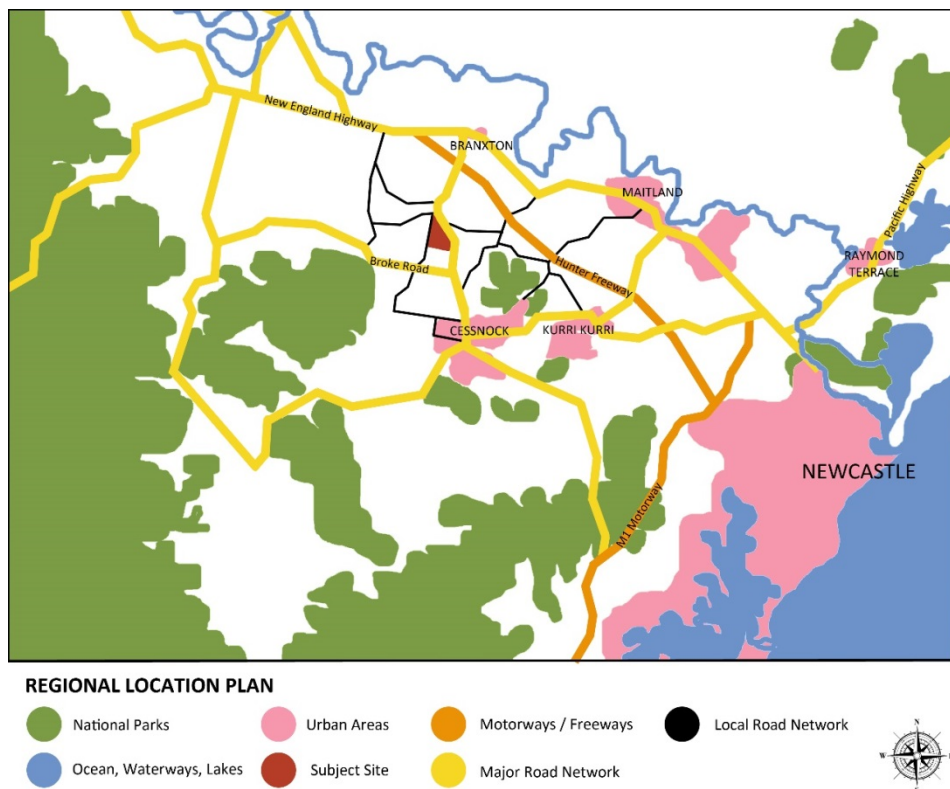


Figure 1: Regional Location Plan

The subject land can be separated into two precincts;

- 'The Vintage' development. This is the existing approved Masterplan site which is partly constructed; and
- The Vintage Balance Lands (VBL) (including the Wine Country Drive precinct and Beggars Bridge precinct). These precincts are illustrated on *Figure 2*.

The site fronts Wine Country Drive and McDonalds Road at the northern entrance to the Vineyards District.

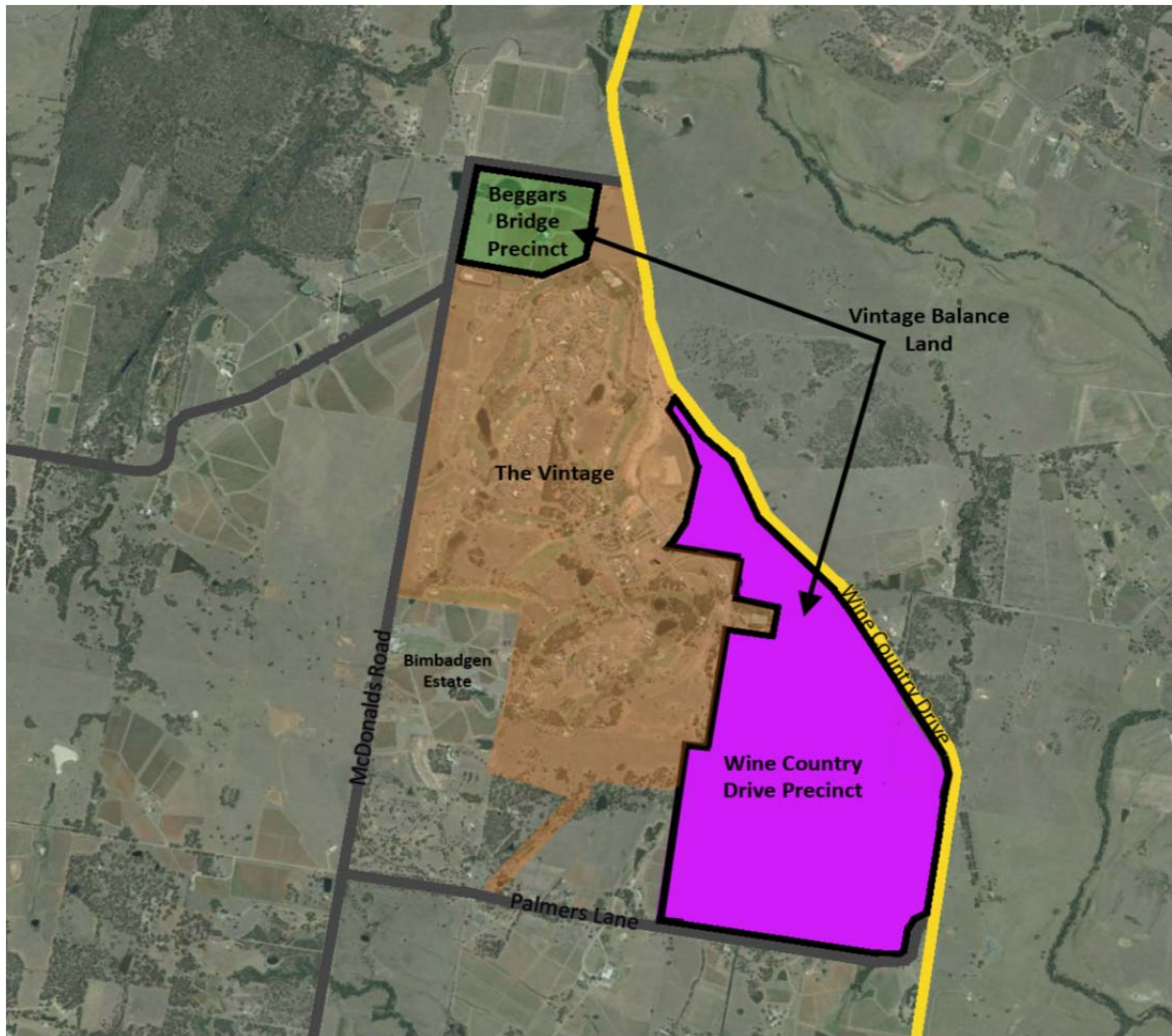


Figure 2: The Vintage, Vintage Balance Land and Beggars Bridge Precincts

3.2 The Existing Vintage Development

'The Vintage' has created a unique precinct within the Vineyards District and has evolved through the use of innovative planning controls, design guidelines and landscaping. The result has been the establishment of a major integrated tourism, residential lifestyle development. **Figure 3** illustrates the current approved Masterplan of The Vintage.



Figure 3: Existing Residential Masterplan

The components of The Vintage are as follows:

First Masterplan – The Vintage

- 18 hole championship golf course, clubhouse and driving range,
- 482 residential lifestyle lots,
- 150 room hotel,
- 335 tourist accommodation units,
- 40 rural residential lifestyle lots,
- active and passive parklands,
- recreational facilities including gymnasium,
- tennis courts and swimming pool,
- Commercial facilities

Second Masterplan – Chateau Elan

- Hill top precinct: Destination Spa and Spa Villas – 100 keys,
- 200 key hotel,
- Amphitheatre.

3.3 The Vintage Balance Land (Wine Country Drive Precinct)

This precinct is shown in **Figure 4** below. The precinct has undulating terrain with three predominant hills/ridgelines extending from the western boundary of the site to the east. The landscape contains a mix of partly cleared rural slopes, areas of open woodland, tree lined watercourses and some vineyard plantings. The land has been utilised in the past for grazing, cropping and minor commercial vineyard activity.

The site is dominated by three natural drainage systems, draining to the east and traversing the site in the northern, southern and south-eastern portions of the site. The site generally slopes between 3 and 7 degrees towards the drainage network (predominantly south-east to north-east). Surface levels vary between 55AHD and 100AHD within the site.

Existing improvements on the site include:

- Dwelling house and shed within Lot D;
- Minor unsealed tracks;
- Vineyards;
- Farm dams;
- Remains of the former Rothbury School (which dates back to 1894) within Lot 23 off Wine Country Drive (opposite the intersection with Wilderness Road).

Existing Infrastructure includes:

- 33kv power lines along Wine Country Drive;
- Sewer rising mains and pump stations within Lot 21; and
- Trunk water main and gravity sewer main.

The current Masterplan applying to the Vintage and the proposed Draft Structure Plan for the VBL are included in the Appendices to this Planning Proposal.



PROJECT		THE VINTAGE		DETAILS		VINTAGE / BALANCE LAND PLAN	
LOCATION		McDONALDS ROAD POKOLBIN		SCALE 1: 5000 A1 1:10 000 A3		DATE 07/05/2014 SHEET No 1 OF 1 OUR REF: 11634	
CLIENT		VINTAGE DEVELOPMENTS PTY LTD		DRAWN SD/RC		CIVILCAD: 120\11634CUR AUTOCAD: N\11634\DWG\11634-MASTER-001-A	

Figure 4: Vintage Balance Land (Wine Country Drive Precinct)

3.4 Vintage Balance Land (Beggars Bridge Precinct)

The VBL Beggars Bridge Precinct includes 24ha of land located to the north west of The Vintage and described as Lot 2411 DP 1060722 McDonalds Road, Rothbury (refer **Figure 5**). The elevated topography of the site has made it a significant visual feature in the context of the northern vineyards district entry.

The surrounding land comprises gentle flats falling to the north and east and gentle flats rising to the west and south. A drainage line runs north to south, dissecting the sites' northern boundary and flowing until it reaches two (2) dams situated in the north western quadrant. The western, northern and eastern slopes are characterised by vineyards and the southern and western slope contains regenerating vegetation. The site contains a large knoll, where a dwelling / cellar door is located. Vineyards are located on the slopes which fall to a relatively flat area of cleared grassland to the west off McDonalds Road.

The Planning Proposal proposes a conference facility, residence and restaurant to host a wine and cooking school on this site.



Figure 5: Beggars Bridge Precinct

Section A: Need for Proposal

NSW 2021

The Vintage is considered one of the major tourist attractions within the Hunter Valley and its international standard golf course acts as an “anchor” facility to the local golf tourism industry. The proposal to expand The Vintage onto the VBL is consistent with the objectives of NSW 2021 given that:

- Its golf course, tourist accommodation and tourism retail components will increase tourism demand and opportunity in the Hunter Valley; and
- It is an important contribution to economic development and employment diversification for the Cessnock LGA and the Hunter region.

Total investment to date is estimated at over \$500m. The value of this extension is approximately \$400m bringing total investment at The Vintage to over \$900m.

The Golf Tourism and Economic Impact Assessment (JBAS Consultants 2014) identifies the following:

- The Hunter Valley is one of the highest profile wine destinations in Australia, Pokolbin being the focal point for wine tourism within the Region. Growing secondary themed tourist activity with this region is a key aim of the policy framework. Despite the absence of any state or regional strategies, the value of the golf visitor economy to New South Wales is estimated to be approximately **\$1.2 billion per annum**.
- Data from Tourism Research Australia's International Visitor Survey indicates the Hunter region has outperformed the national average in respect of attracting international golf tourists.
- Given the close proximity to Sydney, the number of courses and the quality available, the Hunter Valley is well positioned to attract intrastate golf tourist originating from Sydney. Including the wider areas of the Central Coast and Newcastle, collectively the wider region contains six golf courses ranked in Australia's top 100 courses. The proposed Golden Bear development at Pokolbin would increase this count to seven and strengthen the mini cluster that already exists in Pokolbin. The opportunity that this cluster of courses potentially presents, as is being promoted at other inter-state regions such as the Mornington Peninsula in Victoria, is currently being overlooked.
- Given current golf tourism trends, the lack of neither a published golf tourism plan for NSW, nor any co-ordinated golf strategy for the Hunter Valley, there is no reason to believe that the forecast for golf tourism in the Hunter Valley could be anything materially different to the outcomes currently being achieved.

Key economic Impacts highlighted by the Social and Economic Impact Assessment (Lantz Consulting 2014) include the following:

- **Employment generation:** based on the estimated total construction cost of \$391.7M, potentially 2,448 job years would be created during construction. An additional 3,917 job years could potentially be created through the wider community. The proposal is estimated to support an additional 137 full-time employment positions. The potential flow on effect of 260 additional ongoing jobs throughout the economy.
Total direct and indirect ongoing job creation: 397 FTE.
- An estimated \$31.87M in additional **retail expenditure** would be generated by permanent residents, transient residents and overnight tourists on the subject site every year. A significant proportion of this would be available to support retail facilities in Cessnock and other centres in the locality as well as existing tourist facilities. Additional retail expenditure would be available from day

visitors to the Site. Specifically in terms of the tourism contribution this is estimated at \$22.07M per annum. Tourism consists of 69% of all additional retail expenditure from the development.

- The economic impact of the proposal will generate additional annual expenditure across the golf business / strata association. Over \$1.8m annually is projected to be spent on employment and with businesses locally. The profitability of the golf business has the potential to improve. Using a multiplier of 1.8 times, the forecast annual wider secondary benefit to the Hunter region approximates \$6.44 million.
- **Tourism:** Increasing the number of visitors to the Hunter Region and associated opportunities for linked-trips to existing tourist facilities in the surrounding area. Improve the sustainability of the tourism market and provide an investment stimulus which would increase the potential for further investment in retail and tourist businesses in the surrounding area.

Visitor Economy Industry Action Plan

The Visitor Economy Industry Action Plan is the NSW Government's response to a significant review into NSW's Visitor Economy. The NSW Government has set the ambitious target to double overnight visitor expenditure by 2020 and this will result in an additional \$18 billion to the State's economy. Currently visitor expenditure in NSW contributes over \$20.2 billion to the State's economy, supports more than 159,000 direct jobs, over 96,500 businesses and accounts for one in every 22 jobs in NSW.

