

Rural Function Centres

– Copies of Submissions via email/ letter

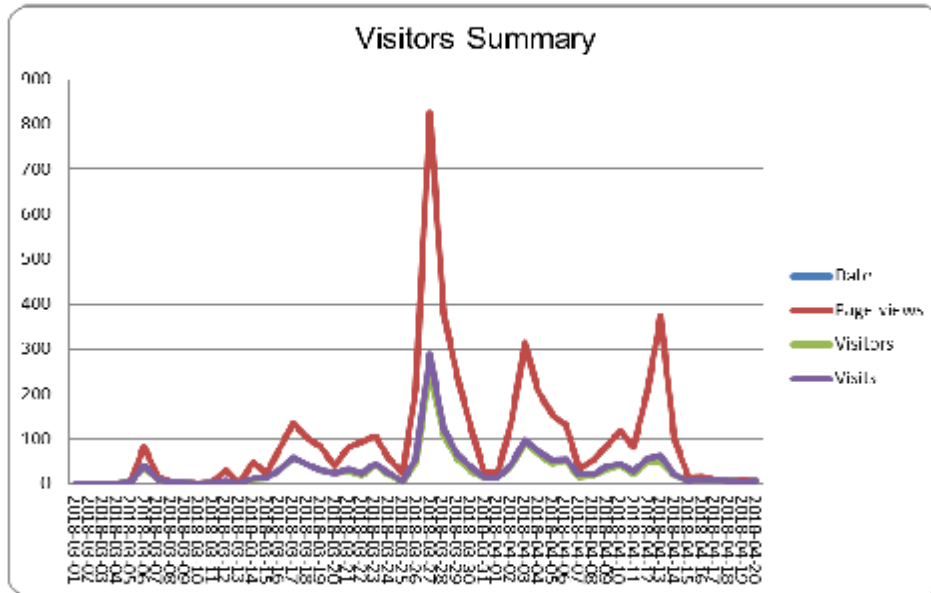
26.2016.4.1

Contents

| | |
|---|----|
| Summary of Online Engagement..... | 1 |
| Review of Survey Responses, from 171 responses..... | 3 |
| Engagement from Online ‘Ideas’ | 13 |
| Engagement from Online Forum | 17 |
| Submissions via Email or Letter | 25 |
| Email from Peta Marks 5/4/2018..... | 25 |
| Email from Jenny Coman 8/4/2018 | 27 |
| Email from William Fisher 12/4/2018..... | 28 |
| Email from Main Arm Rural Residents Association 13/4/2018 | 32 |
| Email from Elizabeth Levy 13/4/2018..... | 39 |
| Email from Judy MacDonald 12/4/2018..... | 41 |
| Email from Kay Collins 13/4/2018..... | 44 |
| Email from Paul Martin 13/4/2018 | 46 |
| Email from South Golden Beach Community Association 13/4/2018 | 48 |
| Email from Hilary Bone 13/4/2018 | 50 |
| Email from Brian and Janine Wallace 13/4/2018..... | 53 |
| Email from Matthew O’Reilly 16/4/2018..... | 54 |
| Email from Che Devlin 13/4/2018..... | 57 |
| Email from L & S Harris | 58 |
| Email from Annon (Bangalow News) 13/4/2018 | 59 |
| Email from Justin and Therese Toohey 12/4/2018..... | 60 |
| Anonymous Letter | 61 |
| Anonymous Letter | 62 |

Summary of Online Engagement

| | | | | |
|------------------------|----------------------------------|-------------|-----------|-------------|
| Project Report: | Rural Weddings and Events | 01-Mar-2018 | to | 20-Apr-2018 |
|------------------------|----------------------------------|-------------|-----------|-------------|



| | |
|--------------------------------|---------------------|
| AWARE PARTICIPANTS | 1,222 |
| Aware Actions Performed | Participants |

