

Right to Farm - Viewpoint of The Hunter Valley Wine Tourism Association

We write to you following a meeting with the Minister Blair in June 2017 in the Hunter Valley and follow up a meeting with the Chief NSW Planner Gary White in December 2017.

1. Key points

- (a) We contend that the current planning framework causes conflict between the right to farm, and the right to mine and undertake land use that is inappropriate to a wine region. Contrary to what we were lead to believe in recent meetings with the Minister for Planning, the proposed new framework and SEPP will not alleviate this community concern, and will fail to recognise the importance of establishing boundaries around our historic wine and wine tourism region, within which inappropriate activities are not allowed.
- (b) One of the critical things the HVWTA has noted in dealing with proposed open cut expansion and CSG projects, and to a lesser extent urban development expansion, was the inability of the existing State and LGA planning tools to satisfy the community and other land users that the past “moving feast” of planning regulations and specific decisions provides a balanced adjudication of potential land use conflicts.
- (c) Much of that conflict is being caused by the planning framework. In particular State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP) which essentially enables with development consent, mining related activities anywhere.
- (d) The Planning Assessment Commission (PAC) had essentially ‘called out’ this inherent conflict on numerous occasions over the last six years with the more recent South Drayton Mine debate surely ‘drawing a line in the sand’ in terms of planning for the mining industry. This is a situation that is being played out across NSW, it is certainly not unique to the Hunter Valley LGA’s.
- (e) No element of the agriculture industry in NSW is afforded the same level of attention in the planning system that the mining industry is afforded via the Mining SEPP. (For detailed examples, see the section “Comments on the Mining SEPP” below.
- (f) We recognise that the mining industry contributes to both the local and State economy for the life of the mine, generally 20-30 years, it is gone tomorrow, leaving a moonscape of mine voids and semi rehabilitated land that in no way in NSW reflects the previous land form and ability to sustain agricultural use. And while agriculture is a more sustainable long- term land use (albeit less profitable over the short term), along with other land uses, the short and long-term viability of agriculture and related industries (such as wine tourism) can be severely compromised by the mining industry. This is the lesson we learnt in the Hunter Valley. The issue becomes one of



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preventing the total dominance of the mining industry to the detriment of the local wine and tourism industry, as well as other agricultural businesses.

- (g) We wish to strongly recommend that the Hunter Wine Regions of Pokolbin and Broke Fordwich along with the relevant sections of the Upper Hunter containing the operation vineyards be conclusively mapped and fully protected under the proposed **Right to Farm Legislation** and as such taken out of the control of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP).
- (h) Local government also recently found that cyclical downturns in the local mining industry have a significant impact on jobs, community facilities and property values.
- (i) There are also significant community impacts and tension caused by the mining industry, and the nature of planning controls creates uncertainty for other industries to invest as they don't know whether they will have to be dealing with a large-scale mining operation sometime in the future next door to them or not. The balance of power in the planning system is heavily in favour of the mining industry, and that is to the detriment of other parts of our economy that are also significant including the agriculture sector.
- (a) So the planning reforms around the agriculture industry give us very little, just more platitudes. The Right to Farm policy is all well and good, but of zero usefulness if it is not being implemented. The NSW government we feel is just feeding the Viticultural and other associated Industries platitudes, and we need to see more tangible action.
- (j) The local Viticulture, Wine and Wine Tourism industry is first in many characteristics in NSW. It was the first wine region established in the 1820's and is nearing its 200 - year anniversary. While wine production from the Hunter Valley is only a small proportion of Australia's wine industry, the respected wine regions of Pokolbin and Broke Fordwich combine to be the most visited wine tourism region in NSW and in Australia. It produces world respected Semillon, Chardonnay and Shiraz, along with a host of new wines. The economic contribution of this industry is significant, and is shown in the next section of this paper.¹
- (k) The present area of viticulture in the lower Hunter is clearly delineated within the narrow GI² descriptors for Broke Fordwich and Pokolbin, and that provides a planning opportunity to enact legislation that recognises these boundaries. Not only are the boundaries recognised in Federal legislation, but they have been acknowledged and verified in the recent NSW Strategic Land Use Planning work that led to establishing the Viticulture Industry Cluster, with ensuing protection from Coal Seam Gas Field development. A clear map showing those agreed boundaries is available.
- (l) The South Australian government has acknowledged the need to protect its historic wine regions from inappropriate development, and has done this through a specific planning instrument that establishes boundaries around the wine region, and protects the wine and wine tourism industries that exist within these boundaries. We would like to see a similar clear and unequivocal approach to protect the Right to Farm and to foster the related wine and tourism