The Golf Tourism and Economic Impact Assessment identifies that:

- Since the year 2000, 58 golf courses in Australia have either been built or programmed to be completed by early 2014, with 72% of developments supported by residential development, averaging 768 lots.
- Approximately 25% of these developments have been greater than 1,000 lots, noting that The Vintage is currently one of the smaller developments brought to the market.
- Operating results across a number of facilities have been varied, though many have faced similar operating challenges as they seek a sustainable business model.

The proposal is consistent with the strategic imperatives outlined in this plan.

Draft Hunter Valley Visitor Economy Destination Management Plan

The *draft Destination Management Plan (DMP)* is the key strategic document of the tourist industry for the Hunter. The Plan was released in response to the Visitor Economy Industry Action Plan. The document references the need to grow the tourism industry both locally and regionally and the vision of the DMP is to **double the value of the Hunter Valley's Visitor Economy by 2020**. This aligns the Hunter Valley to the broader Hunter Region (and State) Visitor Economy target which determined that an annual 2% growth in visitor spend per day and market share from key segments could double the value of the visitor economy. To achieve this vision, the plan notes that the Hunter Valley must:

- *"Build on its reputation and attraction as one of Australia's premier visitor destinations, offering a high value experience based around a core proposition of providing quality food and wine experiences, which reflects the simple sophistication brand positioning.*
- *Extend its visitor experiences in the areas of nature, soft adventure, culture and heritage to provide a second tier of activity for visitors and increased connection to the broader, yet authentic Hunter Valley, particularly in and around the villages and cities of the Valley.*

- *In partnership with Visitor Economy Hunter, build on the high yielding, midweek Conference, Incentives and Meeting market opportunities.*
- *Deliver a high quality customer service as a hallmark of the destination.*
- *It will achieve this aspiration through an action oriented, united industry and government approach to delivery of an agreed destination management plan.”*

The four key target markets are:

- a) Domestic – Leisure;
- b) Domestic - Short-break - Day and Special interest (weddings, golf);
- c) Business - MICE (Sydney/Brisbane); and
- d) International.

The Vintage is considered a major driver of economic activity within the region. If the expansion does not proceed, the proponent is asserting that funds spent on maintaining the facility to the current standards will decline, and the facility will decline as an attraction. This will have a cumulative flow on effect to other tourist facilities in the local and regional tourist economies, attracting less tourists, further decreasing revenue and leading to further declines in standards. This will impact on the sustainability of the tourist facility itself and also potentially compromise the economic integrity of the golf tourism market of the Hunter Valley. This is a reverse effect of the **Fabcot Principle** that established case law around economic impact assessment where a standalone proposal that is likely to have a negative economic impact on a broader area or centre should not be permitted. It is not uncommon for similar facilities to go into receivership when they are not sustainable. An example is Horizons at Port Stephens.

Vineyard District Community Vision

Council adopted the *Vineyard District Community Visioning* document (Vineyards Vision) at its meeting on 15 August 2012. This document was put together following consultation from the local wine and tourist industry groups. The specific ‘vision’ for the vineyards district included the following:

“Ensure some expansion of existing residential estates that incorporate leisure, tourism and residential facilities as part of lifestyle niches in keeping with the character and amenity of the vineyards district provided they are built to a high standard”.

The adopted Vision states that *“The Vineyards District:*

- *Recognises and protects the primacy of the vineyards and maintains and enhances the existing vineyards, wineries and tourist uses;*
- *Maintains and preserves the rural amenity, character and scenic vistas of the region for future generations to enjoy;*
- *A place that reinforces the Hunter Valley Wine Brand as the key component of its tourism identity;*
- *Allows and fosters a mix of diverse business, accommodation and employment options – creating a balance between working vineyards, tourist uses, residential and visitor amenity;*
- *Council, peak business groups and community work collaboratively; and*
- *Has high quality infrastructure and services which meet the community's and visitors’ needs”.*

The proposal is considered to be consistent with the Vineyard District Community Vision, in that it proposes the expansion of an existing residential/tourism estate.

The Vineyards District Community Vision document notes that *“the Vineyards and related tourism development are the key economic generators for the Vineyards district as well as being a major contributor to the economy of the Lower Hunter. One of the key elements of economic development is to protect, maintain, enhance and expand the existing businesses. The importance of the vineyards and related tourism needs to be acknowledged in any vision statement prepared for the area.”*

The Vintage VBL Planning Proposal is consistent with the following objectives:

- ***Vision 2 Objective 3*** – *Ensure some expansion of existing residential estates that incorporate leisure, tourism and residential facilities as part of lifestyle niches in keeping with the character and amenity of the vineyards district provided they are built to a high standard.*
- ***Vision 2 Action 7*** – *Allow some expansion of existing residential estates that incorporate leisure, tourism and residential facilities as part of lifestyle niches in keeping with the character and amenity of the vineyards district provided they are built to a high standard.*

The Vintage VBL proposal satisfies these criteria. Allowing The Vintage to expand onto the VBL is a strategic direction of Council, the community and the local wine industry provided it occurs in a manner that ensures that the current high standard of design is maintained.

- ***Vision 4 Objective 1*** – *Planning for sustainable communities underpins planning decisions for the vineyards district.*

The fundamental basis of The Vintage VBL proposal is to ensure that the tourist facilities (i.e. golf course) and the Vintage community can function in a sustainable manner long term as has been outlined in both the Golf Tourism and Economic Impact Assessment and Social and Economic Impact Assessment which accompany the Planning Proposal.

- ***Vision 4 Action 7*** – *Provide adequate accommodation for staff working on vineyards, wineries, accommodation and tourist uses within the Vineyards District.*

A significant number of people who live permanently at The Vintage are employed by the local wine and tourism industry. The Vintage Development will increase this ratio.

- ***Vision 4 Action 5*** – *Allow complementary land uses such as accommodation and hospitality/retail on non-prime viticultural lands.*

The Vintage VBL proposal incorporates accommodation and hospitality/retail on non-prime viticultural lands.

- ***Vision 4 Action 6*** – *Work with the community to ensure the continued provision of sporting and recreational opportunities and facilities within the District.*

The proposal incorporates significant “sporting and recreation opportunities and facilities” in the form of an international standard and top ranking golf course that will be extended to 27 holes as part of the VBL proposal.

The proponent has been working actively with the Pokolbin Rugby Club to secure land and provide a local sporting facility in the vicinity of the site. The proponent intends on including this as part of a VPA.

Golf Tourism and Economic Impact Assessment (JBAS 2014)

The Golf Tourism and Economic Impact Assessment of The Vintage Balance Lands Proposal is a key study providing justification of this proposal. The report makes the following key findings:

- *Over \$1.9m annually is projected to be spent on employment and with businesses locally” if the VBL proposal proceeds.*
- *The Hunter Valley does not have any formal strategy which promotes collaboration to grow the golf tourism visitor economy.*
- *There are a number of key variables that determine/impact integrated lifestyle developments including size of land, number and size of lots, golf demand, and operating forecasts.*
- *Given the above barriers to development, most eastern seaboard markets are or will soon be fully supplied with integrated lifestyle developments and limited other significant future opportunities will be available.*
- *The Vintage is the anchor facility of the Hunter market and the outcomes it achieves, both positive or negative will have the same directional impact on the wider market.*
- *A contributing factor to on-going development sustainability is membership demand and the assistance it provides to annual operating outcomes.*
- *Facilities requiring annual developer contributions to balance cash flow needs remain vulnerable to the appetite for such continued contributions and the possible introduction of expense management strategies that become the first sign of overall development compromise.*
- *As The Vintage looks to become operationally sustainable, improving its outcomes via an increased residential demand base, delivering a greater number of members is a key requirement, as are additional tee times for tourists on a Saturday morning.*
- *The proposed extension and rezoning will generate an additional direct turnover within the Vintage;*
- *Building an additional 9 holes of golf is consistent with State, Regional and Local policies and frameworks; and*
- *In spite of no formal golf tourism strategy, providing additional course capacity will increase the visitor economy within the development.*
- *The additional nine holes of golf and additional other development via the VBL is essential to achieve long term sustainability.*
- *Whilst forecast to generate an operating profit, the outcome is not one that could be considered to be commercial. If this was the desire, for such an outcome to be achieved, it is projected that the development would need a yield closer to 1,700 residential lots upon completion, with a further increase in accommodation facilities.*

- *The Vintage requires a larger primary market to ensure long term sustainability. Based on the performance of other residential lifestyle golf course developments in Australia, The Vintage currently has very limited residential lots to provide the required membership demand to underpin the economic sustainability of the golf facility. Currently the development relies on an annual developer contribution.*
- *Integrated lifestyle developments that include golf have faced a number of challenges in achieving sustainability. This Planning Proposal will enable the Vintage to achieve operational sustainability and become a benchmark integrated golf lifestyle development. The Planning Proposal is expected to enable a larger Membership base, providing annuity income and greater visitor/tourist demand.*

The Vintage Golf Operations

The population generated by the development of the 7,200 lot Huntlee township will also assist viability. The expansion of the Vintage will facilitate more golf tourists, have positive economic impacts for the local and regional economy and thereby achieve positive public benefit.

2. Planning Proposal as best way to achieve objectives

The site is currently zoned RU4 Primary Production - Small Lots under the Cessnock Local Environmental Plan 2011 (CLEP 2011). The current minimum lot size for The Vintage and the VBL is 40ha. Development at The Vintage is currently *enabled* via the “Additional Permitted Uses” included in Item 7 of Schedule 1 of the CLEP 2011. Given the scale and nature of the existing and proposed development, it is inappropriate to continually rely on these incompatible provisions for the following reasons:

- The current RU4 Primary Production - Small Lots zone compromises the growth, sustainability and viability of the facility.
- the objectives of the RU4 zone promote viticulture and small scale tourist development, not large scale integrated tourist lifestyle development such as The Vintage.
- Golf courses are a prohibited use in the zone. Recreation facility (indoor), recreation facility (major), recreation facility (outdoor) and retail premises are prohibited.
- Permanent residential accommodation such as attached dwellings, dual occupancies, multi-unit housing and residential flat buildings are prohibited.
- There is a general restriction of one (1) dwelling per 40ha or existing vacant holding.

Application of a proposed SP3 Tourism Zone over the land is considered the best way of achieving the objectives of this proposal given the scale of the development, its tourist character and nature of land uses at The Vintage. The SP3 Zone has been proposed to be consistent with the site located opposite the VBL, on Lot 11, DP 1187663 and Lots 2-4, DP 869651 – the “Golden Bear”. The Vintage is very different from typical urban environments in that it closely integrates tourist accommodation and facilities along with international standard recreational facilities with residential lifestyle housing. This is why it is proposed to apply a SP3 Tourism zone rather than a mixture of typical urban based zones such as residential, open space and business zones. It is considered that applying the R2 Zone would be inconsistent with the Citywide Settlement Strategy and the Lower Hunter Regional Strategy. The CLEP 1989 enabled the residential lifestyle elements of the Vintage as an “integral part of a major tourist recreation facility”.

The Gateway Determination (May 2013) for the site opposite states:

“The use of Schedule 1 to achieve the proposed outcome in this case is not supported because it does not provide sufficient clarity, certainty and transparency regarding the future of the land. The development of tourist facilities and residential accommodation is not consistent with the objectives and outcomes envisaged within the RU4 Primary Production Small Lots Zone. Council is encouraged to consider existing Standard Instrument zones, such as the SP3 Zone for the tourist component and R2 Low Density Residential for the residential component. In doing so, Council is to include information in the Planning Proposal explaining any local provisions relevant to supporting the selected zone/s.”

The SP3 zone table has been tailored to the specific mix of uses that integrated tourist developments contain. Clause 7.11 has been included to ensure, in part, the mix of and total quantum of tourist and permanent residential accommodation/development..

3. Net Community Benefit

A Net Community Benefit test has been undertaken as part of the Social and Economic Impact Assessment report. The results quoted in the report are as follows:

“The qualitative assessment of the NCBT which could eventuate from Option 1 (the VBL PP) compared to the Base Case (Retain land as existing uses) has found that it would deliver a weighted net impact of +300 out of a total possible score of +450. This equates to a ‘Strong Positive’ rating overall based on the scoring system outlined previously and an aggregate unweighted score of over 3.3 across all of the 10 criteria. On balance therefore Option 1 would deliver a strong positive impact on community welfare based on assessment against relevant State and local Government policy aims, objectives and aspirations.

In the event that the proposed rezoning did not proceed it may result in:

- The underutilisation of the existing site which is not capable of sustaining viticultural uses and a lost opportunity to provide support for the local tourist economy and associated positive economic impacts of jobs and investment;*
- A missed opportunity to increase social facilities on-site which would benefit the local community and potential support for public transportation locally;*
- A missed opportunity to support existing and planned retail facilities locally to cater for the additional demand created by future residents on the Subject Site;*
- A missed opportunity to secure the economic multiplier or value add benefits associated with the wages earned by future employees on site;*
- A missed opportunity to further increase demand for local food and wine produce from the Hunter Valley;*
- A missed opportunity to increase the financial feasibility of tourist operations in the locality to the benefit of existing businesses and residents; and*
- A missed opportunity to enhance the character and appeal of this locality in accordance with policy objectives.”*

Inconsistencies with UHSLRUP and LHRS are acknowledged and are dealt with in part 4 of this Planning Proposal. It is concluded that the loss of agricultural/viticultural land is outweighed by the benefits of economic stimulus and employment generation.

Section B: Relationship to the Strategic Planning Framework

4. Consistency with Objectives and Actions within Regional Strategies

The Upper Hunter Strategic Regional Land Use Plan (UHSRLP) 2012

The Upper Hunter Strategic Regional Land Use Plan applies to land in the Cessnock LGA that is within the mapped viticulture Critical Industry Cluster (CIC). This policy was implemented by the NSW Government following the expansion of the coal and coal seam gas industries, which had the potential to impact on surrounding land uses including agriculture. The UHSRLP 2012 commits the Government to work with the housing and development industry to deliver more housing and a greater diversity of housing for the region:

Land supply and housing issues are highlighted, particularly associated with growth of the mining industry. New and more varied housing will be needed to cater for the expected population growth. Housing affordability across the region varies. There is likely to be ongoing demand for short-term accommodation and temporary housing.

