

**Submission - Gina Brough 21 April 2023**

I am not in agreement with the 15ha minimum lot size proposal. I think there should be provisions for smaller lots to be eligible if they meet certain criteria as well. We have a housing crisis in this shire, short term holiday accommodation is suitable not only for the typical family of 4, but it could be a refuge for flood victims while their homes are repaired, festival goers, temporary workers who are in the area etc... When COVID hit and there was a mass exodus of people from Sydney and Melbourne, cabins would have been perfect for those short-term visitors. Instead of the huge demand which lead to rents increasing by hundreds of dollars per week, which forced locals out of their permanent rentals. The fabric of this community suffered a significant toll by not having enough housing to cater for all the different scenarios. Even backpackers are paying up to \$100 per night due to the lack of tourist accommodation. Properties located anywhere near a festival site should certainly be able to cater to the short-term accommodation needs on their doorstep. A minimum lot size of 15ha is too restrictive.

Not all properties of similar size have the same agricultural productivity or conservation values. If you compare a steep, heavily treed 15ha lot, with a flat, treeless lot, their capacity to generate income through agricultural productivity is starkly different. Likewise, their conservation values could be at opposite ends of the scale. If each property was assessed on its own merits, you would find smaller 10ha lots that would lend themselves to tourist accommodation much better than some larger lots. You would find that smaller-sized lots are very difficult to be viable and may have the greatest need for weed control and regeneration of the fauna & flora.

With regards to the 60m² floor space, I can't understand the requirement. My family and many others I know, who have 3 or 4 children, could never fit in such a small space. It would be like holidaying in a caravan. Why can these holiday cabins not cater for larger families? Some of our neighbouring shires already have 75m² floor space, why not the Byron shire?

Who doesn't need a washing machine and dryer when they are on holiday? We would never stay somewhere that wasn't self-catering. Even just to put wet

towels through the machine or to iron a shirt. People with young children are not about to go and sit at a laundry mat with their children while they are on holiday. Tourist cabins are not like a resort where you collect a new pool towel whenever required. Also, to clean the sheets for the house and remake the beds, you would think a washing machine would come in very handy.

Is it possible for a "Savings Provision" to be applied to enable Development Applications that are lodged and under assessment before the adoption of the new controls to be eligible to continue their assessment under the existing controls?

Thanks,
Gina

From: [Kathryn McConnochie](#)
To: [council](#)
Subject: Attention: Alex Caras & Steve Daniels- Submission on Tourist Accommodation in Rural Areas
Date: Friday, 21 April 2023 11:04:49 PM
Attachments: [Submission from Byron Environment Centre Planning Tourist Accommodation in Rural Areas.docx](#)

Hi Alex & Steve,
Please find the submission attached from the Byron Environment Centre for Changes to Rules about Tourist Accommodation in Rural Areas.

Regards
Kathryn McConnochie
for Byron Environment Centre

Byron Bay, NSW 2481'

Changes to Rules about Tourist Accommodation in Rural Areas

Submission to Byron Shire Council from Byron Environment Centre

The Byron Environment Centre (BEC) agrees with all the proposed changes to the Development Control Plan, 2014, Chapter D3, Tourist Accommodation. We agree with most of the changes proposed in the Planning Proposal 26.2022.5.1– Amendment of Byron LEP 2014 provisions for rural tourist accommodation.

The following amendments are proposed to Byron LEP 2014

1. *Introduce a 15 hectare minimum lot size requirement for rural tourist accommodation as an LEP standard. (clause 4.1E).*

In the Draft DCP the minimum lot size is stated as 20 hectares at the new Prescriptive Measure number 2. On Pg 17:

“A minimum lot size of 20 hectares is required for rural tourist accommodation.”

There is a major discrepancy here between the DCP’s recommended minimum lot size of 20 ha and the Planning Proposal’s recommendation for the minimum lot size to 15 ha in the LEP.

The Byron Council webpage “Have Your Say” also promotes 15 ha as the change in minimum lot size:

- **Introducing a 15-hectare minimum lot size** requirement for development of tourist and visitor accommodation such as bed and breakfasts, farm stays and holiday cabins in the RU1, Primary Production and RU2, Rural Landscape zones.

