

Our Ref: 20/0427 RB:kd

09 March 2022

Director Regional Assessments  
Department of Planning Industry & Environment  
PO Box 1226  
NEWCASTLE NSW 2300

**ATTENTION: Keiran Thomas – Director Regional Assessments**

Dear Keiran

**RE: RESPONSE TO REQUEST FOR FURTHER INFORMATION – PDA – 36072467  
482-542 MCDONALDS ROAD, POKOLBIN**

**INTRODUCTION**

We refer to the request for further information made in relation PDA-36072467 and are pleased to provide the following information to the Department of Planning and Environment.

- 1. Characterisation and SSD The Scoping Report identifies two dominant uses for the proposal (the intended SSD triggering components) as 'information and education facility' (the Museum Cluster) and 'function centre' (the Convention Cluster). A function centre is not identified in 13(1) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). It is noted that the definition of a function centre under the Cessnock Local Environmental Plan 2011 (CLEP) includes 'convention centres' and 'exhibition centres' which are listed in 13(1)(b) of Schedule 1 of the SDR SEPP but are not defined land uses. The Department seeks further information on the proposed convention cluster and intended uses, including its outdoor elements and what 'events' and 'functions' the Convention Cluster intends to cater for.***

This characterisation is noted, and we confirm that for the purposes of State Significant Development under the SRD SEPP, the 'triggering components' are 'information and education facility' (the Museum Cluster) and 'Convention centre' (the Convention Cluster) as these uses are specifically identified within Clause 13 of Schedule 1 in the SRD SEPP. Noting that definition of function centre in the CLEP includes 'convention centres' and 'exhibition centres', reference will only be made to convention centre other than in the characterisation table below which provides an analysis of permissible (and defined) land uses under CLEP that are part of the proposed development.

The convention cluster provides unique convention and function facilities that are both state of the art and flexible in comparison to other venues within NSW through a combination of indoor and outdoor settings. Through demand analysis and feedback from a number of local, national, and international stakeholders, Winarch believes this bespoke offering will become a national and international draw card for

the Hunter. Based on current market demand, Cedar Mill Hunter Valley will provide a flexible convention space for a multitude of event types, which will vary depending on the time of year, and preferred design and amenity. The demand for adaptable and customisable event spaces is increasing, and it is intended to utilise the proposed spaces all year round for various event types.

Concept architectural plans of three different event typologies can be found in **Appendix A** that demonstrate the unique and flexible offering of Cedar Mill Hunter Valley and show indicatively, some of the various convention events and functions that are proposed to take place.

2. *Land Use Components in Clusters, SSD and Capital Investment Value (CIV) The SSD land uses proposed (i.e., information and education facility and 'convention centres' and 'exhibition centres') must be clearly defined for each cluster, with the CIV for these components made clear in the CIV report. For example, within the Museum Cluster the splash pad and playground, function centre, cafe and retail components are not considered to be information and education facilities. The CIV report must clearly delineate the CIV calculation for the SSD components and must not include any land uses and related components which do not satisfy 13(1)(b) or (d).*

A revised QS schedule in **Appendix B**, provides the details as requested. This schedule contains only State Significant Development that is subject to 13(1)(b) and (d) of the relevant SEPP.

The splash pad and playground have been removed from the CIV and characterisation for the museum as per the advice from the Department, characterising them as a recreation facility (outdoor).

With reference to the museum cluster and the Department's request to remove the cafe and function centre components from the CIV, we refer to PS21-020 pertaining to the determination of CIV:

*'Once a development is determined to be a specific type of development based on the calculation of the CIV (i.e., State or Regionally Significant), it remains as that class of development regardless of any subsequent variations to CIV (or other relevant factors).'*

Forming part of the museum building, these components are not separate entities to the museum and operate within the 'four corners' of the building forming essential elements of the museum's operation and therefore should remain attributed to museum.

Like many other museums across NSW, and globally, it encompasses ancillary components (e.g., a conference and café component) that are part of its overall operation which are not separate in respect to the CIV calculation. It is our position that the entire museum building is a specified type under 13(1)(d) and does not form part of 'other tourist related development' identified within Clause 13(2).

The remaining cafes, restaurants, bakery, accommodation and retail components within the Museum, Convention and Tourist clusters, meet the criteria under 13(2) but have been excluded in the updated CIV schedule.

- 3. Characterisation and Permissibility of other uses: Clarification of the following matters is requested, - The proposed accommodation is characterised in the scoping report as tourist and visitor accommodation. Throughout the scoping report, accommodation components are also referred to as hotel accommodation. Hotel or motel accommodation is a prohibited land use within the RU4 zone under the CLEP. Clarification of the nature of the proposed accommodation is required. The proposed splash pad and adventure playground is not considered by the Department to be an information and education facility. Without plans or details to consider, the Department's preliminary characterisation of the splash pad is 'recreation facility (outdoor)'. However, 'restaurant or cafes' is explicitly identified as a permissible use within the RU4 zone with food and drink premises (a commercial premises) prohibited. - The bakery is identified as permissible land use, characterised as a 'takeaway food and drink premises'. Takeaway food and drink premises are however prohibited in the RU4 zone.**

The references made to hotel and motel accommodation within the convention cluster are references to those examples only and their associated uses and were not an indication of the proposed tourist and visitor accommodation envisioned for the development. It is understood that hotel and motel accommodation is prohibited within the RU4 zone.