Visited at least one Page 1,222

| ENGAGED PARTICIPANTS | 463 | |
|----------------------------------|-------------------|-------------------|
| Engaged Actions Performed | Registered | Unverified |
| Contributed on Forums | 23 | 0 |
| Participated in Surveys | 62 | 103 |
| Contributed to Newsfeeds | 0 | 0 |
| Participated in Quick Polls | 98 | 299 |
| Posted on Guestbooks | 0 | 0 |
| Contributed to Stories | 0 | 0 |
| Asked Questions | 0 | 0 |
| Placed Pins on Maps | 0 | 0 |
| Contributed to Ideas | 9 | 0 |

| | |
|-----------------------------------|---------------------|
| INFORMED PARTICIPANTS | 701 |
| Informed Actions Performed | Participants |

| | |
|---------------------------------|-----|
| Viewed a video | 0 |
| Viewed a photo | 0 |
| Downloaded a document | 25 |
| Visited the Key Dates page | 29 |
| Visited an FAQ list Page | 58 |
| Visited Instagram Page | 0 |
| Visited Multiple Project Pages | 215 |
| Contributed to a tool (engaged) | 463 |

| Tool Type | Engagement Tool Name | Visitors | Contributors | |
|---------------|---|----------|--------------|------------|
| | | | Registered | Unverified |
| ForumTopics | Ideas, Concerns, Suggestions. | 148 | 23 | 0 |
| SurveyTools | How can we best manage weddings and events in rural areas? | 344 | 62 | 103 |
| Brainstormers | How should weddings and events in rural areas be managed? | 44 | 9 | 0 |
| QuickPolls | After reviewing the information above, do you think Function Centre's should be permissible, with conditions, in rural zones? | 442 | 98 | 299 |

Review of Survey Responses, from 171 responses.

Copies of each response can be found E2018/44460

| Survey Question | Responses |
|---|--|
| <p>What would you consider to be unacceptable impacts from weddings and events in rural areas?</p> | <p>Noise: can travel long distances in rural areas depending on topography and weather</p> <ul style="list-style-type: none"> • After 9pm (suggested 2x) • After 10pm (3x) • After 11pm (4x) • After midnight (5x) • After 1am (2x) <ul style="list-style-type: none"> • Noise with too much bass • Noise with decibel readings above 95 • Noise that interferes with the right to enjoy privacy and a peaceful home life • Noise from guests; yelling, singing, whistling • Noise without a curfew • Set up and pack down is also noise |
| | <p>Transport</p> <ul style="list-style-type: none"> • High volume of cars back and forth to function centre including for set up and pack down • Unmanaged parking, guests parking on verges along thin rural roads • Demand for turning lanes and road widening • Road safety on narrow winding roads with many blind bends • Further degradation on roads • Congestion • Drunk drivers • Insufficient bridges for increased traffic • Set up and pack down shouldn't be after 9pm • Lack of traffic plan/management |
| | <p>Environmental</p> <ul style="list-style-type: none"> • Rubbish – increased waste to landfill and increased waste left behind in area • Sewerage issues – impact on creeks if lack of proper toilets • Loss of rural farming land to commercial activities • Wildlife disruption – animals frightened • Destruction of agricultural fields/land erosion • Spread of weeds due to floral arrangements • Clearance of trees |
| | <p>Others</p> <ul style="list-style-type: none"> • Unsupervised events/unmanaged events • Use of venues as Pop Up accommodation |

| | |
|--|---|
| | <ul style="list-style-type: none"> • Night time weddings • Drunk and disorderly behaviour • Drones overhead with additional photography measures • Excessive crowd • Insufficient distance to neighbours • Illegally crossing other properties • Disrespect of private property • Water supply • Venue becoming a party house before and after actual event/wedding • Police don't come when called for noise disruption • Issues with fires • 200+ guests • More than 1 event per month if neighbours are adversely impacted • Well managed function centres should not have any unacceptable impacts in rural areas. If well managed by wedding companies and onsite coordinators/managers, there should be no unacceptable impacts from weddings. • Decreased lack of beautiful open green spaces to enjoy • Drop in neighbouring property value if nearby a function centre • Visual impact – marquees detracting from natural settings. Lights • Detriment to neighbourly peace • Conflicting operating activities; ie farming activities such as spraying, use of manure, and tractors impacting function centre (smell, noise, biosecurity). The farmer should be protected by the LEP against compensation claims for normal rural operations, which may spoil an event. • Fireworks • Competition for rural halls • Detriment to 'community' if households are replaced by function centres • Increased risk of accidents – demand on emergency services • Removal of much needed housing stock from the market |
| <p>How could we control the issue of noise?</p> | <p>Location</p> <ul style="list-style-type: none"> • Don't allow them in RU1 • Don't allow commercial venues in rural areas • Never allow them on hills • Only allow them on properties of 20+ hectares |