¹ Source: Economic Contribution of the Hunter Valley Wine Sector to the Hunter Valley Economy, Dr Rob Gillespie and Michael Clark, January 2018 (Prepared for Macquarie University)

² Describe GI system and what it means

industries in the defined Hunter Valley Wine Country.

- (m) The NSW Department of Planning and Environment promotes the importance of Strategic Planning, and we certainly agree. Proper Strategic Planning is the platform for the resolution of these conflicts as it will provide the basis for the required statutory reforms that ensure that such conflict is avoided.
- (n) The Strategic Plan we would like to see would have different land use zonings so that mining activities were restricted to a certain footprint consistent with the existing mining footprint and expansion that we were advised was credible by the DMR&E, and the existing agriculture industries (namely the equine and viticulture industries along with other agriculture industries operating along the alluvial plains of the Hunter River were in another zone where mining was prohibited. Future mining activities would be confined to the LEP and not the Mining SEPP.
- (o) So what we are proposing is a model that could be rolled out across the state, and it is not necessarily something that would just relate to inherent conflict between Mining v Agriculture, but also where Agriculture is under pressure or in conflict with other land uses – such as urban expansion and tourism development, or natural gas extraction or other quarrying activities. Basically, where an LGA does its own strategic plan to strike a balance between conflicting land use activities it would be given priority in the planning framework including over the Mining SEPP.
- (p) In terms of the new Primary Production and Rural Development SEPP – All Agricultural industries get the government to nominate state significant land. This provision has been in the current Rural Lands SEPP since 2008 and not one area has been nominated. Surely the vineyard areas of the Hunter along with the equine areas of the Hunter and Liverpool Plains should be recognised as state significant agricultural land. These areas then should be afforded real protection for other land uses likely to cause land use conflict.
- (q) The HVWTA wishes to see the necessary protection of key Wine Tourism Regions protected under the proposed RIGHT to FARM Legislation.

2. Why are we making these comments, set against the economic contribution of wine tourism to our region?

1. ECONOMIC SNAPSHOT

- (a) This section provides an economic impact assessment of the Hunter Valley wine sector’s direct and flow-on contribution to the Hunter Valley economy. It was prepared for Macquarie University, on behalf of wine makers in the Hunter Valley.
- (b) The Hunter Valley wine sector includes grape growing, wine making and wine-related tourism. The wine sector makes a direct and significant contribution to output, value-added, income and employment. In addition to the wine sector’s direct economic contribution, the sector also makes a flow-on contribution via linkages to other businesses that supply goods and services required for grape growing, wine making and the wine tourism experience, as well as the goods and services demanded by employees.
- (c) Revenue, expenditure and employment profiles were developed for each of grape growing, wine making and wine related tourism. Input-Output analysis was then used to quantify both direct and flow-on output, value-added, income and employment for each of grape growing, wine making and wine related tourism. The total direct and flow-on impact of the Hunter Valley wine sector was then estimated, adjusting to eliminate double counting inherent in summation of individual sectors– Table E1.

