JW Planning Pty Ltd

Level 1 Suite 13/478 The Esplanade
Warners Bay NSW 2282
email@jwplanning.com.au
Fax: (02) 49 484 366
Ph: (02) 49 484 322

ABN 45 102 698 242

Development Application

Pursuant to Section 78A of the Environmental Planning & Assessment Act 1979 (As Amended)

Proposed Tourism & Visitor Accommodation
Serviced Apartments, Function Centre, Landscaping, Civil Works

Lot 22 DP 791884 & Lot 40 DP 755255
22 Palmers Lane and 340 Pokolbin Mountains Road
Pokolbin, New South Wales

Applicant:
Hephzibah Hunter Valley Property Pty Ltd ATF
Hephzibah Hunter Valley Investment Unit Trust
Our ref: 1521702

H12 ART OF LIFE

JW Planning Pty Ltd

Town Planning

Level 1, Suite 13/478 The Esplanade
WARNERS BAY NSW 2282
Tel: 02 4948 4322
Fax: 02 4948 4366
Email: email@jwplanning.com.au

TABLE OF CONTENTS

PRECIS **8**

1.0 INTRODUCTION **9**
1.1 The Proposal 9
1.2 This Application 10
1.3 Background 10
1.3.1 The Proponent 10
1.3.2 Site Location and Context 11
1.3.3 Site Description 12
1.3.4 Existing Site Condition 15
1.3.5 Consultation 16

2.0 PROPOSED DEVELOPMENT **17**
2.1 Siting of Development 21
2.2 Proposed Unit Density 23
2.3 Proposed Building Design 23
2.4 Proposed Stormwater Management 27
2.5 Proposed Landscaping 29
2.6 Proposed Car Parking 30
2.7 Proposed Road Upgrade and Access Works 30
2.10 Proposed Operational Details 31
2.11 Estimated Development Cost 32

3.0 RELEVANT PLANNING PROVISIONS **33**
3.1 Environmental Planning Instruments (EPI) 33
3.1.1 Relevant State EPIs (SEPPs) 33
3.1.2 Relevant Local EPIs (LEPs) 34
3.2 Development Control Plan (DCP) 35
3.3 The Likely Impacts of Development 38
3.4 Suitability of the Site for the Development 38
3.5 Submissions Made in Accordance with the Act or Regulations 38
3.6 The Public Interest 38

4.0 STATEMENT OF ENVIRONMENTAL EFFECTS 39
4.1 Previous and Present Use of the Site 39
4.2 Topography 39
4.3 Earthworks 39
4.4 Bushfire Threat 39
4.5 Flora and Fauna 41
4.6 Stormwater 42
4.7 Effluent Disposal 42
4.8 Development Density (Units/Hectare) 43
4.9 Noise Assessment 43
4.10 Archaeology 43
4.11 Access and Traffic 43
4.12 Economic Environment 44
4.13 Social Impacts 45
4.14 Disability Access 45
4.15 Site Contamination 45
4.16 Waste Management 45

5.0 RESPONSE TO PRE DEVELOPMENT APPLICATION MEETINGS 46

6.0 CONCLUSION 48

ATTACHMENTS

ATTACHMENT A
SITE SURVEY

ATTACHMENT B
STORMWATER MANAGEMENT PLAN

ATTACHMENT C
WASTE MANAGEMET PLAN

ATTACHMENT D
COST CONSULTANT REPORT

ATTACHMENT E
FLORA AND FAUNA REPORT

ATTACHMENT F
STAGE 1 CONTAMINATION REPORT

ATTACHMENT G
TRAFFIC AND ACCESS ASSESSMENT

ATTACHMENT H
SOCIAL IMPACT ASSESSMENT

ATTACHMENT I
CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN REPORT

ATTACHMENT J
BUSHFIRE ASSESSMENT REPORT

ATTACHMENT K
AHIMS SEARCH RESULTS

ATTACHMENT L
ARCHITECTURAL PLANS

ATTACHMENT M
PRELIMINARY EFFLUENT DISPOSAL ASSESSMENT

ATTACHMENT N
LANDSCAPE PLAN

ATTACHMENT O
ABORIGINAL HERITAGE ASSESSMENT

ATTACHMENT P
FLOOD STUDY

TABLE OF FIGURES

Figure 1 Site Location 11
Figure 2 Land Use Context 11
Figure 3 Site Context 12
Figure 4 Deposited Plan 12
Figure 5 Site Topography 13
Figure 6 Flood And Drainage 13
Figure 7 Existing Vegetation 14
Figure 8 Site Access 14
Figure 9 Site Photo – View West Toward Creek Line Vegetation 15
Figure 10 Site Photo - View West Toward Broken Back Range 15
Figure 11 Site Photo – View South 15
Figure 12 Minimalist Design 17
Figure 13 Inspirational Spaces 18
Figure 14 Art And Lifestyle 19
Figure 15 Retreat, Explore, Interact 20
Figure 16 Proposed Development 21
Figure 17 Proposed Drop-Off Area At Site Entrance 22
Figure 18 Proposed Welcome & Function Centre 22
Figure 19 Ground Floor Accommodation Buildings 23
Figure 20 Ground Floor Welcome Building 25
Figure 21 Upper Floor Welcome Building 25
Figure 22 Elevation Of Proposed Welcome/Function Centre 26
Figure 23 Ground Floor Accommodation Buildings 26
Figure 24 Upper Floor Accommodation Buildings 27
Figure 25 Proposed Stormwater Infrastructure 28
Figure 26 Proposed Landscaping Scheme 29
Figure 27 Proposed Access Civil Works 31
Figure 28 Bushfire Prone Land Map 40
Figure 29 Proposed Minimum Apz's (Green) 40
Figure 30 Siting Of Buildings Relative To Existing Vegetation 41

TABLE OF TABLES

Table 1 Compliance with relevant controls in the Cessnock DCP 2013 35

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Precis

This application seeks the consent of the determining authority for tourist and visitor accommodation comprising serviced apartments, function centre, civil works and landscaping on a centrally located but secluded parcel of grazing land. Each of the land uses proposed are permissible with consent.

The proposal involves privately owned land that historically, has not been available to the general public. Under the proposal, the land will become accessible to tourists and visitors through the provision of a high quality venue which will be subservient to the landscape and framed by the impressive backdrop of the Broken Back range.

The land is free of constraints, and the proposal will not involve the clearing of native vegetation or the displacement of productive or viable agricultural land. The proposal involves embellishment of existing creek lines and environmental linkages, and the design of the proposal aims to provide a welcoming sanctuary that restores a visitor's connection to the land; an authentic agricultural experience akin to the familiarity and authenticity of staying at a Grandparents property for a weekend rather than guests being confined to rooms in conventional accommodation.

The proposal will contribute to the diversity of accommodation and function facilities in the vineyard district, providing additional employment opportunities in the Cessnock LGA both during the construction and in the operational phase.

The proposal complies with the relevant environmental planning instruments and Cessnock Council development controls. The proposal is an orderly and economic use of land zoned *RU4 Primary Production Small Lots* under Cessnock City Council Local Environmental Plan 2011, and the merits of the proposal are in the broader public interest.

The determining authority is encouraged to support the proposal.

1.0 Introduction

The proposal comprises tourist and visitor accommodation in the form of serviced apartments, a function centre, civil works and landscaping on a centrally located but secluded parcel of grazing land.

The proponent, H12 Art of Life (**'H12'**) is an experienced international accommodation operator in Joint Venture with the Plateno Group, one of the largest tourist accommodation providers globally.

By way of background, the Plateno Group together with Jin Jiang, is China's largest hotel group and number 3 worldwide. Plateno alone operates close to 3,000 hotels in more than 330 cities generating 50 million bookings yearly, generating over $1.6 billion USD revenue per year. Plateno combines 18 different accommodation brands under one support umbrella, with its own integrated unified central reservation system, and the largest hospitality membership program in the world with over 84 million members.

H12 is in the process of establishing 30 unique art and lifestyle tourist venues in iconic places globally, with the Hunter Wine District the only Australian location proposed.

H12 is inspired by locally grown produce, and always aim to serve locally grown food. The Hunter Valley is chosen for its setting amidst places known for award winning local wines and high quality local produce, together complimenting an experience that also combines iconic places with stimulating art and warm, relaxed, efficient service.

1.1 The Proposal

The H12 vision is to provide low impact, high quality accommodation in an experiential environment where kitchen and market gardens, orchards and groves will tie into the natural landscapes, and offer a sequence of authentic sustainable agricultural experiences.

Artwork and sculptures will emerge from the landscape and guests will be drawn outdoors and encouraged to pick herbs and vegetables for their meals from non-ornamental gardens, to explore and interact with the landscape, and to find relaxation areas to read a book, sip a glass of local wine, listen to music, or to simply appreciate the surrounding natural environment.

Art installations and an Artist in Residence program will provide for regular art projects such as exhibitions and artist exchanges to foster local talent and cultural experiences.

The key components of the proposed tourist facility are:

- A guest welcoming centre comprising a reception, a function centre, a board room/meeting room and back of house facilities (kitchen and back of house areas);
- 72 serviced apartments;
- Landscaping, gardens, art and sculpture spaces, and environmental restoration works;
- Access roads, car parking facilities, and associated civil works.

Sustainability measures proposed (where practical) include:

- stormwater runoff harvested for reuse in gardens and natural dispersion;
- on-site effluent disposal, with treated waste water reused in landscaped areas;
- off-grid electricity generation consisting of a PV solar system, with battery storage.

The site will also be serviced by:

- Potable mains water supply by extension of the existing Hunter Water mains network;
- Supplementary electrical supply by grid connection, including:
    - Installation of new kiosk substation; and
    - Upgrade and extend the Ausgrid high voltage infrastructure

The design team, specifically the project architect (Circa Morris-Nunn architects) and landscape designer (Spackman Mossop Michaels), evolved the design in consultation with H12, with input by specialist consultants and based on consultation with Council planning staff in pre DA meetings.

1.2 This Application

The Development Application (DA) for the proposal is informed by the following specialist advice, presented in attachments to this report:

- Flood Study – WMA Water Pty Ltd
- Aboriginal Archaeology – Myall Coast Archaeology
- Bushfire Threat Assessment - BCHS
- Civil Engineering (roads and drainage) - Northrop
- Ecology - Biodiversity Conservation Monitoring Pty Ltd
- Planning, CPTED and Social Impact Assessment - JWP
- Traffic Impact Assessment – SECA Solutions
- Waste Management Plan - JWP
- Landscape Design – Spackman Mossop Michaels
- Preliminary Contamination Assessment – Douglas Partners
- Preliminary Effluent Disposal Assessment – Douglas Partners

1.3 Background

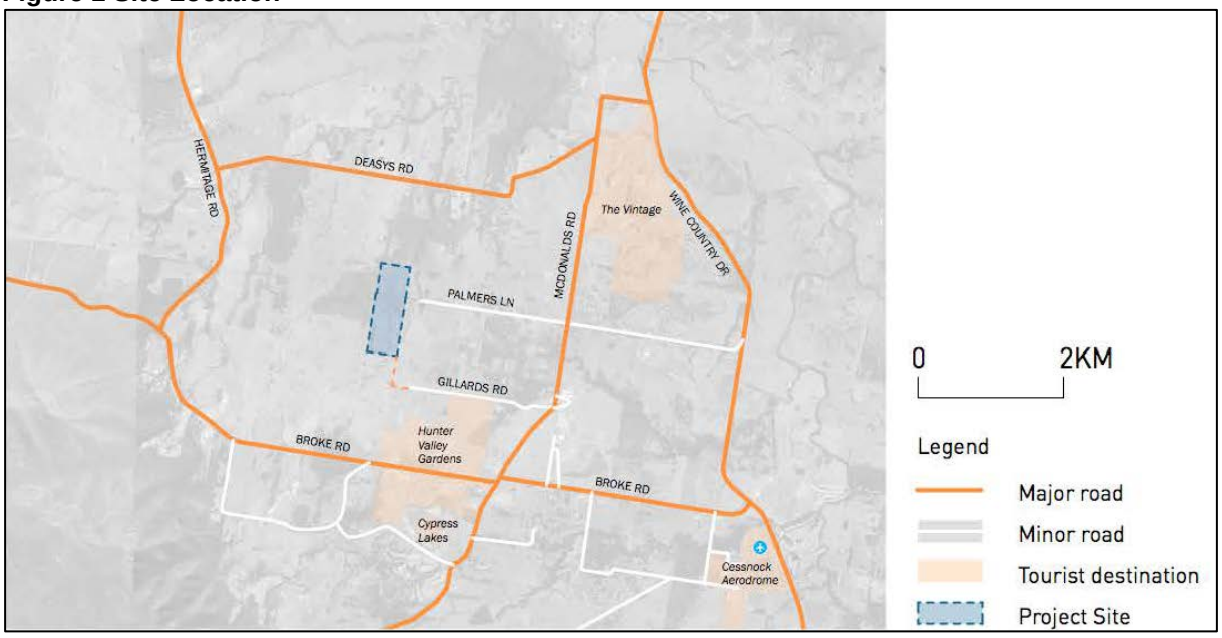
1.3.1 The Proponent

The applicant is Hephzibah Hunter Valley, Property Pty Ltd ATF, Hephzibah Hunter Valley Investment Unit Trust. JW Planning Pty Ltd ('JWP') act for the applicant as project planners, providing planning advice and preparation of this application.

1.3.2 Site Location and Context

The site is located at the western end of Palmers Lane within the Cessnock LGA, some 10.8km from Cessnock City Centre and to the north of the Hunter Valley Gardens (refer **Figure 1**).

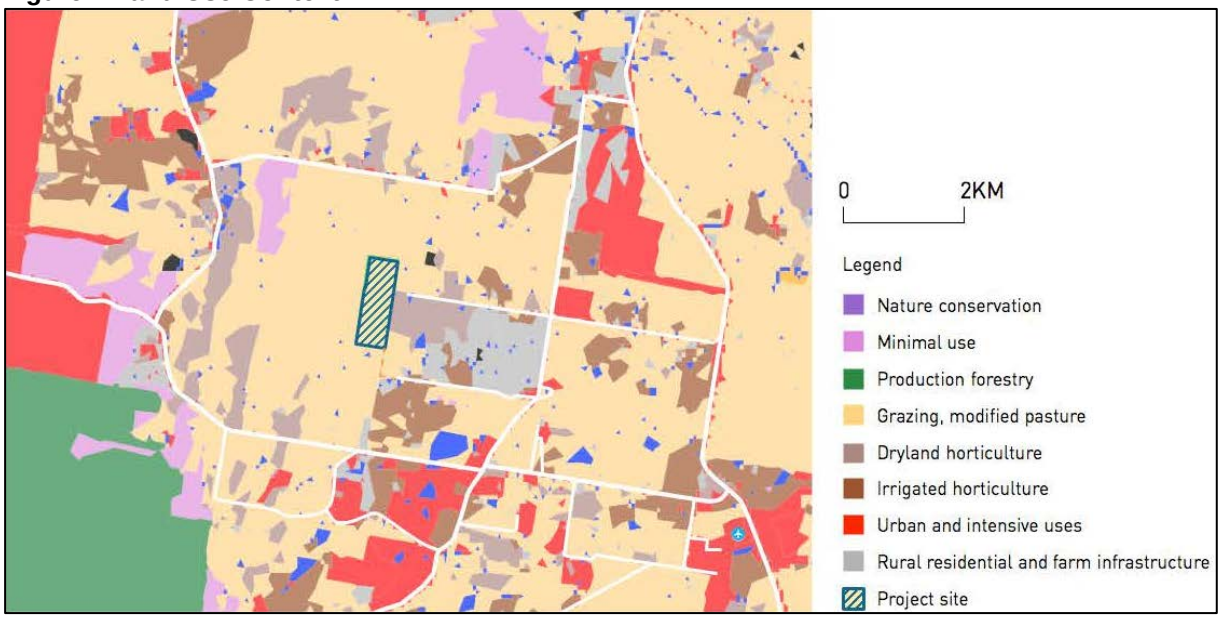
Figure 1 Site Location



Source: Spackman Mossop Michaels

Adjoining land uses include grazing and to a lesser extent to the east, vineyards (**Figure 2**). Remnant native vegetation exists on adjoining land to the north and west of the site (**Figure 3**).

