



7 April 2022

Department of Planning and Environment
Att: Kendall Clydsdale

Contact: Sarah Hyatt
Our Ref: 52 2022 2 1
Your Ref: SSD - 39121472

Via email: kendall.clydsdale@dpie.nsw.gov.au

Dear Kendall,

SSD – 39121472 – Request for Comments on SEARs
Description of Development – Cedar Mill Hunter Valley
Property: 482-542 McDonalds Road, Pokolbin

I refer to the above mentioned development and notification through the Major Projects Portal requesting input from Council on draft SEAR's for development known as 'Cedar Mill Hunter Valley'.

By way of background, Council met with the proponent on 5 March 2021 to discuss the proposed development, issuing minutes of this meeting.

Following review of the Scoping Request Report prepared by Monteath and Powys the development includes the following elements:

1. *Museum Cluster:*
 - a. *Museum building,*
 - b. *Outdoor education, exhibition area and landscaping,*
 - c. *Splashpad and playground,*
 - d. *Museum function centre,*
 - e. *Museum cafe, and*
 - f. *Museum retail.*
2. *Convention Cluster:*
 - a. *Convention centre and outdoor function and exhibition spaces,*
 - b. *Function centre,*
 - c. *Training and meeting room, and*
 - d. *Accommodation.*
3. *Tourism Cluster:*
 - a. *Winery,*
 - b. *Brewery,*
 - c. *Distillery,*
 - d. *Restaurant and café,*
 - e. *Artisan produce outlets,*
 - f. *Artisan bakery, and*

g. *Cellar door retail outlets.*

A high level review of the information has been undertaken, with a number of concerns raised which are further considered below.

Scale

The development proposed is of a scale that provides for concern for its impacts on the potential to impact the established character of the immediate and surrounding landscape.

It is important to note that concern about the development extends beyond that of the direct development to include the off-site works. In this respect, it is recognised that the scale of the development, will require road upgrades and other associated works that present a threat to the character of the area.

The subject site is located within the Vineyards District of Cessnock Local Government Area, this area has specific objectives with the Cessnock Development Control Plan. Assessment of any proposed development application requires due consideration to be given to the compatibility of the proposed development in relation to the area specific objectives and objectives of the RU4 zone.

Concerns are raised that the scale and intensity of the development are not capable of meeting the objectives of the DCP or zone objectives.

Permissibility

The development, as proposed, presents a number of concerns regarding permissibility. Development that is not permitted under the relevant planning provisions cannot be granted development consent. Further detail in relation to the operation of each of the specific components is required in order to properly characterise the development. It is recommended that the proponent considers each of the components of the development identifying the relevant definition of each use under the *Cessnock Local Environmental Plan 2011*. It is noted that the following land uses are prohibited within the zone (this is not an exhaustive list of uses which may relate to development proposed):

- Proposed function areas and amphitheatre may fall within the definition of - **entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.
- Proposed splashpad and playground may fall within the definition of - **recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).
- Proposed retail uses may fall within the definition of - **shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.
- Proposed accommodation identified as a hotel - **hotel or motel accommodation** means a building or place (whether or not licensed premises

under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

- Proposed winery, brewery and distillery may fall within the definition of - **agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry **OR** **artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—
 - (a) a retail area for the sale of the products,*
 - (b) a restaurant or cafe,*
 - (c) facilities for holding tastings, tours or workshops.*
- Proposed sale of food may fall within the definition of - **kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items.
- Management of sewer onsite may fall within the definition of - **sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

An ancillary use is a use that is subordinate or subservient to the dominant purpose. The identified land uses appear to be of a scale and character whereby it is considered unlikely that they can be considered subservient to a dominant permissible use.

Environmental Impact – Onsite Sewerage Management System

The subject site is not serviced by a reticulated sewer system and will require an onsite sewage treatment system (OSSM) to facilitate the development.

The operation of a sewage treatment system (including the treatment works, pumping stations, sewage overflow structures and the reticulation system) that involve the discharge or likely discharge of wastes or by-products to land or waters that has a processing capacity that exceeds 2500 persons equivalent or 750kl per day is a scheduled activity and triggers the requirement for an Environment Protection Licence (EPL).