<https://www.byron.nsw.gov.au/Your-Say-Byron-Shire/Changes-to-rules-about-tourist-accommodation-in-rural-areas>

The BEC agrees with the Draft DCP recommendation that the minimum lot size for rural Tourist accommodation should be 20 ha. There should be a lower density of tourist cabins in our hinterland agricultural areas, this will help to prevent the overdevelopment of smaller blocks at the expense of conserving the environment. The roads & infrastructure cannot support 4 cabins on every 15 ha block. A larger block size would be more sustainable over time & have less impact on the environment.

2. *Reduce the number of farm stay accommodation bedrooms permitted from 12 to 8. (clause 5.4 (5))*

The BEC agrees with the new Prescriptive Measure 1. On Pg 17 of the draft DCP that clarifies accommodation building density by stating that the Byron LEP maximum of 8 bedrooms must be accommodated in 4 cabins at 2 bedrooms per cabin.

Farming land and farming practices that are required for local food security must be prioritised & must not be jeopardised by excessive rural tourism dwellings & infrastructure.

Sustainable farming practices on prime agricultural land must take precedence over 'agritourism', which could create adverse impacts on essential farming land.

Similarly, environment protection of native vegetation and sensitive environmental areas such as riparian zones must be prioritised above the expansion of more tourist facilities.

The amenity of rural and hinterland areas must be protected by avoiding the construction of dwellings on ridgelines, or if this is unavoidable, justified by a Visual Impact Assessment. The requirement for tourist accommodation to be constructed in a 'Cluster' pattern will assist with the visual amenity. A maximum separation of 20 m between buildings will prevent a sprawling impact across properties. The requirement for colours & materials that blend with the local landscape is highly desirable & fully supported.

Limiting traffic by limiting dwelling numbers & controlling multiple access driveways from tourist accommodation is necessary for safety on narrow, windy hinterland roads & for the amenity of neighbours. The requirement for a traffic Impact Statement on sub-standard access roads is a necessary addition. Drivers from outside of this area are not used to negotiating the challenging local roads.

We completely support the Objective for Item D3.2 of Byron DCP, *"To ensure that development does not give rise to conflicts which would prejudice the existing activities in the area or adversely affect natural resources values, landscape character or cultural heritage values."*

We support the new objectives at D3.2.3 in the DCP where sustainable building practices are encouraged.

The BEC commends Council on including Objective 4. at Item D.3.4 in the DCP: *"To ensure rural tourist accommodation improves the ecological value of the site for the protection of flora and fauna and incorporates repair and enhancement of the natural environment."*

Item 10 of the Prescriptive Measures, on pg. 20 of the DCP outlines the requirements for a Vegetation Management Plan to be submitted with the DA. *"900 local native trees per cabin or rural tourist residence dwelling, are to be planted for environmental repair and enhancement for development."* This is an important measure for improving the environmental value of the site, particularly in cleared pasture land.

The protection of the natural environment and sustainable tourism are paramount concerns of the Byron community. The BEC thanks Byron Shire Council for proposing changes towards this end for tourism accommodation in rural areas.

From: [Joe Davidson](#)
To: [council](#)
Subject: SUBMISSION - Proposed Changes to Rural Tourist Accommodation Controls
Date: Friday, 21 April 2023 4:24:27 PM
Attachments: [image001.png](#)

I tried to make a submission via the Council web portal today but there is an error that does not allow me to proceed.

Please accept this email as a submission for Council's consideration. My main concerns are set out below:

1. I find the proposed reduction in cabin numbers to be excessive and inconsistent with the Byron Rural Settlement Strategy 1998. This document allows for 6 x 60 square metre cabins. Council's proposal to limit cabin numbers to 4 does not align with Council's own strategy and would be a poor outcome for property owners. I understand that the Strategy is 25 years old but this basic 6 x cabin allowance has been in play for many years prior to Byron LEP 2014 without issue. A reduction to 4 x cabins does not seem to be underpinned by any good planning consideration.
2. The following DCP control is inappropriate as of course there will be topographic situations when placing cabins in a straight line is a logical planning outcome (eg. to follow a slope, a road, a waterway, a line of vegetation): Rural tourist accommodation is to be arranged in a 'cluster' pattern and should not be sited in a straight line that would result in a continuous visual wall of buildings
3. The Prescriptive Measures of Chapter D3.3.4 require a minimum lot size of 20 hectares, the Draft LEP requires 15 hectares. Whilst these are inconsistent with one another, I have many clients with properties below 15 hectares that are suitable for tourist accommodation uses. In fact, these smaller properties are less viable for agriculture than other 15+ hectare lots. The proposed restriction to land area is excessive for the Byron Shire, within which rural tourism is highly desired and agricultural activities are in decline due to land values and viability.
4. I request on behalf of a number of my clients that a Savings Provision is applied to the new development controls to ensure that any Development Application that is lodged and is under assessment prior to the new controls taking affect can remain unaffected by those controls and may continue to be assessed under the existing LEP and DCP provisions. This is a very reasonable request and exemplifies good customer service. As you can understand, Byron Shire Council's DA assessment timeframes are quite lengthy and failure to determine a DA could be catastrophic for some proposals that are consistent with the current controls but are inconsistent with the proposed controls. I currently have a DA for rural tourist accommodation that has been under assessment for over 12 months. It is essential that a Savings Provision is endorsed to ensure existing proposals are protected.