Figure 2 Land Use Context



Source: Spackman Mossop Michaels

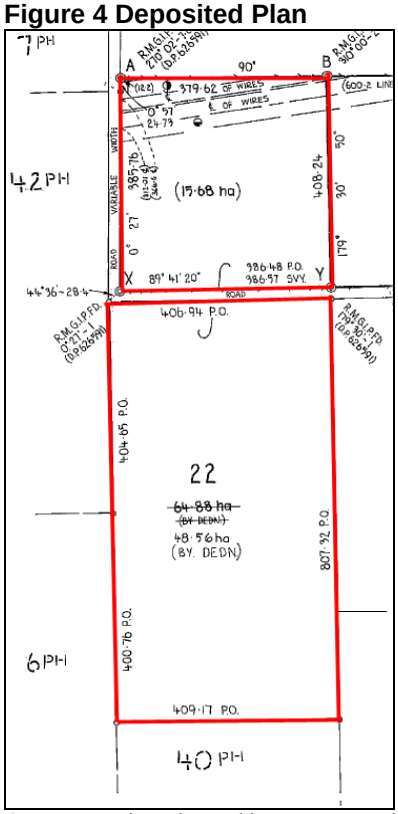
Figure 3 Site Context

Source: Spackman Mossop Michaels

1.3.3 Site Description

The land is 48.56ha in area, and legally described as Lot 22 DP 791884 (**'the site'**). The site traversed by an unformed section of Palmers Lane, which is vegetated, and a regional High Voltage Transmission Line along the boundary of the site (refer **Figure 4**).

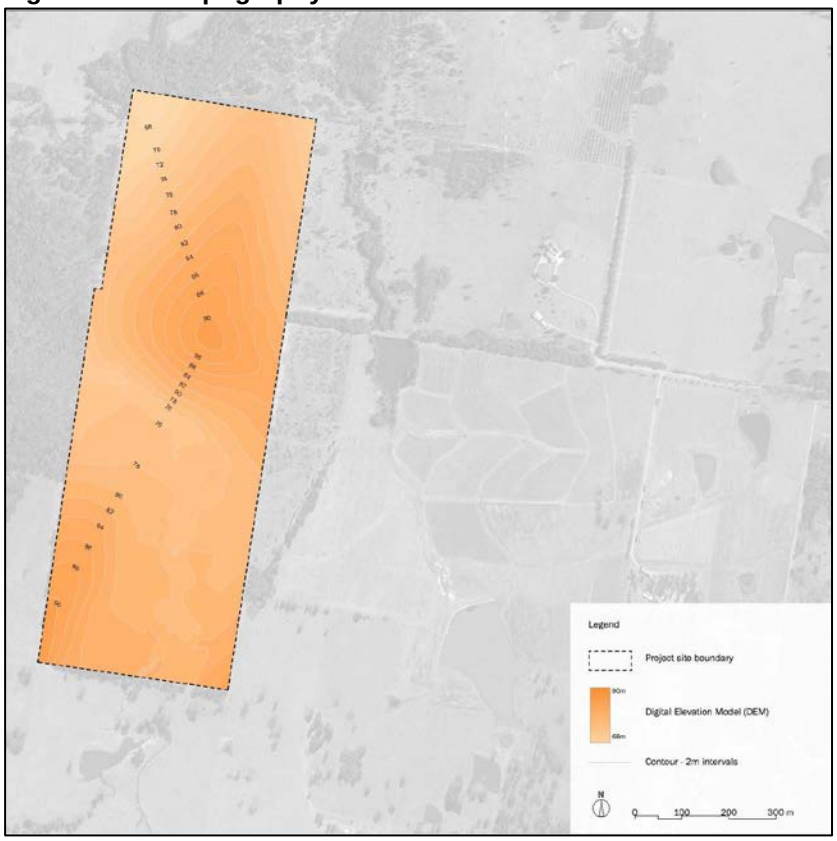
Figure 4 Deposited Plan



Source: Land Registry with JWP Annotation

Topography of the site is relatively flat, varying between 68m AHD to 90m AHD. A detail survey of this site is provided in **Attachment A**.

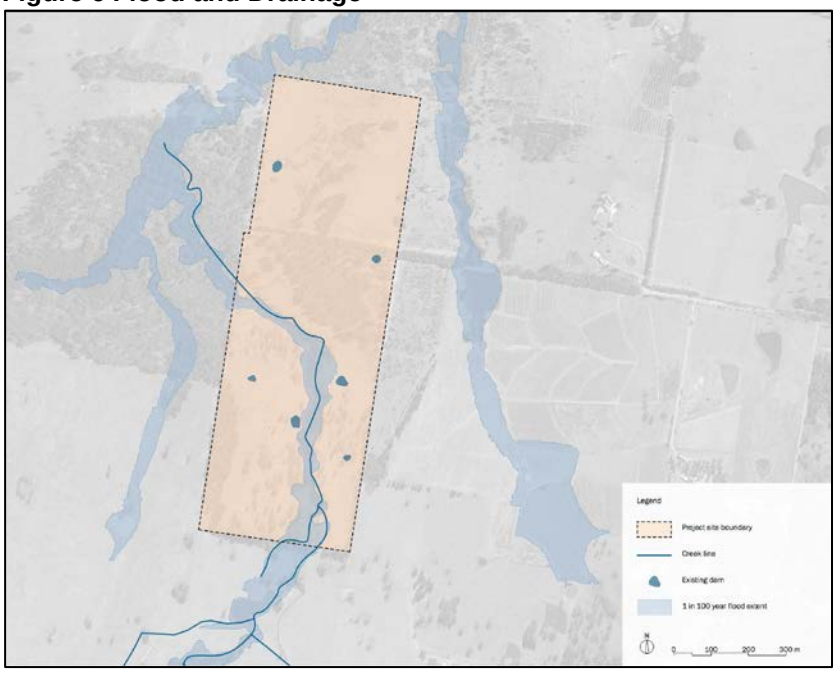
Figure 5 Site Topography



Source: Spackman Mossop Michaels

A 3rd Order creek line flowing from the south toward the north runs through the southern and western portion of the site. The 1 in 100 year flood event associated with that creek is depicted in **Figure 5**.

Figure 6 Flood and Drainage



Source: Spackman Mossop Michaels

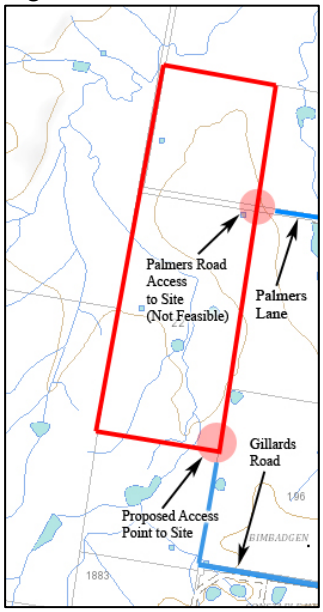
The site comprises remnant native vegetation tenuously linked with native vegetation on adjoining land to the west. The vegetation on site comprises two (2) endangered ecological communities (EEC), and one (1) critically endangered ecological community (CEEC), with grassland in between (**Figure 7**).

Figure 7 Existing Vegetation

Source: Spackman Mossop Michaels

Access to the site is via Palmers Lane, though a significant length of Palmers Lane is unformed and vegetated with a mature CEEC. Physical access via Palmers Lane would also be subject to flooding (refer **Figure 6**). An alternative, trafficable access is available via a Right of Access providing access from the western end of Gillards Road via an adjoining parcel of land to the south (refer **Figure 8**)

Figure 8 Site Access



Source: Six Maps with JWP Annotation

1.3.4 Existing Site Condition

The site is a vacant parcel of land with the only improvements being in the form of rural farm dams (refer **Figure 6**) and rural fencing along boundaries and internally. The condition of the land indicates a long history of grazing (refer **Figures 9, 10 and 11**)

Figure 9 Site Photo – View West toward Creek Line Vegetation

Figure 10 Site Photo - View West toward Broken Back Range

Figure 11 Site Photo – View South

1.3.5 Consultation

Consultation with Cessnock City Council in respect of the proposal includes:

- 4th November 2015 - initial 2 hour meeting with Cessnock Council's Senior Development Compliance Officer, Mr. Rod Sandell prior to land purchase
- 19th April 2016 – meeting with Ms. Wonona Fuzzard Strategic Planner as to proposal in the context Cessnock and Singleton LEP review
- 1 July 2016 – initial 1.5 hour Pre DA meeting with Acting Development Services Manager, Mr. Richard Forbes and staff to discuss Concept Plan and Vision for the proposal – minutes dated 6 July 2017
- 10 March 2016 – second 1.5 hour pre DA meeting with Team Leader Development Services Mr. Richard Forbes and staff to discuss Preliminary Design Scheme – minutes dated 28 April 2017, issued 12 May 2017

Details in response to the issues identified in the Pre-DA minutes issued by Council are provided in **Section 5.0**.

In addition, the applicant has consulted with the following stakeholders:

- Adjoining land owners, and in particular:
    - the owner of Constable Wines
    - the owner of land adjoining the Right of Access (Lot 822 DP 746940)
    - the owner of the land encumbered by the Right of Access (Lot 40 755255)
- Hunter Water - to obtain Preliminary Service Advice to identify the means by which the land will be serviced, and s50 application to obtain Notice of Requirements.

Feedback in relation to the proposal and in particular, the H12 vision for the site, has been both positive and encouraging.

2.0 Proposed Development

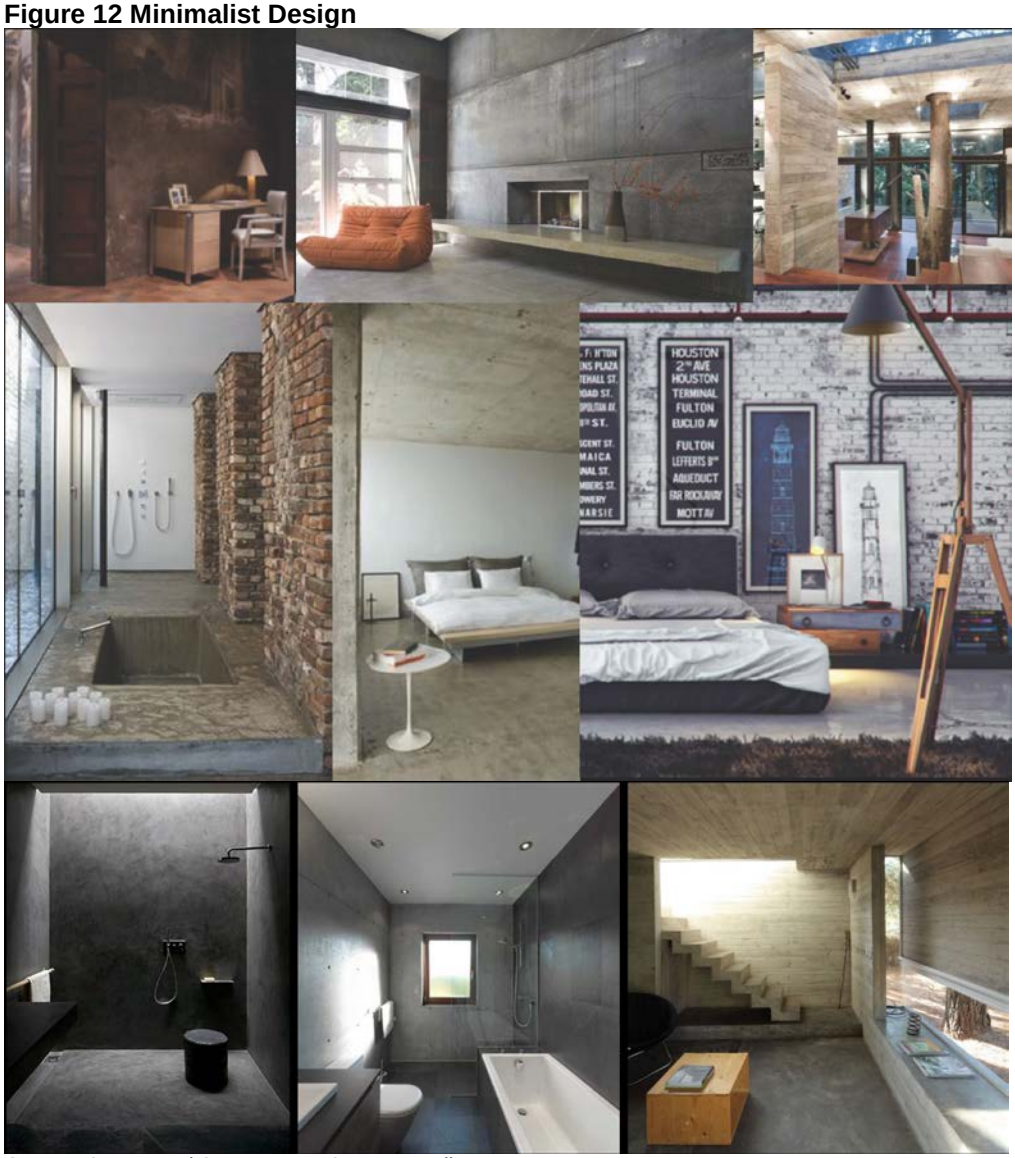
The subject site was carefully selected after consideration of alternative Vineyard District locations during 2015. Key attributes of the site that will enable the H12 to realise the vision include:

- A secluded natural setting for guests to retreat to, interact with, and explore – not just admire;
- The proximity of local population centres including Cessnock (a source of employees and suppliers);
- Close proximity to major wineries and attractions such as Hunter Valley Gardens, and central to a diversity of food, wine and concert venues.

The area is known for its beauty and its range of tourist and visitor activities, and H12 will differ not only in terms of providing an art and lifestyle interactive experience, but contrasting from the more broadly adopted French or Italian (Tuscany) design influences, with design that is minimalistic with simple lines. In this way the proposal will enhance existing accommodation options in the area, helping to promote the region as a desirable and diverse place to visit.