| | |
|--|--|
| | <ul style="list-style-type: none"> • Set geographic locations for where speakers can be placed and which way they can face • Limit distance from neighbours 500m • Limit distance from neighbours 700m • Limit distance from neighbours 1km • Not within 1200m of a surrounding dwelling that has direct line of sight to the proposed development • Property to have significant buffers • Away from urban residential areas |
| | <p>Management</p> <ul style="list-style-type: none"> • Put decibel meters on the property that cut the power if they exceed the level more than twice • Decibel limits at neighbours' properties should be max 45 • Guests should be in a marquee, not out in the open • Music indoors only • Music inside sound proof building • Set maximum decibel limit • No amplified music • No bands • No microphone/sound systems • Noise restriction plan • Hourly noise checks • Managers need to be vigilant with their guests • Day weddings only • Alcohol served by RSA trained individuals • Security for events with high number of guests • Local planners/managers only • Acoustic plans should be in place • Buses should not idle • Buses should not play music • Guests should be quietly ushered onto buses • Only smaller mini busses, not double deckers • Maximum guests set per venue |
| | <p>Enforcement</p> <ul style="list-style-type: none"> • Much higher fines • One strike then your out • Three strikes your out - A Council compliance officer should be on call every weekend via a hotline similar to the one used for the holiday letting industry. If a neighbour makes a complaint, the officer would go to the site to document the complaint. The event site would be responsible for paying for the compliance officer's visit eg \$400. A fine should be charged for each offence. If a |

| | |
|--|---|
| | <p>function centre site received 3 complaints in a 3 year period the DA approval would be withdrawn.</p> <ul style="list-style-type: none"> • • Set limits for number of guests • Financial deposit from wedding party held, if music is breached deposit is lost • Needs to be a procedure for complaints/action • Venue should pay for a council compliance officer to be on duty during each function • Temporary approval before giving permanent DA, 3 year sunset clause • No onsite accommodation, possible only the bride and groom • No function centre can be approved on a property that has, or plans to utilise, permitted existing use of a camping ground, rural tourism accommodation, eco tourism, farm stay accommodation or bed and breakfast accommodation. • |
| | <p>Curfew for finishing ;</p> <ul style="list-style-type: none"> • 6pm (3x) • 8pm (2x) • 9pm (2 x) • 10pm (27 x) • 10:30pm (13 x) • 11pm (6 x) • 11:30pm (1 x) • 12am (5 x) <p>live/amplified music to cease;</p> <ul style="list-style-type: none"> • 7pm (4 x) • 9:30pm (1 x) • 10pm (7 x) • 12am (2 x) <p>all music to be inside;</p> <ul style="list-style-type: none"> • 7pm (1 x) • 8pm (1 x) <p>for weekdays;</p> <ul style="list-style-type: none"> • 10:30pm (1 x) • 9pm (1 x) <ul style="list-style-type: none"> • Curfew should be lower if venue can hold more guests. • Curfews for db readings, ie 10pm dv reading can be 70. • Less/No events over Christmas period |

| | |
|--|--|
| | <ul style="list-style-type: none"> • No single event should be longer than 6hrs duration |
| <p>How could we control the issue of transportation?</p> | <ul style="list-style-type: none"> • Use buses (118x) • Staff to carpool • Maximum number of permissible cars • Parking on site • Restrict number of guests according to the amount of available parking on site • Guests should walk (2x) • More ‘out of town’ traffic means we need more signage ie ‘children present’ etc. • The proposed development cannot be accessed from an unsealed road, a classified road, or a sealed road with an average pavement width under 6m wide. • Road widening • Winding narrow roads are dangerous • Fix potholes, if roads were better buses wouldn’t be so noisy • Busses just puts more pressure on roads • Have more accessible public transport • Do not allow weddings during busy times such as school pick up/drop off • Venue to pay levy to contribute to road maintenance/upgrade • No access via dirt roads • Ensure vendors that are driving understand and respect the impact multiple deliveries and pick-ups have on local areas • Control/minimise set up/pack down times • No helicopters’ • Monitor venues • Don’t allow function centres in rural areas |
| <p>What frequency of events would you consider to be appropriate?</p> | <ul style="list-style-type: none"> • Once a week (15 x) • Twice a week (4 x) • Four a week (1 x) • Not every weekend (1 x) • Once a month (18 x) • Two a month (6 x) • 2 per year (2 x) • 5-10 per year (15 x) • 10-15 a year (8 x) • 20 a year (4 x) • 30 a year (3 x) • Weekends only (6 x) • 10 out of 12 per peak season, 6 out of 12 per low season |