Table E1 Direct and Indirect Impact of the Total Wine Sector

	Direct Effect	Production Induced	Consumption Induced	Total Flow-on	TOTAL IMPACT
OUTPUT (\$M)	340.88	96.15	65.16	161.32	502.20
<i>Type 11A Ratio</i>	1.00	0.28	0.19	0.47	1.47
VALUE-ADDED (\$M)	184.30	40.89	40.59	81.48	265.78
<i>Type 11A Ratio</i>	1.00	0.22	0.22	0.44	1.44
INCOME (\$M)	76.55	16.28	11.03	27.32	103.87

<i>Type 11A Ratio</i>	1.00	0.21	0.14	0.36	1.36
EMPLOYMENT (No.)	1,979	501	321	821	2,800
<i>Type 11A Ratio</i>	1.00	0.25	0.16	0.41	1.41

- (d) Because Input-Output modelling only examines backward linkages this analysis does not capture margins on wine sales through wholesale, retail and restaurant sales. Values for wine sales and grape sales are at the winery/farm gate. Inclusion of wholesale, retail and restaurant sales would make the estimates of total direct and flow-on contribution higher. This would require more detailed study, and access to (commercial) enterprise data by survey and interview. It also tends to be a more problematic study than one based on the use of publicly available data bases. Companies are traditionally reluctant to provide commercial data via surveys and interviews.
- (e) Input-Output analysis has shown that the Hunter Valley wine sector, defined as wine grape growing, wine making and wine related tourism:
- (i) Contributes \$502M in gross output to the Hunter Valley economy. Gross output includes \$266M in value-added and \$104M in wages and salaries to full-time and part-time employment.
 - (ii) Supports 2,800 full-time and part-time jobs in the Hunter Valley region. Jobs supported by the wine sector include direct employment of 1,979 within the sector and a further 821 full-time and part-time jobs due to flow-on effects. Estimates of full-time and part-time employment are associated with economic activity linked to grape growing, wine making and wine tourism and do not include forward linkages such as employment in the retail sector.
- (f) Input-Output analysis has shown that the average effects of a contraction or expansion within the wine sector would be as follows:
- (i) The Hunter Valley economy would gain an extra 0.41 jobs for every job gained in the wine sector.
 - (ii) The economy would gain an extra \$0.47M for every additional \$1M of gross output generated by the wine sector.
 - (iii) The economy would gain an extra \$0.44M in contribution to regional value-added for every additional \$1M of value-added generated by the wine sector.
- (g) In general terms this means that if the Hunter Valley wine sector could increase its sales and related activities by \$1 Million per year, it would generate an additional \$470,000 in regional value-added activities. For every 2 jobs generated in the sector, an additional job is created elsewhere in the region.
- (h) If government policies were in place to boost current direct output by 10% (approximately an additional \$34 Million per year), then we could expect to see an additional \$16 Million added to

the regional economy in the flow-on effect, and possibly an additional 200 jobs in the wine sector and 80 additional jobs in the region.

- (i) The significant economic contribution of the Australian Wine sector was clearly articulated by Dr Rob Gillespie, AgEconPlus Pty Ltd for Wine Australia in his report dated 18 December 2015 “The Economic contribution of the Australian Wine Sector. The assessment of the Hunter is a work in progress.

2. THE HUNTER VALLEY

- (a) The Hunter Valley is 1 of 14 wine regions within NSW recognised by Federal Geographic Indication legislation that identifies and defines a restricted wine region for naming protection purposes. The principal wine regions in other states are afforded additional protection from inappropriate developments by State government legislation...NSW is totally lacking such protection.
- (b) Hunter Wine Country is exceptionally well developed with wineries and cellar doors, restaurants, including SMH hatted restaurants, hotels, international golf resorts, the acclaimed Hunter Valley Gardens and numerous tourist facilities and attractions.
- (c) In Australia, the Barossa Valley and McLaren Vale in South Australia and Margaret River and the Swan River in Western Australia are supported by their State’s legislation, which in varying degrees accredits the respective district as a premier wine district and/or affords a level of protection from incompatible land use such as coal mining or gas development. Those accredited districts carry a government imprimatur under the leadership of their State government. Through legislation, these States have taken a ‘recognition’ march on the Hunter and New South Wales; legislated recognition is a relevant driver for this.
- (d) It is a matter of competition for New South Wales in the battle for wine sales domestic and international, and in tourism attraction. To not accredit would permit South Australia and Western Australia to overtake the Hunter in terms of international recognition of their wine districts and the resultant tourism and wine exports that follow.