Regards

Joe Davidson



Town Planning Studio Pty Ltd

Byron Shire Council

Tourist Accommodation in Rural Areas

As long term residents of Possum Creek We write to support the wording of Report 13.1 presented to the Council Meeting 15/12/22 and agree with the concerns expressed to the recent State imposed land use changes that have the potential to negatively impact on the farming practices for food security. We also have serious concerns that the weakening of standards will cause environmental and visual harm to the Possum Creek area and surrounding farming countryside of hills and valleys.

The DCP revisions rightly emphasize the ancillary purpose of rural tourist accommodation to complement primary production rather than putting the focus on agritourism as NSW Planning proposes.

The Gateway Determination of a minimum area of 15 ha for tourist accommodation also provides for environment enhancement by a Vegetation Management Plan to include native tree plantings at 900 trees per cabin. Limiting the maximum number of 2 bedrooms per cabin and 4 cabins is a great step to limiting the tourist impact. We support these provisions strongly.

While a Traffic Impact Statement must be submitted to address the increased traffic load on the existing rural roads, limits such as poor pavement width, repair and road alignment and passing opportunities at bends, crests and water crossings also need to be considered. These constraints and dangers already exist and must be addressed prior to any further development being commenced. Increased traffic loads on Possum Creek Road and Friday Hut Road in the last 5-10 years have placed significant stress on the road infrastructure and lowered the levels of safety especially after the rains of the past year causing verges to break away and badly narrow the pavement seals. Construction traffic of heavier vehicles would only add to the dangers of travelling on the narrow roads and their impact must also be addressed. We note that the highest number of objections (26%) of previous tourist developments in rural areas were for traffic road access, and road safety issues. The revisions only address access and not road safety in general.

With any increased accommodation in the area clear guidelines need to be set for stormwater and effluent management as well as setting some rules about water usage from bores and streams to help manage underground and surface water sources. They are a valuable natural resource and must be protected, managed and not exploited.

Andrew and Ruth Winton-Brown

Friday Hut Road
Possum Creek 2479

21 April 2023

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submitted on date: 14 April 2023, 9:54AM

Receipt number: RTVA14

Related form version: 6

Name	andrew crawley
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Email

Provide your feedback here

For a council that complains about the negative effects of airbnb & lack of affordable housing this is laughable. You're looking to introduce planning rules that will restrict supply and reduce the number of available beds. Put the bong down for 5 mins and lets get some supply in the market which will help the service workers, teachers, nurses that we need in this area.

Upload your feedback here

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submission date: 17 April 2023, 11:52PM

Receipt number: RTVA16

Related form version: 6

Name	Michael Douglas
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Email

Provide your feedback here

thank you for the opportunity for submission. Several points to make: a). The review of land use is welcome and raises legitimate concerns; b) we support minimum land size, but assume that this cannot apply to previously approved businesses; c) we support the reduction. In available rooms on future proposals; d) the principles of the NSW govt agritourism legislation should not be undermined; e). Consideration should be given to special cases that may be considered in the future along the rail corridor should recreational use of this corridor be established.

Upload your feedback here

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submission date: 20 April 2023, 11:48AM

Receipt number: RTVA18

Related form version: 6

Name	Angela Dunlop
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Email

Provide your feedback here	see attachment from SGBCA
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Upload your feedback here	SGBCA submission (Rural Tourist Accommodation) - April 23.docx
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SOUTH GOLDEN BEACH COMMUNITY ASSOCIATION INC.