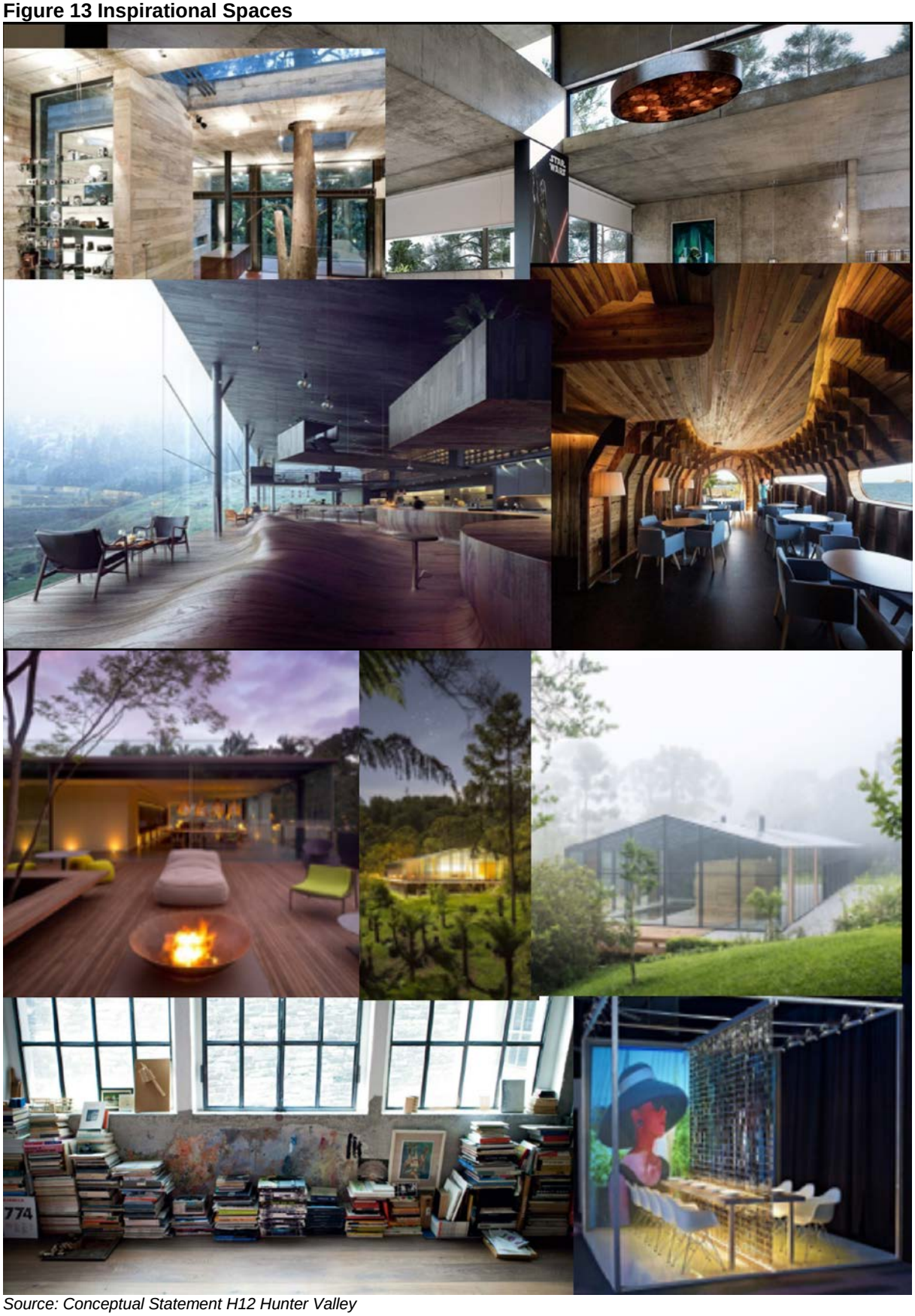
The design team drew inspiration for the proposed design from a H12 Vision Statement, which contains the following:

Figure 12 Minimalist Design



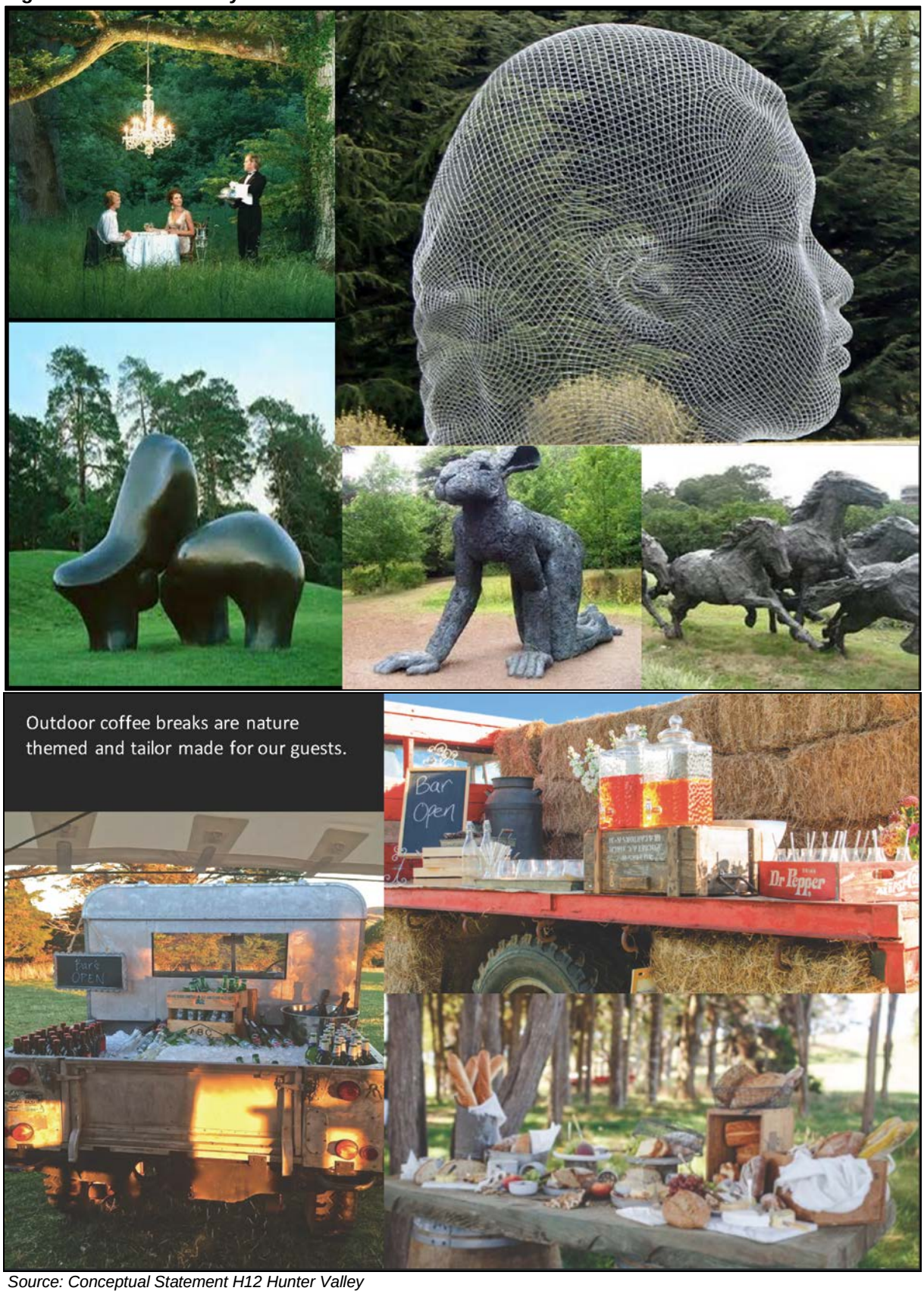
Source: Conceptual Statement H12 Hunter Valley

Figure 13 Inspirational Spaces



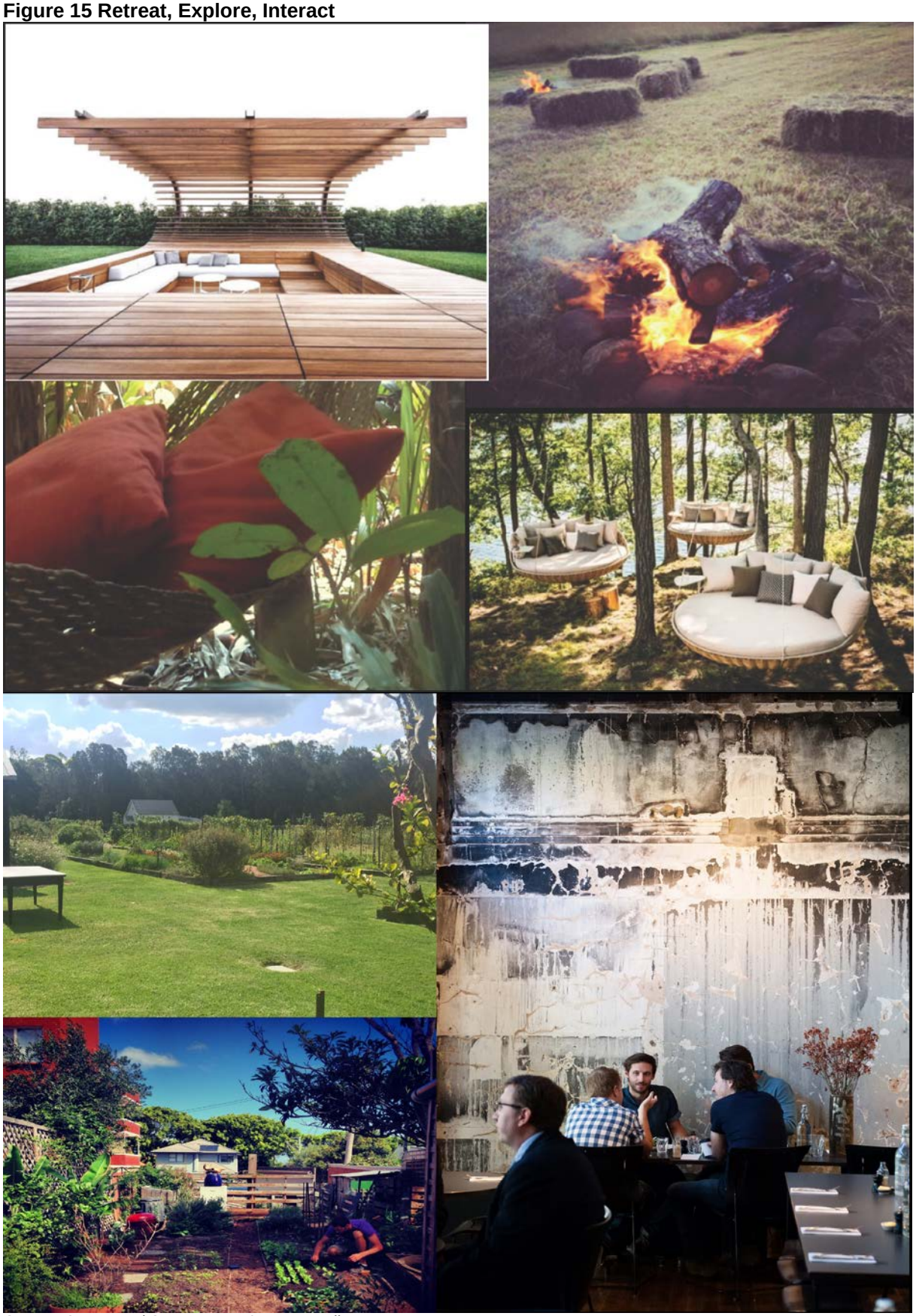
Source: Conceptual Statement H12 Hunter Valley

Figure 14 Art and Lifestyle



Source: Conceptual Statement H12 Hunter Valley

Figure 15 Retreat, Explore, Interact



Source: Conceptual Statement H12 Hunter Valley

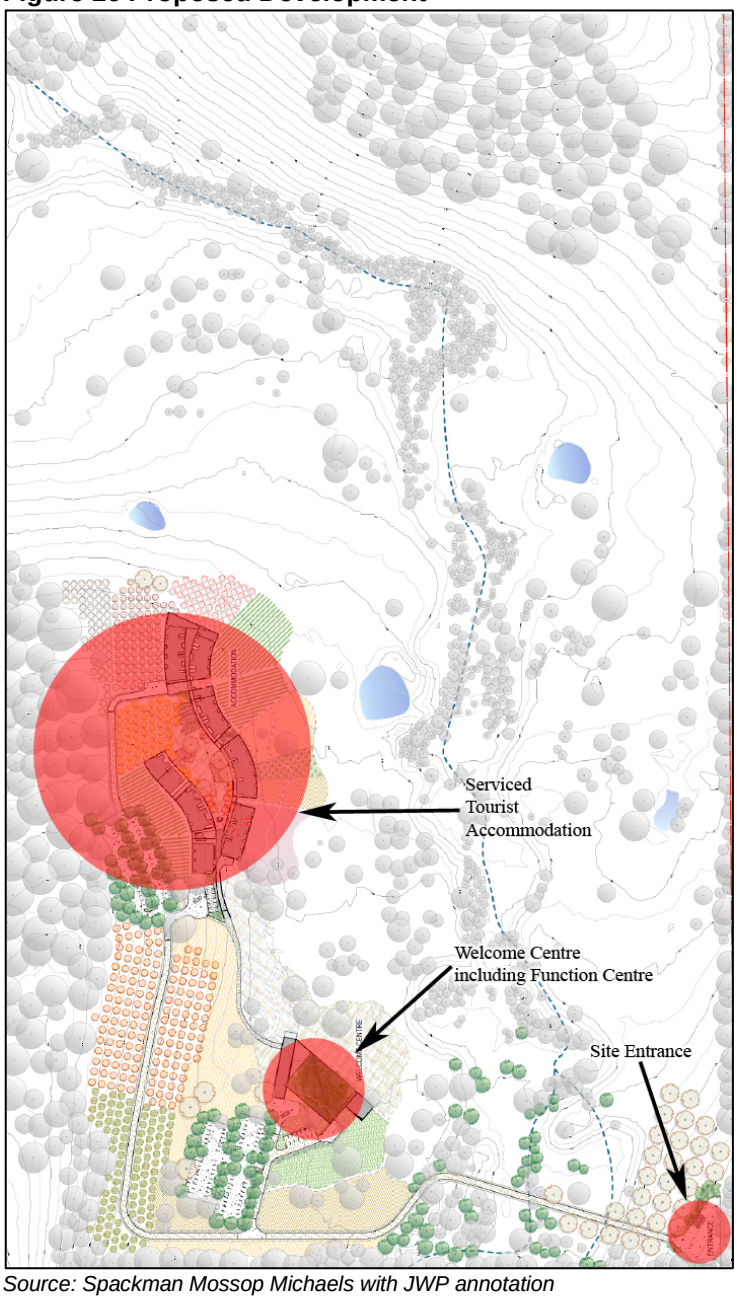
2.1 Siting of Development

The proposed development is sited to make the optimum use of the attributes of the site (in the context of recommendations by the site studies) and to avoid any impact on the areas of ecological significance. The development is contained in the southern half of site, to the west of the creek line, and immediately adjacent the Right of Access entering the site from the south.