We note that serviced apartments, a land use which is permitted with consent in the zone will be the preferred form of tourist and visitor accommodation, subject to design and assessment.

A revised land use characterisation table has been provided below in table 1, for clarity in respect to characterisation.

CESSNOCK LEP CHARACTERISATION	PERMITTED IN RU4 ZONE	SUFFICIENTLY RELATES
Winery:  Characterised as an Agricultural produce industry:  - Type of rural industry.	✓	Tourist related development. Is subservient to the dominant uses. The amount of area associated with the use is minor, relative to the dominant uses and is consistent with the objectives of the zone.
Wine Sales:  Characterised as Retail Premises:  - Type of commercial premises.	✗	Tourist related retail. Is subservient to the dominant uses. The amount of area associated with the use is minor, relative to the dominant uses. Is consistent with the objectives of the zone.
Training Rooms:	✓	Forms part of a dominant use and identified with SEPP SRD 2011.

CESSNOCK LEP CHARACTERISATION	PERMITTED IN RU4 ZONE	SUFFICIENTLY RELATES
<i>Characterised as Function Centre and forming part of the Convention Centre.</i>		
<i>Wine Museum:</i>  <i>Characterised as an Information and Education Facility.</i>	✓	Forms part of a dominant use and identified with SEPP SRD 2011.
<i>Wine Museum cafe:</i>  <i>Characterised as a cafe and restaurant forming part of the Information and Education Facility.</i>	✓	Forms part of a dominant use and identified with SEPP SRD 2011.
<i>Wine Museum Function Centre:</i>  <i>Characterised as Function Centres forming part of the Information and Education Facility.</i>	✓	Forms part of a dominant use and identified with SEPP SRD 2011.
<i>Restaurants and Cafes:</i>  <i>Characterised as Restaurants and Cafes:</i>  - Type of food and drink premises.  - Type of retail premises.  - Type of commercial premises.	✓	Is subservient to the dominant uses. The amount of area associated with the use is minor, relative to the dominant uses. Is consistent with the objectives of the zone.
<i>Bakery:</i>  <i>Characterised as a takeaway food and drink premises:</i>  - Type of food and drink premises.  - Type of retail premises.  - Type of commercial premises.	✗	Is subservient to the dominant uses. The amount of area associated with the use is minor relative to the dominant uses. Is consistent with the objectives of the zone.
<i>Splash Pad and Adventure Playground.</i>  <i>Characterised as a Recreation Facility (outdoor).</i>	✗	Is subservient to the dominant uses. The amount of area associated with the use is minor relative to the dominant uses. Is consistent with the objectives of the zone.
<i>Brewery and Distillery:</i>  <i>Characterised as Artisan food and drink industry, type of light industry.</i>	✗	Tourist related development. Is subservient and sufficiently related to the dominant uses. The amount of area associated with the use is minor, relative to the dominant uses. Is consistent with the objectives of the zone.
<i>Convention Centre and Outdoor Exhibition Centre.</i>	✓	Forms part of a dominant use and identified with SEPP SRD 2011.

CESSNOCK LEP CHARACTERISATION	PERMITTED IN RU4 ZONE	SUFFICIENTLY RELATES
<i>Characterised as a type of Function centre.</i>		
<i>Produce Outlet.</i>  <i>Characterised as Retail Premises a type of commercial premises.</i>	X	Tourist related retail. Is subservient and sufficiently related to the dominant uses. The amount of area associated with the use is minor, relative to the principal uses. Is consistent with the objectives of the zone.
<i>Serviced Apartments.</i>  <i>Characterised as Tourist and visitor accommodation.</i>	✓	Serviced apartments associated with the Convention Centre related development. Is subservient and sufficiently related. The dominant uses amount of area associated with the use is minor, relative to the dominant uses. Is consistent with the objectives of the zone.

Table 1: Land Uses in RU4 zone

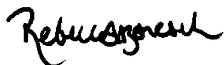
4. ***Architectural Plans The scoping and CIV reports refer to initial concept designs and architectural plans for the proposal. The Department requests a copy of any concept plans and initial concepts, to assist in the Department's assessment, along with the above matters. Should you wish to discuss any of the above, please do not hesitate to contact the Department on the details provided.***

Attached in **Appendix A** are concept architectural plans showing conceptual event operation layout examples of the Convention Cluster, and building layouts for Building F: museum, Building O: training rooms, Building P: Convention Building that have been provided to APLAS Quantity Surveyors (**Appendix B**), to inform evaluation of CIV. These plans are preliminary in nature and the architectural concept will be further developed to take into account environmental considerations arising from the SEARs and will form part of the EIS.

Please do not hesitate to contact us if there are any further queries in relation to the information provided. We are looking forward to receiving the SEAR's from DPE and commencing works on the application.