3. THE CASE FOR RECOGNITION

- (a) On 17th January, 2013, the then Minister for Trade and Investment and Minister for Regional Infrastructure and Services said in a Media Release:

“The Hunter Valley has been named one of the world’s top-ten best wine travel destinations by an international magazine considered the bible of wine lovers.

In declaring the NSW wine-growing district one of the very best, the US publication, Wine Enthusiast Magazine, has told its readers around the world: ‘as one of Australia’s traditional grape-growing regions, Hunter Valley has plenty of history to discover and some terrific wines.’

The Minister said the award was a strong endorsement of the State’s tourism industry. ‘The Hunter Valley is a popular destination for local and international tourists and this award simply confirms its status as one of the world’s best wine destinations’ Mr. Stoner said.

“With more than one hundred vineyards, an array of fine dining options, fantastic hotels and world class events, the Hunter Valley truly is a wine-lover’s paradise and a magnificent tourist destination.

The Hunter Valley produces some of the world’s best wine and is an incredibly popular destination for tourists, last year attracting more than 2 million domestic and international overnight visitors who spent a combined \$1.3 billion in the region during their stay. The NSW Government is committed to growing the State’s tourism industry and regions like the Hunter Valley will play a significant role in achieving that goal.

Minister for Tourism and Major Events, George Souris said this was a great and well-deserved honour for the region and would surely result in increased wine tourism to the district. ‘The Hunter Valley is one of the jewels of NSW and is being discovered by more and more international, interstate and local visitors. Its wines are second to none as are the local restaurants and the breath-taking environment. This is a very important endorsement’.

- (b) Earlier, on 22nd December 2011, the Hon George Souris in his role of Minister for Tourism and Major Events, in launching of the ‘Broke Fordwich Tourism Guide’, spoke of the Broke Fordwich winegrowing sub-region of the Hunter winegrowing region and its importance to the tourism industry of NSW.

He said:

“This winegrowing region is very important because of its very close proximity to the major population centres of Australia and the fact it is only 1.5 hours from Sydney, through which come 35% of Australia’s tourists.

“This winegrowing region is a piece of heaven – from a tourism perspective it is product which is so valuable to the tourism experience. This is the very best prime location. This is perfect placement.

“The place tourism has in our State’s master plan is that it is absolutely to the forefront.

“It is intended to be our leading economic driver in the future.

“We have a goal, the NSW Government, of doubling the visitor overnight expenditure by 2020.”

- (c) In the 1990’s, Wine Australia, then the Australian Wine & Brandy Corporation, set up a Geographical Indications Committee.
- (i) Representations to that Committee resulted in the Hunter being recognized as an Australian Geographical Indication and entered into the International Register of Protected Names on 1st May, 1996 and 18th March, 1997 respectively.
 - (ii) Various sub-regions of the Hunter were also entered into the International Register of Protected Names including Broke Fordwich (on 2nd September, 1997), Pokolbin (on 29th July, 2010) and Upper Hunter Valley (on 29th July, 2010). Three other sub-regions are of significance also to the Hunter wine region being Lovedale, Mount View and Lower Belford.
 - (iii) As already stated the Hunter Valley is Australia’s oldest producing wine region, with vines first planted in the 1820’s. It is Australia’s most visited wine region. The Hunter Valley lies approximately two-hours drive north of Sydney and to the northwest of Newcastle.
 - (iv) The Hunter Valley is based on the catchment of the Hunter Valley River & includes the Upper & Lower Hunter areas.
 - (v) Hunter Valley wines are light & elegant in style, making them a perfect partner to food; they are lower in alcohol than those of many other regions. The Hunter Valley is not only Australia’s most famous Semillon region it is also Australia’s most historic family wine region.
 - (vi) When you taste the Hunter Valley you taste the work of more than 100 husbands and wives, mums and dads (and children) who are passionate about making the best wines in the country.
 - (vii) Tasting the Hunter Valley is all about peeling back layers of discovery – learning that Hunter Valley Semillon is a unique Australian white wine which keeps getting better with age, understanding that the region’s tough growing conditions actually produce some of Australia’s most famous Shiraz and that the region’s young winemakers are at the forefront of innovative new varieties and styles such as Tempranillo.
 - (viii) The region is currently home to about 130 wineries.
 - (ix) The region has a rich history of Australian wine pioneers (Maurice O’Shea, Murray Tyrrell, Audrey Wilkinson & Len Evans,) and great wine families, some six generations old & some in their infancy.