There are three main areas of development on the site (shown in **Figure 9**):

1. The Site Entrance in the south east corner of the site;
2. The Welcome building (including function centre) located in the south of the site; and
3. The Accommodation is located in the western part of the site.

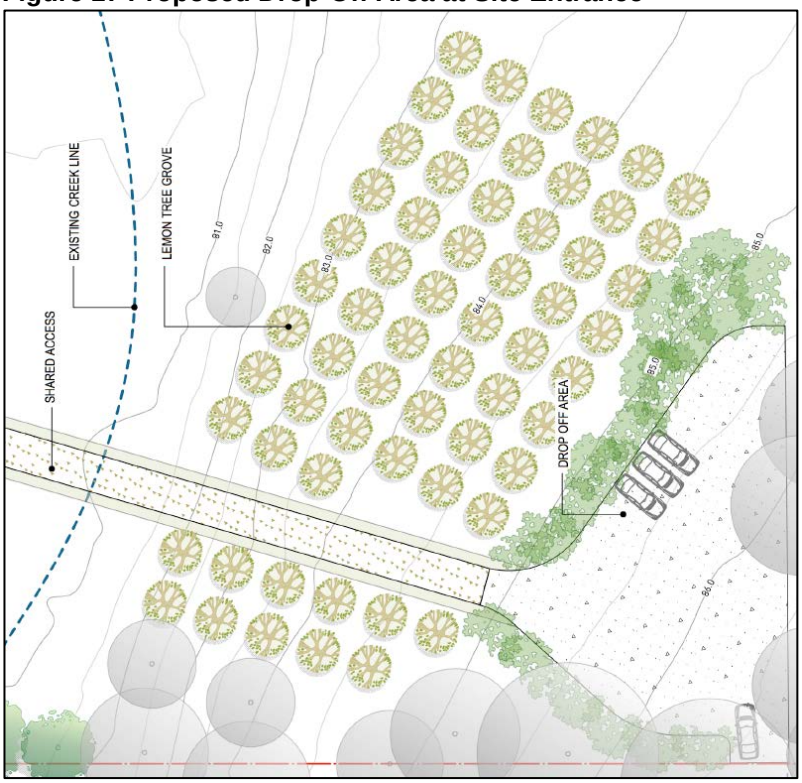
Figure 16 Proposed Development



Source: Spackman Mossop Michaels with JWP annotation

The entrance to the tourism facility includes a hard standing/drop off area. This area will be used by a number of guests as a drop-off point before being transferred to reception in the Welcome Building for check in. The purpose of this area is to minimise where possible the number of vehicles operating on the site.

Figure 17 Proposed Drop-Off Area at Site Entrance



Source: Spackman Mossop Michaels

Upon arrival, the guests will be directed to the reception in the Welcome Building. This building is sited in the south-western part of the site to take advantage of the views towards the south-west, in addition to being located to avoid the existing creek line and the main vegetation corridors. The Welcome Building also comprises a function centre which is discussed in more detail in **Section 2.3**.

Figure 18 Proposed Welcome & Function Centre

Source: Spackman Mossop Michaels

From the reception area, guests will be directed to their accommodation located on the western side of the site. The proposed accommodation has been sited to avoid the protected vegetation communities along the western boundary of the site, the Riparian Zone along the watercourse, and the Asset Protection Zones for bushfire protection associated with each. Surrounding the proposed accommodation will be a range of orchard Groves, providing food for the facility and an experience for guests.

Figure 19 Ground Floor Accommodation Buildings

Source: Spackman Mossop Michaels

2.2 Proposed Unit Density

The proposal involves the provision of 72 serviced apartments on the site at a rate of 1.5 units per hectare (total 48 Hectares). The application contemplates environmental protection works along the northern and southern boundaries in lieu of the increased density. Details are provided in **Section 4.8**.

2.3 Proposed Building Design

The award winning architect (Circa Morris Nunn) has been appointed to design the proposed buildings in keeping with the character of the area and the H12 vision. The following is taken from the architect's design statement:

> *The buildings are subservient to the landscape and the aim is for the built elements to merge into the landscaping as much as is possible. It is our intention to build on the natural values already present such as the creek, distant mountains and new productive landscape elements, and to always be directing visitors' attention back to these elements, rather than any built grandeur or ornamentation.*
>
> *It is the intention that all interior spaces feel as if they are intimately linked to the outside, so that visitors can experience the general ambience of this part of the Hunter Valley. Natural ventilation through operable windows and screens along with shade from planting will help this experience over the warmer months and also reduce the ongoing energy requirements of the building. Allowing spaces to be 'closed down' to create a more*

intimate environment over the cooler months is also key, the stay on site for a guest being more akin to the familiarity and authenticity of staying at a Grandparents property for a weekend over the summer holiday, rather than just having rooms a traditional hotel. The architectural design will be aimed at creating this experience.

STRATEGY 1- Get people out of their car (and hide it from view), slow down each individual's pace to a walking speed, thus allowing guests and visitors to slowly take in the broader landscape as one leaves the frantic world of contemporary travel behind.

STRATEGY 2- create a series of concave turf roof shapes rather than convex hill shapes so buildings be seen as a more integrated part of the landscape when you approach them, and then to have them open up in a panoramic ways to overlook the main part of the site from inside the principal spaces.

STRATEGY 3- entry courtyards mark an 'in between' space which allow guests to linger outside buildings and also to create 'outdoor rooms'. Bringing the gardens from these courtyards into the building helps to reinforce an indoor / outdoor relationship.

The design can be traced to the experience of the long approach from the end of the sealed road and into a recently farmed agricultural setting. The landscape of the site has changed from virgin bush into a grazing property and now evolving into the next stage of its occupation (general site repair, with new productive garden) and this idea of 'slowly evolving natural changes' is the primary driving force behind the architectural ideas.

The Welcome Building/Function Centre

This building is a low lying, 2 storey structure so it can sit into the topography of the landscape. The proposed building includes a green roof as shown in **Figure 20**. The roof is proposed to provide insulation in addition to ensuring the building forms part of the landscape.

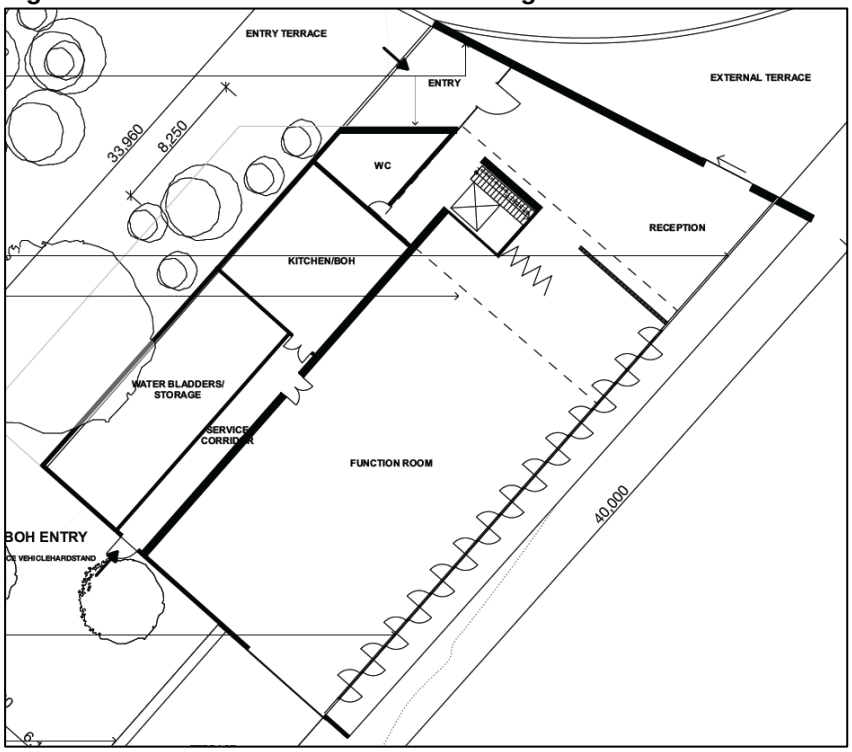
The proposed building encompasses the following:

- Ground floor reception area for arriving guests
- Ground floor function room with associated back of house and kitchen area
- Ground floor storage area
- Upper floor lobby and concealed kitchenette
- Upper floor board room for use as a meeting room

Ground and upper floor plans of the proposed welcome building indicating the siting of the proposed spaces within the building are provided in **Figure 19 and Figure 20**.

The welcome building will operate as the administrative and function centre of the proposed facility. The reception area will be used for guests checking in as well as providing a meeting point for guests and visitors.

Figure 20 Ground Floor Welcome Building



The function space and upper floor meeting/board room will cater for guests and visitors with a range of events held here throughout the year such as weddings or retreats. The proposed function room is designed to cater for up to 200 people.

In order to service the proposed event spaces, there is a kitchen and back of house area at ground level and a kitchenette space on the upper floor. This will be utilised by caterers wishing to prepare and/or store food on site for an event.

Figure 21 Upper Floor Welcome Building

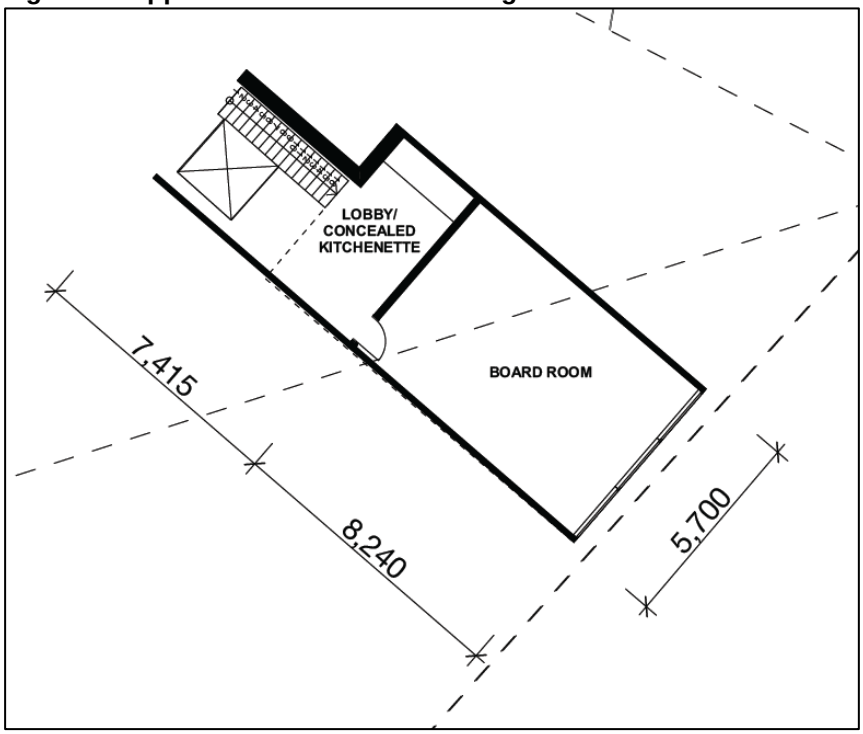
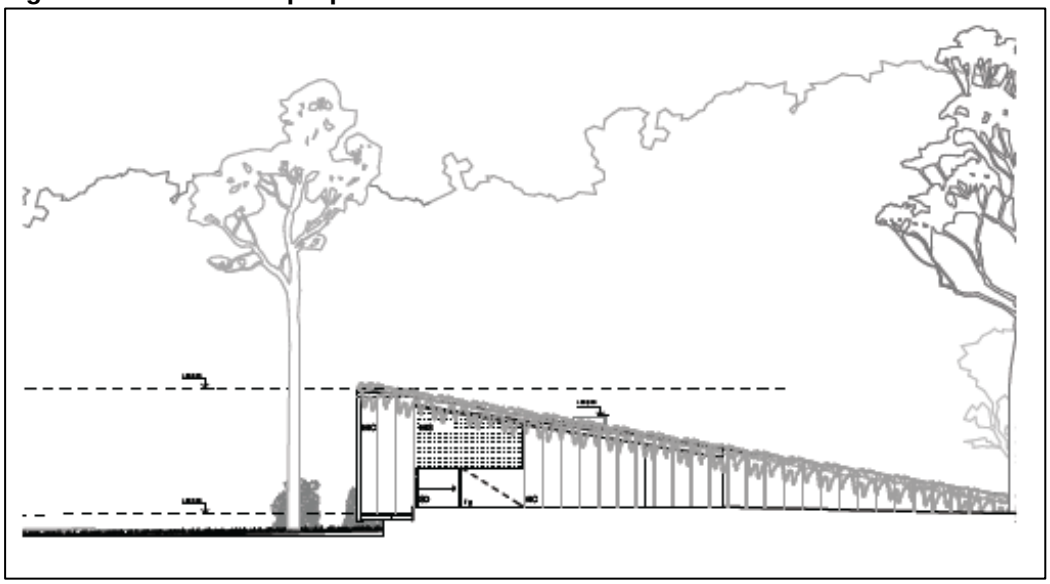


Figure 22 Elevation of proposed Welcome/Function Centre



The accommodation units are set within the western part of the site to ensure they are provided in a natural setting whilst also protecting the privacy of each unit. The accommodation blocks utilise natural materials including timber screening, reflecting the natural character of the site and surrounding area.

Proposed Serviced Apartments

The accommodation is provided within two two-storey curved buildings. Units are provided on each floor of the buildings, and designed to enjoy views of the surrounding landscape. The curved nature of the buildings ensures that each unit will have sufficient privacy whilst also maximising views. Each of the 72 rooms is set up as self-contained accommodation with access provided to a private courtyard or balcony.