| | |
|---|--|
| | <ul style="list-style-type: none"> • As many as they like if well managed and no impact (37x) • 75% of the year (one weekend off a month) • None (21x) • Depends on all other aspects and the impact the wedding will have, if it is going to have any impacts (traffic, noise etc) then a limit of frequency should be applied as a consent condition. If it will have NO impact then frequency does not matter. |
| <p>Please outline any conditions you would like to see introduced to the approvals process for rural Function Centres.</p> | <ul style="list-style-type: none"> • Sustainability should be primary focus (renewable energy, sewer management, flora/fauna etc) • Responsible Service of Alcohol – why isn't this strictly regulated at function centres? • What type of 'events' will be permitted? • Having a local event manager on site at all times is necessary • Management is the single biggest influence to an appropriate event or an inappropriate event • With a consistent protocol systematic process, clear criteria and a structured approval process it allows those venues that wish to meet the rules to have a chance to - and those that don't substantial grounds to be fined/reprimanded. Events will continue to happen in the shire - by putting in place a clear protocol it is a clear regulation process that should come as a relief to those so vehemently against the use of some properties in this way. • There should be a clear set of guidelines that both parties agree upon and all vendors who provide services to these events are made aware of. • Have a handbook by which all operates abide by • Should be managed by local coordinators and caterers • Use local resources and services so that it benefits the local community/economy • All suppliers should be part of the association so they all operate under policy guidelines • 500m to wildlife • 100m to a threatened ecological community or threatened species habitat • 200m to endangered ecological community or threatened species habitat • 100m from all high risk bushfire areas |

| | |
|--|---|
| | <ul style="list-style-type: none"> • Not allowed on flood risk land • Not allowed within 40m -100m of a waterbody • Not allowed within a wildlife corridor • 500m to neighbours • Prohibit venues on ridgelines and scenic escarpments • Provide 2-3 realistic sound samples for all affected residential properties within a specified zone well before DA assessed • Employ an agricultural officer • No residential pop-ups • Garbage disposal • Curfew on lights • No lasers • Set up a system whereby Council can transparently financially benefit so that funds can be put back into local community projects. Fee per guest, fee per event, fee per compliance officer visit. • Function centres should pay commercial rates • The function centre should really have their own chairs/ tables/ plates and cutlery/ speakers etc etc for every wedding party to use so the amount of almost daily (high season) /weekly traffic is considerably reduced. Flowers are obviously something that would need to be trucked in for each wedding, but staples like chairs/ tables etc could be purchased and kept on the premises permanently. • More consultation with neighbours • Sufficient toilets and waste management • Events should be registered • Central body could oversee compliance, fee based so that events are held, inspected and signed off • Safety procedures • Signed NO roadside parking • Council enforcement, including parking, made aware of events and able to monitor – venue to contribute to finance of this personnel so that its not coming out of ratepayers contributions • No balloons • No frilly decorations on roads • No permanent structures • Entrance driveways must be bituminised • Gates installed at entrances and only buses allowed through • Security |
|--|---|