2483 Ph:
email:



20 April 2023

To: Byron Shire Council

RE: Proposed Changes to Rules Governing Tourist Accommodation in Rural Areas

We appreciate Council's concern about the growing number of proposals for creating tourist accommodations in the shire's rural areas and about the need for a clear, consistent policy governing such enterprises. We are in agreement with the concerns raised in Report 13.17 that was discussed at the Council meeting on 15 December 2022 and fully support Council's proposed changes in the rules. We consider these issues to be particularly important:

1. The accommodations should complement primary agricultural activities.

We agree that the proposed NSW planning policy favours "agritourism" over the sustainable farming practices that are critical to our shire and region. We need instead to support food production on prime agricultural land so as to enhance our local food security. We thus support the proposed DCP revisions that emphasise the need for tourist accommodations to complement primary food production and enhance environmental protection instead of introducing adverse impacts on both farming and the environment.

2. The accommodations should align with the existing rural character of the area.

We support controls over the design and aesthetics of tourist accommodations that are contained in the revisions to section D3.2.3 of the DCP, including the Prescriptive Measures and Performance criteria. We think such controls and criteria are vitally needed to preserve the character of rural areas and prevent them from being dominated by high-visibility tourist accommodations. The Visual Impact Assessment is an especially good measure in its provisions for keeping all development below the natural tree line, prohibiting development on ridgelines or other visually prominent sites, etc.

3. The accommodations should not conflict with existing activities or natural resources.

We are especially concerned that tourist accommodations not be allowed to adversely affect the natural resources, landscape character, or cultural heritage values of an area. For example, any such accommodations should not have an adverse impact on existing forested areas, waterways, farmland, residential areas, or cultural-heritage sites. So we fully support the objectives stated in the revised D3.3.4 that will serve to protect ecological values and enhance the natural environment.

4. Specific guidelines should support low-key, low-impact accommodations.

We support a minimum lot size of at least 15ha for developing tourist accommodation, along with the requirement for a Vegetation Management Plan to be submitted with any proposal. We also support the requirement to show specifically where 900 trees per cabin/residence will be planted to enhance the area as part of the development. We furthermore support a 90-day limit within a 12-month period and the limit of 4 buildings with 8 two-person bedrooms. And we support the cluster concept, as specified in Prescriptive Measure 4.7.j.iv. All these guidelines will contribute to the kind of low-key, low-impact development that we would like to see in the shire and that we think will preserve the unique character of the shire's rural areas.

5. Proposals should include Traffic Impact Statements and other traffic considerations.

The impacts of increased traffic in rural areas of the shire is of particular concern, so we support requiring a Traffic Impact Statement to accompany all proposals, not just those that involve "at least three (3) holiday cabins..." as noted in Prescriptive Measure 4.7. Developments involving fewer than three cabins may well generate inappropriate traffic impacts that need to be considered when the proposal is being determined, so we would support requiring Traffic Impact Statements to accompany all DAs.

6. Specific guidelines are needed for on-site sustainability measures, e.g., water supply.

We support the requirement for a rainwater tank of at least 20,000 litres for each accommodation building, to be located in an unobtrusive, environmentally appropriate area and to be consistent with the requirements for residential accommodation where those requirements are applicable. Water supply is one of the most critical features of such developments, so we support this important requirement.

Although we consider these points to be the most important, we acknowledge that Council's draft revision of Chapter D3 the Development Control Plan contains a number of other excellent measures. We think the document overall will provide the right agricultural and environmental protections we need in the shire while allowing for properly scaled tourist accommodations in rural areas that will provide economic benefits to the shire.

Yours sincerely

A stylized, blocky handwritten signature in a light brown or tan color, consisting of a large 'L' shape followed by a horizontal stroke.

SGBCA

Feedback for planning controls for rural tourist and visitor accommodation

Submission date: **9 March 2023, 6:53PM**

Receipt number: **RTVA7**

Related form version: **1**

Name **Fabrizio Calafuri**

Email **fcalafuri**

Provide your feedback here

I am opposed to the view that there should be minimum lot size conditions placed on the Tourist Facility developments in the RU1, RU2 and Primary Production Zones as suggested. I think this is a very blunt instrument for controlling unsuitable development. Land size is not the issue. There are many other criteria that can be applied and already exist under planning regs. E.g. traffic management, neighbourhood impact, environmental impact, etc. I would suggest that Council would do better to focus on enforcement of existing controls or possibly introducing new ones if necessary, but to base eligibility on land size seems unreasonable as it favours large and wealthier land holders and will result in an inconsistent system where those who got approvals prior to land size changes can stay in operation on smaller parcels but no new approvals will be allowed.