- (x) The Hunter Valley is warm, even hot, with relatively warm nights allowing the physiological process that ripens fruit, to continue.
- (xi) Soils vary from sandy alluvial flats to red clay loams & chocolate brown pod soils together with the unique Fordwich Sill, a plug of red volcanic clay which runs through the area, a weathered product of ancient volcanic eruptions bringing valuable trace elements to the Broke Fordwich vineyards, including basalt and iron.
- (xii) The region's aged Hunter Valley Semillons are widely considered a world benchmark style. Hunter Valley wines are lower in alcohol than those of many other regions, making them a perfect accompaniment to food. As well as being famous for wine, the Hunter Valley region has an outstanding reputation for quality regional produce and a vibrant calendar of events throughout the year to capture the imagination of all wine lovers.

4. CONCEPT OF ACCREDITATION

- (a) An official government recognition of the premier wine district of New South Wales carries with it significant market strength.
- (b) This is particularly important as the Hunter is in competition with the South Australian and Western Australian government accredited wine districts.
- (c) In markets such as China, government accreditation is paramount, without which, individual wineries are trying to sell their wines against government accredited regions.
- (d) Government accreditation is also important in the domestic market place which is being heavily saturated with imported wines, especially from New Zealand.
- (e) With accreditation the NSW Government is able to portray a Whole-of-State backing in the same way as the SA and WA governments.

5. HISTORY OF THE HUNTER VALLEY WINE INDUSTRY

- (a) Plantings of grapes in the Hunter Valley are the oldest continuously commercial wine grapes in Australia. From "The Wines & History of THE HUNTER VALLEY – James Halliday & Ray Jarratt:-

"Hunter's River, as it was originally named, was discovered by Lieutenant Shortland in 1797 while searching for escaped convicts who had pirated a small boat

It is unclear who first planted vines in the Hunter, but it seems reasonable to assume that it may have been James Busby (through his brother-in-law William Kelman) at Busby's Kirkton property, acquired in May 1825. One of the other contenders is George Wyndham, who on 15 January 1828 purchased a 485 hectare property at a bankrupt's auction and renamed it Dalwood after one of his father's farms in England."



Harvesting grapes on the original Kirkton Vineyard. (Photo Ray Robinson)

- (b) The Hunter Valley is Australia's oldest producing wine region, with vines first planted in the 1820's. It is Australia's most visited wine region.
- (i) The Hunter Valley lies within two hours drive north of Sydney and to the northwest of Newcastle.
 - (ii) The Hunter Valley is based on the catchment of the Hunter Valley River & includes the Upper & Lower Hunter areas.
 - (iii) Hunter Valley wines are light & elegant in style, making them a perfect partner to food; they are lower in alcohol than those of many other regions.
 - (iv) The Hunter Valley is not only Australia's most famous Semillon region it is also Australia's most historic family wine region. When you taste the Hunter Valley you taste the work of more than 130 husbands and wives, mums and dads (and children) who are passionate about making the best wines in the country. Tasting the Hunter Valley is all about peeling back layers of discovery – learning that Hunter Valley Semillon is a unique Australian white wine which keeps getting better with age, understanding that the region's tough growing conditions actually produce some of Australia's most famous Shiraz and that the region's young winemakers are at the forefront of innovative new varieties and styles such as Tempranillo. Regional Checklist: Australia's oldest wine region with vineyard's dating back to the 1860's, still in production, with some of the oldest vine stock in the world. The region is currently home to about 130 wineries. The region has a rich history of Australian wine pioneers (Maurice O'Shea, Murray Tyrrell, Audrey Wilkinson, Len Evans, Perc McGuigan, Len Drayton, Keith Tulloch and Max Lake) and great wine families, some six generations old & some in their infancy. The Hunter Valley is warm, even hot, with relatively warm nights allowing the physiological process that ripens fruit, to continue. Soils vary from sandy alluvial flats to red clay loams & chocolate brown pod soils. The region's aged Hunter Valley Semillons are widely considered a world benchmark style. Hunter Valley wines are lower in alcohol than those of many other regions, making them a perfect accompaniment to food. As well as being famous for wine, the Hunter Valley region has an outstanding reputation for

quality regional produce and a vibrant calendar of events throughout the year to capture the imagination of all wine lovers.