| | |
|---|---|
| | <ul style="list-style-type: none"> • Transportable toilets only to be used • If farming is the primary use then how will this be monitored? Council should assist with farm's primary function to find improvements and subsidies to improve their farming • If function centres are permissible in RU1 then farming should be the primary use • If marquee is to be erected it should have timed limitations to minimise visual disruption • Venues to notify neighbours of upcoming events • Guests can't bring animals • Need to check surrounding lands first to check for farms/farming activities • Landowner should live on site • Don't have them at all. |
| <p style="text-align: center;">Other</p> | <ul style="list-style-type: none"> • If we keep changing laws then it makes a mockery of 'protection laws' such as the rural zoning. The majority of people live in the Byron hinterland because they want to farm or live in the peace and quiet of the countryside. • The farmer should be protected by the LEP against compensation claims for normal rural operations, which may spoil an event. Farming plans are long term and long range to return the profits on their investments. Because of this, neighbours should be kept informed and consulted on plans/changes that may affect farmers. Certain land uses may conflict with the Right to Farm. (ie not being able to spray because there is an event going on, or a new dwelling near the border – Biosecurity Act 2015). • Council's lack of ability to regulate previous noise issues of function centres. • Council's Community Feedback paper #E2015/50949 showed 74% of residents choose to live in the rural area to enjoy a <i>lifestyle that connects with nature and the community</i> • Why open up function centres on rural land when there are current available options in the shire for weddings – hotels, restaurants, community halls etc. We should aim to invigorate or reuse existing empty spaces. Surely this is the Byron way. • By setting a council management plan it is a clear voice to say our region accepts and supports wedding venues in rural areas. It may only start with a few "good operators" but who knows where it will end in the future. • Conditions can be placed on planning permits, |

| | |
|--|--|
| | <p>but ongoing enforcement and management can prove difficult.</p> <ul style="list-style-type: none"> • We all know our region (like many) has changed significantly but it feels like we are reaching the tipping point of selling out on our shared values, the local beauty and spirit, the core of what makes Byron so special. If we keep pushing commercial enterprise and focus on economic expansion we will ruin the very things that drew people here in the first place, and then it will only be fading memories. Our focus must be on a circular economy, and not the current consuming linear economy. Council should encourage the growth in our local economy - locals to buy local, do business local, we should consider the low impact telecommuting world that is already so vibrant here. • A business case as to why the DA of the function centre is 'adding economic value' to the region, not just moving it inland, should be provided. As well as a clear strategy around local employment • Lets better define 'events' • A public review of this LEP change should be done yearly with the option for the changes to be abandoned • Could this change cause litigation issues? Ie horizons. • the primary use of the land must remain farming or agricultural and the approval of a wedding/function centre a strictly ancillary use with no adverse impacts on primary production or scenic landscape; screening to be required if venue visible from any neighbouring properties. • Plan of Management that accompanies the DA should be reviewed every 3 years • Survey the neighbours periodically throughout the year • History of venue, including previous complaints, should be clearly disclosed in any new DAs • Neighbours within 1km of a proposed DA should be notified when the DA is submitted • There is no net gain for the rural residents • Development consent for a function centre site can only be given if an approved dwelling [house or dual occupancy] is already on the site. No new dwelling house can be built on this land proposed for a function centre under this proposed change. • The necessity for zoning protection means |
|--|--|

| | |
|------------------------------------|--|
| | <p>Council should not be in the business of amending regulations as an easy way of dealing with non-compliance as the logical outcome of this approach is a race to the bottom.</p> <p>Byron Shire residents, village and rural, should not have to suffer the increasing erosion of their amenity due to the growing popularity of the area and the potential of some to make money, subsidised by the many. Byron Shire Council should stop creating greater enforcement and compliance demands when there is already under-resourcing in this area. The extra burden placed on compliance staff by the distance, isolation and timing (largely week-end nights) involved in this proposal is unthinkable.</p> <ul style="list-style-type: none"> • |
| <p>Benefits of Industry</p> | <ul style="list-style-type: none"> • The Wedding industry in Byron Bay and surrounds has spent a long time building up to be one of the most popular places in Australia to get married, with many small businesses able to establish, these businesses are in turn run by local families and employ local staff, using local products and produce. Taking away or over regulating this industry will have an impact on these businesses • Think it is predominately a positive impact to the whole region • The industry brings jobs and money to the area and helps people support their livelihoods in an area where the cost of living continues to grow at an unreasonable level. |

Engagement from Online 'Ideas'

Ideas Topic:

How should weddings and events in rural areas be managed?