It will be necessary to provide a comprehensive wastewater report prepared by a suitably qualified and experienced environmental wastewater consultant. It is important that such a report:

- Clearly considers each element of the development and calculates the hydraulic load conservatively based on the peak load/capacity. Having calculated and documented the basis for this calculation separately for each element the overall hydraulic load for the proposed development can be transparently outlined. That is, the report addresses in totality the onsite wastewater proposal.

- Includes system design and associated hydraulic calculations must be consistent with all other documentation submitted in support of the proposal.
- Clearly identifies and considers site constraints both inherent, and introduced in connection with the proposal.
- Clearly delineates and addresses management of different waste streams (i.e. human waste, brewery waste/ distillery waste)
- Addresses how, where multiple systems are proposed, they relate to and may impact on each other, even when separate approvals are required.
- Includes a detailed site plan.

Strategic Planning Context

Council is in the process of preparing an amendment to the *CLEP 2011* to amended the land use zone considering applying an 'SP' zone which would likely to encompass the subject land.

Council is also in the process of reviewing the Development Control Plan (DCP) related to the Vineyards District. Amendments to the DCP will be exhibited in the near future.

Ecology

The following additional comments are also provided in relation to ecology:

- Vegetation along the boundaries of the site adjacent to McDonalds Road and Broke Road is mapped as Lower Hunter Spotted Gum – Ironbark Forest EEC and Vegetation Corridors of the Vineyards district are present along the roadsides of both roads.
- Two first order watercourses are mapped on site. Information will need to be provided as to whether these water courses are present and whether they have defined beds and banks.
- Any landscaping will need to use only native species of local provenance and be sourced from a specialist native plant nursery. No net loss of vegetation within the Vineyards District.

Provision of Potable Water Supply

Provision of potable water supply sufficient for the proposal will need to be addressed. If a reticulated water supply is to be relied on please engage with Hunter Water Corporation to confirm appropriate capacity to service the proposed development. If a private water supply is to be relied on please note requirements under the *Public Health Act 2010* with regard to private waters supplies apply, including the need to have a quality assurance program that complies with the related regulations.

Traffic

There are immediate traffic and transport / road safety concerns identified with the proposed development. These concerns primarily relate to the "Events" aspect of the development and include the following matters:

- Relevant lengths of Broke and McDonalds Road are 2 lane – 2 way, rural roads, with the following limiting features:
 - Minimal pedestrian amenity/facilities;
 - Posted 60 km/h and 80 km/h speed limits;

- Minimal street lighting; and
- No separation of bicycles and motor vehicles.
- Broke Road is currently a regional road, however it has been nominated for re-classification as a State Road (decision regarding reclassification not yet known);
- Previous experiences with major events in the area have highlighted major road network capacity and road safety issues;
- Consultation with TfNSW will be required due to the impact on adjoining existing State Road network (particularly Broke and McDonalds Roads - intersections with Wine Country Drive); and
- Existing road lane widths and shoulder widths would likely be required to be maintained, accordingly some road realignment and culvert extensions may be required; and
- Channelised intersection treatments would be required.

General Comments

As discussed previously Council Officers hold concerns as to the suitability of the site to cater for the development as presented in the information provided.

Should the Department issue SEAR's, in addition to the list of documents the following additional documentation shall be provided:

- Crime Prevention Through Environmental Design(CPTED) Report,
- Operational Management Plan,
- Emergency Management Plan, and
- Access Audit ensuring compliance with the Disability (Access to Premises – Buildings) Standard 2010.

It is anticipated that other agencies will provide their input into preparation of the SEAR's including but not limited to Environment Protection Authority, Transport for NSW, NSW Rural Fire Service, Natural Resources Access Regulator, Hunter Water and Emergency Services (NSW Police, NSW Abulance).

Should a State Significant Development Application be lodged, Council would request an opportunity to review this information and provide further comment.

Should you have any further enquiries please contact me directly on telephone 02 4993 4219 or via email sarah.hyatt@cessnock.nsw.gov.au.

Yours faithfully



Sarah Hyatt
Principal Development Planner