Yours faithfully

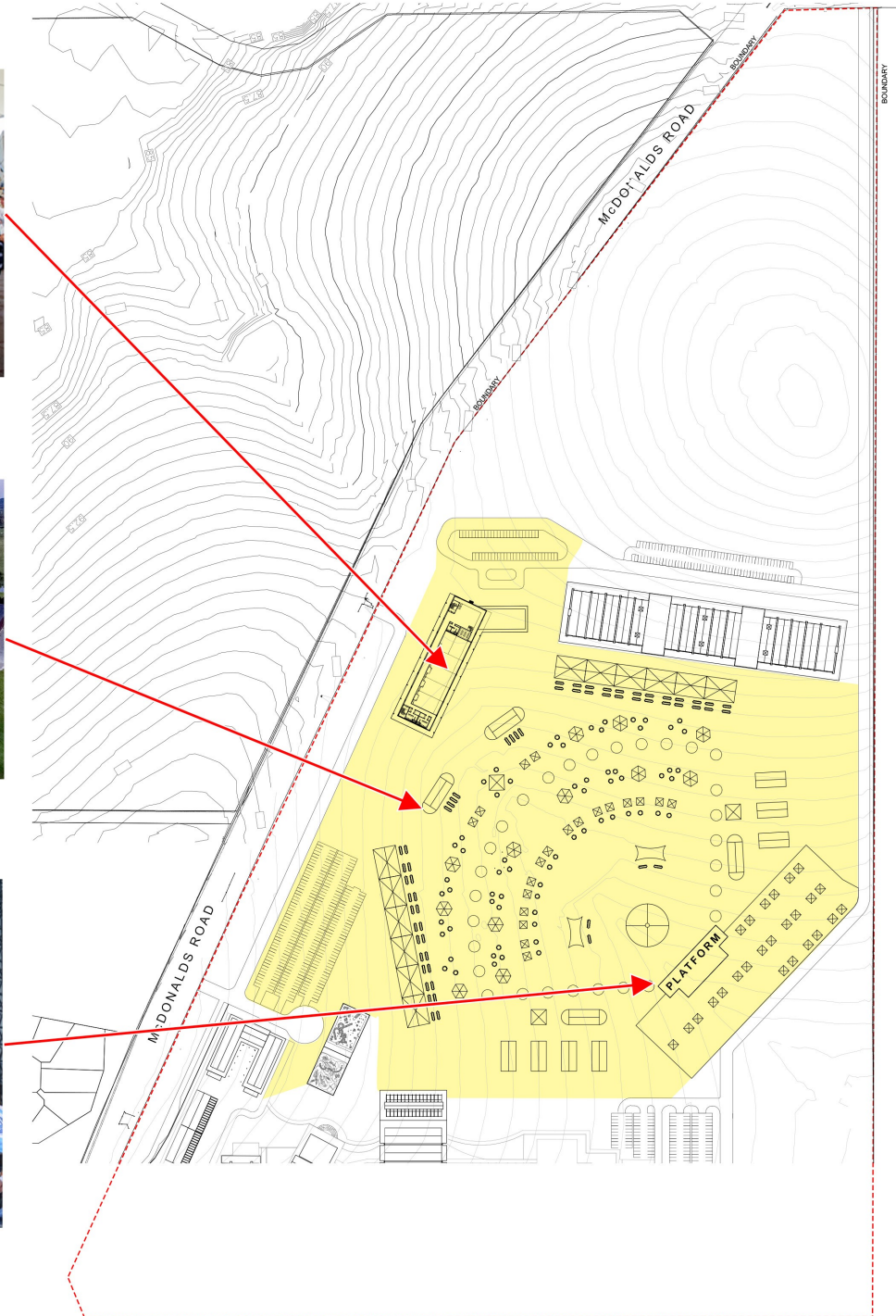
**MONTEATH & POWYS PTY LIMITED**



Rebecca Boresch  
Senior Planner  
r.boresch@monteathpowys.com.au

## **APPENDIX A:** CONVENTION CLUSTER EVENT EXAMPLES & CONCEPT FLOOR LAYOUT



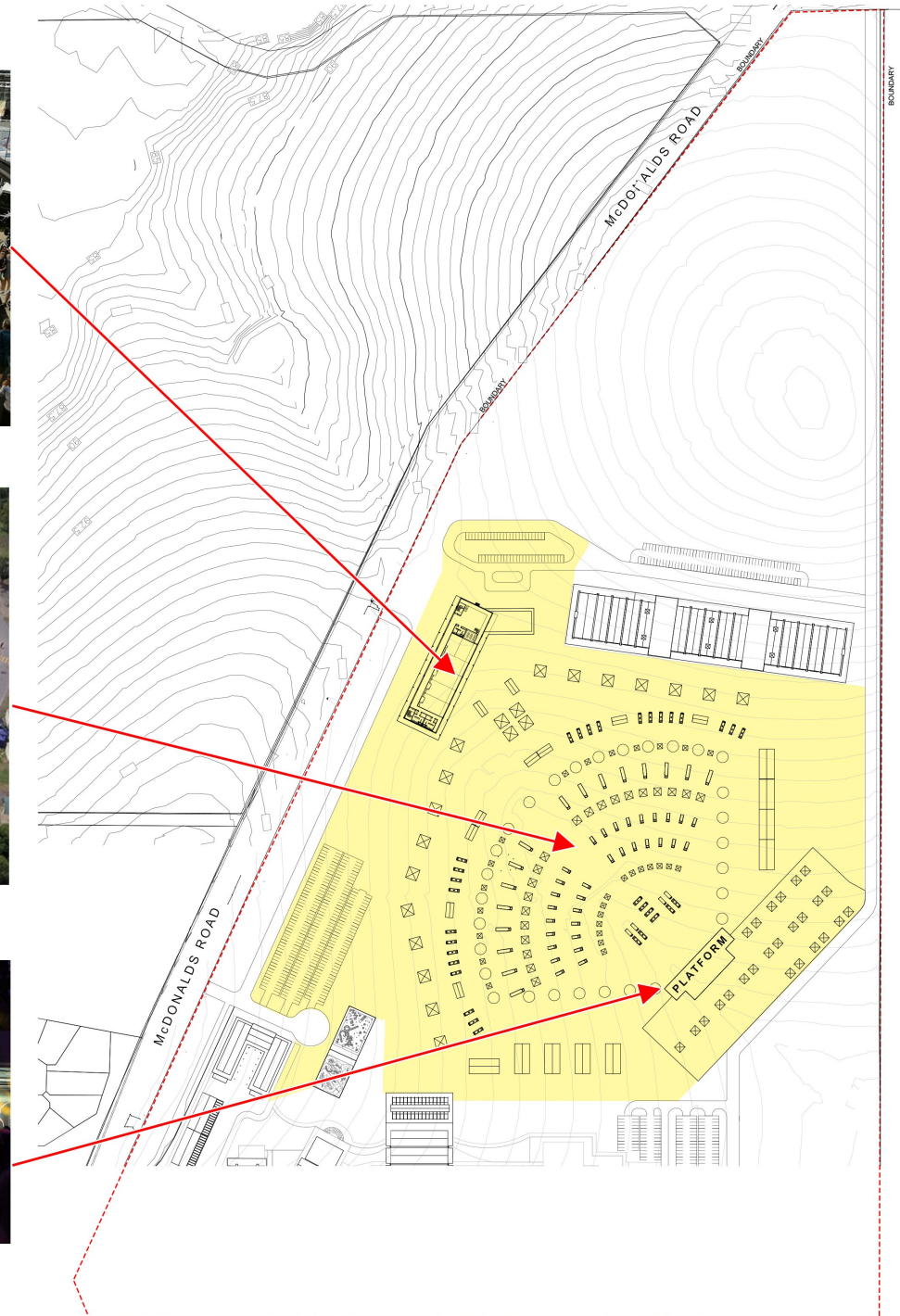


## LEGEND

- Convention Cluster
- Round Group Table
- Long Table
- Small Maker Marquee
- Medium Maker Marquee
- Large Maker Marquee
- Specialty Product Marquee
- Feature Product Marquee
- Major Product Marquee
- Chilli Comp Marquees
- BBQ Display Barn
- Roasting Equip Display
- Marinade Product Display