The UHSRLP 2012 also identifies areas across the region that contains Biophysical Strategic Agricultural land (BSAL) and land located within a Critical Industry Cluster (CIC). The subject site does not contain any BSA lands. A CIC is identified as follows:

- *there is a concentration of enterprises that provides clear development and marketing advantages and is based on an agricultural product;*
- *the productive industries are interrelated;*
- *it consists of a unique combination of factors such as location, infrastructure, heritage and natural resources;*
- *it is of national and/or international importance;*
- *it is an iconic industry that contributes to the region's identity; and*
- *it is potentially substantially impacted by coal seam gas or mining proposals.*

The VBL site is not potentially impacted by coal seam gas or mining. It is consistent with the characteristics of a CIC as the integrated tourism development will provide housing, leisure and entertainment infrastructure to support local agricultural industries. It will generate enhanced tourist visitation which will have positive spin off effects on other vineyards particularly those with cellar doors and restaurants.

Lower Hunter Regional Strategy 2006 (LHRS)

The Lower Hunter Regional Strategy aims to provide sufficient land to accommodate anticipated demand for housing and employment in the region's five local government areas over the next 25 years. The strategy also identifies a need for increased housing diversity or choice, due to the structure of the community exhibiting a reduced number of people living in each household and the number of older people increasing as a proportion of the population.

The LHRS defines the Pokolbin vineyard and tourism precincts as a 'Specialised Centre'. The key function of a 'Specialised Centre' is to concentrate regionally significant economic activity and employment. An additional +1,600 jobs are targeted for the Pokolbin Specialised Centre by 2031. The most relevant policy in the LHRS is to protect this area for viticulture and therefore from residential encroachment. Also the LHRS aims to manage the competing opportunities of commercial vineyards versus tourism opportunities and support additional employment. Councils Economic

Development Strategy identifies the tourism industry as the having the fastest growth rate of employment within the Cessnock LGA.

The LHRS states:

The Lower Hunter's rural lands contain rural industries such as agriculture, extractive industry and mining and natural areas that are of environmental significance and provide valuable regional open space. The rural lands enhance the landscape, contributing to scenic amenity, recreation and tourism opportunities and a sense of place.

In terms of productivity, the rural lands of the vineyards district and the cultivated floodplain of the Hunter River provide the greatest return per hectare (apart from intensive industries such as poultry farming). The vineyards district experiences pressure for development that is often inconsistent with its rural/grape-growing character. Development in the vineyards district, therefore, needs to be carefully managed to avoid detracting from its character.

Local Environmental Plans are to maintain rural zoning for regionally significant agricultural land including the vineyard district as defined by the existing 1(v) zone in Cessnock Local Environmental Plan

Essentially therefore, the LHRS was directing that Cessnock City Council apply a rural zone to the vineyards district and Council applied the RU4 Primary Production – Small Lots zone accordingly. Accordingly, Council drafted the LEP 2011 to zone the Vineyards District RU4 Primary Production – Small Lots and this was endorsed by the Minister.

The LHRS maps include the subject site as Regionally Significant Agricultural land. This area was previously zoned Rural 1(v) Vineyards under the CLEP 1989 and is now zoned RU4 within CLEP 2011.

The Agricultural Land Suitability Assessment report which accompanies this Planning Proposal states that the land is predominantly marginal viticultural land of low-moderate agricultural beef cattle production value and has some agricultural value but is considered economically unviable. The proposal aims to conserve and extend existing vineyards which are also generally located over better viticulture soil. A combined cellar door proposed at Palmers Lane is envisaged to improve the sustainability of the vineyards. A food and wine tourist facility (including 40 tourist accommodation units) is proposed for the Beggars Bridge site.

The Agricultural Land Suitability Assessment - prepared as part of the studies required by the Gateway Determination - advises that the proposal is not expected to have any significant impact on agricultural production. Prime viticultural soils are 'typically' found on ridges and hill tops which have a geology influenced heavily by limestone and good drainage. Prime viticultural soils on the VBL land are located on the south facing slopes on Lot D, DP 182933, Palmers Lane.

The Agricultural Land Suitability Assessment Report recommends that consideration be given to expand this area under vines on Lot D, DP 182933, fronting Palmers Lane, to enable a viable (or subsidised) commercial vineyard operation (maybe a small restaurant or café) and accompanying cellar door operate from the Beggars Bridge Precinct vineyard. It is expected that this will reinforce the rural vineyard character of Palmers Lane. This is consistent with the recommendation from the Hunter Valley Wine Industry Association which says there should be no development along the Palmers Lane frontage other than vineyards or wine tourism based development (.e.g. acellar door facility). The Hunter Valley Wine Industry Association has requested they will

advise Council of their position on the Beggars Bridge aspect of the development after exhibition.

Prime viticultural soils are also located on a small area on “Hawkins Hill”, located to the north of the Wine Country Drive precinct. This area is considered as too small an area to be viable for production for viticulture, thus a hotel is proposed on the eastern side of the hill, overlapping into the VBL.

Given the localised economic factors, a change in land use is occurring within the area. Cattle grazing and viticulture are considered to be the most applicable agricultural uses of the land, however this is not currently providing adequate financial returns. Rising land prices, poor soils, need for substantial capital to improve the nutrient status of the soils, combined with poor returns from cattle & grapes is limiting the agricultural viability of the land. Broad acre grazing and cropping enterprises are being forced westwards where land and water is lower in cost and larger holdings reduce overheads and streamline production, making the farm business more profitable. This is a common situation east of the Great Dividing Range.

The site is not currently identified in the Lower Hunter Regional Strategy for tourist and/or residential development.. Therefore the “sustainability criteria” in the LHRS need to be addressed..

Table 1 Assessment of VBL Proposal against LHRS Sustainability Criteria

Threshold Sustainability Criteria	Measurable Explanation Of Criteria	<i>Vintage Balance Lands</i>
1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	> Development is consistent with any regional strategy, subregional strategy, and State Infrastructure Strategy. > The provision of infrastructure (utilities, transport, open space, and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions. > Preparedness to enter into development agreement.	Refer to Concept Servicing Strategy, Traffic Impact Assessment and Social and Economic Impact Assessment which conclude that: ➤ There is existing capacity within water and sewer infrastructure and with subject to some amplification which would be funded by the developer and will be economically feasible, the VBL can be serviced with these services. ➤ Electricity, gas, telecommunications and the NBN are available and can be connected to the site under normal development arrangements and is economically feasible. ➤ The local road network has capacity to cater for the additional traffic generated by the VBL proposal. ➤ There are existing recreation facilities available at The Vintage including an extensive system of parks which an integral part of the Master planned environment, tennis courts, children's playground, swimming pool, gym, active open space, 14.8km of paths for walking, jogging, bicycle riding and golf carts, golf course, golf driving range, putting green, chipping green and bunker facility.

Threshold Sustainability Criteria	Measurable Explanation Of Criteria	<i>Vintage Balance Lands</i>
		All of these facilities are funded by the developer with ongoing maintenance paid for either by the community associations or the golf and clubhouse operations. ➤ There are existing community facilities at The Vintage suitable for meetings and community events and functions which are funded by the developer and with maintenance paid for by the community associations or the operations of The Vintage business operations. ➤ The proponent intends to enter into a Voluntary Planning Agreement with Council.
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided	> Accessibility of the area by public transport and/or appropriate road access in terms of: • Location/Land Use – to existing networks and related activity centres. • Network – the area's potential to be serviced by economically efficient transport services. • Catchment – the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals. > No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.	Refer to the <i>Traffic Impact Assessment (TIA)</i> and the <i>Social and Economic Impact Assessment</i>. In respect to accessibility of the area by public transport and ability to provide adequate transport services: ➤ Existing public transport service levels for the Vineyards are not economical or sustainable. ➤ Given the relatively high socio economic demographic profile of the residents at The Vintage, there is negligible demand for public transport. Notwithstanding the site can be serviced by transport services that are relevant to The Vintage: - A number of school bus services service the site; - A number of private mini bus operators within the Vineyards area and at The Vintage provide transport to residents and tourists staying on site; and - A number of 'people mover' (8-seater) type vehicles are available to residents and to transport tourists staying on site. In respect to land use and reducing car dependency and demand for vehicle trips: ➤ If the VBL proceeds the developer/proponent will commit to develop a level of services enabling the Vintage to be relatively self contained as one of the next stages in the development. This will provide

Threshold Sustainability Criteria	Measurable Explanation Of Criteria	<i>Vintage Balance Lands</i>
		Doctors services, a general store and other services and facilities on the site. ➤ The extensive network (14.8km) of pathways throughout the Vintage will be extended into the VBL. There is a high level of walking, bicycle use and use of electric golf carts to transport people around the site. Consequently the Master planned design of The Vintage encourages other means of transport and access than the use of cars. With regard to access to the existing transport network and road network: ➤ The existing road network has capacity to cater for the VBL proposal (refer to the TIA). ➤ The VBL would include direct access onto Wine Country Drive which accesses Cessnock to the south and Branxton to the north, both located approximately a 10 minute drive from the site. ➤ The site is within a 7 minute drive to the Hunter Expressway which provides direct access to Newcastle and other areas of the Lower Hunter, and to the Upper Hunter. In respect to location/land use considerations to existing networks and related activity centres: ➤ The site is located a 7 minute drive to the new Hunter Expressway that brings the site within a 35 minute drive to Newcastle. Overall it is considered that there will be no net negative impact on performance of existing subregional road, bus, rail, ferry or freight networks.
3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed	➤ Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.	➤ The proposal aims to improve housing diversity of the Vintage. The extension of The Vintage will allow for residential lifestyle opportunities in a range of formats including 'Vintage' style lots (residential lifestyle), rural lifestyle lots – and a 'resort village'. The latter will provide integrated housing with a resort theme at medium density scale. ➤ The Vintage and its extension onto the VBL also satisfy that element of the market seeking a 'lifestyle' option within the Hunter Valley and in particular within the Vineyards

Threshold Sustainability Criteria	Measurable Explanation Of Criteria	Vintage Balance Lands
		district. ➤
4. Employment Lands Provide regional/local employment opportunities to support the Lower Hunter's expanding role in the wider regional and NSW economies	> Maintain or improve the existing level of sub-regional employment self-containment. > Meets subregional employment projections. > Employment related land is provided in appropriately zoned areas. •.	Reference the Economic Impact Assessment within the <i>Social and Economic Impact Assessment Report</i>. In summary: ➤ The expansion of The Vintage onto the VBL will result in an additional investment of some \$396.2M ➤ This will result in 2,476 job years created during construction. ➤ An additional 3,962 job years will be created through the broader community during construction. ➤ The VBL will generate 137 FTE jobs after construction. ➤ An additional 260 FTE jobs will be generated throughout the wider community after construction. ➤ Total FTE jobs generated by the VBL following construction is 397. The above jobs will assist the Pokolbin Vineyards as a specialised centre within the LHRS meet its target of an additional 1,600 jobs being created to 2031 – albeit not directly in the policy terms of the LHRS.. The Vintage and the VBL are also well located in terms of the employment lands in respect to: ➤ The Pokolbin Specialised Centre – The Vintage is within this area and provides accommodation for people working within the wine and tourism industries. ➤ The new Hunter Expressway brings the site to within a 35 minute drive from Newcastle. ➤ The site is a 10 minute drive from Cessnock, a sub-Regional centre on the LHRS. ➤
5. Avoidance of Risk Land use conflicts, and risk to human health and life, avoided	> No residential development within 1:100 year flood plain. > Avoidance of physically constrained land, e.g. • high slope • highly erodible.	➤ The site has minimal constraints. Only around one third of the land will be developed. Building and other improvements will be sited clear of any site constraints or hazards. ➤ Land use conflicts with adjoining Vineyards has been considered and designed into the concept master plan. The structure plan exceeds the minimum requirements for buffer zones and

Threshold Sustainability Criteria	Measurable Explanation Of Criteria	<i>Vintage Balance Lands</i>
	> Avoidance of land use conflicts with adjacent existing or future land use as planned under relevant subregional or regional strategy. > Where relevant available safe evacuation route (flood and bushfire).	setbacks as outlined in the Cessnock DCP 2010. ➤ Bushfire threat is low; access from the site is well formed and water is available on site. ➤ Land contamination analysis has been completed in accordance with the requirements of SEPP 55 and associated guidelines for Planning Proposal stage.
6. Natural Resources Natural resource limits are not exceeded/ environmental footprint minimised	> Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows. > Demonstrates most efficient/suitable use of land • Avoids identified significant agricultural land. • Avoids productive resource lands – extractive industries, coal, gas and other mining, and quarrying. > Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy requires demonstration of efficient and sustainable supply solution.	➤ Existing infrastructure will be better utilised and existing water supply is adequate.. Treated water from the Branxton WWTP currently services the site for irrigating the golf course and open space and parklands within The Vintage. This reduces demand on the main water supply. ➤ There are no productive resource lands in this area and no sterilisation will occur. ➤ All required services are available with adequate capacities.. ➤ The quality viticultural land is being retained. A commercial vineyard will be re-established on the VBL and the existing vineyard on the Beggars Bridge land will be retained.
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage, and waterway health	> Consistent with government approved Regional Conservation Plan (if available). > Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and	Reference the <i>Ecological Assessment Report (EAR)</i>, <i>Stormwater Management Report</i> and the <i>Preliminary Aboriginal Archaeological Assessment</i> report. There will be net positive benefits in relation to vegetation and ecological aspects. The site was previously extensively cleared and subject to land degradation through erosion. Over 160,000 trees have been