In regard to identification of Hunter Wine Country the criteria which identifies a Critical Industry Cluster (CIC) is of some guidance:

- There is a concentration of enterprises that provides clear development and marketing advantages and is based on an agricultural produce;
- The productive industries are interrelated;
- It consists of a unique combination of factors such as location, infrastructure, heritage and natural resources;
- It is of state, national and/or international importance;
- It contributes to the region's identify;



The Brokenback Range gives unique protection from the South/South Westerly weather.

6. SUMMARY OF SOUTH AUSTRALIA'S LEGISLATION

(a) The South Australian districts of Barossa and McLaren Vale are protected by legislation known as the Character Preservation (Barossa Valley) Act 2012 and the Character Preservation (McLaren Vale) Act 2012.

(b) The Acts can be found at:-

- (i) [http://www.legislation.sa.gov.au/LZ/C/A/CHARACTER%20PRESERVATION%20\(BAROSSA%20VALLEY\)%20ACT%202012/CURRENT/2012.38.UN.PDF](http://www.legislation.sa.gov.au/LZ/C/A/CHARACTER%20PRESERVATION%20(BAROSSA%20VALLEY)%20ACT%202012/CURRENT/2012.38.UN.PDF)

(ii) [http://www.legislation.sa.gov.au/LZ/C/A/CHARACTER%20PRESERVATION%20\(MCLAREN%20VALE\)%20ACT%202012/CURRENT/2012.39.UN.PDF](http://www.legislation.sa.gov.au/LZ/C/A/CHARACTER%20PRESERVATION%20(MCLAREN%20VALE)%20ACT%202012/CURRENT/2012.39.UN.PDF)

- (c) Following upon examination and submissions to a SA Government Discussion Paper, and working with the local wine industry, the South Australian Government enacted the Character Preservation (McLaren Vale) Act, 2012 and the Character Preservation (Barossa Valley) Act 2012.
- (d) In a News Release of 18th January, 2013, the then Deputy Premier and Minister for Planning in South Australia, John Rau MP, announced the commencement of the two Character Preservation Acts, and in so doing stated:

“It gives me great pleasure to say that landmark legislation that protects our valuable Barossa Valley and McLaren Vale regions is in place as of today. The State Government knows the importance of these regions for South Australia, particularly through tourism. Working with local wine and food producers we were able to create laws to protect the unique character of the Barossa and McLaren Vale and ensure that land continues to be used for its historic purpose – that is producing globally recognized gourmet food and wines.”

7. SUMMARY OF WEST AUSTRALIA’S LEGISLATION

- (a) The Western Australian Government has also shown leadership in the protection of its prime agricultural and viticultural areas with the Swan Valley Planning Legislation Amendment Act 2006 and its policy decision to ban mining in the Margaret River Winegrowing region.
- (b) When releasing Western Australia’s Swan Valley Draft Development plan for public comment in late 2015:
- (i) http://www.planning.wa.gov.au/dop_pub_pdf/Draft_Swan_Valley_Development_Plan.pdf
- (ii) Planning Minister John Day said “it would provide greater protection for agricultural land and encouraged tourism activities, which supported and complemented the Swan Valley’s rural character. The development plan and a new Swan Valley Protection Act would be used by the City of Swan and Western Australian Planning Commission to guide development and land use in the Swan Valley during the next 30 years.”