Figure 23 Ground Floor accommodation buildings

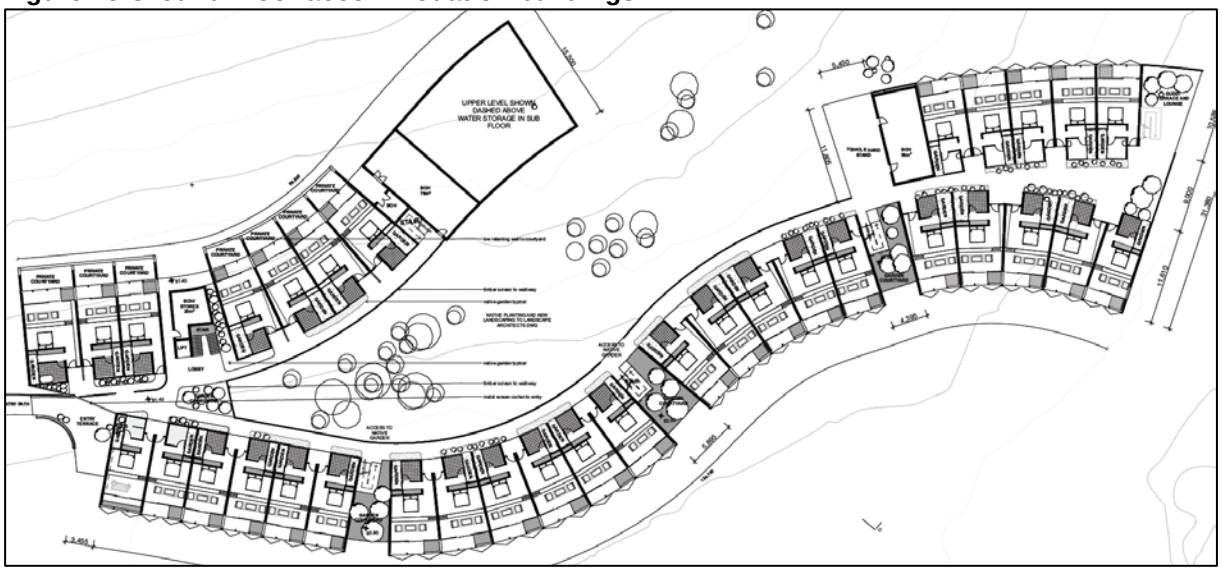
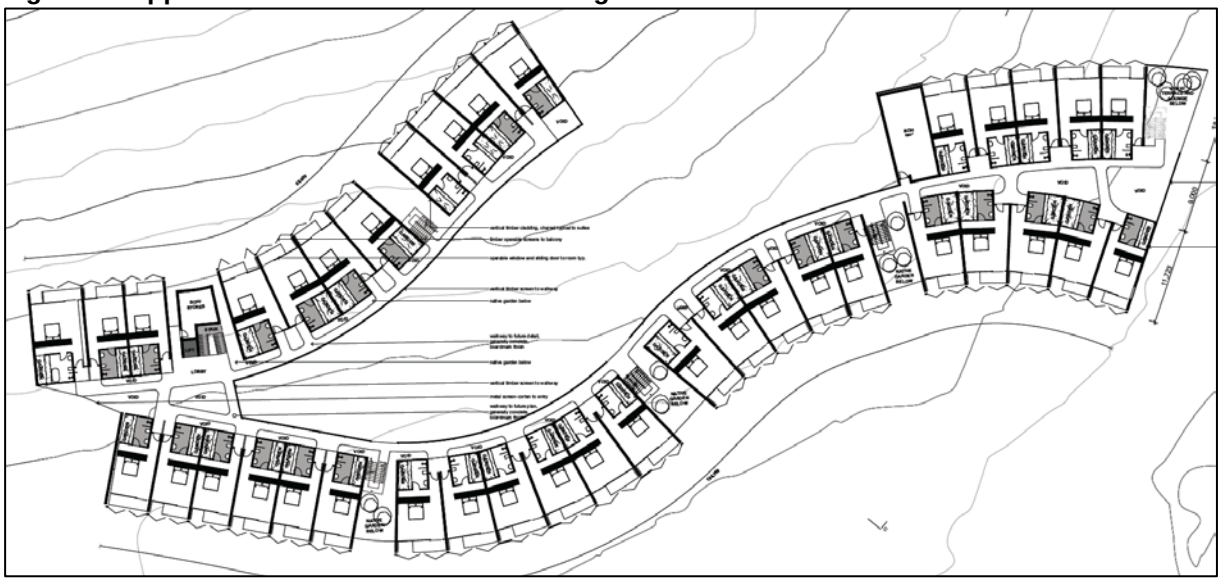


Figure 24 Upper Floor Accommodation Buildings



2.4 Proposed Stormwater Management

Due to the nature and location of the development, providing stormwater detention will have little significance on downstream flow regimes. The proposed development areas consist of:

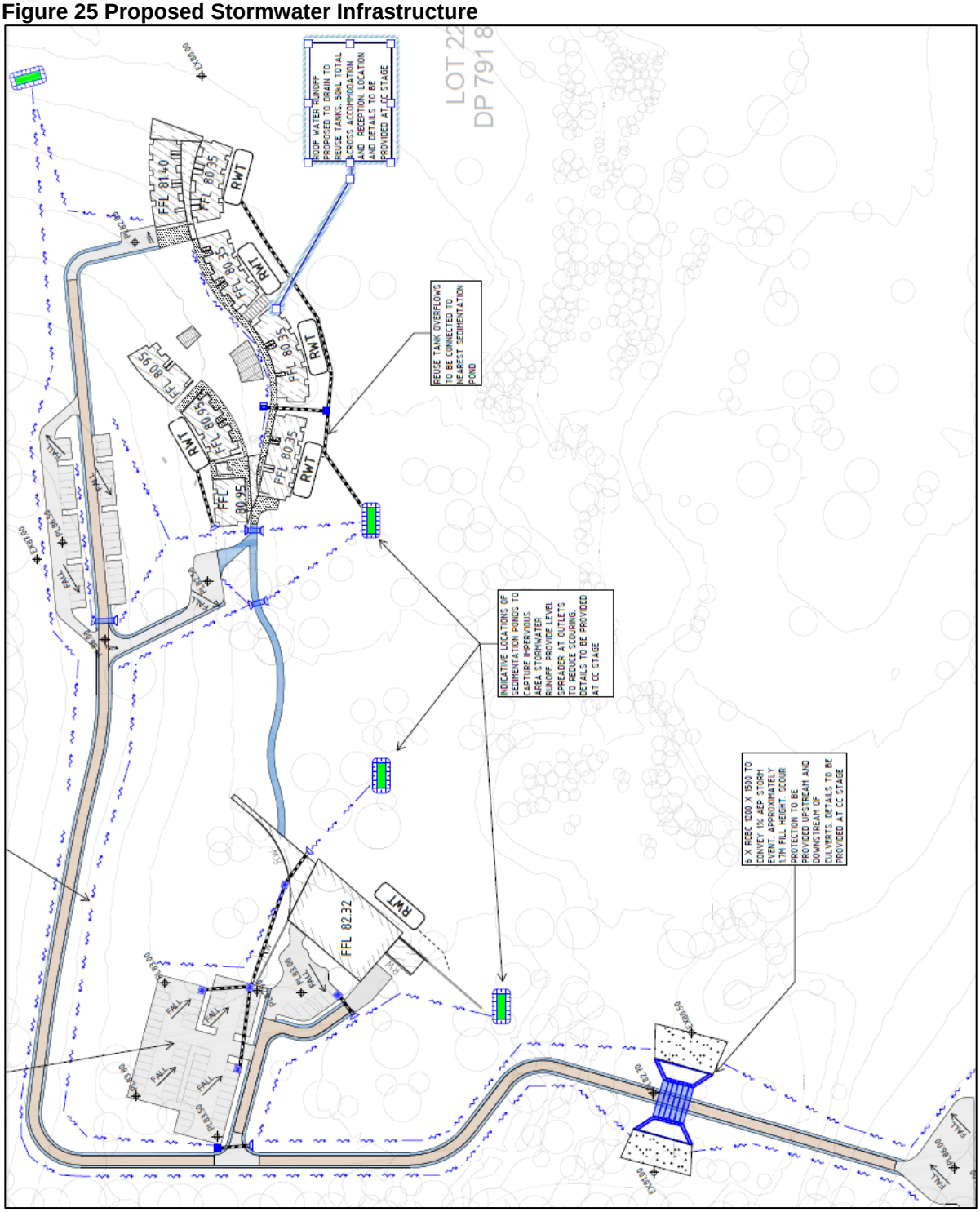
- 487,000 m^2 total site area;
- 4,151 m^2 roof area;
- 4,619 m^2 other impervious area;
- 8,770 m^2 total impervious area; and
- 2 % site impervious.

A large percentage of the site is to remain undisturbed and therefore it is not expected to have significant impact on peak storm flows. Runoff from the proposed impervious areas will be intercepted and harvested in a multi stage process as follows:

- Runoff from the proposed buildings will be directed to 1 of 6 rainwater tanks (50 kl total) proposed around the site.
- The rainwater tanks have been sized to store sufficient storage is provided in a storm event.
- Water will be reused from the tanks in the landscaped garden areas and orchards, ensuring the majority of the stored water will be used on site and will not require any further harvesting.
- Overflow from the tanks will be piped to sedimentation tanks designed to filter the runoff. These tanks will be located to avoid affecting the creekline or areas of vegetation.
- The sedimentation tanks will be fitted with a spreader at the outlet to prevent scouring while releasing the water.

Details of the proposed stormwater treatment are provided in **Figure 21**.

Figure 25 Proposed Stormwater Infrastructure



Source: Northrop

Details of the stormwater management strategy are provided in the Stormwater Management Report provided in **Attachment B**.

2.5 Proposed Landscaping

The landscape scheme aims to realize a welcoming sanctuary that restores a visitor's connection to the land. The intention is to introduce an authentic agricultural experience for guests. The landscape scheme will:

Preserve and enhance the existing nature values

The existing vegetation communities will be preserved. The degraded riparian corridors will be repaired and rehabilitated. Extensive fields of native meadows will be introduced to provide habitats for fauna.

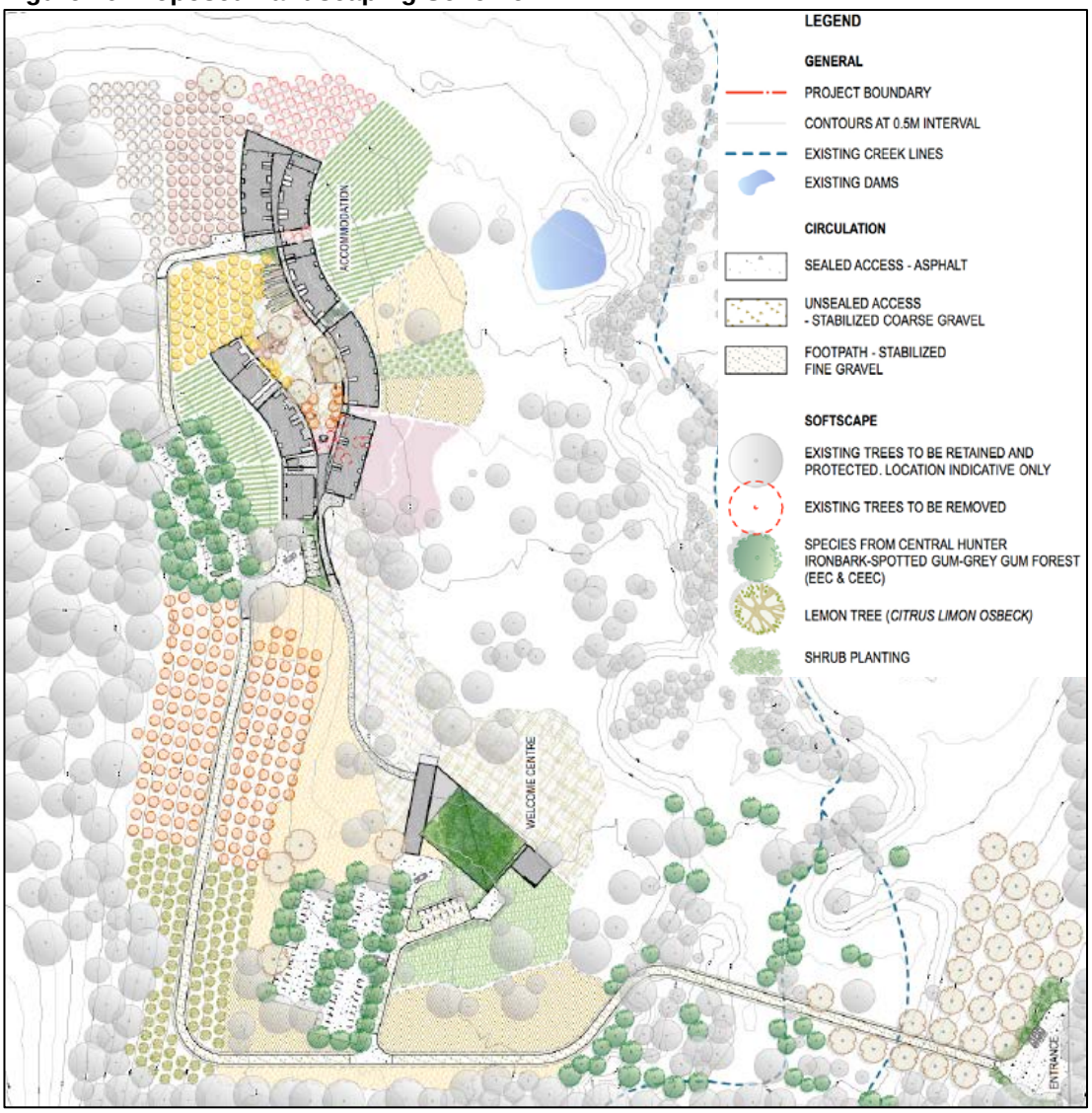
Introduce productive landscapes

An experiential rather than ornamental approach is used to determine the new landscape. Kitchen and market gardens, orchards and groves will tie into the natural landscapes and offer a sequence of authentic sustainable agricultural experiences. Guest will be encouraged to pick herbs and vegetables for their meals. Site-specific artworks will emerge from the landscape.

Create authentic and unique experiences

Produce-driven activities and events will be available to the guest. These could include, seasonal fruit picking, agriculture workshops, farmers market, and some low-key farm animal activities. Social activities of different scales and differing events will be able to be held against this rural backdrop.

Figure 26 Proposed Landscaping Scheme



Source: Spackman Mossop & Michaels Landscape Architects

A path network has been proposed to link the facilities and accommodation with the landscape beyond. The paths are established first with a formal walkway leading from the existing building that then merges with an informal path that meanders around the site, creating opportunities for exploration.

2.6 Proposed Car Parking

Cessnock Development Control Plan provides the following parking requirements for a tourist facility:

Accommodation (Serviced Apartments)
1 space per unit plus 1 space per two employees.

Function Centre
1 space per 7 m2 of gross floor area or 1 space per three seats, whichever is greater.

Parking demands associated with the various uses on the site have been calculated based upon the above rates, and are summarised below:

Staff
Advice from the proponent indicates that there will be up to 35 staff employed at the site during each shift, requiring 18 parking spaces.

Accommodation:
The proposed services apartments require 72 parking spaces for guests. Given the nature of the proposed development and the surrounding area as a popular tourist destination, it is considered that many of the guests who stay at the site could arrive by small bus as part of a tour group.

Function Centre / Restaurant:
The Function Centre / Restaurant has a GFA of 395 sq metres and based on a parking rate of 1 space per 7sqm the parking demand would be for 57 parking spaces.

Cross Use of Facilities
The proposed development provides for significant cross use of facilities. The restaurant will provide onsite dining facilities for guests in the serviced apartments providing ancillary facilities not requiring additional parking. Assuming 50% of guests are utilising the Function Centre / Restaurant with the balance of guests external to the site the parking for this component of the site would be 29 spaces.

Assuming that 50% of the guests staying on site have arrived by car compared with tour groups in small buses the parking associated with the accommodation would be 36 spaces. Plus 18 spaces for staff.

Total parking demand 83 spaces

The parking provision will be provided throughout the site for 115 spaces – 73 adjacent to the Welcome Centre including Function Centre/Restaurant and 42 adjacent to the Accommodation. The parking provision is therefore in excess of the likely parking demand.