| Date of contribution | Ideas | |
|-----------------------------|---|--|
| | Title | Description |
| Mar 27 18 12:48:36 pm | Minimum distance from the nearest neighbour. | Ensure that any Function Centre is a minimum distance from the nearest neighbour. A minimum distance of 500 m might be sufficient. |
| Mar 27 18 12:50:10 pm | Operate in an enclosed space. | Ensure that the Function Centre is an enclosed space with walls to minimize noise. |
| Mar 28 18 06:45:54 pm | Design a better Poll! | The Poll is completely meaningless. There are no requirements to register whether you are in the wedding industry (and therefore have a financial interest in the outcome), whether you live rurally (and will therefore be affected) or even if you live in the Shire! Who is even checking whether the respondents are actual people or whether they are just a few people making multiple submissions using different email addresses. Quite frankly it is junk and completely misleading! |
| Mar 28 18 06:57:12 pm | Don't sell out our Primary Agricultural Land? | The Byron LEP 2014 currently prohibits Function Centres in Primary Agricultural Land because they are fundamentally incompatible with the farming activities and peaceful lifestyle that these areas offer. Opening up every single RU1 and RU2 Zone in the Shire to this type of development is the beginning of a slippery slope. It's all very well to talk of strict controls, but as we all know these get eroded over time - 500m to a dwelling? Nah let's make it 400, then 300.... And who is going to monitor noise compliance at 3am on a Sunday Morning for our farmers and shift workers? The message this sends to developers is, "Yes we have laws to protect our residents, but hey, we'll change them just for you because you keep hassling us and you can make lots of lovely money here regardless of the impacts on neighbours!" What on earth is to stop even more illegal wedding venues popping up as they all jump on the wedding bandwagon once they are given the Green light by Council (pun intended!) |

| | | |
|-----------------------------|---|---|
| Mar 29 18 10:14:18 am | Every Councillor who Votes for this gives RU1 and RU2 Residents their home phone number, personal mobile number and address! | Every Councillor who votes for this gives RU1 and RU2 Residents their home phone number and address so that every time these residents are affected by the regulated (and unregulated Wedding Venues!) that will pop up as a result of this, we can call/ turn up at their place and blast loud music, rev our engines, drop litter and pee on their lawn - because hey, that's what they are asking us to put up with, so why shouldn't we share the love of this 'sharing economy'?"? |
| Mar 29 18 10:28:53 am | Temporary DA approval with three strikes system for noise breaches for venues, complainants must provide evidence of noise or amenity loss. | Three Strikes System |
| Mar 29 18 10:31:14 am | Three Strikes System | 18 month temporary DA approval with three strikes system for noise and or amenity breaches for venues. Complainants need to provide evidence of excessive noise or amenity loss (photos/video). If more than three separate breaches occur in a 12 month period no renewal of temporary DA approval for 3 years. More than 3 separate proven breaches in a single month = immediate cancellation. |
| Apr 05 18 02:33:26 pm | Lock in any consent provisions in the LEP clause not just in the DCP or approval consent conditions | <p>For example a change to the Byron LEP 2014 should include an Additional Local Area provision 6.10</p> <p>6.10 Rural function centre development</p> <p>(1) The objective of this clause is to ensure that function centre development in rural areas is small scale and does not adversely impact on the agricultural production, scenic or environmental values of the land and to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between function centres, specified land uses and surrounding dwellings.</p> <p>(2) This clause applies to land in the following zones:</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape.</p> <p>(3) Development consent must not be granted to function centre development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) there is, or will be, adequate vehicular access to and from a road, other than a classified road, taking into account the scale of the development proposed, and</p> <p>(b) the development is small scale and low impact, and</p> <p>(c) the development is complementary to the rural or environmental attributes of the land and its</p> |

surrounds,
and

(d) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment.

(4) Development consent is prohibited for the purpose of function centre development on land to which this clause applies unless:

(a) a lawfully erected dwelling house or dual occupancy (attached) is situated on the land, or

(b) a dwelling house may be erected on the land under this Plan.

(5) Development consent is prohibited under subclause (4) if the development:

(a) includes an ancillary caretaker's or manager's residence

(6) Development consent is prohibited for the purpose of function centre development on land to which this clause applies if:

(a) the proposed development is within 500m of a dwelling on surrounding land.

(b) the proposed development can be viewed from a surrounding dwelling within 1000m

(c) the proposed development is within 40m of a waterway

(d) the proposed development is within 100m of an endangered ecological community, threatened species habitat or high bushfire risk vegetation

(e) the proposed development includes permanent buildings and permanent wastewater treatment systems

(f) the proposed development will operate between 10pm and 9am on any day

(g) the proposed development will include fireworks or helicopter use

(h) the proposed development will negatively impact on the agricultural uses of the land and surrounding land.