## HUNTER BBQ AND BEER CONVENTION



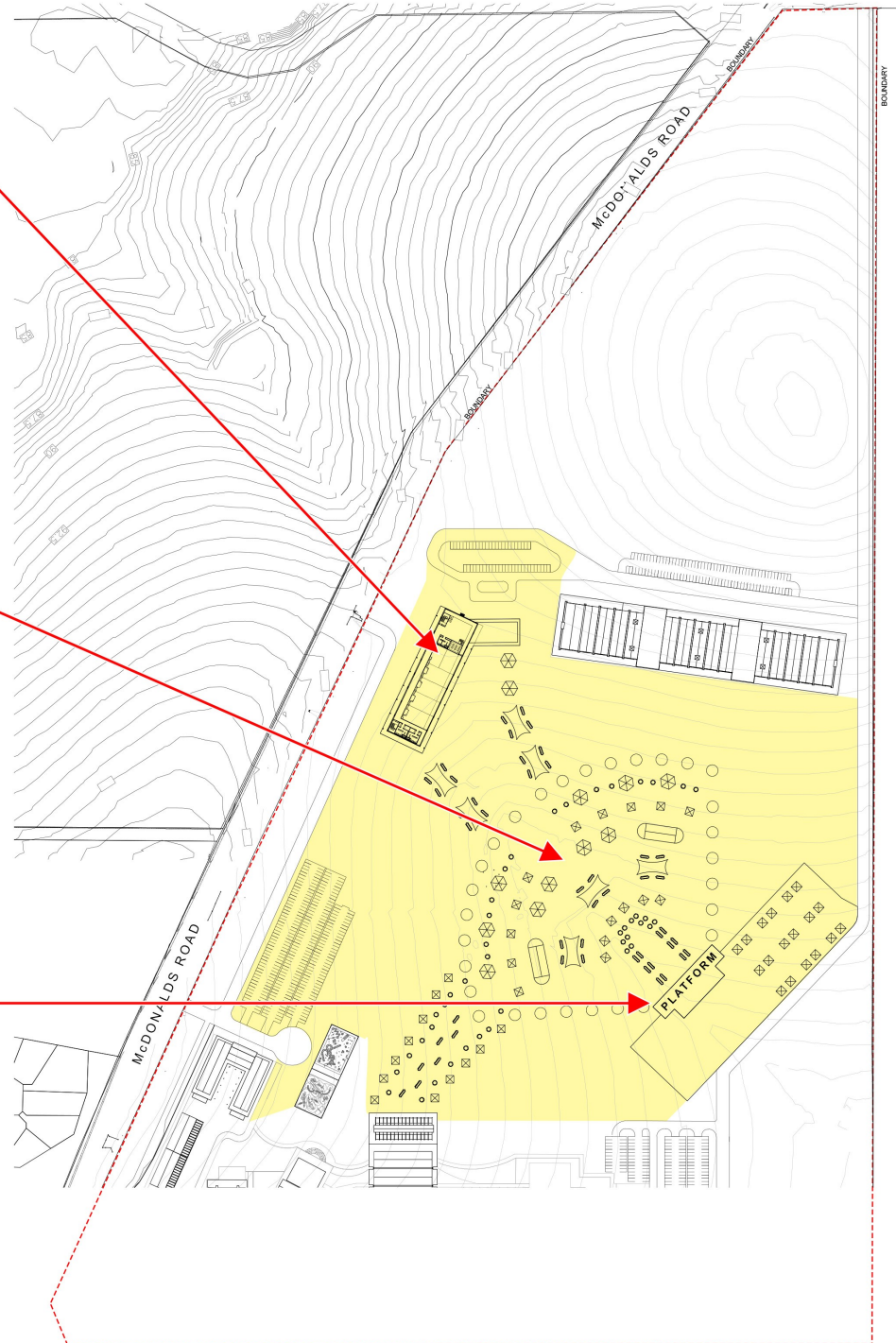


## LEGEND

- Convention Cluster
- RV Truck Demonstration
- 4wd Van Expedition
- Off Road Mobile Caravan
- All Terrain Unimog Van
- Small Trade Marquee
- Product Demonstration Stall
- Large RV Equipe Stall
- RV Multi Trade Stand