2.7 Proposed Road Upgrade and Access Works

Civil works are proposed within the existing Right of Way leading from Gillards Road across an adjoining parcel of land. The owner of this adjoining land provides landowners consent to the works within the submitted DA form.

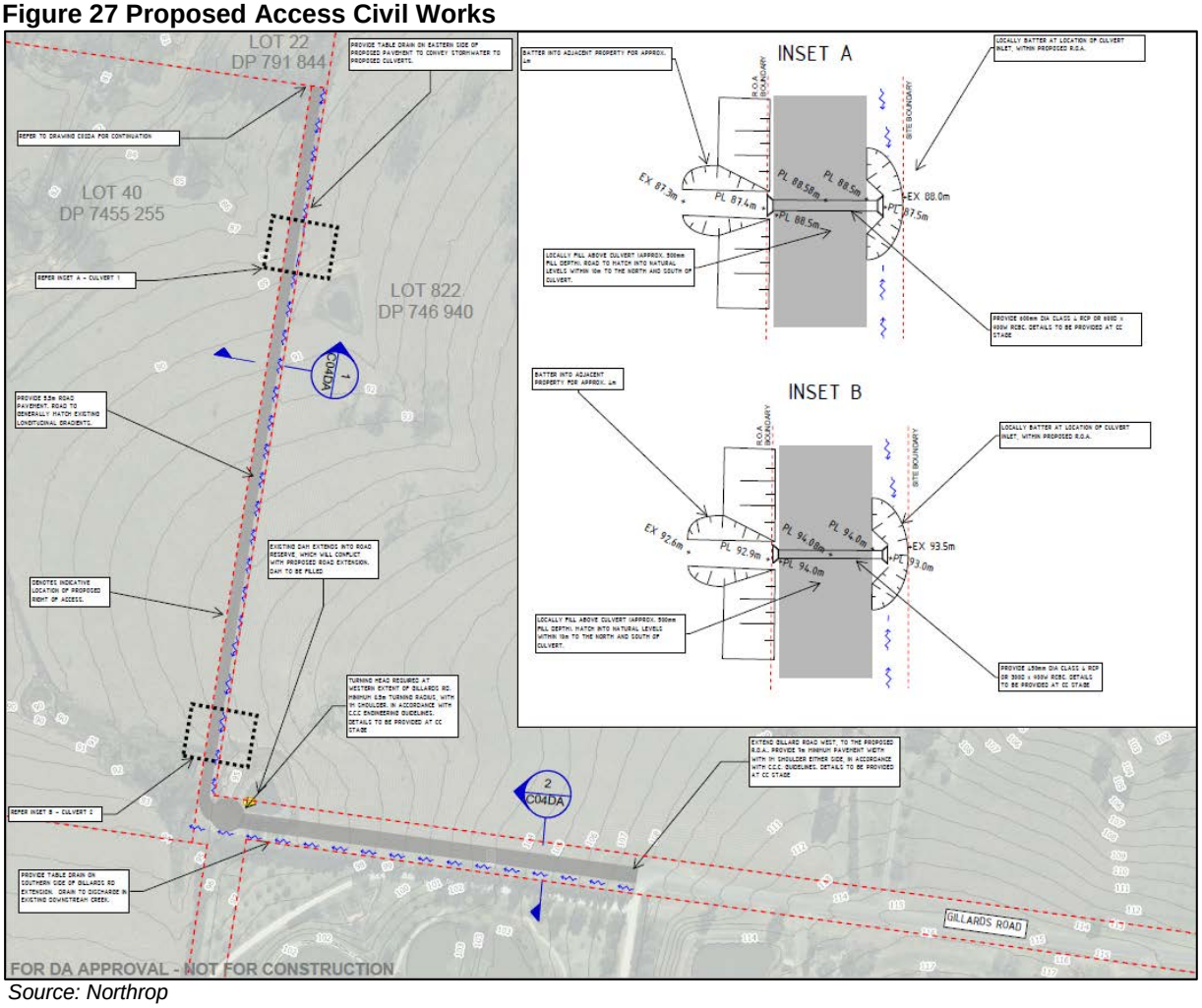
The existing gradients of the road reserve are suitable for the proposed road extension, and it is expected that only minor earthworks will be required to facilitate the upgraded accessway.

The following works are proposed:

- Provision of a turning circle at the junction of Gillards Road and the Right of Access;
- Provision of table drain on southern side of proposed Gillards Road extension;
- Paving of accessway to match existing gradients;
- Placement of culverts at two points along the Right of Access in response to existing (minor) watercourses.

Details of the proposed works are shown in **Figure 27 and in Attachment B.**

Figure 27 Proposed Access Civil Works



Source: Northrop

2.8 Proposed Operational Details

Staff numbers

The tourist facility will require a range of full time and part time jobs. The operator will be recruiting motivated, guest focused and passionate staff equipped with clearly defined core standards and philosophical Principles which are communicated daily.

The fulltime staff will include sales staff, managers, executive staff and maintenance whilst the part time staff will include some maintenance staff, restaurant staff and kitchen staff.

It is estimated that the proposal will include 35 full and part time staff.

Guest numbers
The proposal can cater for a wide range of guests. Below are the estimated maximum numbers of guests for the accommodation and facilities however these numbers do not reflect the natural cross-over of guests and facilities:

Function Centre: provision for a maximum of 200 people within the function centre

Accommodation: 72 serviced apartments can provide accommodation for 72 - 144 people

Security Arrangements
As with all tourist accommodation, the operator will strike a balance between security and ensuring members of the public can easily access the facility. To this end, security will comprise CCTV cameras discretely laid out throughout the site.

When the function centre is in use, further consideration will be given to the required security presence.

Lighting
The proposal includes low level lighting throughout the site to provide a safe and secure environment for guests and visitors. The low level lighting will be designed to ensure minimal light pollution occurs to the surrounding area, and to ensure a tranquil guest experience.

Liquor Licence
A liquor licence will be applied for the function centre.

Hours of operation
As the proposal is for tourist accommodation, the development will be accessible 24 hours a day.

Garbage collection
See waste management provided in **Attachment C**.

2.9 Estimated Development Cost

The estimated cost of the proposed development has been determined to be: $ 35,704,185.

Details of the cost are provided in the Cost Consultants Report (**Attachment D**).

3.0 Relevant Planning Provisions

This section provides an assessment of the Application in accordance with the heads of consideration under section 79C of the Environmental Planning and Assessment Act 1979. They are:

- The provisions of any Environmental Planning Instruments (EPI), any draft EPI placed on public exhibition, any Development Control Plan (DCP) and any matter prescribed by the regulations;
- The likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- The suitability of the site for the development;
- Any submissions made in accordance with the Act or the regulations; and
- The public interest.

Considerations relevant to the proposal are addressed hereunder.

3.1 Environmental Planning Instruments (EPI)

3.1.1 Relevant State EPIs (SEPPs)

SEPP 44 – Koala Habitat Protection

An assessment of the potential for the land to be Koala Habitat in accordance with SEPP 44 has been undertaken by Biodiversity Conservation Monitoring Pty Ltd (see **Attachment E**)**.**

In summary, secondary koala habitat is present but no koala usage was recorded the site. Nonetheless, we know that the local area provides habitat for a low level populations and based on this we must consider that in the future koala may use the site. Given that no clearing of trees is proposed and the proposal includes restoration and creation of koala habitats we conclude that a referral to the minister is not required. This advice directly follows the EPBC Act referral guidelines for the vulnerable koala (combined populations of Queensland, New South Wales and the Australian Capital Territory).

SEPP 55 – Remediation of Land

Relevantly, section 7 of SEPP 55 states:

> ***7 Contamination and remediation to be considered in determining development application***
>
> *(1) A consent authority must not consent to the carrying out of any development on land unless:*
>
> *(a) it has considered whether the land is contaminated, and*
>
> *(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
>
> *(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

An assessment of the land in order to determine whether remediation is required has been prepared by Douglas Partners (see **Attachment F**).

Per section 7(1)(b), the assessment notes there was no obvious visual or olfactory evidence of contamination however there are limited areas of potential contamination typical of former rural land, such as possible importation of filling to the site associated with the existing dams on site, possible application of herbicides on the site and possible application of herbicides on adjoining vineyards. Nonetheless, the report concludes that the areas of potential contamination, once remediated, will be suitable for the proposed land use.

The report recommends that the presence or absence of contamination can only be confirmed by further investigation including environmental sampling and chemical testing. Consequently, any further investigations and remediation actions required prior to or during construction per a Remediation Action Plan (RAP) ought be required by way of a condition of Development Consent; as a matter to address prior to release of a Construction Certificate.

SEPP (Infrastructure) 2007
The proposal has been considered against the requirements for traffic generating development under s104 of the SEPP. Proposals involving more than 200 vehicles would require the RMS concurrence, however this proposal has capacity for only 115 cars, and referral to the RMS is not required.

3.1.2 Relevant Local EPIs (LEPs)

Cessnock Local Environmental Plan (LEP 2013)

Clause 2.1 Land Use Zone

The land is zoned RU4 – Primary Production Small Lots.

The objectives of the zone are as follows (underline added for emphasis):

- 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.

The following uses are permitted with consent within the land use zone (underline for relevance):

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.

The proposal involves Tourist and Visitor accommodation in the form of *Serviced Apartments*; a land use that is permissible with consent.

Clause 7.2 Earthworks

The objectives of the earthworks provision of the LEP are:

1(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

1(b) to allow earthworks of a minor nature without requiring a separate development consent.

The proposed earthworks are ancillary to the proposed development, and of a kind and extent that subject to proper engineering design, are able to comply with subclause 7.2(3).

Clause 7.3 Flood Planning

This Clause states the following:

> *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
> *(a) is compatible with the flood hazard of the land, and*
> *(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
> *(c) incorporates appropriate measures to manage risk to life from flood, and*
> *(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
> *(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The proposal has been designed to ensure that, as a priority, water runoff is stored on site and reused rather than be discharged. This has been achieved through a number of stormwater mitigation measures including stormwater tanks, sedimentation tanks and spreaders. As a result of the mitigating measures, the proposal accords with Clause 7.3. This strategy is detailed in the Stormwater Management Plan provided in **Attachment B**.

Clause 7.6 Tourist and visitor accommodation in certain rural and environmental zones

This Clause requires the following:

> *Development consent must not be granted for development on land to which this clause applies for the purposes of tourist and visitor accommodation unless the lot on which the development is to be carried out has an area of at least 10 hectares.*

The lot in which the tourist and visitor accommodation will be located is approximately 49 hectares in area. Accordingly, the proposed lot size accords with the requirement of this control.

3.2 Development Control Plan (DCP)

Cessnock DCP 2010 has been addressed – refer **Table 1.**

Table 1 Compliance with relevant controls in the Cessnock DCP 2013

DCP	Criteria	Complies	Comment
Part C – General Guidelines			
C1	Parking and Access	✓	The proposal includes 115 car parking spaces. This includes the following provision: • Serviced Apartments - one space per unit plus one space per two employees; • Function Centre - one space per five seats • Disabled parking spaces should be provided at a rate of 2%. The proposal provides sufficient car parking (refer Traffic and Access Assessment (**Attachment G**). Sufficient disabled car parking spaces are provided.
C2	Flora and Fauna Survey Guidelines	✓	The submission includes a Flora and Fauna Assessment which confirms that the proposal will have minimal impact flora and fauna. Refer **Attachment E**.
C3	Contaminated Lands	✓	The proposal accords with the requirements of SEPP 55. A detailed Stage 1 Contamination Report is provided (refer **Attachment F**).

C4	Land Use Conflict and Buffer Zones	✓	Refer to **item E3** below.
C5	Waste management and minimisation	✓	A waste management plan has been prepared in accordance with Council requirements (refer **Attachment C**).
C6	Access and Mobility	✓	The proposal is DDA compliant as demonstrated in the architectural plans (**Attachment L**)
C7	Trees & Vegetation management	✓	A Flora and Fauna Report details how trees and vegetation will be managed on site. Refer **Attachment E.**
C8	Social impact assessment and crime prevention through environmental design guidelines for a proposed development.	✓	A social impact assessment accompanies this DA submission and is provided in **Attachment H**. A Crime Prevention through Environmental Design Report is provided in **Attachment I**.
Part D – Specific Development			
4.5.1	Impact on adjoining & nearby properties	✓	The proposal has been designed to comply with the minimum setback distances required to protect existing viticulture uses in the area. There are no viticulture uses within 100m of the site. Accordingly, the buffer setback distance is 50m. The proposal complies with this requirement as demonstrated within **Attachment M**.
4.5.2	Site Location	✓	The proposal site is considered suitable for tourist accommodation. The reasons for this view can be found in **Section 1.3** of this report and the social impact assessment (refer **Attachment H**).
4.5.3	Water Supply	✓	The proposal will be served by the mains water supply. Waste water will be managed on site to ensure no impact will occur to watercourses in the area. Refer **Attachment J**.
4.5.4	Effluent Management	✓	Effluent from the proposed development will be managed by a number of on-site effluent disposal systems. The systems will be designed to ensure that no impact can occur to the watercourses on site. Details of the proposed effluent system is provided by Northrop. Refer **Attachment J**.
4.5.5	Land management & flooding	✓	The proposed buildings have been designed to integrate with the topography of the site and minimise earthworks. In addition, the proposal has been designed to ensure compliance in respect of flooding. Details of this are provided in **Attachment B**.
4.5.6	Bushfire	✓	The proposed design and management is based on a Bushfire Hazard Assessment (refer **Attachment K).**
4.5.7	Flora & Fauna Ecosystems	✓	A detailed Flora & Fauna Assessment details how the flora and fauna ecosystem will be managed and protected. Refer **Attachment E**.
4.5.8	Cultural Heritage	✓	The site is within an Aboriginal Archaeological Area. A AHIMS search for the site was completed which showed no archaeological sites or places identified within the site or surrounding area. Prior to commencement of construction, a due diligence assessment will be

			undertaken. In addition Archaeological Report has been prepared for the site. The AHIMS search is provided in **Attachment L** and the Archaeological Report is provided in **Attachment O**.
4.5.10	Access & Parking	✓	The proposal accords with Councils requirements in respect of car parking provision. In addition, the proposal provides DDA compliant access. Refer **Attachment G**.
4.5.11	Social & Economic Effect	✓	Social & economic impacts of the proposal are provided in the Social Impact Assessment. Refer **Attachment H.**
4.5.12	Waste management	✓	The proposal has been designed to effectively deal with the waste in a sustainable manner. A waste management plan is provided in **Attachment C**.
4.5.13	Density & scale of development	✓	The scale and density of the proposal is compliant with the maximum building and unit requirements set out in this section. Details of this are provided in the Architectural Plans provided in **Attachment M**.
4.6.1	Building Structures	✓	The proposal is in accordance with the BCA regulations and is considered acceptable.
4.6.2	Fire safety & Buildings	✓	The proposal is compliant with the BCA fire safety regulations.
4.6.3	Toilets & Showers	✓	The proposed accommodation provides sufficient shower and toilet facilities to cater for the needs of the guests and visitors.
4.6.4	Sleeping Rooms	✓	The proposed sleeping rooms meet councils requirements as demonstrated in the Architectural Plans (refer **Attachment M**).
E3 - Vineyards District			
3.2.1	Consideration of Surrounding Land Uses	✓	The proposal has been designed to comply with the required buffers to adjoining viticultural uses. Detail of this are provided in the Architectural Plans (refer **Attachment M**).
3.2.2.2	Potentially Contaminated Land	✓	A Stage 1 Contamination Report has been prepared which confirms that Council can be satisfied that the land is fit for the intended purpose, and a condition of consent can require more detailed analysis to enable a RAP if necessary prior to works on site. Refer **Attachment F**.
3.2.4	Development Densities	✓	Details of how the proposal complies with this control are provided in **Section 4.8** of this report.
3.2.5	Front and Side Development Setbacks	✓	Given there is no adjoining viticulture in operation, the proposal is not required to include a setback.
3.2.5.1	Front Setbacks	✓	The proposal accords with the required front setback as demonstrated in the Architectural Plans (refer **Attachment M**).
3.2.5.2	Side Setbacks	✓	The proposal accords with the required side setback as demonstrated in the Architectural Plans (refer **Attachment M**).
3.2.8	Noise Generation and Odour Considerations	✓	The proposal is not located in proximity to surrounding properties. In addition, the proposal is not expected to generate unacceptable noise levels.
3.3.2	Native Vegetation Corridors and Mass Plantings	✓	Please see **Section 4.8** for details as to how the existing vegetation corridor on the northern boundary of the site is proposed to be improved.
3.3.4	Flora and	✓	A Flora and Fauna Report has been prepared. Refer