8. PROPOSED PROVISIONS OF THE NEW SOUTH WALES LEGISLATION

- (a) It is submitted that any NSW legislation would consider the whole of the registered Hunter winegrowing region as described:-

<https://www.wineaustralia.com/en/Production%20and%20Exporting/Register%20of%20Protected%20GIs%20and%20Other%20Terms/Geographical%20Indications/New%20South%20Wales/Hunter%20Valley/Hunter.aspx>

- (b) The proposed NSW Legislation, in order to adequately cover recognition, would need to:-
- (i) clearly identify the unique values of the region;
 - (ii) specify measures to retain, maintain, protect and restore these values;
 - (iii) specify what land uses and types of development are prohibited from the protected areas;
 - (iv) identify activities and development proposals that complement local values, and then create a process for the accelerated assessment of these proposals;
 - (v) ensure that environmental sustainability is an important part of any assessment of development;
 - (vi) ensure the assessment process enables development in these areas that is sympathetic to their unique environment.
 - (vii) Consider the principle of “right-to-farm” for the grape growing industry and sympathetic agriculture, wine making facilities, including livestock farming, vegetable production, cheese making, etc together with wine tourism type of developments such as botanic gardens, hotel and golf resorts, cellar doors, restaurants, cafes, bed and breakfast and other accommodation including Farm Stays, vineyard motel units and the like.

9. INTERNATIONAL MARKETING

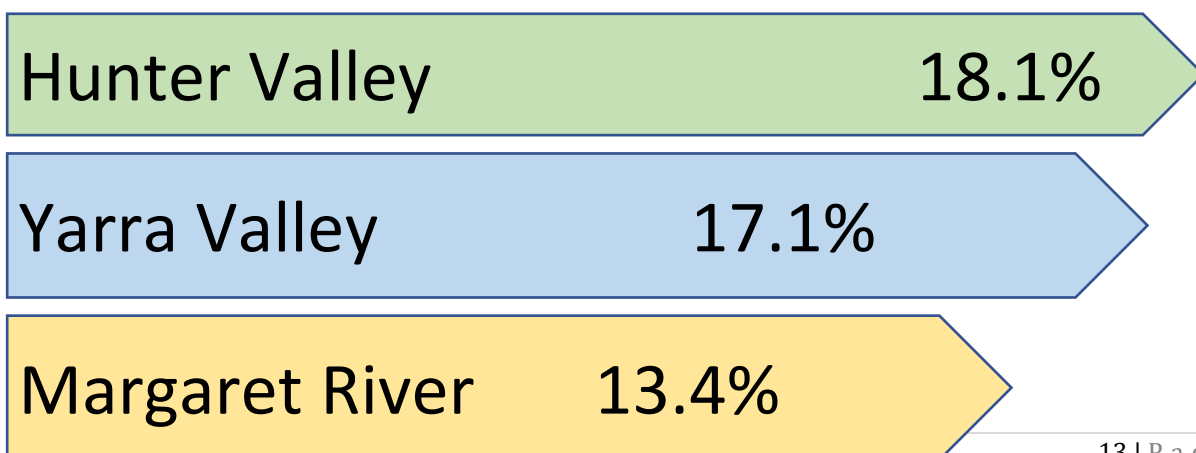
The Hunter is Regional NSW’s leading tourist destination. The challenge is in respect of its position in terms of wines, wine sales and exports.

The Hunter’s leading tourism role should also be reflected as NSW’s accredited leading wine district.

NSW Tourism Enhancement:

The Hunter Valley in NSW is the acknowledged as Australia’s leading international wine tourism destination.

Of Australia’s 883,200 international wine visitors, the Hunter received the leading share. These visitors across Australia stayed a total of 47.1 million nights. The top five destinations are:-



Swan Valley 12%

Barossa Valley 9.4%

Source: International Visitor Survey Y/e June, 2015 TRA

The Hunter's 18.1% share of this lucrative market is expected to be further enhanced as bookings from increased promotional activity by HVWTA, the inbound tourism friendly Australian \$ dollar, the rising success of Hunter wines at Wine Shows, the introduction of Hunter Benchmark Wines and an increased major event calendar involving Destination NSW and the increased cruise ship business emanating out of Newcastle Harbour. The completion of the Hunter Expressway effectively means the M1 Pacific Motorway and the Hunter Expressway provide approximately a 1½ hour motorway journey from Sydney or a 40-minute motor journey from Newcastle, Lake Macquarie, the Central Coast and the mid-North Coast.