Upload your feedback here

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submitted on date: 18 April 2023, 8:11AM

Receipt number: RTVA17

Related form version: 6

Name Jo Faith

Email

Provide your feedback here

We seem to be captives of the Tourist Industry. AgriTourist Business is eclipsing Sustainable Farming for much needed food in the area. It over-rides this imperative and the Rights of Farmers and indeed the Food Industry. Time to stop such Tourist madness. Yes to Sustainable Farming for food. No the Agri tourism.

Upload your feedback here

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submission date: 1 April 2023, 11:00AM

Receipt number: RTVA9

Related form version: 3

Name	Ben Fawcett
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Email

Provide your feedback here

Having been involved with a campaign opposing a 'rural tourist accommodation' Development Application on a property neighbouring my own, in 2018/19, I am very pleased with the planned changes to the relevant Council DCP. Please see my attached comments.

Upload your feedback here

[BSC Submission, Rural Tourist Accommodation, Fawcett 4-23.docx](#)

Submission by Ben Fawcett , dated 1 April 2023, to Byron Shire Council, regarding proposed changes to Chapter D3 of the Development Control Plan 2014 for Rural Tourist Accommodation.

Having been closely involved with a campaign opposing a proposed Development Application for rural tourist accommodation on a property neighbouring my own, in 2018/19, I am very pleased with the proposed changes to Byron Shire Council's DCP. These changes will very considerably overcome many of the challenges which we were facing in opposing a development which we considered inappropriate and which will have serious, adverse implications on neighbouring properties.

In particular I fully support the following changes to the DCP 2014:

- D 3.3.4 Prescriptive Measure 2: The minimum lot size of 20ha for any rural tourist accommodation. However, I am confused by the apparently contradictory statement in the Planning Proposal 26.2022.5.1 'Amendment of Byron Local Environment Plan 2014', published with the amended DCP, which recommends a minimum lot size for such developments of 15ha.
- D 3.3.4 Prescriptive Measure 1: A maximum of 4 rural tourist accommodation buildings, each with a maximum of two bedrooms, on any one property.
- D 3.2.3 Performance Criterion 5 and D 3.3.4 Prescriptive Measure 3: Such buildings to be grouped in a cluster pattern, not in a straight line, near the primary dwelling house on the lot.
- D 3.3.4 Performance Criterion 11: Rural tourist accommodation must be located on sites with good road access.
- D 3.3.4 Prescriptive Measure 4f: Rural tourist accommodation developments shall utilise a single access point from the public road network to service both the tourist accommodation and residential use of the site.
- D 3.3.4 Prescriptive Measure 6: Applications are to consider vehicle access, including dust, noise, existing road conditions and the potential impact on the local amenity.
- D 3.3.4 Prescriptive Measure 7: A Traffic Impact Statement is required for developments using access on a primary road with a gravel construction or a sealed pavement of less than 6m width.

I fully support the proposed amendments to the DCP for Rural Tourist Accommodation, which would, together, have resulted in our neighbour's application being rejected. Likewise, as emphasised in the documentation, the changes should considerably reduce the undesirable density of rural tourist accommodation in Byron Shire.

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submitted on date: 7 April 2023, 6:38AM

Receipt number: RTVA13

Related form version: 6

Name	Tony Flick
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Email

Provide your feedback here

I support this initiative by Council as being a farmer and having 7 different sharefarms the impact on agricultural operation and land use conflicts was quite significant. We need to stop over commercialising our RU1 zones and stop permitting tourist development on boundary areas that impact the right to farm.

Upload your feedback here

Feedback for planning controls for rural tourist and visitor accommodation



Submission date: 31 March 2023, 2:54PM

Receipt number: RTVA10

Related form version: 3

Name	Sue Franklin
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Email

Provide your feedback here

My submission is in support of the planning proposal for the following reasons: 1. Our rural areas are being turned into tourist resorts which in many cases are actually replacing farming activity. Tourists are often unaware of local conditions for example wildlife on the road at night. Many rural tourist facilities are now allowing dogs which are often unleashed and a danger to wildlife whilst their owners are unaware of the destruction they may cause.. 2 Land owners are required to do offset planting which in turn attracts wildlife to the resort and often speeding traffic. Offset planting is a great requirement but needs careful management. 3. There must be a condition attached to stop other buildings on the property being let on STRA platforms. My neighbour for example has 4 rural tourist cabins approved on the property but also airbnbs two other buildings on the property thereby doubling the allowed no. of tourists. 3 Many rural tourist cabins are being built around Bangalow and we simply don't have the infrastructure to support them. 4. We have enough tourists now and there is still a predicted increase. Kind regards Sue Franklin