Threshold Sustainability Criteria	Measurable Explanation Of Criteria	<i>Vintage Balance Lands</i>
	agreed by DEC). This includes regionally significant vegetation communities; critical habitat; threatened species; populations; ecological communities and their habitats. > Maintain or improve existing environmental condition for air quality. > Maintain or improve existing environmental condition for water quality • Consistent with community water quality objectives for recreational water use and river health (DEC and CMA) • Consistent with catchment and stormwater management planning (CMA and council). > Protects areas of Aboriginal cultural heritage value (as agreed by DEC).	planted, water courses rehabilitated, wetlands established and overall habitat quality and water management improved. The following ecological outcomes are integral to this Planning Proposal: ➤ Revegetation of identified network and priority corridors; ➤ Enhancement of site qualities for fauna movement and creation of improved fauna corridors and habitat; ➤ Rehabilitation of eroded creek banks and stabilisation with endemic vegetation; ➤ Stormwater management will maintain water quality; The site also contains aboriginal artefacts in dispersed locations.. These will be conserved in sites of greatest significance Further and complete investigations will take place during development applications/assessments.stages and in consultation with the Local Aboriginal Land Council.. A storm water management strategy has been prepared and will be implemented through the development process to ensure that water quality is not degraded.
8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible	> Available and accessible services • Do adequate services exist • Are they at capacity or is some capacity available • Has Government planned and budgeted for further service provision	This criterion has been addressed extensively in the <i>Social and Economic Impact Assessment</i> Report and reference should be made to that document. In summary: ➤ Community facilities for meetings, functions and events exist on site already and have capacity to service the VBL proposal ensures they are more efficiently used. ➤ Doctors - Local GPs have indicated a capacity to meet population growth and to service an on-site facility planned. ➤ Recreational – as noted above extensive facilities exist on site already and have capacity to service the VBL. Further the

Threshold Sustainability Criteria	Measurable Explanation Of Criteria	<i>Vintage Balance Lands</i>
		network of local parks and pathway network will be extended into the VBL. The proponent has also undertaken to work with the local community to provide a sporting facility and assist in funding through a VPA for the site. ➤ Education - There is a range of educational facilities within the area with capacity identified at Cessnock High School and TAFE. Nulkaba PS is planned for future expansion by the NSW DEC. ➤ Library services – The existing facilities within Cessnock and Kurri Kurri are comprehensive and can meet future growth. ➤ Childcare – Access to childcare facilities is an Australian wide issue. The existing facilities are currently at capacity. However, the population growth will provide opportunity to expand Family Day Care and provide opportunities for additional childcare facilities within the LGA.

Planning and Assessment Commission (PAC) Report

The Gateway Determination requires that the PAC comments be addressed in this Planning Proposal. This is shown in Table 2.

Table 2 Issues and Responses to PAC Report (2009)

Para	ISSUES RAISED	RESPONSES
3.	Land within the 1(v) zone should not be fragmented by subdivisions that would create additional dwelling entitlements.	The land is proposed to be rezoned to SP3 to enable the integrated tourist development. See other comments below that justify the rezoning.
4.	The Vintage (and its permanent residential development) was approved prior to the Lower Hunter Regional Strategy on the basis that the subdivision was required as an integral part of a major tourist recreation facility.	The current proposal involves extension of the golf course to 27 holes and additional lots. This is effectively an expansion of the “major integrated tourist recreation facility” to ensure its ongoing sustainability and contributions to economic benefits..
6 & 7	Residential development appears to be outstripping the tourist development. At the current rate there is sufficient residential land in existing approvals to last for several years.	Tourist development goes beyond “tourist units”. The golf course and spa is also a major tourist attraction. Conferencing facilities are utilised for tourism purposes and functions such as weddings which bring numerous visitors to the Hunter Valley. The VBL proposes a number of new tourism initiatives including a food and wine tourist facility (including 40

		tourist accommodation units, cooking and conference facility) on the Beggars Bridge site, a medi spa (health tourism) as well as an additional 9 golf holes. The assessment of this issue has been addressed extensively in the Golf Tourism and Economic Impact Assessment and Social and Economic Impact Assessment that accompanies this Planning Proposal. The Gold and Tourism Economic Report demonstrates the level of residential development which is needed to support a viable and sustainable tourist development. On balance, the extent of existing and proposed residential development is considered acceptable relative to existing and proposed tourist units to support the viability and sustainability of the development and the related economic and employment benefits.
9	Consultation with DoP, DECCW and DPI raised concerns about the proposal.	The PAC report does not elaborate on what these 'concerns' are. At the time, the Department of Planning had recommended to the Minister that the rezoning be approved. On 7 May 2013 The Director-General issued the Gateway Determination to conditionally proceed with this Planning Proposal. Issues raised by DECCW and DPI have been addressed in the additional studies that accompany this Planning Proposal. These include the Ecological Assessment Report, Stormwater Management Report and Agricultural Land Suitability Assessment.
10	No Vineyard Tourism and Development Strategy has been prepared	The Vineyard District Community Vision has now been exhibited and adopted by Council and involved broad public consultation. It specifically supports the VBL Planning Proposal..
11 & 16	Impact of Golden Bear and The Vintage on the northern entrance to the Vineyards District. Inappropriate gateway for a rural and viticulture district. Adverse visual and amenity impacts and detracts from its tourist potential.	The Vintage will provide a gateway statement. This argument is strengthened by the Visual Impact Statement.
12	Precedent set and therefore pressure on the value of land in and around tourist development which would be detrimental to agriculture and viticulture	• • In respect to precedent, this Proposal has a longstanding history and grounding in policy. It is proposed to be distinctively zoned SP 3 and is part of the

		strategy to contribute to the local and regional wine and tourism industries. • Charles Hill stated that the proposal is unique and any other proposal would have to establish its own merit. • The Vineyard District Community Vision has identified a need for accommodation for permanent residents in this location.
13.1	Inconsistent with the LHRS which maintains a policy that land for urban release should be in close proximity to existing centres, transport, employment and services. These are located out of centre.	The Vintage is an 'integrated tourist development' not an urban release area in the direct terms of the LHRS>. It is located within a Specialised Centre – Pokolbin Vineyard district as nominated in the LHRS. The Vintage exists as an approved and permitted development under the CLEP 2011 of significant scale. This includes 522 residential allotments. It is of a similar size and scale to numerous existing rural villages within the Cessnock LGA (eg Kitchener, Mulbring, Paxton, Wollombi, Millfield) which have all been identified in the LHRS as existing urban areas.
13.2	Golden Bear and VBL would impact on the release of residential areas identified in the strategy.	The Vintage appeals to a different component of the property market. It meets the needs of people who would not otherwise chose to live in an urban release area and this is demonstrated in the Golf Tourism and Economic Impact Assessment.
14	Scale of residential development (up to the 3000 people) would produce a demand for services such as schools and shops. Cost of provision and economic dis-benefits. Development of the VBL would impact on infrastructure provision and come at a cost to the community.	Servicing and provision of other facilities has been addressed in the Concept Servicing Strategy and the Social and Economic Impact Assessment that accompany this PP.
15.1	Inconsistent with Sustainability Principles contained within the LHRS: no public transport and development would be entirely dependent on the car.	The development complies with the Sustainability principles. • The existing development has limited public transport available in McDonalds Road. • School buses service the site and private mini bus companies service the tourist trade and residents. • A mini bus also services the development. A lot of travel is within The Vintage itself has over 14km of trails which are well used for walking, riding bikes and driving electric golf carts. • The Charles Hill report (2009) commissioned by the then Department of Planning (DoP) noted that given the socio-

		economic status of residents, the need for public transport is negligible.
15.2	There is a large amount of appropriately located land available in Cessnock for residential development.	This is a distinctive development in terms of being primarily tourist-oriented with residential development of different character and built form.
15.3	The area is not suitable for senior's development: no public transport and not close to services.	No senior's development is proposed in the current Structure Plan. The Vintage provides its own services including meals, housekeeping, garden and home maintenance. A mini bus also provides transport. Medical facilities are also proposed within the development including a medical centre.
16.	Argument not accepted that "tourist development not viable without the sale of residential development". Residential development that is unacceptable on planning grounds cannot be made acceptable because it finances tourist development. The adverse impacts on the viability of the vineyards area as a result of the proposal would in the long run outweigh any economic gains from the approval of the development.	It is contended that the levels of residential development are critical to the viability of the large scale of tourism development. This is addressed in the Golf Tourism and Economic Impact Assessment.

Traffic Impact Assessment

A Traffic Impact Assessment has been undertaken for the Planning Proposal. The local road network impacted by any additional traffic generated by the Planning Proposal includes Wine Country Drive, McDonald's Road and Palmer's Lane.

The Planning Proposal is likely to generate approximately 3,620 vpd or 433 vph within the peak traffic periods distributed onto the local and state road network. After allowing for the cumulative impact of this Planning Proposal, the Golden Bear proposal and Huntlee developments, it is estimated there is sufficient capacity within the existing local and state road network to cater for this Planning Proposal through to 2025.

There are a number of intersections affected by this proposal. SIDRA modelling of the impacted intersections has determined that all existing intersections, subject to upgrading as required by existing consents will operate satisfactorily through to 2025. In addition, a sight distance review of existing and proposed intersections has determined that existing conditions are satisfactory and proposed intersections could be designed to meet the Austroads sight distance requirements.

A Traffic Impact Assessment discusses individual intersections as follows:

- Existing access to The Vintage i.e. McDonald's Road / Vintage Drive. SIDRA modelling concluded that the Planning Proposal is not dependant on the construction of the Proposed Wine Country Drive access to the Vintage, already approved in the early stages of The Vintage development.
- Wine Country Drive access (CHR/CHL) to The Vintage. This intersection has been approved and is assumed to be constructed prior to development resulting from this Planning Proposal. SIDRA modelling suggests this intersection will operate satisfactorily through to 2025.

- The proposed access intersection to the Vintage Balance Land off Palmer's Lane. SIDRA modelling has shown that they will all operate satisfactorily through to 2025 if constructed as BAR /BAL intersections.
- The access intersections to the Beggar's Bridge Precincts off McDonald's Road. SIDRA modelling has shown that they will all operate satisfactorily through to 2025 if constructed as BAR /BAL intersections.
- All proposed new access intersections off Palmer's Lane and McDonald's Road can be constructed as Basic Left-Turn (BAR) / Basic Right Turn Treatment (BAL) intersections.
- The existing Wine Country Drive / Palmer's Lane intersection should be upgraded from its current configuration Basic Left-Turn (BAR) / Basic Right Turn Treatment (BAL) to a Channelised Right Turn Treatment with a Short Turn Slot (CHR(s)) / Auxiliary Left Turn Treatment (AUL(s)) intersection.
- Future connection to the intersection by the Golden Bear development would require the construction of a roundabout. This is something which will need to be dealt with as part of a Voluntary Planning Agreement (VPA).

Public transport in the area is currently non-existent. The Traffic Impact Assessment states that the additional development resulting from the Planning Proposal is unlikely to significantly increase public transport demand. The proponent states that there is not sufficient residential yield within the development that is likely to require a change to the current public transport service.

Current school bus services are considered appropriately convenient to the development and are accessed at the McDonald's Road / Vintage Drive intersection. An appropriate strategy to cater for future student public transport requirements is to provide a bus shelter at the McDonald's Road / Vintage Drive intersection and continue the standard of construction of Vintage Drive to Wine Country Drive through the Vintage Balance Land to Palmer's Lane.

The Planning Proposal is unlikely to significantly increase external pedestrian and bicycle traffic. The external road network is not designed to cater for pedestrians and cyclists and there is little existing infrastructure for this use. An opportunity exists for the development to extend on its existing internal footpath and cycleway system.

5. Consistency with Council's Community Strategic Plan or other Local Strategic Plan

Community Strategic Plan - Our People, Our Place, Our Future

The Cessnock 2020 is Cessnock City's Community Strategic Plan for the prosperity and sustainability of the City over the next 10 years. The overarching vision of the community plan is that *"Cessnock will be a cohesive and welcoming community to living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet the community need"*.

The Plan contains five key directions; of particular relevance to this Plan is "Our Economy". The aim of this direction is to identify "the need to attract a diverse range of businesses, industries and services together with improved access to education, training and employment opportunities to ensure we have a sustainable and prosperous economy in Cessnock in 2020".

This Proposal is consistent with the plan in that it “diversifies local business options”, “achieves more sustainable employment opportunities” and “increases tourism opportunities and vitalisation of the area”.

Cessnock Economic Development Strategy

The *Cessnock Economic Development Strategy (2014)* aims to provide the direction and framework to encourage and facilitate economic development within Cessnock LGA. The strategy contains numerous objectives and strategies directly applicable to The Vintage expansion proposal and notes that the Hunter Valley Wine Country is a high profile, nationally recognised wine district and tourist destination. The quality development that has occurred in the Hunter Valley Wine Country area should set the tone and bench-mark for future development in the Cessnock LGA. The strategy aims to encourage growth within existing tourist facilities.

A number of priorities are directly linked to the VBL proposal with particular focus on:

Priority 2: *To support and nurture existing economic activities and businesses. This priority adopts a ‘growth from within’ approach in which existing local businesses are supported and nurtured, as this is the most effective way of fostering sustained business and employment growth.*

Strategy 9: *Work with existing businesses that have, or are seeking, development approval to expand, to bring these expansion plans to fruition is also of specific relevance to the VBL proposal.*

Given the level of employment and investment, and the identification of the Vintage, as an anchor for the regional golf tourism industry, the VBL proposal is consistent with the Cessnock Economic Development Strategy.

City Wide Settlement Strategy (2010)

The City Wide Settlement Strategy recognises that the Hunter Region “*is one of the most important markets for national and international tourism in NSW*” and *is the most popular tourist destination outside of Sydney. The vineyards in the Lower Hunter are in turn the single most important tourist attraction in the Hunter Valley*”

The Vintage has been identified as tourist facility’ within the Hunter Valley which is crucial to support the sustainability and growth of the tourism market.

Cessnock DCP 2010

Part E Specific Areas of the Cessnock Council DCP (2010) encourages the retention of prime viticultural land and the enhancement of economic and ecological sustainability of the Vineyards District.