This places Hunter Wine Country within 1½ hrs of Australia's gateway and within close reach of some five million residents (viz:- Sydney, Central Coast, Hunter Valley and Port Stephens).

It is an important adjunct in the wine tourism market that New South Wales, like South Australia and Western Australia, has an official government recognised premier wine district.

In this way, New South Wales can compete against other wine regions in Australia and beyond for the international wine tourism dollar.



Cellar doors – Krinklewood organic wines in the Wollombi-Broke Fordwich

3. Comments on the Mining SEPP

- (a) The Mining SEPP provides a policy framework to govern the assessment and development of the State's mineral and energy resources through the planning system. It serves as a tool to regulate the permissibility of mining, petroleum production and extractive industries across the state and provides consent authorities with a framework of matters that must be considered in the assessment process. This includes issues such as considering the impact of a development on existing land uses and whether environmental impacts and biodiversity offsets have been adequately addressed.
- (b) It is this framework that seeks to ensure not only that the consent authority addresses all matters relevant to a proposed development, but which also seeks to address land use conflicts and ensure a more balanced assessment of a proposed development – that is the propaganda anyway.
- (c) Just to point out a few of the more salient provisions:
 - 1. Part 2 of the SEPP deals with the Permissibility of mining related development. The following provisions are of relevance:
 - (i) Clause 6 list works and activities that may be undertaken without development consent and they include:
 - (a) mineral exploration and fossicking,
 - (b) rehabilitation, by or on behalf of a public authority, of an abandoned mine site,
 - (c) mining within a mineral claims district pursuant to a mineral claim under the Mining Act 1992,
 - (d) petroleum exploration,
 - (e) the construction, maintenance or use (in each case, outside an environmentally sensitive area of State significance) of any pollution control works or pollution control equipment required as a result of the variation of a licence under the Protection of the Environment Operations Act 1997, being a licence that applies to an extractive industry, mine or petroleum production facility in existence immediately before the commencement of this clause.
 - (b)(ii) Clause 7 is of significant relevance as it states that :
 - (a) Underground mining can be carried out on any land subject to approval;
 - (b) Mining can be carried out with development consent on any land where development for the purposes of agriculture or industry may be carried out notwithstanding what the LEP states;
 - (c) Mining can be carried out with development consent on any land that is, immediately before the commencement of this clause, the subject of a mining lease under the Mining Act 1992 or a mining licence under the Offshore Minerals Act 1999;
 - (d) Mining can be carried out with development consent in any part of a waterway, an estuary in the coastal zone or coastal waters of the State that is not in an environmental conservation zone,
 - (e) Facilities for the processing or transportation of minerals or mineral bearing ores on land on which mining may be carried out (with or without development

- consent) can be undertaken with development consent, but only if they were mined from that land or adjoining land,
- (f) Mining can be carried out with development consent on land that is reserved as a state conservation area under the National Parks and Wildlife Act 1974,
 - (g) Extracting a bulk sample as part of resource appraisal of more than 20,000 tonnes of coal or of any mineral ore can be undertaken with development consent.
- (iii) Clause 8 of the SEPP - Determination of permissibility under LEPs stipulates that:(1) If a local environmental plan provides that development for the purposes of mining, petroleum production or extractive industry may be carried out on land with development consent if provisions of the plan are satisfied:
- (a) development for that purpose may be carried out on that land with development consent without those provisions having to be satisfied, and
 - (b) those provisions have no effect in determining whether or not development for that purpose may be carried out on that land or on the determination of a development application for consent to carry out development for that purpose on that land.
- (2) Without limiting subclause (1), if a local environmental plan provides that development for the purposes of mining, petroleum production or extractive industry may be carried out on land with development consent if the consent authority is satisfied as to certain matters specified in the plan, development for that purpose may be carried out on that land with development consent without the consent authority having to be satisfied as to those specified matters.