## RV AND BOAT SHOW CONVENTION

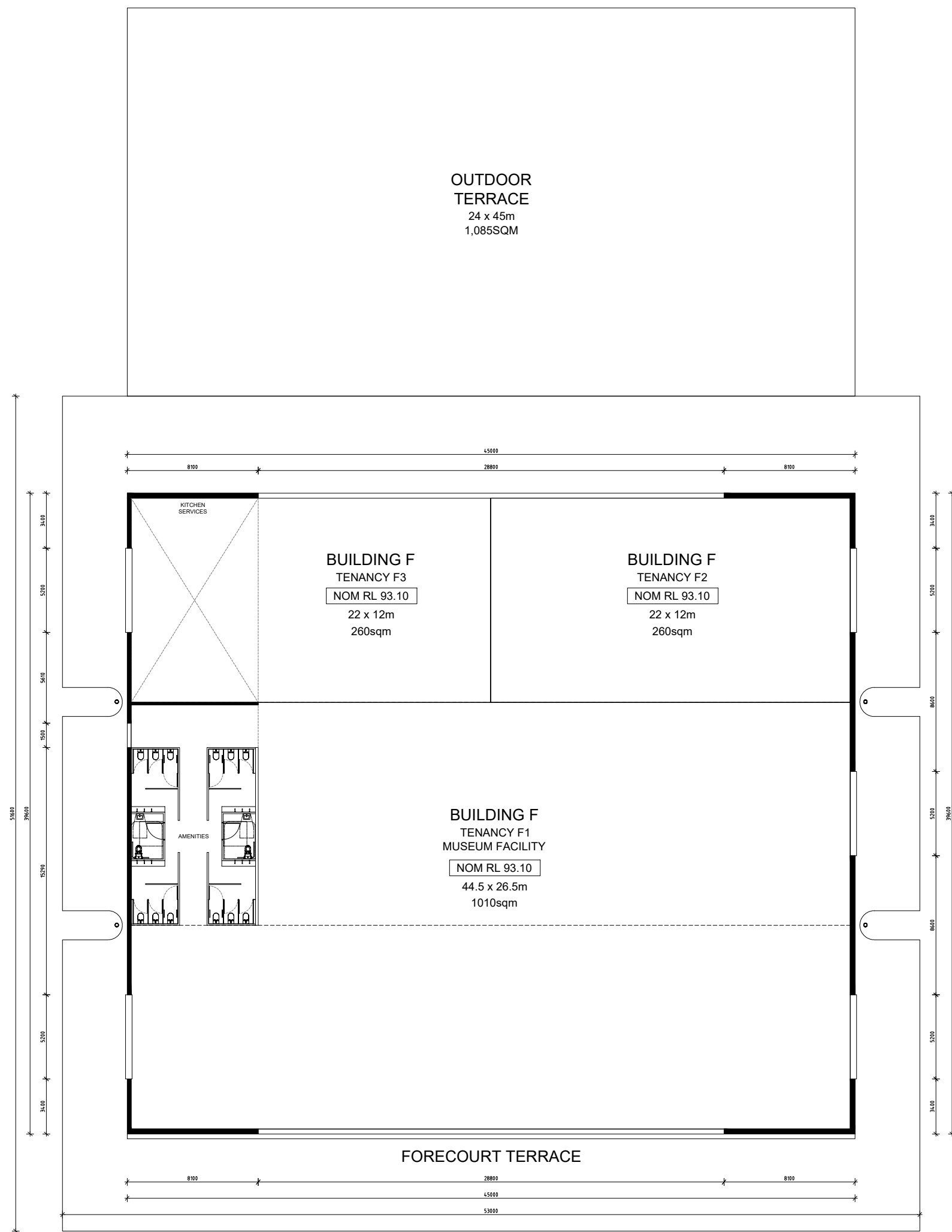


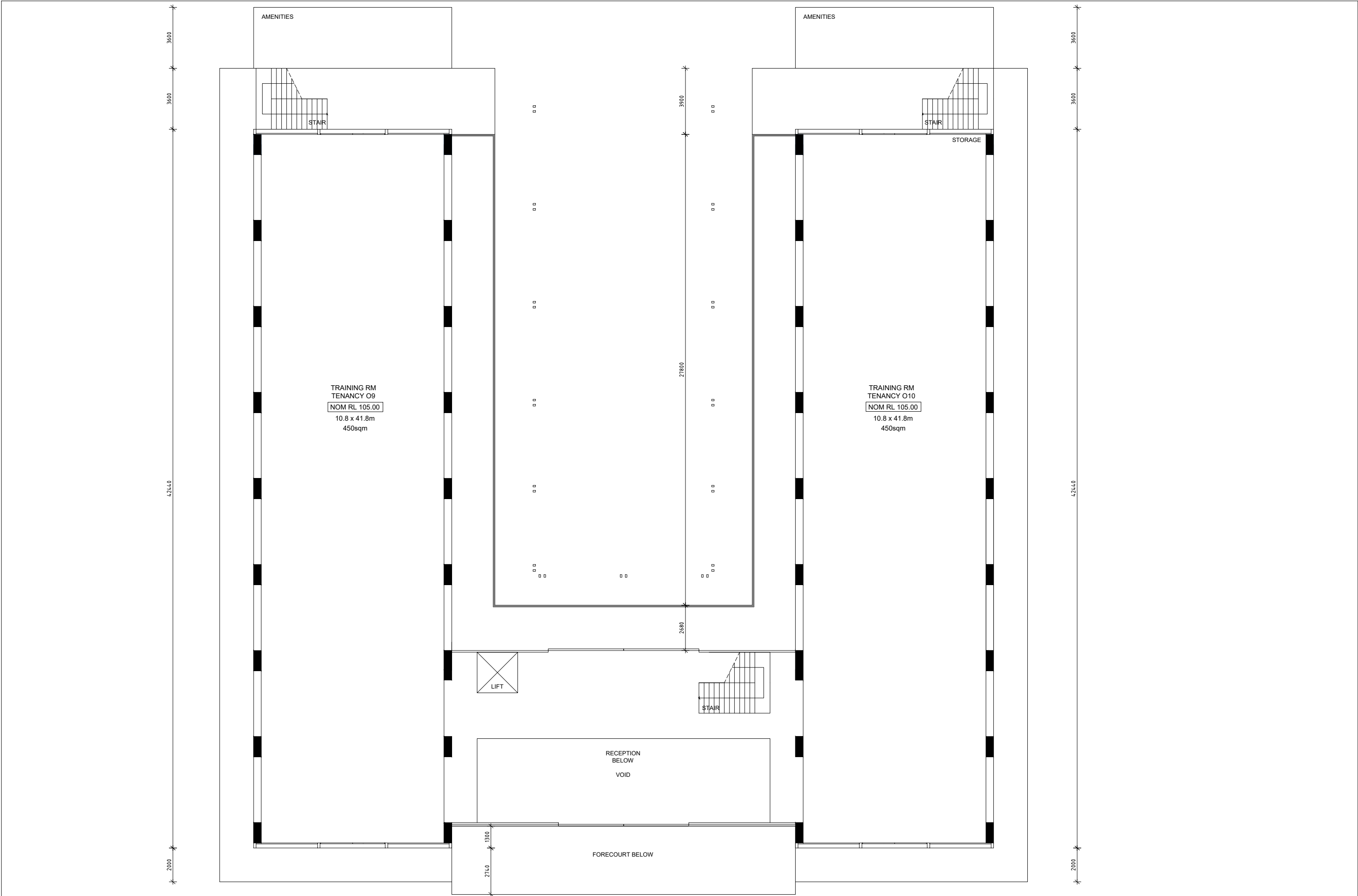


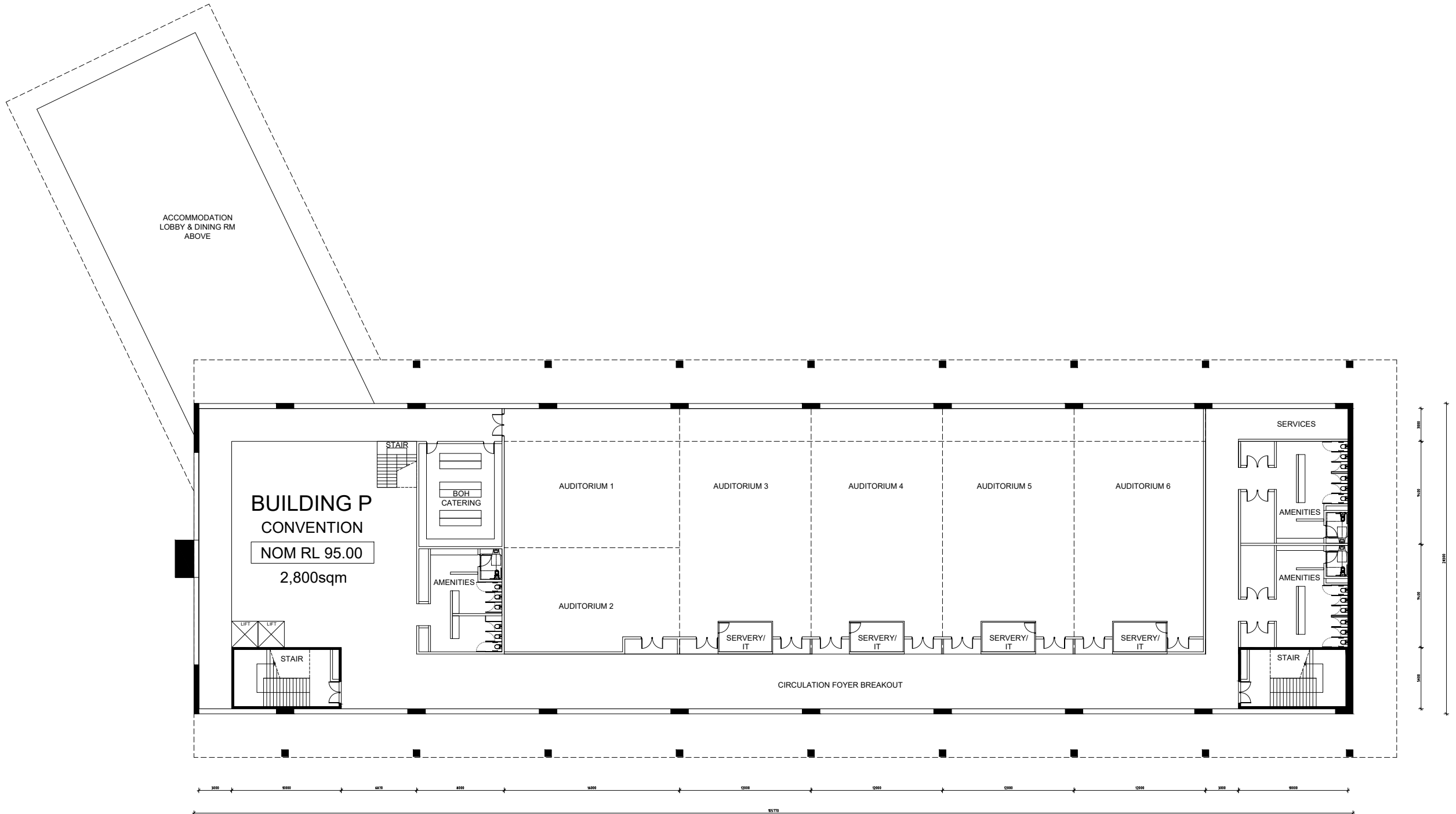
## LEGEND

- Convention Cluster
- Round Group Table
- Long Tasting Table
- Small Wine Maker Marquee
- Medium Wine Maker Marquee
- Large Wine Maker Marquee
- Wine & Cheese Tasting Marquee
- Wine Accoutrement Marquee
- Vigneron & Trade Marquee

## HUNTER WINE TASTING AND FOODS CONVENTION









## **APPENDIX B:** CIV REPORT SSD COMPONENTS

7 March 2022

**Winarch Capital**  
**c/- Monteath & Powys**  
125 Bull Street  
Newcastle West NSW 2303

**Attention:** Andrew Phillips  
**Email:** a.phillips@monteathpowys.com.au

**Capital Investment Value (CIV)**  
**Quantity Surveyor's Certificate of Cost**  
**Cedar Mill, Hunter Valley Cultural Tourism & Convention Centre**  
**482-542 McDonalds Road, Pokolbin NSW 2320 (Lot 1420, 1421 DP712249 & Lot 141 DP755255)**

We have prepared this Quantity Surveyors Certificate of Cost to verify the Capital Investment Value (CIV) of the proposed *Cedar Mill, Hunter Valley Cultural Tourism & Convention Centre – 482-542 McDonalds Road, Pokolbin NSW*, prepared in accordance with the definition contained in the *NSW State Environment Planning Policy (Planning Systems) 2021*.

Under that Policy the Capital Investment Value has the same meaning as in Clause 3(1) of the *Environmental Planning Assessment Regulation 2000* which provides the following:

***capital investment value*** of a development or project includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment, other than the following costs -

- a) amounts payable, or the cost of land dedicated or any other benefit provided, under a condition imposed under Division 7.1 or 7.2 of the Act or a planning agreement under that Division,
- b) costs relating to any part of the development or project that is the subject of a separate development consent or project approval,
- c) land costs (including any costs of marketing and selling land),
- d) GST (within the meaning of A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth).

Based on this definition, we have completed an Estimate of Capital Investment Value calculation for the State Significant Development components of this development in accordance with Schedule 1, s13(1)(b) & (d). We advise that our Estimate for these components is **\$81,871,945 excluding GST**. Please refer to Appendix 1 for a Breakdown of this estimate.

We note this estimate is prepared for the purpose of calculating the developments Capital Investment Value only and is *not* to be used for project budgeting or any other purpose.

In accordance with the CIV definition, our estimate excludes allowances for the following items;

- Development Application and Construction Certificate fees
- Other Authority fees and charges
- Finance costs
- Works subject to separate Development Application(s)
- Land costs
- Project Contingency
- Loose FF & E items
- Fitout of Tenancies
- Brewery & Distillery fitout
- Temporary facilities, buildings and equipment
- Goods and Services Tax (GST)

Furthermore, we note that any works forming part of this overall development that are *not* considered State Significant Development component, have also been excluded accordingly.