	Fauna Considerations		**Attachment E**.
3.3.5	Aboriginal Archaeology	✓	Refer **item 4.5.8** above.
3.3.7	Water Management Plan	✓	The application includes a stormwater management plan (refer **Attachment B**).
3.3.8.1	Waste Water	✓	Refer **item 4.5.4** above and **Attachment J**.
3.3.8.2	Solid Waste	✓	Refer **item 4.5.12** above and **Attachment C**.
3.3.9.1	Water Supply	✓	Refer **item 4.5.3** above and **Attachment J**.
3.3.10	Outdoor Lighting	✓	The proposal involves only low level outdoor lighting to ensure the lighting does not impact on the rural character of the area, and to maintain a tranquil guest experience. Refer **Attachment M**.
3.3.11	Fencing	✓	The proposal includes fencing which accords with this control. Refer **Attachment M**.
3.3.12	Car Parking	✓	Refer **item C1** above and **Attachment G**
3.3.13	Section 94 Contributions	✓	The proposal will require a Sec.94 Contribution in accordance with the Sec.94 Contributions Plan.

3.3 The Likely Impacts of Development

The site studies and the nature of the proposal indicate that the land is capable of supporting the proposed land use, and the proposal is suitable for the site, the adjoining land, and the local area. Refer to the Statement of Environmental Effects in **Section 4.0**.

3.4 Suitability of the Site for the Development

The proposal complies with the relevant environmental planning instruments and relevant Development Control Plans. The Statement of Environmental Effects confirms that the site is suitable and capable of sustaining the proposed development.

3.5 Submissions Made in Accordance with the Act or Regulations

The development application will require notification to adjoining landowners by Council. Given the nature of the proposal, and consultation to date (refer **Section 1.3.5**), it is not expected that this application will attract submissions with any significant objection.

3.6 The Public Interest

The proposal is in the public interest for reasons that:

- The proposal is for a world class, sustainable tourism facility to complement the existing tourism facilities in the Hunter Valley.
- The land is free of constraints, and the proposal will not involve clearing of vegetation or the displacement of feasible prime agricultural land.
- Improved retention of escape expenditure destined for other LGAs offering a diversity of tourist accommodation and venues for events;
- The proposal will increase youth training and employment opportunities associated with construction, ongoing management, and tourism activities. Up to 35 jobs are proposed post construction, excluding the increase in employment in the LGA from multiplier effects;
- The proposal will encourage guests and visitors to reconnect with the environment.

4.0 Statement of Environmental Effects

The following Statement of Environmental Effects is provided in accordance with Schedule 1, Part 1, s.2 (4) of the Environmental Planning and Assessment Regulation 2000. It is provided to facilitate assessment of the proposal in accordance with section 79C of the Environmental Planning and Assessment Act, 1979. Only relevant effects of the proposal are addressed.

4.1 Previous and Present Use of the Site

Both historically and currently, the land is used for informal agriculture purposes in the grazing of cattle. Limited land size and land form constraints (topography etc) preclude any other economic use of the land for more intensive rural activity with greater economies of scale.

There are dams and fencing, but no buildings on site. The site is traversed by an unformed section of Palmers Lane, which is vegetated, and a regional 132Kv High Voltage Transmission Line runs in an east-west orientation along the far northern boundary of the site (refer **Figure 4**).

4.2 Topography

Refer to **Section 1.3.3** and **Figure 5**. Topography of the site is relatively flat, varying between 68m AHD to 90m AHD. A detail survey of this site is provided in **Attachment A**.

4.3 Earthworks

The proposed buildings have been designed to integrate with the topography of the site, minimising earthworks.

Earthworks that are required are ancillary to the proposed development, and of a kind and extent that subject to proper engineering design, are able to comply with subclause 7.2(3) of the CLEP 2011.

In this regard, it is not anticipated that the works will:

a) disrupt or have a detrimental effect on drainage patterns and soil stability of the site;

b) effect the likely future use or redevelopment of the land;

c) require imported fill, as cut and fill is proposed to be balanced within the site.;

d) effect existing and likely amenity of adjoining properties,

e) remove excavated material from the site;

f) disturb relics;

g) effect land in or near a waterway, drinking water catchment or environmentally sensitive area; or

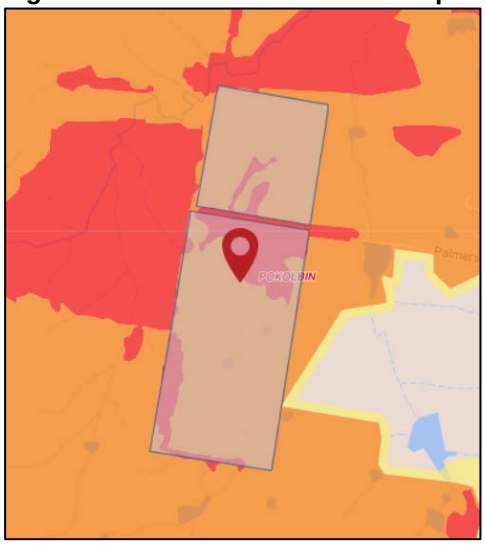
h) require extraordinary measures to avoid, minimise or mitigate any impacts of the development.

4.4 Bushfire Threat

The subject land is mapped by Cessnock Council as Bushfire Prone Land (refer **Figure 28**), and the proposed tourist accommodation development constitutes a Special Fire Protection Purpose (SFPP). Consequently a Bushfire Hazard Report has been prepared by Building Code & Bushfire Hazard Solutions Pty (BCHS) (see **Attachment K**).

The proposal is designed to accord with the requirements of Planning for Bush Fire Protection – 2006 and of the construction requirements of Australian Standard 3959 – 2009.

Figure 28 Bushfire Prone Land Map



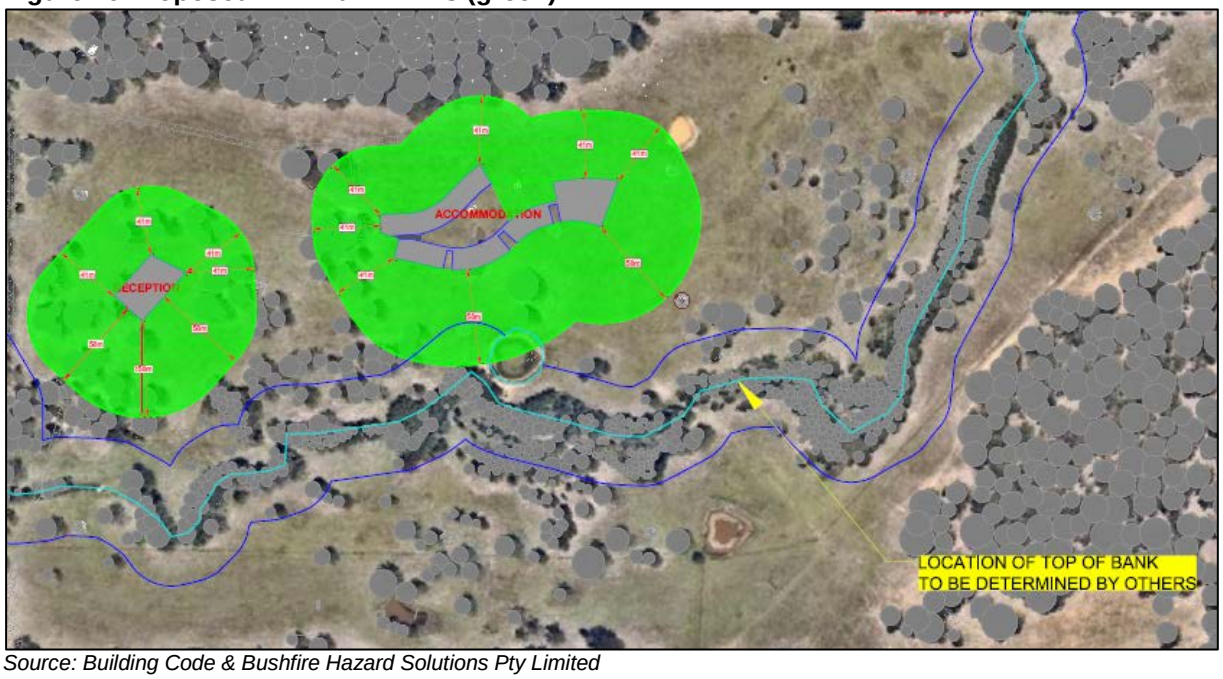
Source: Department of Planning and Environment

Bushfire prone vegetation has been identified as: Forest to the west of the site; Remnant forest to the east of the site; and Grassland to the south of the site. Owing to the length of the access to the site, the recommended APZs are over-specified to enable building siting and design to most effectively manage potential Bushfire risk.

The minimum required APZ to the west of the site is 41 metres and to the east 58 metres (refer **Figure 29**). The required APZ's have been achieved on the site. A portion of the APZ extends into the creek buffer zone. The proposal seeks to maintain existing vegetation in the creek buffer, and a Vegetation Management Plan will be prepared to ensure that vegetation within the creek buffer zones will be managed in line with the APZ requirements.

The proposal complies with the bushfire safety measures contained in the submitted Bushfire Hazard Assessment, and is able to ensure a reasonable and satisfactory level of bushfire protection to satisfy both the Rural Fire Service's concerns and those of Council.

Figure 29 Proposed Minimum APZ's (green)

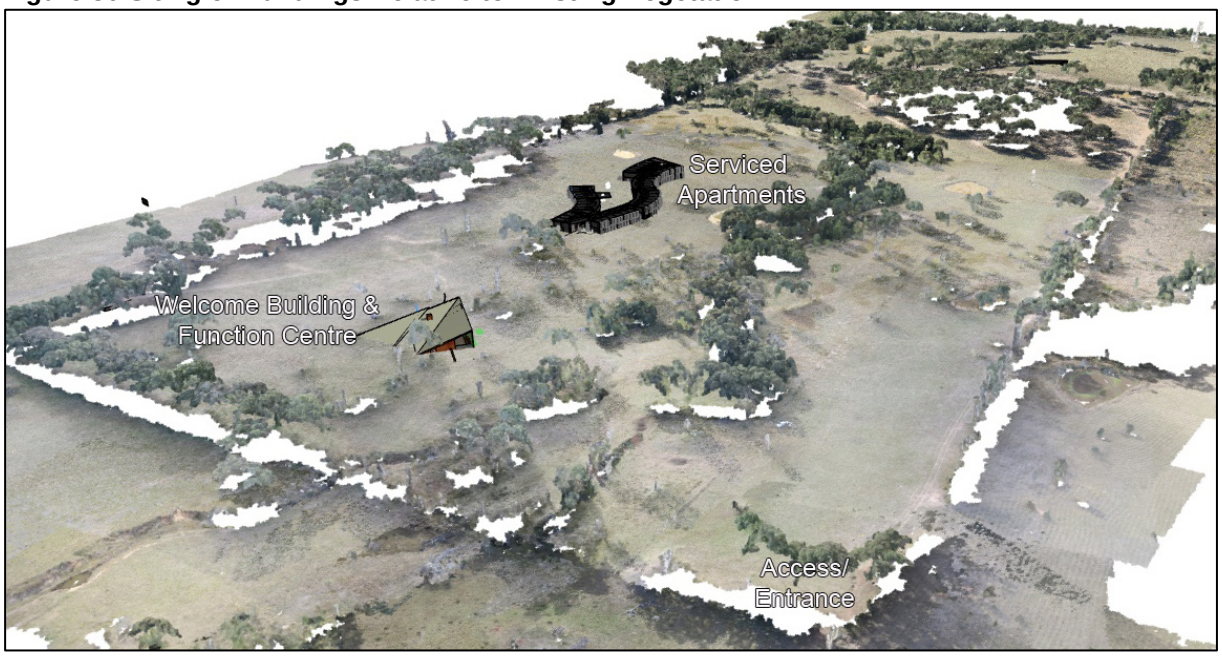


Source: Building Code & Bushfire Hazard Solutions Pty Limited

4.5 Flora and Fauna

An ecological and biodiversity assessment has been carried out over the land by BioCM Pty Ltd throughout 2016 and 2017 (refer **Attachment E**). The assessment concludes that the proposal will not impact on local threatened species, populations, communities or their habitats, or matters of National ecological significance, consistent with the aim of the design (to enable appreciation of the environment without adverse environmental impact).

Figure 30 Siting of Buildings Relative to Existing Vegetation



Source: CMN Architects Montage

Observations of the ecological assessment of relevance are:

Significant Flora
One sample from a red gum collected onsite is tentatively confirmed as the threatened tree Eucalyptus glaucina. It's possible that this is crossed with E.punctata onsite as it had some misleading characteristics. The project however does not involve clearing of any trees or eucalypt communities so it was deemed not necessary to investigate further. Surveys did not locate any other threatened or rare flora species onsite.

Significant vegetation
All communities recorded onsite are consistent with determinations for threatened communities. The proposal has been specifically designed to avoid these communities.

Twenty Eight (28) mature hollow bearing trees (HBT) were recorded onsite. The proposal will not at any stage require the removal of HBT's. Of these 28 HBT's four are considered highly significant hollow bearing tress that require preservation and management into the future. Construction of the development will not directly impact significant natural areas (i.e. modify or remove habitats) or have secondary impacts (i.e. downstream impacts or change competition) to any ecologically sensitive areas. Therefore, the potential for impacts to the ecology of the area are minimal.

The findings of this assessment are consistent with the results of Pre-Development Application advice conducted for the site.