- The Agricultural Land Suitability Assessment Report for the Planning Proposal found that the property is generally of low to moderate agricultural production. The soils have poor nutrient and physical characteristics and there is limited irrigation water availability.
- With the exception of a minor area of prime viticultural land to the north, the area is poor grazing country of low carrying capacity, marginal viticulture potential and low economic return.

The proposal intends to retain some of the most suitable viticultural land to the south as a rural lot, preserving this area for the existing vineyard and allowing for its potential expansion in the future, and preserving Beggars Bridge Precinct vineyard.

Social and Community Plan 2009-2014

The Social and Community Plan 2009-2014 recognises "the vital importance of well managed economic and tourist development, and the role they play in generating employment". The proposal will result in significant employment opportunities and investment of almost \$400M. As has been identified in the Social and Economic Impact Assessment, the VBL proposal to extend The Vintage is expected to create an additional 397 Full Time equivalent jobs and some 2,476 job years during construction. In addition, 3,962 job years are expected to be potentially created through the wider community.

Recreation and Open Space Strategic Plan (2009)

The Recreation and Open Space Strategic Plan (2009) seeks to assist Cessnock City Council to plan and manage the future development and maintenance needs of open space and recreation facilities throughout the LGA. It is noted that Council based recreation facilities are not provided in Pokolbin due to the dispersed rural characteristics of this area. There are specific needs that require addressing in this area in future. The proponent has been working actively with the Pokolbin Rugby Club to secure land for a local sporting facility in the vicinity of the site. The proponent intends on including this as part of a VPA.

5. Consistency with State Environmental Planning Policies (SEPPs)

An assessment of the consistency of the Planning Proposal with relevant SEPPs is provided in the table below.

Table 3: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 1 - Development Standards	The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	Not applicable.
SEPP 15 - Rural Land Sharing Communities	The SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria in the policy.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 30 - Intensive Agriculture	The SEPP provides considerations for consent for intensive agriculture.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 32 - Urban Consolidation (Redevelopment of	The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related	Not applicable – an urban zone will not be applied to the land

Urban Land)	development.	
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 44 - Koala Habitat Protection	This SEPP applies to land across NSW that is greater than one (1) hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	An Ecological Assessment Report found that: <i>"the site (does) not qualify as Potential Koala Habitat and no further provisions of the SEPP apply to the site."</i>
SEPP 50 - Canal Estates	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 55 - Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.	A phase 1 contamination report was undertaken as part of the geotechnical investigation. The report accompanies this PP. It has found some minor potential for site contamination. The proponent has provide an updated report and confirmation provided that the requirements of SEPP 55 have been satisfied.
SEPP 62 - Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	Not applicable.
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP. It is proposed to include signage as a permissible use in the SP3 zone.
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Major Development 2005	The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by Joint Regional Planning Panels (JRPPs) and classes of regional development to be determined by JRPPs.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Infrastructure requirements have been determined via a Concept Servicing Strategy, Traffic Impact Assessment report and a Social and Economic Impact Assessment report that are integral to this Proposal.
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Temporary Structures 2007	The SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Exempt and Complying Development Codes 2008	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Rural Lands 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	The Rural Lands SEPP is addressed below.

SEPP Affordable Rental Housing 2009	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	The Proposal will not result in the provision of affordable rental housing.
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	Not applicable

SEPP (Rural Lands) 2008

The SEPP is of particular relevance to the Planning Proposal given that the site is located within a rural context and is located within an important agricultural area in respect to the Hunter Valley Vineyards,

The relevant **aims of State Environmental Planning Policy (Rural Lands) 2008** are to:

1. *facilitate the orderly and economic use and development of rural lands for rural and related purposes;*

Comment: The site is proposed to be developed for tourist purposes integrated with other land uses including residential, agriculture and open space. The Agricultural Land Suitability Assessment report that accompanies this Planning Proposal has shown that agricultural use is unlikely to be profitable. The Vintage, in the context of the vineyards district of the Cessnock LGA, is considered a related use to the surrounding rural viticultural area because it supports the tourism and viticultural industry.

2. *identify Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State;*
3. *implement measures designed to reduce land use conflicts;*
4. *identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations;*

Comment: This VBL site is not listed on Schedule 2, is not considered state significant agricultural land in terms of this SEPP but is regionally significant agricultural land in the LHRS. The limited loss of viticultural land is considered to be outweighed by the very significant benefits derived from the development and the Proposal and therefore represent an economic use of the land..

The **Rural Planning Principles** identified in the SEPP are:

5. *The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.*

Comment: The justification behind this Planning Proposal is to ensure the sustainability of The Vintage as a major tourist facility within the Hunter Valley. Tourism is also a major industry which co-exists and supports rural based viticulture activities..

6. *Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.*

7. *Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development.*

Comment: Tourism is a very significant industry in the region. This development proposal strongly supports that industry and the related social and economic benefits.

8. *In planning for rural lands to balance the social, economic and environmental interests of the community, The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.*

Comment: The reports on Natural Resources integrated to this Proposal have identified both constrained and unconstrained land on the site. The Master planning of the VBL ensuring this principle is achieved.

9. *The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.*

Comment: Other than being a major tourist destination within the Hunter Valley Wine Country, the Vintage also specifically provides for lifestyle housing that makes a substantial contribution to the local economy.

10. *The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.*

Comment: Major infrastructure including roads, water, sewer and electricity has been connected to the site at the developer's expense. The existing and proposed expansion will include recreational (tennis courts, children's playground, swimming pool) and parklands as well as a bicycle and pedestrian network. The development contains community facilities. The Social and Economic Impact Assessment has found that there is existing or potential capacity within existing service providers (schools, TAFE, hospital etc). The developer will be required to pay both a State Infrastructure Contribution to the State government and is willing to enter into a VPA with the local Council for the provision of relevant services and facilities.

11. *Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

Comment: this Proposal is considered justified by the economic and employment benefits.

The Rural Subdivision Principles identified in the SEPP are as follows:

1. *Minimization of rural land fragmentation.*

Comment: The VBL will result in the fragmentation of rural land. The Agricultural Land Suitability Assessment report has shown that the land is not viable from either a cattle grazing or viticultural perspective. The proposal will result in significant economic benefits to the local and regional viticultural industries by attracting further tourists to the region. It will also result in a better economic use of the land. The proposal is to retain and expand existing vineyards and create an exclusive Vintage wine brand and integrate with other tourist based elements on the site in the form of a cellar door and a wine and cooking school.

2. *Minimization of rural land use conflicts, particularly between residential land uses and other rural land uses.*

Comment: Cessnock DCP 2010 contains provisions which address land use conflict. The primary source of potential conflict in respect to this proposal is impacts from adjoining commercial vineyard operations. The future Master Plan will ensure compliance with these guidelines as has been referenced in the Agricultural Land Suitability Assessment report.

3. *The consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands.*

Comment: Not applicable as this relates to broad based land use planning decisions related to lot size for rural areas.

4. *The consideration of the natural and physical constraints and opportunities of land.*

Comment: An Ecological Impact Assessment has been undertaken as well as a Water Management Plan that investigated riparian based issues with a key goal to achieve a net community benefit.

In a rural lands assessment context, the Agricultural Land Suitability Assessment report for the VBL noted as follows:

"the land is not rare within the region, is considered prime viticultural land only over a relatively small part of the site which will be retained and expanded, and is poor to average quality grazing land. The VBL is located adjacent to The Vintage itself which has no agricultural production, has good access both locally and regionally via the Hunter Expressway, and offering key employment and economic opportunities for local residents."

Alternative agricultural enterprises have been considered in the Agricultural Land Suitability Assessment report which found no suitable alternatives without significant up front capital; expenses, and dubious/negative economic viability. Although some prime viticultural land (around 12Ha over northern part of site), and around 151 hectares of grazing land will be lost to other development land uses, these are considered to be unviable. The reason that they have not been developed over this property is due to the unprofitability of the enterprise. The land at present does not contribute agricultural production in the region (in any substantive manner).

The **Charles Hill Report** concluded that if subdivision for dwelling houses were permitted:

- There would be negligible impact on potential loss of agricultural land or value;
- With proper planning and management, it is not anticipated there will be any significant adverse impacts on the rural character of the locality;
- Any potential land use conflicts are capable to be managed through the establishment of adequate buffers; and
- It is unlikely to set a precedent given the statutory and non-statutory framework and any future proposal would need to be considered on its merits.

6. Consistency with s.117 Ministerial Directions for Local Plan Making

An assessment of the consistency of the Planning Proposal with relevant s.117 Directions is provided in the table below.

Table 4: Relevant s.117 Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implication
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Not applicable.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	An Agricultural Land Suitability Assessment report has been prepared and accompanies this Planning Proposal. While the VBL is capable of agricultural production in terms of viticulture and cattle grazing, such use is concluded to be not economically viable. Specifically the direction does not allow Council to rezone rural zoned land to a tourist zone, as proposed by the Planning Proposal relating to The Vintage. However the direction does allow a Planning Proposal to be inconsistent with the terms of the direction if the Council can satisfy the Director-General of the Department that the provisions of the Planning Proposal that are inconsistent are: (1) justified by a strategy which: (i) gives consideration to the objectives of this direction, (ii) identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (2) justified by a study prepared in support of the Planning Proposal which gives consideration to the objectives of this direction, or (3) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (4) is of minor significance. It is concluded that the Proposal supports the economic viability and sustainability of the Proposal which thereby will support economic and employment growth and diversification. Consequently policies in NSW 2021, the LHRS, the Cessnock Vineyards Vision and the Cessnock

		Economic Development Strategy are supported. The balance between social, economic and environmental factors leads to this conclusion. More specifically, the Agricultural Land Suitability Assessment report states that: • The site is capable of agricultural production in terms of cattle grazing and viticulture however it is not economically viable; • The Vintage Planning Proposal includes elements to retain and expand viticultural production and link viticulture to other tourist elements related to the development; • The viticultural elements of The Vintage Planning Proposal may be a viable proposition given they would be associated with The Vintage which has significant marketing and branding leverage; • If the viticultural elements of the Planning Proposal prove in time to be not viable, it would still be within the interests of the overall Vintage development to retain viticultural elements given the substantial benefits viticulture on site has to the character and amenity of The Vintage, the market and branding, and linking of the development to the adjoining vineyards district. • Hence, the Planning Proposal is inconsistent with this direction but the justification for this inconsistency is soundly based upon the assessment of balance between the relevant social, economic and environmental factors.
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	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	The Rural Lands SEPP is dealt with in detail in Section 5 of this report. In summary, and in the context of the vineyards district of the Cessnock LGA, tourism is predominant very significant regional industry so a valid land use in the rural lands in the context of this

	economic development of rural lands for rural and related purposes. This direction applies to The Vintage Planning Proposal because it will affect land within an existing rural zone and because it involves a change to the existing minimum lot size on land within a rural. Consequently this planning direction requires that this Planning Proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008. The direction allows a Planning Proposal to be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning that the provisions of the Planning Proposal that are inconsistent are: (a) justified by a strategy which: i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates to a particular site or sites, and iii. is approved by the Director-General of the Department of Planning and is in force, or (b) is of minor significance.	direction. The Vintage is a major tourist facility to the region. It is submitted that given that the Planning Proposal aims to ensure the sustainability of this facility and in so doing will continue and expand existing viticultural activities on site, that it is consistent with this direction.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The Ecological Assessment report that accompanies the Planning Proposal shows that the VBL proposal is consistent with this direction.
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 Planning Proposal is not inconsistent with this Direction. The CLEP 2011 Cl. 5.10 provides provisions for the conservation of all elements that are of environmental and indigenous heritage significance. Further extensive survey and consultation work has commenced

		and a Preliminary Aboriginal Heritage Report has been submitted with the PP. The site contains items of heritage significance and these will be further identified through further community consultation and survey work that will occur as part of the OEH requirements as part of the development assessment process.
2.4 Recreation Vehicle Areas	The Planning Proposal does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).	Not applicable
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	This direction applies as 'significant residential development is proposed to be permitted'. The VBL proposal is consistent with this s117 Direction as follows: - It is providing a mix of housing styles that which broaden housing choice within the Lower Hunter; - As set out in the Concept Servicing Report, the proposal will make use of capacity within existing infrastructure; - As set out in the Social and Economic Impact Assessment report the proposal will make use of existing services on site at The Vintage; - Residential development will be of a high design standard as reflected in the numerous awards that The Vintage housing designs respond to the design standards contained within Council's DCP 2010. All housing applications go through a Design Review Committee process and need to comply with the Vintage design guidelines including landscaping; - The Planning Proposal identify the land as an 'Urban Release Area' as directed by the Gateway Deermation and therefore the provisions of Part 6 of the Cessnock LEP 2011 apply which require that the land be 'adequately serviced' before the land can be developed; - The Planning Proposal does not contain provisions that would reduce the permissible residential density of land.
3.2 Caravan parks	The objective of this	Not applicable

and Manufactured Home Estates	direction is to provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estates.	
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Home occupations are included in the land use table for the proposed SP3 Zone as a permissible use.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	The Vintage satisfies the objectives and principles of the relevant guidelines as set out in this direction as follows: - It contains an extensive trail system for walking, golf cart and bicycle use of some 14.8km and this will be extended into the VBL. This walking trail system connects the residential and tourist developments to the various facilities within the Master planned community including parklands and recreational facilities; - Private bus services are available on demand. - The site is serviced by school buses which transport children from within the site to all of the available schools within the local area. - While the VBL site is yet to be Master planned, a structure plan has been drafted.. The Vintage is consistent with the location and design principles contained within the "Improving Transport Choice Guidelines". The Vintage and VBL proposal are generally consistent with the "Right Place for Business and Services' policy document: - For people who work in the wine and tourism industry within the Pokolbin vineyards, the Vintage provides an accessible location to live in close proximity to employment.
3.5 Development Near Licensed Aerodromes	The objectives of this direction to ensure the efficient and safe operation of aerodromes, ensure their operation is not compromised by incompatible future adjoining land uses	Not applicable.
3.6 Shooting Ranges	The objective of this direction is to maintain appropriate levels of public	Not applicable.

	safety and amenity, reduce land use conflict and identify issues that must be addressed when rezoning land adjacent to an existing shooting range.	
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	A Geotechnical report has been prepared and accompanies the Planning Proposal that has found that the site does not contain acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The site is not within a mine subsidence district and has not been subjected to subsurface mining.
4.3 Flood Prone Land	The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	A Flood study accompanies the Planning Proposal and has found that the VBL is subject to minor flooding in the vicinity of the watercourses that traverse the site. These areas will be retained within riparian corridors.
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	A bushfire risk assessment has been prepared and accompanies the Planning Proposal. The VBL proposal is consistent 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 direction requires that Planning Proposals be consistent with a regional	The Lower Hunter Regional Strategy is the relevant strategy in the context of this Planning Proposal and is dealt with in detail at Part 3, Section B number 4. This Planning Proposal is considered an "innovative Planning Proposal" given the integrated nature of the land uses proposed which combine together to promote the primary tourism elements of The Vintage. It is considered that this

	strategy released by the Minister for Planning. A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning that the extent of inconsistency with the regional strategy: (a) is of minor significance, and (b) the Planning Proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions	Proposal responds adequately to the 'sustainability criteria of the LHRS and that inconsistency with this Direction is justified.
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.	The Proposal has been formulated to provide for the efficient and appropriate assessment of future development.
6.2 Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Not applicable
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The proposed SP3 Zone is based on standard instrument definitions and is intended to be applicable to more than one site. The provisions are not unnecessarily restrictive..