Upload your feedback here

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submission date: 20 April 2023, 12:53PM

Receipt number: RTVA21

Related form version: 6

Name	Ian Holmes
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Email

Provide your feedback here

Please refer to attachment

Upload your feedback here

[Tourist Accommodation in Rural Areas - BCA
Submission.docx](#)

Tourist Accommodation in Rural Areas – BCA Submission

The Bangalow Community Association fully supports the emphatic wording of Report 13.17 to the Byron Shire Council Meeting on 15/12/2022. We entirely agree with clearly expressed concerns related to recent State imposed land use changes that potentially diminish legitimate farming practices required for local food security. The report culminates a thorough analysis of key areas and reflects the substantial amount work done by BSC planning staff in recent years. We agree that weakening standards will steadily reduce food production capacity and cause environmental harm to the hinterland beauty for which Byron Shire is renowned. For Bangalow specifically, a cute village surrounded by hinterland, an unencumbered green setting maintains the context for complete heritage integrity, thus helping to generate economic value for our community.

We agree with the notion that proposed NSW Planning policy places the focus on an “agritourism” concept rather than encouraging sustainable farming practices on prime agricultural land. Thereby potentially swinging the balance towards excessive development in rural areas. Proposed DCP 2014 revisions thankfully avoid using agritourism terminology and conversely emphasise the ancillary purpose of tourist accommodation to complement primary production, then becoming an opportunity for environmental enhancement rather than causing adverse impacts. Some key themes:

A Byron LEP 2014 Gateway Determination for a minimum area of 15 ha of tourist accommodation provides scope for environmental enhancement through vegetation management and native tree planting, now included in the draft DCP at 900 trees per cabin accompanied by a Vegetation Management Plan, a worthy addition to a development application. The draft DCP also removes any ambiguity regarding accommodation building density by stating that the BLEP maximum of 8 bedrooms must be accommodated in 4 cabins at 2 bedrooms per cabin, subject to the minimum site area.

We support the additional general Objective for Chapter D3 Byron DCP 2014, *to ensure that development does not give rise to conflicts which would prejudice the existing activities in the area or adversely affect natural resources values, landscape character or cultural heritage values*. The ensuing consolidation and simplification of controls includes best practice guidance established by previous Shire planning documents. Stronger controls over design, aesthetics, and rural character are achieved from additional Prescriptive Measures and Performance criteria – all commendable inclusions.

The extensive revision of D3.2.3 is appropriate as this clause includes key themes of fundamental importance: Location and siting must not conflict with existing activities in the area or adversely affect natural resources, landscape character or cultural heritage values. Development on ridgelines and visually prominent sites to be generally avoided or otherwise justified by a Visual Impact Assessment. Accommodation clusters are achieved with siting provisions recommending a maximum separation of 20 m between buildings.

We also like the expanded Objectives in D3.3.4, Rural Tourist/Farm Stay Accommodation, *to ensure rural tourist accommodation improves the ecological value of the site for the protection of flora and fauna and incorporates repair and enhancement of the natural environment*. Expanded Performance and

BANGALOW COMMUNITY ASSOCIATION

Prescriptive Measures include a building maximum gross floor area of 60 sqm. Such measures also address infrastructure considerations by responding to traffic, road access and safety as high priority community issues. *A Traffic Impact Statement must be submitted to address environmental/user road impacts such as dust, noise, passing opportunities and existing road constraints such as narrow bridges and poor road alignment.*

Clear guidelines for storm water management and onsite sustainability measures, consistent with residential accommodation provisions where applicable, help to manage any unknown demands on underground and creek waters.

BCA sincerely thanks Byron Council for responding to these issues and we applaud BSC planning staff for successfully negotiating a gateway determination with Planning NSW and applying a vintage Byron remedy. Our submission highlights some of the key areas on the community radar, but the draft update goes well beyond these matters and is a very comprehensive example of sustainable development principles being applied to our rural sector. Such work is fundamental to the ongoing environmental viability of Byron. There will no doubt be opposition from some landowners and others, but we believe that proposed changes achieve the right balance. Compliance can be challenging and remains an ongoing issue, but for now, development boundaries have been expertly defined and we support the draft DCP.