(i) the proposed development is in a flood planning area

(7) Any development consent granted under this clause will be for a maximum of three years at which time a new development consent may be granted.

(8) In this clause:

small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.

| | | |
|--------------------------------------|--|---|
| <p>Apr 13 18 11:38:04 am</p> | <p>Almost impossible to contain noise</p> | <p>Having lived opposite a wedding venue (rural property) it makes little or no difference that music is off by 10.30 or that guests arrive/ depart in buses etc. Weddings = noise. There is nothing that can be put in place to minimise the impact. Weddings are probably the most noisy event, people get very drunk and behave badly. Let's not forget they usually arrive around 2 or 3 pm so we are talking about 8 hours of drinking. Buses on narrow country roads are noisy and an issue as well. People do not quietly get on or off buses especially at the end of the night. Many patrons find the toilet facilities insufficient or not convenient and choose to use any nearby patch of ground. Music and PA systems carry. Guests want the outdoor Byron experience and that means there will be noise. We used to hear every speech, every drunken toast and then the music which sounded like it was inside our house. This happened every weekend for 2 - 3 months in a row. It felt exhausting and relentless especially after a full week at work. It's not just one day - there are days of set up and pack down - caterers, trucks delivering tables, chairs, tents, cool rooms etc So any events should be limited to 1 per month then the neighbours can probably manage.</p> |
| <p>Apr 13 18 01:33:22 pm</p> | <p>Design a new survey that does not assume that the LEP will change in favour of holding functions in RU2 zoned land. This survey is useless.</p> | |

Engagement from Online Forum

Forum Topic :

Ideas, Concerns, Suggestions.

| Date of contribution | Comments |
|-----------------------|--|
| Mar 27 18 12:36:53 pm | There must be an area of the Shire that is exempt from this type of development so that residents who work on the land, shift workers and people who generally want a quiet rural lifestyle can live in peace. Allowing Functions Centres in ALL RU1 and RU2 zones is completely irresponsible and will cause land use and neighbourhood conflicts. As a wise Indian Chief once said "Only when the last tree has died and the last river has been poisoned and the last fish has been caught will we realise that we can not eat money." |
| Mar 27 18 08:14:40 pm | <p>Agree with the previous comment. Allowing Function centres across the hinterland on all RU1 and RU 2 land with permanent DAs is still going to create issues for Council as well as open up the hinterland to the usual opportunistic developers. Self regulation by the wedding industry is wishful thinking.by BSCJust go to a Council meeting and witness developers forever breaking conditions of consent....and theses are the few that get challenged.. There needs to be big user pays clauses factored in to any changes.And BSC will need to be continually monitoring compliance.Temporary DAs need to stay.Keep the status quo ...and promote use of our wonderful community halls for weddings . Has anyone noticed how the online poll on this site seems to have been skewed by the wedding industry lobby.</p> |
| Mar 28 18 11:31:18 am | I note that the simple poll is currently showing significantly in favour of hinterland weddings. What should be happening is that people who LIVE in RU1 and RU2 zones are asked the question - results would likely be significantly in the opposite direction. Of course people who want to develop wedding venues will vote yes, and it's quite likely that people who live in Byron and elsewhere in the shire would think it would be lovely to have a wedding in the bucolic hinterland. Those of us who live here have no desire to be living next door to a wedding venue. We live in RU1 and RU2 zoned areas for a reason - we value the amenity of rural life. |
| Mar 28 18 11:51:52 am | <p>It is suspicious that the council is trying to rush this consultation through over easter. If there is to be any meaningful vote it needs to be open to Byron ratepayers or residents in the RU1 and RU2 areas and not just an online poll which might be easily manipulated. When a wedding occurs on a given weekend trucks start arriving days prior to the event to set up catering, marquees, sound systems etc. On the day of the wedding there are potentially hundreds of people arriving. The noise in the evening and into the night from buildings and tents spreads over a wide area disrupting everyone for miles around. In the following days there is more traffic to pack everything up. The on-site sewage systems on rural properties are not set up to cope with the added use by 100s of people which will result in pollution of our waterways. The road systems of the Shire many single lane, unsealed and pot-holed are inadequate for the traffic they have to deal with now and cannot safely cope with all the extra trucks/traffic. Who clears up the bottles waste in the wider area after these events? Will extra police be on-hand to deal with any problems with contractors and party goers (eg. verbal abuse of local families). Will council publish studies of disruption to wildlife for each of the venues? Who will pay for these measures? There are many local halls are set up for this, why not promote them?</p> |
| Mar 28 18 05:03:16 pm | Totally agree with Neil and Peta - the Poll is completely meaningless. There are no requirements to register whether you are in the wedding industry (and therefore have a financial interest in the outcome), whether you live rurally (and will therefore be affected) or even if you live in the Shire! Who is even checking whether the respondents are actual people or whether they are just a few people making multiple submissions using different email addresses. Quite frankly it is junk and completely misleading! Not that it matters - from the meeting I went to yesterday in Federal it is clear that weddings will be allowed in RU1 and RU2 zones, regardless of whether we want them or not. But what I want to know is whether there will also be a Byron Shire Council compliance officer on call 24/7 on weekends for us to call to ensure compliance with the conditions of the approval. Or how Council will deal with all the unauthorised wedding venues that will undoubtedly spring up once this passes as the message it is sending is that "we have a law, but if you push us enough we'll change it for you!". Having lived next to an illegal wedding venue and fighting it for over a year, this idea absolutely appalls me. But as with all things, most |