Section C: Environmental, Social and Economic Impact

7. Impact on Threatened Species

An Ecological Assessment has been undertaken for the site. The report came to the following conclusions:

- The development will likely comprise some remnant vegetation removal and significant habitat retention and supplementation through proposed rehabilitation, landscaping and vegetation management (particularly for key features such as riparian areas).

- There are provisions for a net gain in vegetation, habitat areas and linkages within and across the development site.
- There are opportunities to achieve ecological collaboration with the Golden Bear development to the north-east across Wine Country Drive, to ensure that compatible ecological linkages occur extant to each individual site.
- The development will be seeking to achieve a net gain in native vegetation cover and provide a linkage with a suitable design concept and rehabilitation program.
- The loss of any disturbed EEC vegetation will need to be suitably offset by on-site net vegetation gain under a suitably crafted Landscape Plan based on key ecological principles.

Flora

The vegetation on the Vintage land is mapped as Lower Hunter Spotted Gum – Ironbark Forest, River-flat Eucalypt Forest, Hunter Lowland Redgum Forest and Central Hunter Ironbark – Spotted Gum – Grey Box Forest. These are all endangered ecological communities under the NSW Threatened Species Conservation Act 1995. Flora surveys have identified 170 species within the site, of which approximately 30% are exotic. No threatened flora species were recorded. However, a number of juvenile Red Gums showed some characteristics of *Eucalyptus glaucina*, which is listed as Vulnerable under NSW and Commonwealth legislation. Specimens from the site were sent to the Royal Botanic Gardens for review and it was found that the plants are an intergrade (hybrid) between *E. glauca* and *E. tereticornis*. This Red Gum hybridisation is relatively common within the Hunter Valley, with other sites such as Huntlee and HEZ also confirmed as supporting by the Royal Botanic Gardens. Hybrids of *E. glaucina* are not listed within either state or commonwealth legislation, and as such are not strictly relevant to threatened species consideration. It is preferable for such species to be retained where possible, so that an ongoing contribution to the wider Red Gum / *E. glaucina* gene pool can be maintained. Retention and rehabilitation of watercourse vegetation such as *E. glaucina* gene pool material is recommended.

Fauna

Fauna surveys identified 105 species within the subject site, consisting of six amphibians, six reptiles, 17 mammals and 76 birds. Threatened fauna species recorded on site included:

- Spotted Harrier (*Circus assimilis*);
- Little Lorikeet (*Glossopsitta pusilla*);
- Speckled Warbler (*Chthonicola sagittata*);
- Grey-crowned Babbler (*Pomastomus temporalis temporalis*);
- Squirrel Glider (*Petaurus norfolcensis*); and
- Eastern Falsistrelle (*Falsistrellus tasmaniensis*).

A full list of flora and fauna species identified on the site is included in The Ecological Assessment Report.

8. Environmental Impact

A number of environmental studies have been completed since the Gateway Determination.

Flooding Report

The proponent submitted a Flood Assessment Report with the proposal. The results of the report state that “Comparison of structure plan with flood extent mapping indicated minor areas of inundation in proposed development zones. This is not considered of sufficient extent to render areas identified in the structure plan unsuitable for rezoning”.

This issue will be dealt with at the Master planning stage so that development areas do not overlap with flood prone land and this may require some more detailed modelling work. However the VBL is not significantly constrained by flooding, any flooding impacts are generally localised around existing creeks that traverse the site.

The flood study recommends that habitable floor levels are to be located 0.5m above the 1% AEP, structures are to be located out of high hazard zones and structures on flood liable land are to be engineered to withstand flood flow forces.

Bushfire Prone Lands Report

The proponent has submitted a report advising that the proposed development complies with the Rezoning Principles of Planning for Bushfire Protection. The site is bush fire prone land. The Bush fire Assessment has advised that the proposed development complies with the Rezoning Principles of Planning for Bushfire Protection. This report has been referred to the NSW Rural Fire Service and comments will be provided for public viewing as soon as they are available.

Some key points noted in the study are as follows:

- No buildings are proposed as part of this rezoning application. Any future building and subdivision will be assessed separately. The below recommendations provide an indication of recommended measures for the subdivision development however specific consideration to the following will be made at DA stage.
- Minimum Asset Protection Zones for commercial development that reduce the chance for direct flame contact.
- All Tourism development will comply with the minimum setbacks of Planning for Bushfire Protection.
- Future property access roads and the public road will comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.
- Staged development will include Asset Protection Zones surrounding the perimeter of developed lands. The referenced minimum asset protection zones should be maintained within future development stages where located adjacent the developed lands.

Onsite Detention Report

On site Detention is required as part of the development and will ensure that council objectives of post development flow not exceed pre development flow are achieved.

Online OSD required to capture all new developed land and should be positioned accordingly. Offline OSD can be provided in numerous locations. OSD should be located so runoff from undeveloped areas is excluded. All new developed areas must pass through an OSD.

Stormwater Management Report

Stormwater management has been designed on the basis of a total catchment management approach in accordance with best industry practices and Council requirements. The preliminary layout of the site will allow for designated areas for stormwater management controls, such as constructed wetlands, ponds and bio-retention areas that will be used to treat stormwater runoff from the future residential

development and other impervious areas. This is an integrated system, placing a high regard on water quality and matching water quality uses to achieve water balance targets.

The stormwater management strategy complies with Cessnock Council's DCP 2010, Engineering Requirements for Development Manual and the Water Management Act 2000.

The key design factors for the overall development are:

- Water quality treatment was modelled and is predicted to meet Council target pollutant removal objectives prior to discharge of stormwater from the site with the inclusion of 13,000m² of bio retention for the VBL site and 1500m² bio-retention for the Beggars Bridge site.
- Runoff from the proposed development will be controlled with stormwater ponds. Water quality improvement has been taken into consideration in the preliminary design of the stormwater management strategy for the proposed development before discharge of stormwater to Black Creek.
- The proximity of the development to Black Creek and the watercourses to be retained through the site post development has been recognised by design and the appropriate measures of setbacks in accordance with the NSW Office of Water Guidelines. The watercourses will be maintained with improvements to riparian planting, erosion protection and capacity. Water quality has been improved prior to discharge to the watercourses downstream in accordance with Council policy.

The outcomes of the Stormwater Management Report indicate compliance with CCC requirements as well as industry best practice management, including site and environmental constraints. The assessment indicates that there is significant area available for stormwater management within the development areas. Final design and assessment outcomes would be determined through Stormwater Management Reporting for the Development Application.

Visual Impact Assessment

The Vineyards DCP identifies part of the site as visually significant. The extent of this significance has been tested through the Visual Impact Assessment. The visually significant features of the Vintage Balance Lands have been identified and considered in the development of the Structure Plan for the land. The topography of the site allows for the development footprint to be limited by the visually enclosed nature of the Vintage Balance Lands without affecting the visual significance of the locality. Restricting the majority of development to approximately one-third of the site will substantially reduce the visual impact on this location, particularly for distant views. Landscape Design will further mitigate the impact on distant views and ensure that any resulting impacts are minimised.

Selectively placed pockets of additional planting, the retention of existing vegetation, as well as a net increase in vegetation over the Vintage Balance Lands and the application of The Vintage Architectural and Landscape Design Guidelines will guarantee the proposed development will have minimal visual impact on the locality and will complement the surrounding area.

9. Social and Economic Impacts

A number of reports have been prepared to evaluate the social and economic impacts of this Planning Proposal including :

- *The Social and Economic Impact Assessment;*
- *The Golf Tourism and Economic Impact Assessment; and*
- The “Charles Hill Report”, commissioned by the Department of Planning.

The studies have found that the proposal will, on balance, have overall positive social and economic benefits to tourism and economic diversification on the broader region, LGA as well as the local community of Pokolbin/ Cessnock. The Vintage proposal is a major integrated tourist and residential lifestyle estate within the Hunter Valley so its performance is expected to have a similar effect on other tourist facilities and the regional economy.

The **Social and Economic Impact Assessment** was prepared in line with Councils existing Development Control Plan and concluded the following:

- The possible adverse impacts on the viability of the vineyards area would in the long run be substantially outweighed by the economic and social gains identified by the proceeding with the development.
 - The establishment of additional economic drivers at the site (eg additional 9 hole international golf course and conference facilities) will create major economic benefits to the broader community and tourism sector through job creation and creating a sustainable tourism facility.
 - The proposal will create additional demand for social infrastructure such as schools, hospitals, public transport and higher order and/ or specialised community and recreation infrastructure.
 - Crime data (and anecdotal feedback from The Vintage) highlights the negligible crime at The Vintage. The Proposal is not expected to any impact on the current low levels of incidents of crime in the area. A security guard currently patrols the site and monitor vehicles entering the estate every night from 6pm till 7am.
 - A review of the capacity of the existing facilities and services at The Vintage indicates an ability to meet future population growth - the facilities were initially designed at The Vintage to meet the full capacity of the site including the VBL.
 - The proponent has indicated the intention of establishing a 3 practitioner Doctors Surgery from the Tourism Commercial Centre.
 - An opportunity exists for the development to extend on its existing footpath and cycleway system in line with the Traffic Impact Assessment.
 - There are a range of educational facilities within the area with capacity identified at Cessnock High School and TAFE. Nulkaba PS is planned for future expansion by a major capital work by the NSW DEC.
 - Population growth at the Vintage will provide opportunity to expand Family Day Care and provide opportunities for additional childcare facilities within the LGA.
 - There is an existing high level and diversity of sport, recreation and open space within The Vintage and broader community. The Proposal should cater for expansion of the existing recreation and open space network within The Vintage including access to additional parkland and playground facilities.
- The proponent is willing to enter into a Voluntary Planning Agreement and should this not be able to be negotiated, then it is anticipated that appropriate monetary contributions would be made to mitigate the extent of additional demands on social infrastructure likely through s94 contributions.

The **Golf Tourism and Economic Impact Assessment** concluded as follows:

- The Proposal will make a significant economic contribution to the Lower Hunter region, including local expenditure and employment.
- The proposal will provide additional course capacity to increase the visitor economy within the development.

- The additional nine holes of golf and other development via the VBL is essential to achieve long term sustainability.
- State, regional and local policy frameworks have been reviewed as they relate to golf tourism, with an economic profile and trends within golf tourism also provided.
- The Vintage is the anchor facility of the Hunter market and the outcomes it achieves, both positive or negative will have the same directional impact on the
- There are a number of key variables that determine/impact integrated lifestyle developments including size of land, number and size of lots, golf demand, and operating forecasts.

There are adequate services for the existing and future population of The Vintage. The community is self-sufficient in terms of recreation, community services and facilities. A Net Community Benefit Test has also been undertaken and identifies that the proposal presents a strong positive impact.

The **Charles Hill Report** concluded that if subdivision for dwelling houses were permitted, given the socio-economic status of the residents, the limitation on permanent residential accommodation, the expected permanent population within both developments, the need for any services is not anticipated. The Charles Hill Report noted that given the socio-economic status of residents of The Vintage, there is limited need for social services.

A **Preliminary Aboriginal Heritage Report** was done with regard to Aboriginal Heritage at the Wine Country Drive Precinct and Beggars Bridge.

Several assessments have been undertaken of the study area. A total of 18 registered Aboriginal sites (AHIMS) are located in the Vintage Balance Land study area. Of these registered sites, one has been destroyed and seven have been partially destroyed under Aboriginal Heritage Impact Permits. A total of seven registered Aboriginal sites (AHIMS) are located in the Beggars Bridge study area. The previous assessments indicated that:

- Aboriginal archaeological sites are likely to consist of surface and subsurface occurrences of stone artefacts.
- It is likely that Aboriginal archaeological sites across the study areas will be low density artefact scatters or isolated finds, likely reflecting transitory or ephemeral activities.
- Aboriginal sites may be found in areas where the top soil has eroded and are likely to be found in intact soil profiles; however
- The study areas are highly erodible and intact soil profiles may exist in discrete locations.

Figure 20 and Figure 28 of the Preliminary Aboriginal Heritage Report shows areas of past land use disturbance. Aboriginal archaeological sites are less likely to survive in areas of disturbance. Disturbance levels vary across the landscape as indicated by the past assessments, historic aerials and site surveys. The ground surface and sub-surface study areas have been disturbed due to past land uses, such as:

- Construction of several dwellings and associated out buildings.
- Agricultural and viticultural activities.
- Construction of a school with the remains of out buildings, concrete slab of the school and other material remains.
- The construction of an electricity easement traversing east-west across the study area.
- Installation of other services (gas, sewer, water, roads etc).
- A number of unsealed vehicle tracks and occasional earth works.

- The boundaries of the study area that are adjacent to roads appear to have been heavily disturbed by earthworks such as grading and stock piling of soils.
- Watercourse modification.