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submission date: 23 March 2023, 3:51PM

Receipt number: RTVA8

Related form version: 2

Name	Lauren Julian
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Email

Provide your feedback here

I support Byron Council in this proposal, it is realistic and considers everyone's needs.

Upload your feedback here

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submission date: 20 April 2023, 3:46PM

Receipt number: RTVA22

Related form version: 6

Name	Lynn Smith
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Email

Provide your feedback here

I fully support these changes to the rural tourist and visitor accommodation.

Upload your feedback here

[submission for Rural tourist accommodation.docx](#)

RURAL TOURIST AND VISITOR ACCOMMODATION PLANNING PROPOSAL

My husband and I live on Lawlers Lane Bangalow, it is a country lane on the ridgeline to the south of the village of Bangalow.

Last year there was a DA put into Council for a large-scale development at No 72.

The DA was for 12 cabins (renovated dongas), some with swimming pools in a circular cluster, plus an overly large conference/wedding venue. This was to be situated on the side of a steep hill facing north towards the village.

This would have required extensive groundwork to be carved out of the hillside which faced the village of Bangalow and would have been clearly seen from the village.

Lawlers Lane is approximately two klms long and is a single lane mostly unsealed no through 'road'. It is currently unsuitable for the amount of traffic that now uses it.

There were many other reasons why the residents were against this DA, however I will not go into this here other than to say that there are approximately 21 residences in Lawlers Lane and 98% of these objected to this DA.

We were all so very pleased and relieved that Council refused this application.

It had the potential to destroy resident's livelihood, the amenity of the laneway, the visual aspect from the village, the koalas and other native animals that inhabit this area and much more.

These changes put forward will go a long way to help protect the quality and relatively quiet amenity of life that country people strive to protect.

There is a very real need to protect our environment and local food security by limiting large scale tourist developments in country areas within the shire.

We fully support these changes.

Lynn & Jon Smith

Bangalow

20/4/2023

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submitted on date: 20 April 2023, 4:23PM

Receipt number: RTVA23

Related form version: 6

Name	Sue Taylor
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Email

Provide your feedback here

I support Byron Shire Council 2023 regulations regarding rural tourist accommodation. For the reasons highlighted in the planning control - these are important regulatory measures for rural areas. Thank you.

Upload your feedback here

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submitted on date: 17 April 2023, 3:40PM

Receipt number: RTVA15

Related form version: 6

Name

Mark Toon

Email

Provide your feedback here

Fully supportive of the proposal : 12 bedrooms on a block < 15ha is obviously not a Primary Production Enterprise but an accommodation facility. The majority of income earned would no doubt be derived from accommodation which would defeat the purpose of zoning under rural.

Upload your feedback here

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submission date: 20 April 2023, 12:25PM

Receipt number: RTVA19

Related form version: 6

Name	Patricia Warren
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Email

Provide your feedback here	see attached submission
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Upload your feedback here	Agritourism.docx
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SUBMISSION ON TOURIST ACCOMMODATION IN RURAL AREAS

The State's former Liberal Government, in its template for 'ARGITOURISM' has put aside any notion of food security both locally and state wide. Given our current experience with supply chains, it begs the question on what value base was the state promoting this type of development?

Byron Shire Council (BSC)'s Report 13.17 of its meeting 15th December 2022 is applauded. It recognizes

- (a) Environmental harm 'agritourism' will cause to the hinterland – a strong marketing point for the Shire
- (b) Threat by changing land use, to reducing the supply of farming land on rich volcanic soils

Worse, is the state's template assumes a homogeneous plain for its implementation shifting any notion of encouraging diversification of farming practices, sustainability of farming practices on what ought to be acknowledged by the state as invaluable food land.

The former government is promoting excessive development on rural land and there is no reason in this move to see what is proposed as embryonic small settlements in the hinterland....think wedding venues, helicopter pads etc where any notion of 'balance' between argitourism (what a term!) and farming is dismissed in favour of a form of residential development under another guise. No matter what term is used, the physical reality is residential. Consecutive occupancy, by default moves a 'tourist cabin' which is characterized by short term stays, into an occupancy of 365 days. Even if there is occupancy of less than 365 days it is the % time that it is occupied that is the determinant of what these cabins are!