We confirm our estimate is based on the following information:

- DA Architectural Plans prepared by DERIVE Architecture Recv'd 11/11/21, as follows:
  - A-000(P1), A001(E), A310(P1), A315(P1), A318(P1), A320(P1), A325(P1), A335(P1), A340(P1), A345(P1), A350(P1), A355(P1), A360(P1), A365(P1), A370(P1), A375(P1), A380(P1), A381(P1), A385(P1), A386(P1), A950(P1).
  - Building A-O and Q-S floor plans received 11/11/21 (No Rev noted).
  - DD318 CEDARMILL HV TENANCY PLANS V4 (Pgs. 1-70)
  - DD318 CEDARMILL HV V5 R2 (Pgs. 1-32)
  - Area Schedule – Dated 18/08/21.
- Landscape Plans prepared by Paul Bangay dated 16/02/20, as follows:
  - Landscape Concept (C-4)
- Civil Plans prepared by Northrop Engineers as follows:
  - NL211575-02-CSK11\_Rev2, NL211575-02-CSK12\_Rev2, NL211575-02-CSK13\_Rev2, NL211575-02-CSK14\_Rev2 – Dated 15/10/21.
  - NL211575-CSK03\_INT\_BROKE RD\_Rev1 & NL211575-CSK04\_INT\_MCDONALDS RD\_Rev1 – Dated 23/9/21.
- Onsite Sewer Management advice from Whitehead & Associates Environmental Consultants email dated 01/11/2021.
- Electrical HV Infrastructure Review & Supply Strategy Cedar Mill Hunter Valley Report – Version B (20/10/21) & Version C (11/11/2021)
- Survey Plans prepared by Monteath & Powys dated 14/10/21, as follows:
  - 200427B (02)

I, the undersigned, confirm this estimate has been prepared by an Associate Member of the Australian Institute of Quantity Surveyors and I certify that I have to the best of my knowledge:

- Inspected the plans the subject of the application for development consent or construction certificate (as per those provided above).
- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- Calculated the development costs in accordance with the definition of development costs in Clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- Included GST in the calculation of development costs.
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix 2.

Most sincerely,



**Aaron Satchell** BConMgt(Hons1), AAIQS, MRICS

Quantity Surveyor | Director

**APLAS Group Pty Ltd**

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**APPENDIX 1**

**Quantity Surveyors Certificate of Cost  
Capital Investment Value**

# Quantity Surveyor's Certificate of Cost

**A362 - Capital Investment Value (CIV) Estimate**

**7/03/2022**

for **Winarch Capital c/- Monteath & Powys**

Cedar Mill Hunter Valley - Museum & Convention Cluster - SSD Components Calculation

Description	Quantity	Unit	Rate	Total
<b>SITE PREPARATION &amp; CIVIL WORK (Museum Cluster)</b>				<b>\$819,141.56</b>
<b>SITE PREPARATION &amp; CIVIL WORKS (Convention Cluster)</b>				<b>\$4,790,769.60</b>
<b>SITE SERVICES &amp; INFRASTRUCTURE</b>				<b>\$7,025,386.17</b>
<b>BUILDING F: MUSEUM, CONFERENCE, CAFE</b>	<b>1,733.18</b>	<b>m2</b>	<b>\$3,865.16</b>	<b>\$6,699,009.54</b>
<b>MUSEUM TERRACES &amp; LANDSCAPING</b>				<b>\$10,177,976.61</b>
<b>BUILDING O: RECEPTION, L1 TRAINING ROOMS (Excl. CELLAR DOORS)</b>	<b>1,728.99</b>	<b>m2</b>	<b>\$4,015.28</b>	<b>\$6,942,383.35</b>
<b>BUILDING P(ii): CONVENTION CENTRE (Excl. ACCOMMODATION)</b>	<b>2,800</b>	<b>m2</b>	<b>\$4,832.06</b>	<b>\$13,529,775.00</b>
<b>GENERAL SITE LANDSCAPING</b>				<b>\$347,350.24</b>
<b>OUTDOOR FUNCTION &amp; EXHIBITION SPACES</b>				<b>\$15,159,534.44</b>
<b>LANDSCAPING TO OUTDOOR FUNCTION &amp; EXHIBITION SPACES</b>				<b>\$1,687,186.48</b>
<b>CARPARKS &amp; ACCESS ROADS</b>				<b>\$6,767,977.64</b>
<b>BROKE ROAD INTERSECTION #1</b>				<b>\$1,240,799.40</b>
<b>MCDONALDS ROAD INTERSECTION #3</b>				<b>\$1,269,596.21</b>
<b>PLANNING &amp; STAGING ALLOWANCE</b>				<b>\$1,146,853.29</b>
<b>PROJECT CONTINGENCY (Excluded)</b>				
<b>PROFESSIONAL, CONSULTING &amp; DESIGN FEES</b>				<b>\$4,268,205.67</b>
<b>AUTHORITY FEES &amp; CHARGES (Excluded)</b>				
<b>LAND, LEGAL, SALES &amp; LEASING FEES (Excluded)</b>				
<b>FINANCE COSTS (Excluded)</b>				
<b>OTHER ALLOWANCES (Excluded)</b>				
<b>ESCALATION (Excluded)</b>				

<b>Subtotal</b>	<b>\$81,871,945.19</b>
G.S.T [0%]	\$0.00
<b>Total</b>	<b>\$81,871,945.19</b>

**APLAS Group Pty Ltd**

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