4.6 Stormwater

The site has a total area of 49ha and the land generally falls to an existing ephemeral creek running from the south-eastern corner to the north-western extent of the site. The land is located in the Black Creek Catchment

The site is located just outside the extent of the Council initiated Black Creek Catchment Flood Study, and the applicant engaged the authors of that flood study (WMA Water Pty Ltd) to extend their modelling to ascertain flood depths and velocity associated with the creek lines within and adjacent the site (refer **Attachment P**). The WMA Water flood modelling informed the design of the proposed buildings to ensure they are located above the flood liable areas of the site.

Additionally, Northrop Consulting Engineers prepared a Concept Stormwater Management Plan for the proposal (refer **Attachment B**). The proposed management plan has been developed in accordance with Cessnock City Council's (CCC's) 2010 Development Control Plan (DCP) and Council's Stormwater Drainage Design – Engineering Requirements for Development, Parts 1 and 2.

The proposal has been designed to minimise potential runoff from the impervious areas, and to harvest stormwater where possible with the provision of stormwater retention tanks to provide for sustainable water reuse. Details of how this is achieved are provided in **Section 2.4** of the Northrop report..

4.7 Effluent Disposal

Douglas Partners Pty Ltd assessed the land and the proposal to determine the suitability and capability of the land for on-site effluent disposal (**Attachment N**).

The size of the application areas required is dependent on the level of treatment undertaken prior to application. It is recommended that the system selected for treatment of the sewage generated by the development should ensure the following characteristics:

- Secondary Treatment: Effluent quality with phosphate reduction to at least 10 mg/L and nitrogen reduction to 25 mg/L prior to application to the land; and
- Advanced Secondary Treatment: Effluent quality with phosphate reduction to at least 5 mg/L and nitrogen reduction to 10 mg/L prior to application to the land.

These levels are consistent with low strength effluent as defined in the Department of Environment and Conservation (NSW) *Use of Effluent by Irrigation*. If a centralised treatment system for treating and disposing of effluent from more than one building is to be considered, the following additional characteristics and features may be required:

- An upfront flow balance tank may be required to ensure that the treated effluent volume being applied to the land does not exceed the daily irrigation rate;
- Disinfection to reduce pathogens to an acceptable level prior to application;
- The reliability of the treatment system/s could be enhanced by the addition of filtration such as sand filtration or activated carbon;
- Contingency for periods of treatment or disposal process failure. It will be necessary to have reliable contingency plans in place to respond to periods of treatment or disposal process failure. This may involve being able to take the effluent off site by means of pump out systems; and
- Accommodation for periods of extreme wet weather when the ground becomes saturated.

Surface flow of wastewater needs to be prevented by appropriate means during wet weather. The system selected for use should be approved by the NSW Health Department, and the report confirms that a sufficient area of land is available to enable on-site effluent disposal within encroaching on buffers to sensitive areas and waterbodies.

Given the expected volume of effluent to be treated at the site, careful design of the treatment system will be required prior to discharge to the application area/s. Owing to the site and soil limitations present, it is recommended that the treated effluent be applied to the land surface via either surface or sub-surface irrigation or possibly evapotranspiration. Details of the system most suitable will be determined prior to Construction Certificate.

4.8 Development Density (Units/Hectare)

The site is 49 Hectares in area and the proposal is for 72 serviced tourist accommodation units (equating to just under 1.5 tourist accommodation units per hectare).

Chapter E.3 of the Cessnock City Council Development Control Plan 2010 provides maximum density guidance for tourist accommodation units within the Vineyards Area. Section 3.2.4 of this chapter provides the following:

> "…*Council may consent to tourist & visitor accommodation development within the RU4 Zone to a maximum density of 1.5 tourist accommodation units per hectare, where a proposal seeks to fully comply with the requirements for the establishment and maintenance of native vegetation corridors for the full length of property boundaries or creek lines, as relevant*…"

In order to achieve the proposed unit density, the proposed development includes ecological and vegetation enhancements within the site, detailed in the Flora and Fauna Assessment (**Attachment E**).

The proposed development is designed to avoid impacts on native vegetation and scattered trees. In addition, the proposal includes the regeneration of creek lines, the creation of additional habitats, and the creation of extensive organic gardens in cleared land, thus adding to biodiversity. Details are provided in **Attachment E**.

4.9 Noise Assessment

There are no dwellings on adjoining land in proximity to the site, relative to the siting of the proposed buildings, the proposal is not expected to generate noise nuisance.

4.10 Archaeology

The site is within an Aboriginal Archaeological Area, so an Aboriginal Heritage Assessment (refer **Attachment O**) and an AHIMS search were conducted (**Attachment L**).

The Heritage Assessment concluded that: "*After applying the due diligence process including desktop assessment and visual inspection, it is reasonably concluded that an AHIP application is not warranted as Aboriginal Objects are not likely to be harmed*."

Prior to commencement of construction, a due diligence assessment will be undertaken.

4.11 Access and Traffic

The accommodation component comprises a total of 72 serviced accommodation units. The proposed function centre will be open to the public, however these facilities are primarily intended for the use of guests who will already be on-site and will therefore not generate any significant additional vehicle trips or parking demands.

Access
Cessnock Development Control Plan (DCP) requires that all vehicles must be able to enter and exit the in a forward direction. Both the access driveway and internal site layout are consistent with AS2890 and the DCP to ensure that vehicles can manoeuvre within the site as required. This will require a minimum width of 5.5 metres to allow for two-way movements into and out of the site.

As part of the development Gillards Road will be extended toward the west within the existing road reserve to connect with the existing access road (Right of Access) to the site. This existing access road will be upgraded to provide a sealed driveway with access to Gillards Road only. No vehicle access will be provided to Palmers Lane.

Parking Provision
Parking demands associated with the proposed uses on the site have been calculated based on Council's parking requirements as summarised below:

Staff
Advice from the study team indicates that there will be up to 35 staff employed at the site during each shift, requiring 18 parking spaces.

Accommodation
The proposed services apartments require 72 parking spaces for guests. Given the nature of the proposed development and the surrounding area as a popular tourist destination, it is considered that many of the guests who stay at the site could arrive by a typical 22 seater bus as part of a tour group.

Function Centre / Restaurant
The Function Centre / Restaurant has a GFA of 395 sq metres and based on a parking rate of 1 space per 7sq m the parking demand would be for 57 parking spaces.

Cross Use of Facilities
The proposed development provides for significant cross use of facilities. The restaurant will provide onsite dining facilities for guests in the serviced apartments providing ancillary facilities not requiring additional parking.

Assuming 50% of guests are utilising the Function Centre / Restaurant with the balance of guests external to the site the parking for this component of the site would be 29 spaces.
Assuming of the guests staying on site 50% have arrived by car compared with tour groups in small buses the parking associated with the accommodation would be 36 spaces. Plus 18 spaces for staff.

Total parking demand 83 spaces

Formal parking will be provided throughout the site for **115 spaces** – 73 adjacent to the Welcome Centre including Function Centre/Restaurant and 42 adjacent to the Accommodation. The parking provision is therefore in excess of the likely parking demand and the parking requirements of the Cessnock DCP.

Servicing
A service / loading dock will be provided at the end of the shared access road adjacent to the accommodation area. Other service vehicles associated with site servicing (e.g. restaurant) will be able to park adjacent to the various buildings as required while loading or unloading. Consideration will be required for the standing of small buses associated with tour groups being able to alight upon arrival or for day trips.

4.12 Economic Environment

Details of the Economic benefits of the proposal are discussed in detail in the Social Impact Assessment provided in **Attachment H**.

In order to mitigate the potential increased use of surrounding facilities and services, the proposal will include a Section 94 contribution. This contribution is based on the current CPI pricing and is therefore liable to change.

4.13 Social Impacts

A Social Impact Assessment has been prepared as part of this submission and is provided in **Attachment F**. In summary, the assessment identifies that the proposed facility will have a significant economic benefit to the surrounding area and the Cessnock LGA. In addition, there are identified social benefits as a result of the nature of the proposed facility.

4.14 Disability Access

The proposal has been designed to accord with the requirements of the Disability Discrimination Act. This includes the provision of suitable access to the facilities and rooms within the proposal, the provision of accessible car parking and the provision of accessible routes throughout the site.

4.15 Site Contamination

Douglas Partners Pty Ltd conducted preliminary site investigations to determine the potential for contamination (**Attachment F**). The results indicate the following:

- General absence of gross contaminating activities at the site;
- Possible application of herbicides during weed control, with potential contaminants including herbicides, metals, hydrocarbons;
- Possible, localised, importation of filling, or excavation and placement of site wide materials associated with the existing dam wall embankments. The filling may contain potential contamination such as asbestos containing material, TRH, PAH, BTEX, PCB, OCP, OPP and Metals.

There was no obvious visual or olfactory evidence of gross contamination (i.e. no obvious staining or odour) observed on site or within the test bores undertaken during the previous investigation at the site. It is noted that while a previous geotechnical investigation has been undertaken at the site, no sampling and testing for chemical contaminants was conducted for the PSI.

The presence or absence of contamination can only be confirmed by further investigation including environmental sampling and chemical testing. It is considered that the potential contaminants at the site (if present), would be readily amenable to conventional site remediation (if required) to render the site suitable for the intended use.

The site is determined to be suitable for the intended use, subject to further preliminary subsurface investigation and localised remediation prior to works commencing on site.

4.16 Waste Management

A Waste Management Plan accompanies the submission (**Attachment C**). The waste management plan details the approach to managing waste during demolition, construction and during operation.

In respect of demolition waste, the proposal will occur on land that is clear of buildings and structures. Accordingly, it is not envisaged that any waste will be produced prior to construction

During construction, some waste will be inevitable however this will be minimised due to the on-site contractor ordering materials to meet the demands of the site. Any remaining material will be disposed of in accordance with the Australian Standards including the separation of waste on site and the recycling/reusing of as much waste as possible.

The proposal is unique in that during the operation of the facility, a private operator will be collecting waste on site. Waste bins will be provided in proximity to the function centre. These bins will be emptied by a private contractor 2-3 times a week dependent on the use of the function centre. The proposed roads have been designed to allow for a garbage truck to ingress and egress the site in a forward manner.

5.0 Response to Pre Development Application Meetings

As part of the planning, design and pre application consultation, the applicant sought and attended a number of pre-DA meetings with Cessnock City Council. Details of the meetings are noted in **Section 1.3.5**.

A summary of the commonly and most relevantly raised issues, and how the proposal responds, is provided below:

Cessnock City Council Local Environmental Plan 2011

Comment
It was confirmed that tourist accommodation (serviced apartments), function centre and a restaurant/café are permissible in the land use zone.

The presented scheme did not conform with setback distances or density requirements.

Response
The comment regarding the permissible uses proposed is agreed. In respect of the layout and design, the proposal has been amended to accord with the density, setback and conflict/buffer zone requirements of Council's DCP and is fully compliant with these controls.

Cessnock City Council Development Control Plan 2010

Parking and Access

Comment
Access, loading/unloading areas and car parking to be provided in accordance with DCP car parking rates. In addition, access to be designed in accordance with Planning for Bush Fire Protection.

Response
As demonstrated in the submitted Traffic and Access Report (**Attachment G**), the proposal accords with the relevant standards for car parking, access and loading/unloading areas.

Land Use Conflict & Buffer Zones

Comment
Requirements for appropriate buffer area/conflict resolution must be considered and implemented within the proposal

Response
The proposal accords with the required conflict & buffer zones and is fully compliant. Details of the proposal are provided in **Attachment L**.

Waste management & Minimisation

Comment
A detailed Waste Management Plan must be prepared.

Response
A detailed waste management plan has been prepared and is provided in **Attachment C.**

Access and Mobility

Comment
Accessible units are to be provided in accordance with Council controls and Access to Premises Standard 2010.

Response
The proposal includes the required number of accessible units as detailed within the plans provided in **Attachment M**.

Internal Officer Comments

Ecology

Comment
Due to the potential flora and fauna identified on site, a Flora and Fauna Assessment is required to be prepared. In addition, an assessment of the site to determine whether the site constitutes a potential 'core' koala Habitat is also required.

Response
The Development Application includes a Koala Habitat Assessment and a Flora and Fauna Assessment. From the assessment, the site has not been identified as a core koala habitat, and the assessment details how the proposal will introduce a landuse and investment that will enhance, improve and maintain, existing vegetation on site. Details of this are provided in **Attachment E**.

Engineering

Comment
A traffic Impact Assessment is to be provided with the application detailing car parking areas, internal road access and loading/unloading areas.

Response
The proposal includes a Traffic Impact Assessment provided in **Attachment G**.

6.0 Conclusion

The proposal involves a unique approach to the provision of tourist accommodation, combining sustainable development and business practises, art and lifestyle focussed accommodation within a single facility.

The proposal, the first of its kind in Australia by the applicant, will reflect the ethos of the other H12 tourism facilities around the world by inviting international artists to live and work on site. These international artists will collaborate with nominated local artists and galleries with opportunities for local artists to also have their works shown in international galleries.

The facility has been designed and will be managed in accordance with the strictest eco-friendly and sustainability criteria. A 'light touch' has been taken in the scheme design to minimise the potential effect of buildings and structures on the natural landscape. A significant enhancement to the existing natural vegetation is also proposed in areas of the site.

The operator is seeking to grow produce on site to be used in the facility whilst also sourcing local ingredients and products from the Hunter Valley area. This results in a proposal that will provide a high quality tourism addition to the Hunter Valley which is forward thinking in the approach to sustainable development.

Further to the environmental benefits highlighted, the proposal will contribute to the diversity in employment opportunities in the Cessnock LGA both during the construction and in the operational phase, and the venue will provide a high quality conference facility to complement other facilities in the wine region.

The proposal complies with the relevant environmental planning instruments and Cessnock Council development controls. The proposal is an orderly and economic use of land zoned RU4 Primary Production Small Lots under the Cessnock City Council Local Environmental Plan 2011, and the merits of the proposal are in the broader public interest.

It is therefore recommended that the determining authority grant consent to the proposal.

ATTACHMENT A
SITE SURVEY

ATTACHMENT B
STORMWATER MANAGEMENT PLAN

ATTACHMENT C
WASTE MANAGEMET PLAN

ATTACHMENT D
COST CONSULTANT REPORT

ATTACHMENT E
FLORA AND FAUNA REPORT

ATTACHMENT F
STAGE 1 CONTAMINATION REPORT

ATTACHMENT G
TRAFFIC AND ACCESS ASSESSMENT

ATTACHMENT H
SOCIAL IMPACT ASSESSMENT

ATTACHMENT I
CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN REPORT

ATTACHMENT J
BUSHFIRE ASSESSMENT REPORT

ATTACHMENT K
AHIMS SEARCH RESULTS

ATTACHMENT L
ARCHITECTURAL PLANS

ATTACHMENT M
PRELIMINARY EFFLUENT DISPOSAL ASSESSMENT

ATTACHMENT N
LANDSCAPE PLAN

ATTACHMENT O
ABORIGINAL HERITAGE ASSESSMENT

ATTACHMENT P
FLOOD STUDY