

Introduce an SP3 Tourist Zone and rezone Part Lot 1 DP1005478 Moppity Road, Young

Proposal Title : **Introduce an SP3 Tourist Zone and rezone Part Lot 1 DP1005478 Moppity Road, Young**

Proposal Summary : **Insert new SP3 Tourist Zone into Harden Local Environmental Plan 2011 and to rezone Part Lot 1, DP 1005478, Moppity Road, Young from RU1 Primary Production to SP3 Tourist Zone.**

PP Number : **PP_2015_HARDE_001_00**

Dop File No : **15/09960-1**

Proposal Details

Date Planning
Proposal Received : **23-Jun-2015**

LGA covered : **Harden**

Region : **Southern**

RPA : **Harden Shire Council**

State Electorate : **BURRINJUCK**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Moppity Road**

Suburb : **Young**

City :

Postcode :

Land Parcel : **Part Lot 1, DP 1005478**

DoP Planning Officer Contact Details

Contact Name : **Meredith McIntyre**

Contact Number : **0262297912**

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RPA Contact Details

Contact Name : **Sharon Langman**

Contact Number : **0263860100**

Contact Email : **sharon.langman@harden.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249467**

Contact Email : **graham.towers@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub
Regional Strategy : **N/A**

Consistent with Strategy : **N/A**

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MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) : N/A
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 5

The NSW Government **Yes**

Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The subject land is approximately 2ha in area and is part of a larger existing winery operation known as Moppity Vineyards. Moppity Wines is extraordinarily successful both in Australia and internationally. The proposal aims to develop a high-quality, multi-faceted wine tourism complex as an icon for the region. It will bring together complementary product and service offerings to provide a comprehensive tourism experience.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective is to insert an SP3 Tourist Zone into the Harden LEP 2011 and to zone the subject land to enable it to be developed as a tourist development.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **1. Insert a SP3 Tourist Zone and Land Use Table into the Harden LEP 2011. Council has provided details of those uses that it proposes to allow without consent, with consent and to prohibit within the zone.
2. Rezone Part Lot 1, DP 1005478 from RU1 to SP3.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

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Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 6—Number of Storeys in a Building

SEPP No 21—Caravan Parks

SEPP No 36—Manufactured Home Estates

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS:

1.2 RURAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural zone.

Council has indicated it believes the proposal is consistent with the Direction, however, the proposal is considered to be **INCONSISTENT** with this direction as it proposes to rezone land from a rural zone to a tourist zone. A proposal may be inconsistent with the Direction if it is considered of minor significance.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is of minor significance as only two hectares of land are proposed to be zoned SP3.

1.5 RURAL LANDS: This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural or environmental protection zone/proposes to change the existing minimum lot size on land within a rural or environmental protection zone.

The proposal is considered to be **CONSISTENT** with this direction.

3.2 CARAVAN PARKS AND MANUFACTURED HOME ESTATES: Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not affect land or provisions relating to caravan parks or manufactured home estates.

3.3 HOME OCCUPATIONS: Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not affect land or provisions relating to the permissibility of home occupations in dwelling houses.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council will need to prepare mapping consistent with the Standard Instrument mapping guidelines prior to finalising the plan. However the map provided is adequate for consultation. A context map showing the location of the site would be beneficial.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council is proposing to publicly exhibit the draft LEP for 30 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Harden LEP 2011 is in place.

Assessment Criteria

Need for planning
proposal :

The proponent has an existing winery and cellar door premises on the broader site. The proponent is seeking to expand and diversify the business to create more tourism associated with the winery including a restaurant and function centre, regional produce centre, art gallery, training facility, and bed and breakfast cabins.

The current RU1 Primary Production Zone does not permit many of the proposed activities. Council has supported the proposal to encourage more winery-based tourism in the Region.

Council considered a number of alternative methods to enable the proposal to occur, including amending the LEP to insert the proposal as a Schedule 1 use or amending the RU1 Primary Production Zone to permit the range of desired uses. However, both were not supported as the best means of achieving the desired outcome. A number of uses proposed would not be appropriate across the RU1 zone.

Rezoning the subject land ensures that the uses are appropriate to the zone and other areas affected by the RU1 zone are not permitting uses that may be incompatible with general rural activities.

The inclusion of an SP3 zone in the LEP also provides the opportunity for the zone to be used for other sites in the future while a schedule 1 entry would only apply to the subject site.

Consistency with
strategic planning
framework :

Council believes the planning proposal is consistent with its strategic direction to support economic development and tourism in the local area. Council has also recently commenced a rural and residential lands study. Tourism is already emerging from early data analysis as one of the Shire's opportunities, along with value adding and niche marketing of rural produce.

Council's community plan "Team Harden Community Vision Strategic Plan of 2010" also aims to establish harvest/produce trails linking orchards, cellar doors, fresh produce outlets and eateries that specialise the use of fresh local produce.

Council believes the introduction of a tourism zone will reflect Council's willingness to support the development and growth of a tourist industry for the region.

Environmental social
economic impacts :

The subject land is mostly covered by grapevines and there is no native vegetation on the site. There is native vegetation in the road reserve adjoining the site, however the proposal will not affect it.

The water use for a tourist facility will need to be of a higher quality (potable) than required for the operation of a vineyard. There is no reticulated water supply to the site and the provision and treatment of onsite water storage will be considered at the development application stage. It is, however, considered feasible to provide adequate water to the site

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and manage effluent.

Council advises that there are no known heritage issues on the site, nor is it bushfire prone or subject to flooding.

There is likely to be a significant positive economic benefit from the proposal. The proposal intends to showcase and market local products and produce direct to the public in a single tourism facility - something not currently available in the Shire.

There are also likely to be broader community and economic benefits from the facility such as employment, accommodation multipliers and the ability for other local producers to leverage off the success of the operation.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority
Consultation - 56(2)
(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are required for the rezoning. Additional studies may be necessary at development application stage.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter - Planning Proposal - inclusion of SP3 Tourist Zone & rezone Lot 1 DP 1005478 Moppity Road Young_.pdf	Proposal Covering Letter	Yes
20150622 - Planning Proposal - Harden.pdf	Proposal	Yes
20150622 - Council Meeting Minutes & General Managers Report - Harden.pdf	Proposal	Yes
20150622 - Planning Proposal - Principal Activity 2 - Environment.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 3.2 Caravan Parks and Manufactured Home Estates
 3.3 Home Occupations

Additional Information : **RECOMMENDATIONS.**
It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Harden Local Environmental Plan 2011 to insert an SP3 Tourist Zone into the Land Use Table and to rezone Part of Lot 1, DP1005478 to SP3 Tourist Zone.

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.

2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands or that any inconsistencies are of minor significance;

(b) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(c) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons : **This proposal is consistent with Council's overall strategic objectives and it appears to have economic and social benefits to the wider community.**

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Signature:

Graham Towers

Printed Name:

GRAMHAM TOWERS

Date:

7/7/15