BSC's planning staff has credibility on this issue on which they have spent considerable time. The state is obliged to show how the General Objective for Chapter D3 of the Byron DCP, which reads, *"to ensure that development does not give rise to conflicts which would prejudice the existing activities in the area or adversely affect natural resources values, landscape character or cultural heritage values"* is in full accordance with 'argitourism'. Violations of these values by the template are not acceptable to the wider community of this Shire.

Fortunately, our planning staff has, under Prescriptive Measures and Performance criteria identified the critical need to have strong controls over design, aesthetics.

The revision of D3.2.3 is appreciated. Development on ridgelines must be prohibited at the outset and any similarly on any visually prominent sites. There can be no wishy-washy approach to this. Outright prohibition needs to be known to exist and enforceable. Any intention by a developer must carry with it severe penalties. This must be stated in D3.2.3. The notion of a Visual Impact Statement may read as an appealing process but it will always be open to interpretation. In fact, it might be of worth to consider putting into D3.2.3 a distance from a ridgeline e.g. 500m. It becomes more difficult to give a number to the distance from a visually prominent site as the view from that site can extend over kilometers.

I support the Bangalow Community Association's request for expansion of Objective D3.3.4 Rural Tourist/Farm Stay Accommodation and their recommended expansion of the Performance and Prescriptive Measures.. In terms of their reference to ".....protection of flora and fauna and incorporates repair and enhancement of the natural environment" may I add that includes the encouragement of planting of koala food trees and in the best of possible worlds, moreso if such regeneration reduces the loss of habitat in wildlife corridors.

Controls on storm water management and wastewater must be stringent. A precautionary approach is definitely needed to mitigate any contamination of creeks and ground water reserves. Increasing the density of development in rural areas runs this risk. The base data is needed for storm water and wastewater management to be effective and may well reduce the number of cabins permitted not only on a rural holding but in consideration of surrounding rural holdings. e.g. what is the impact of adjoining property owners taking up the maximum of cabin development on the quality of creeks and ground waters?

Congratulation on BSC's planning staff for their vigilance on this issue

Patricia Warren

, 2483

From: [Burt, Shannon](#)
To: [Caras, Alex](#)
Cc: [Project Support](#); [French, Sharyn](#)
Subject: FW: Tourist Development in Rural Areas - supplementary submission
Date: Friday, 21 April 2023 2:32:39 PM

Shannon Burt | Director Sustainable Environment & Economy | BYRON SHIRE COUNCIL

P:

Byron Shire Council acknowledges the Traditional Owners of this land, the Arakwal people, the Minjungbal people and the Widjabul people of the Bundjalung Nation, and pays our respects to Elders past and present.

Emails from Byron Shire Council may contain confidential and/or privileged information. Please consider the context in which this email has been sent to you, the email's content, and whether it can be disclosed to a third party.

From: patricia warren
Sent: Friday, 21 April 2023 2:22 PM
To: council ; Burt, Shannon ; French, Sharyn
Cc: patricia warren

Subject: Tourist Development in Rural Areas - supplementary submission

Can there be anywhere in the proposed changed vis a vis tourist development in rural areas that identified what may happen with these rural allotments in the future?

Thinking: how can 'existing use rights' to have 'x' number of cabins/prescribed ha expunged NOW if there is any changes in the minimum lot size, change of land use, and subdivision of the allotment

Personally, I would like to see that cabins approved under these proposed changes must be removed/demolished if there are any changes in the land use zoning, minimum allotment size.

There is no doubt in my mind that those in the community have learned well what developers can weasel around so, best to put in the prescriptive measures/expunging now.

Take care and awesome work by planning staff,
Patricia

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submitted on date: **6 April 2023, 7:21PM**

Receipt number: **RTVA11**

Related form version: **6**

Name	Lisa Wentworth
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Email

Provide your feedback here

I agree with the proposed changes. Too many tourist facilities erode the authentic character of rural areas. Also the roads are not designed for the extra traffic generated by these facilities.

Upload your feedback here

Feedback for planning controls for rural tourist and visitor accommodation



BYRON
SHIRE
COUNCIL

Submitted on date: 6 April 2023, 7:40PM

Receipt number: RTVA12

Related form version: 6

Name	Maria Wood
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Email

Provide your feedback here

I think the proposal is too restrictive. 150000 sqm is massive and 8 bedrooms is not a lot for such a large area. We need more accommodation and if farms etc want to offer accommodation I think they should be able to resource themselves as much as they can. I think give people a break if they want to pay their bills this way as long as the buildings are sympathetic.

Upload your feedback here