The Mindarribba and Wonnarua communities will be consulted as part of the Planning Proposal.

Section D: State and Commonwealth Interests

10. Adequate Public Infrastructure

Servicing and provision of other facilities has been addressed in the Concept Servicing Strategy, the Traffic Impact Assessment and the Social and Economic Impact Assessment that accompany this Planning Proposal. Net economic impact to public finances will be nil or very limited and that costs of providing services to the VBL will be met by the proponent at no cost to the community.

- The Charles Hill Report concluded that if subdivision for dwelling houses were permitted, given the socio-economic status of the residents, the limitation on permanent residential accommodation, the expected permanent population within both developments, the need for any additional services is not anticipated.
- Capacity was built into the water and sewer networks when the Vintage was originally constructed. The forecast maximum population estimate of 2750 translates at an assumed 2.6 persons per dwelling to be accommodated in 1058 residential dwellings/ tourist units .i.e. Equivalent Tenements (ETs). The Concept Servicing Strategy refers to a sewer system capacity of 998 ET – hence some upgrading of the system may be required at the proponent's expense.
- Hunter Water has advised that the development will place an additional demand on the water supply and wastewater system. Hunter water have advised that the Water and Sewer Servicing Strategies will be required to be updated to take account of the development proposed resulting loadings and impacts to the existing developer funded infrastructure. This includes recommended infrastructure upgrades where necessary, lot layout, staging of the proposed development, investigation of alternative options, identification of the least community cost option, security of supply, minimum pressure requirements and fire fighting flow requirements.
- Telstra has no objection to the development and the proposed change of land use.
- Natural Gas is available in the vicinity of the site.
- Electricity and telecommunications, including the NBN, is available to be connected to the site under normal development arrangements.
- The Traffic Impact Assessment has found that the local road network has capacity to cater for the additional traffic generated by the VBL. There is no regular bus service (except school service) for the Vineyards area. It is envisaged that the proposed development may create enough demand for a regular bus service. This will need to be negotiated with bus companies.
- The proposed development will create additional demand for regional community infrastructure including schools, libraries, community centres, aquatic facilities, hospitals and recreation infrastructure.
- The Vintage has a number of existing community facilities which will be available to meet the expansion of the proposal. This includes a network of local parklands and pathways, recreational facilities a swimming pool, gymnasium, children's playground and tennis courts. In addition, the member's room at the clubhouse; the Chapel, the Barrington and Founders rooms are available for private events and community functions. These are maintained via Community Title Management arrangements.

Increasing demand for supporting infrastructure will be mitigated by monetary contributions, works in kind or via a Voluntary Planning Agreement to ensure the provision of adequate local infrastructure, including the additional open space, library space and community facilities and drainage works generated by the development and

the impacts of additional traffic on the local road network generated by future residential development.

11. Consultation with State and Commonwealth Authorities

The Gateway Determination requires that Council consult with the following Government agencies.

- NSW Aboriginal Land Council;
- NSW Trade and Investment – Resources & Energy;
- Office of Environment and Heritage;
- Department of Primary Industries – Agriculture;
- Department of Primary Industries – Minerals and Petroleum;
- Hunter Water Corporation;
- Transport for NSW – Roads and Maritime Services;
- NSW Police;
- Hunter Valley Wine and Tourism Association;
- Mine Subsidence Board; and
- NSW Rural Fire Service.

In addition, Council will be advising the following bodies:

- Telstra; and
- Ausgrid.

Consultation with these authorities will be undertaken in conjunction with the public exhibition of the Planning Proposal.

PART 4: MAPPING

The following maps are required to be amended to achieve the intent of the Planning Proposal:

Land Zone Map – amend Land Zoning Map Sheet 1720_COM_LZN_005_080_20140226 to rezone the subject site as SP3 Tourist in accordance with the proposed Land Use Zone map shown at **Appendix 3**.

Lot Size Map – amend Lot Size Map Sheet 1720_COM_LSZ_005_080_20140226 to include no minimum lot size for the subject site as in accordance with the proposed Lot Size Map shown at **Appendix 5**.

Urban Release Areas Map – amend Urban Release Areas Map Sheet 1720_COM_URA_005_080_20130416 to designate the Vintage Balance Lands as an Urban Release Area in accordance with the map at **Appendix 6**.

PART 5: COMMUNITY CONSULTATION

The Gateway Determination has required that the Planning Proposal and accompanying reports be placed on exhibition for a period of twenty eight (28) days.

The proposal will be exhibited at the following locations:

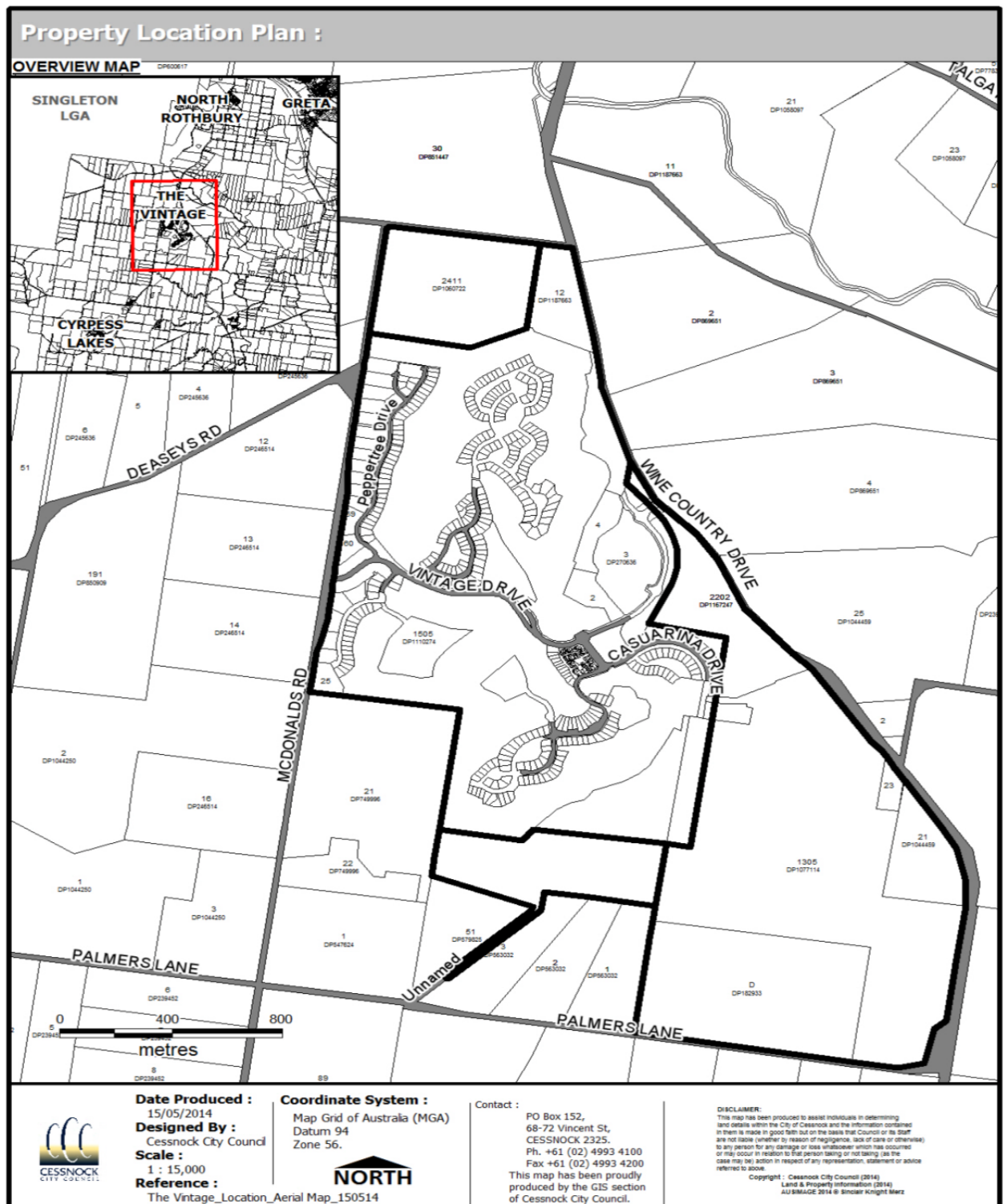
- Council's Administration Building (Customer Service Section);
- Cessnock Public Library;
- Kurri Kurri Public Library; and
- Council's website at www.cessnock.nsw.gov.au

PART 6: PROJECT TIMELINE

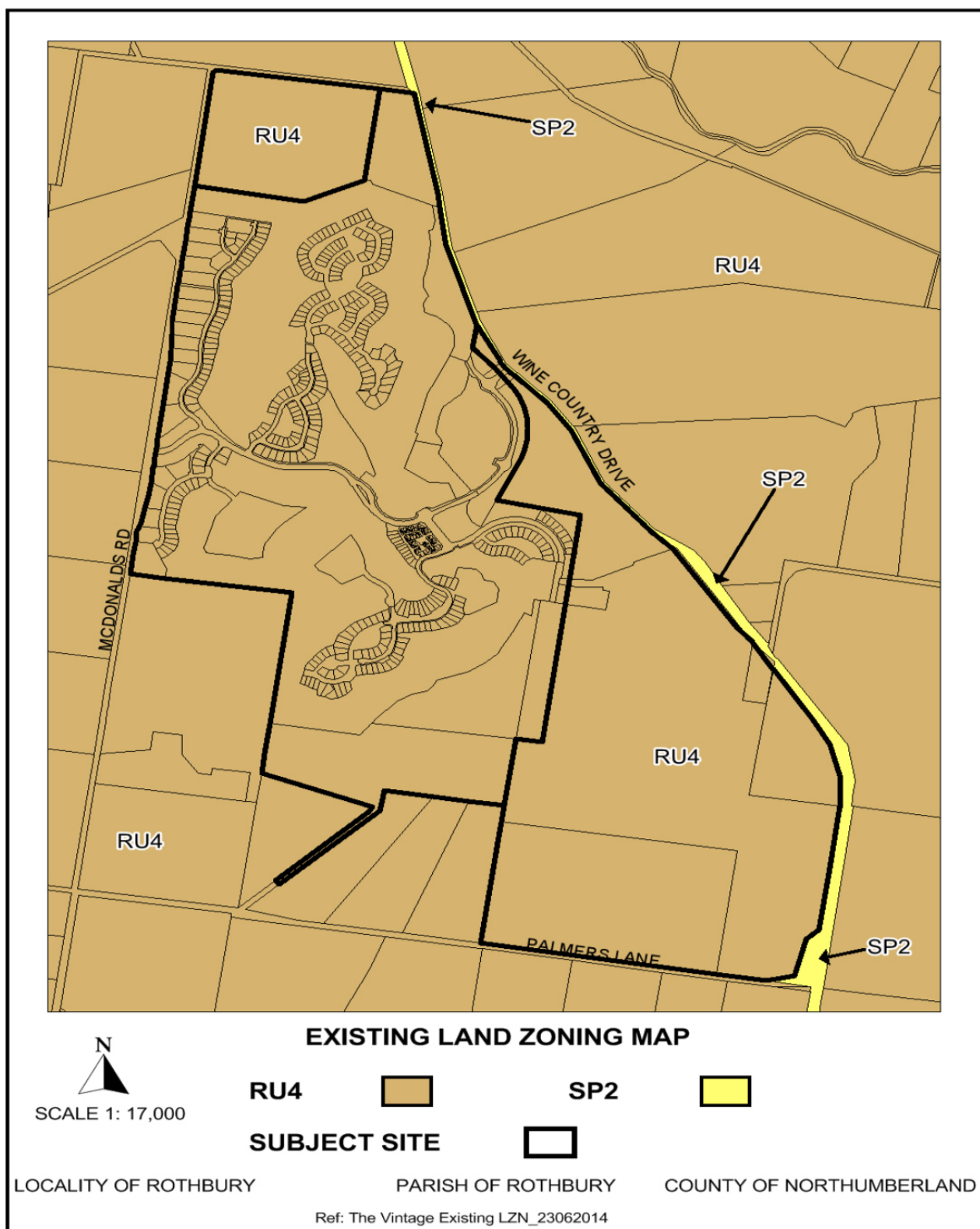
The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval as outlined in the following table. It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed by October 2014.

	Feb 2013	May 2013	June 2014	July 2014	Aug 2014	Sep 2014	Oct 2014
STAGE 1 Submit Planning Proposal to Planning & Environment							
STAGE 2 Gateway Determination							
STAGE 3 Report to Council resolving to exhibit.							
STAGE 4 Public Exhibition Period							
STAGE 5 Reviewal / consideration of submissions							
STAGE 6 Report to Council							
STAGE 7 Forward Planning Proposal to Planning & Environment to finalise.							

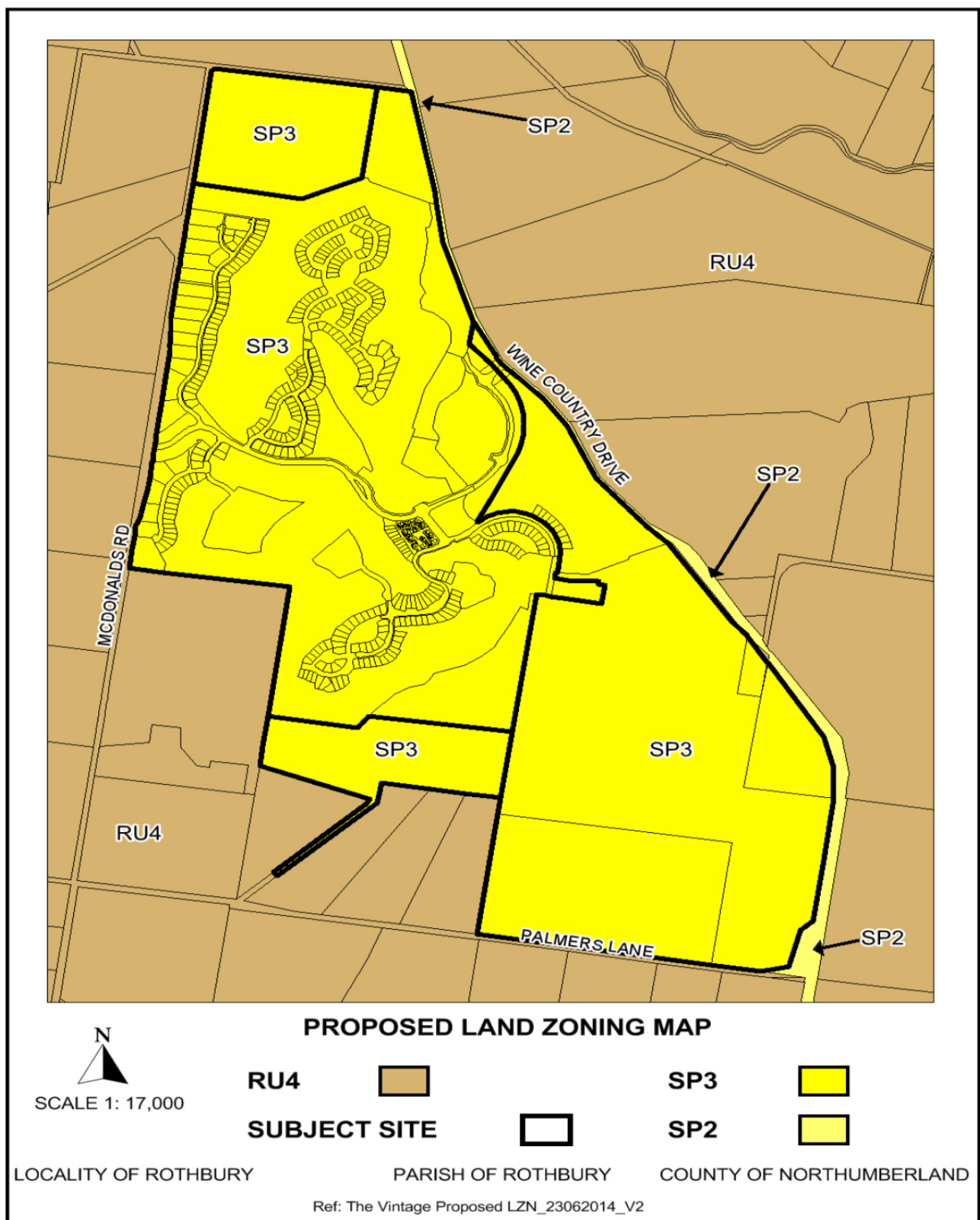
Appendix 1: Location Plan



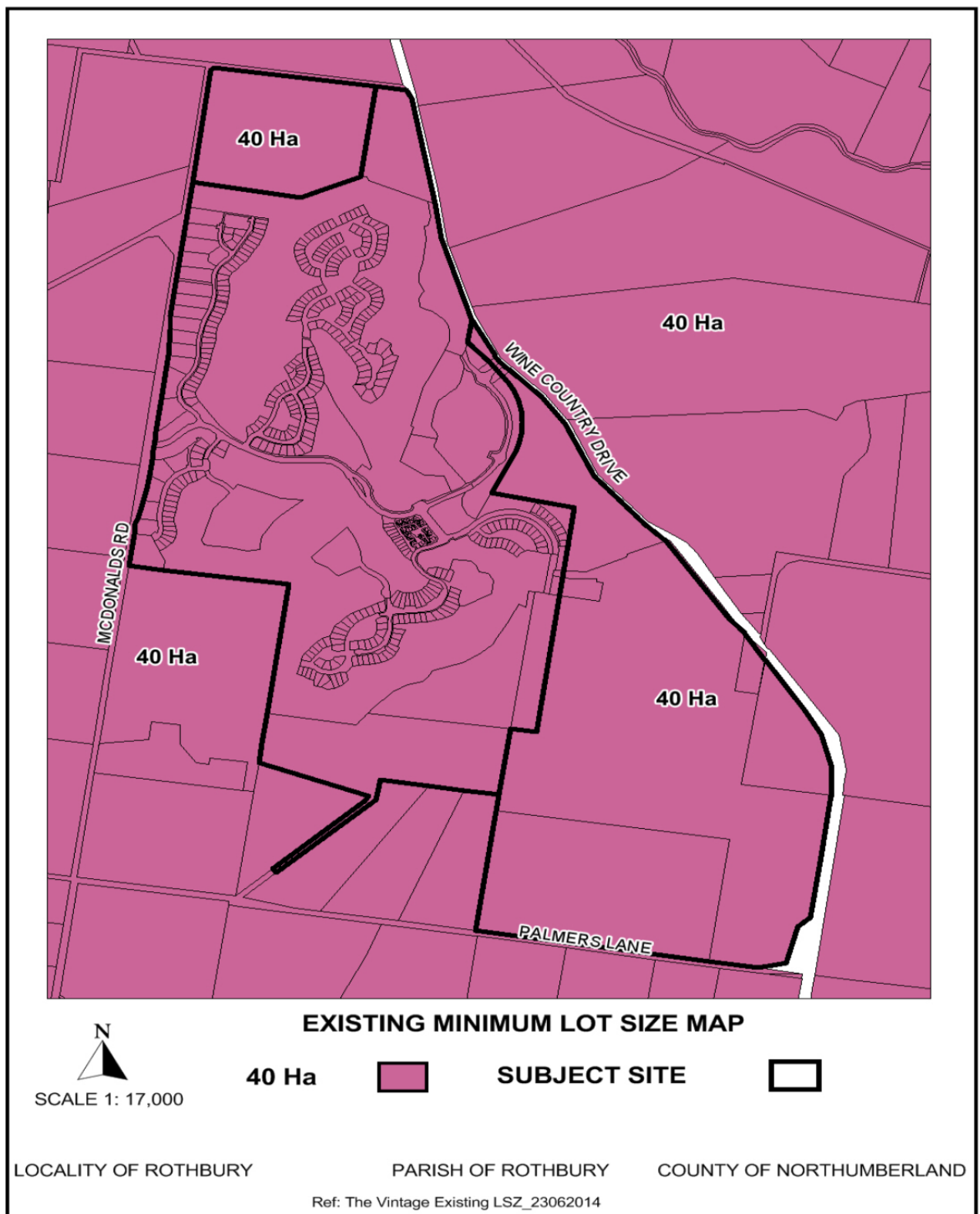
Appendix 2: Existing Land Use Zone Map



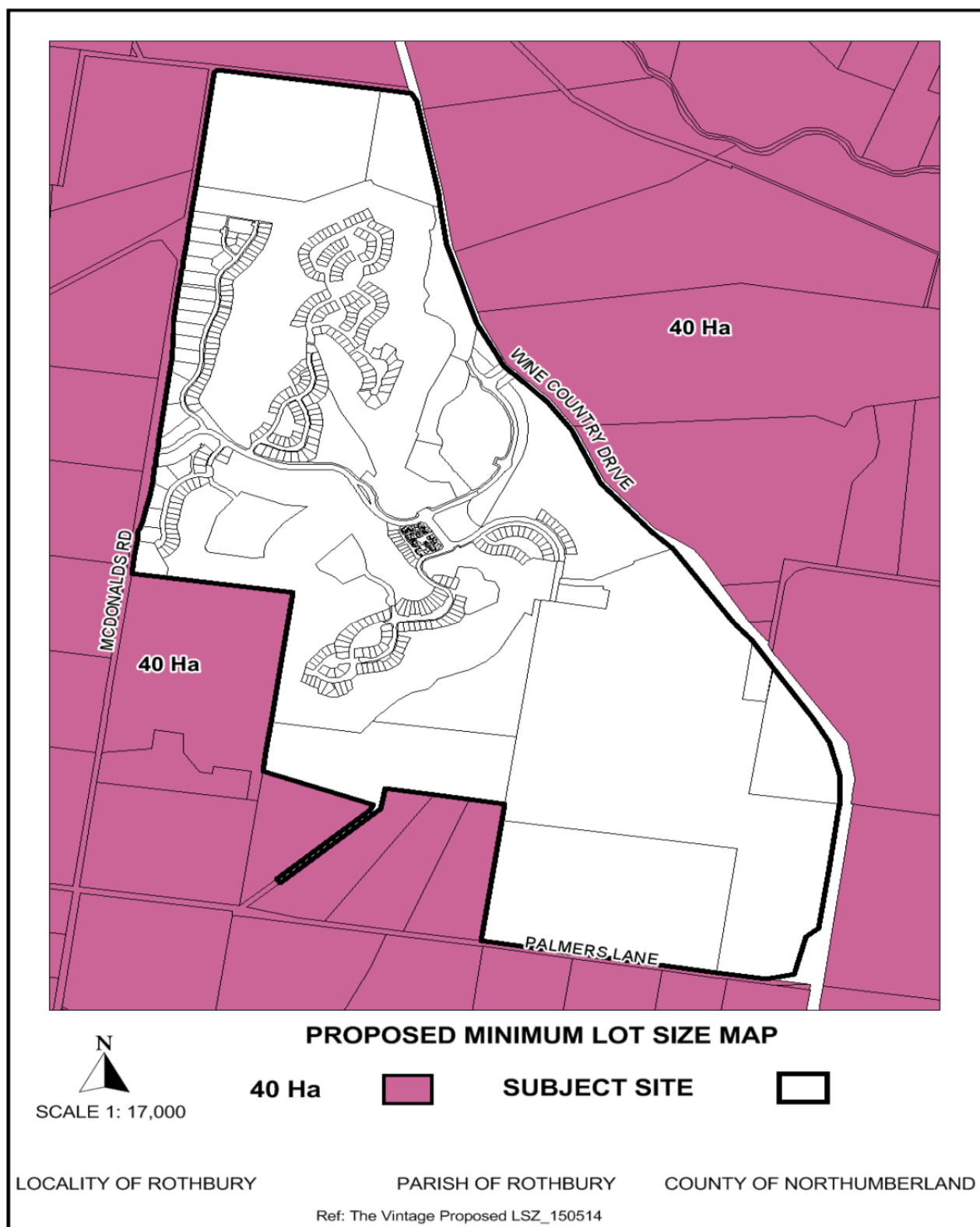
Appendix 3: Proposed Land Use Zone Map



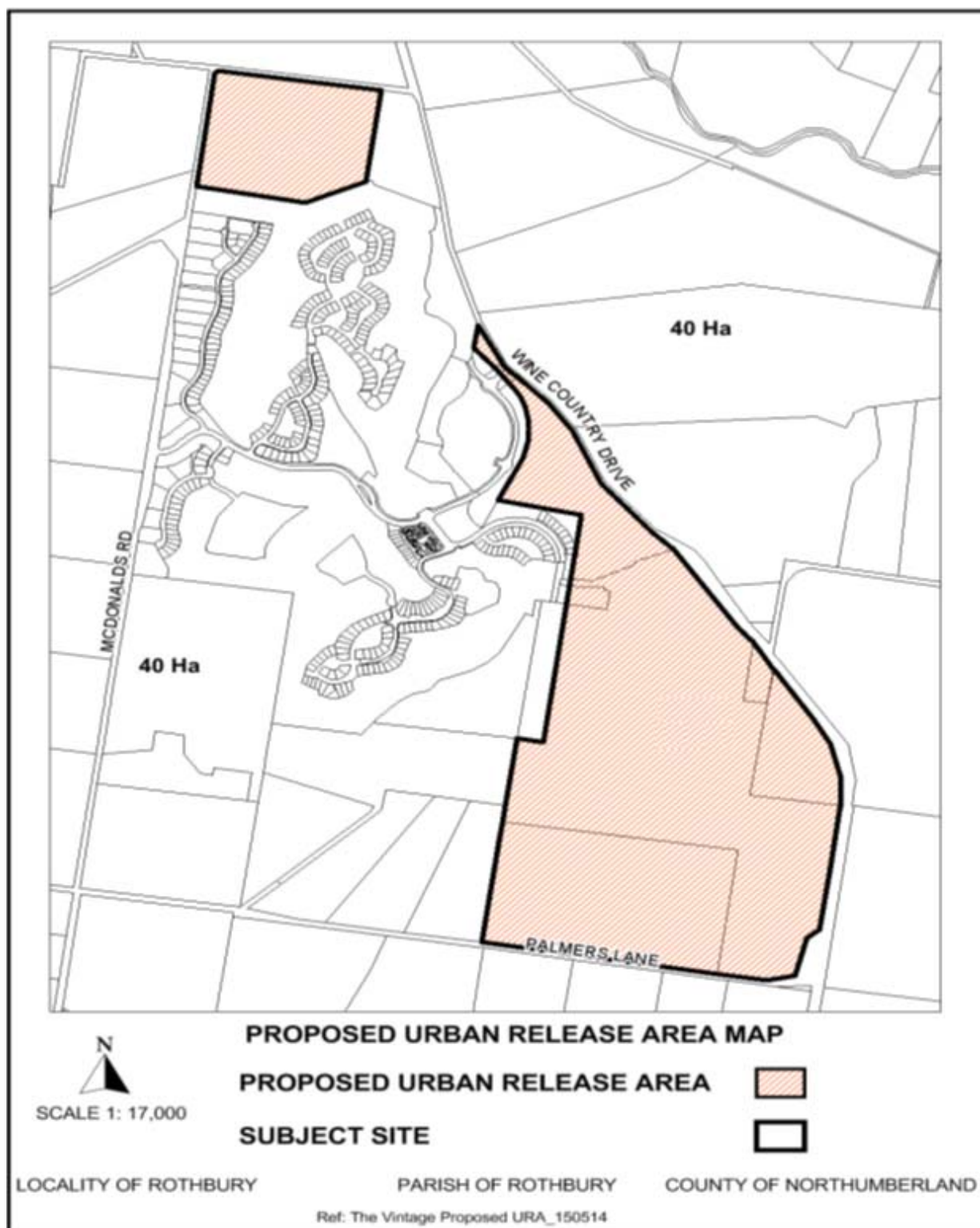
Appendix 4: Current Minimum Lot Size Map



Appendix 5: Proposed Minimum Lot Size Map



Appendix 6: Proposed Urban Release Area Map



Appendix 7: Council Report and Minutes