| | |
|-----------------------|--|
| | people are apathetic - until it happens to them. And sadly by that time it will be too late. |
| Mar 28 18 05:35:02 pm | <p>I live rurally and what I have experienced when people have noisy events is that the sound travels in the hills and valleys and is amplified and it travels far and wide. We've been kept up all night by events before.</p> <p>The hinterland roads are not made for high traffic and can be dangerous especially at night. People often drive right over on the other side of the road or into the middle of the road making it dangerous for others. Often visitors don't know how curvy the bends in the road are and they take them too fast. There's such an added risk of more road accidents and issues with more people travelling these roads at night. Sometimes when people have events, cars park all along the sides of roads making it dangerous also. I would be so concerned about a lot of safety issues for locals and travellers alike if there were a lot of events to be held in our quiet hinterland sanctuary. Of course, they will be held, there's big money involved for some, and so all I can say is lots of limits to noise and appropriate parking measures put in place. Each venue should be especially evaluated for it's noise levels in the night, because in some places sound would travel so far and be so amplified just because of the natural acoustics in the area.</p> |
| Mar 28 18 06:58:00 pm | <p>The Byron LEP 2014 currently prohibits Function Centres in Primary Agricultural Land because they are fundamentally incompatible with the farming activities and peaceful lifestyle that these areas offer. Opening up every single RU1 and RU2 Zone in the Shire to this type of development is the beginning of a slippery slope. It's all very well to talk of strict controls, but as we all know these get eroded over time - 500m to a dwelling? Nah let's make it 400, then 300.... And who is going to monitor noise compliance at 3am on a Sunday Morning for our farmers and shift workers? The message this sends to developers is, "Yes we have laws to protect our residents, but hey, we'll change them just for you because you keep hassling us and you can make lots of lovely money here regardless of the impacts on neighbours!" What on earth is to stop even more illegal wedding venues popping up as they all jump on the wedding bandwagon once they are given the Green light by Council (pun intended!)</p> |
| Mar 29 18 10:15:24 am | <p>Every Councillor who votes for this gives RU1 and RU2 Residents their home phone number, mobile number and address so that every time these residents are affected by the regulated (and unregulated Wedding Venues!) that will pop up as a result of this, we can call/ turn up at their place and blast loud music, rev our engines, drop litter and pee on their lawn - because hey, that's what they are asking us to put up with, so why shouldn't we share the love of this 'sharing economy'?</p> |
| Mar 29 18 07:30:56 pm | <p>In my opinion each potential event property needs to apply on a case by case basis, with all adjoining neighbours legally consulted prior to DA approval. In cases of unwanted impact to neighbours, a limited number of wedding/parties to be held during the day/with early cut-off time.</p> <p>Local government to develop & support initiatives and if necessary run fund raisings for renovating existing community halls and other suitable facilities. Also making available more venues in towns - my neighbour's house should be the last option - unless they are far enough from people who live and work here.</p> <p>We wish to preserve our rural lifestyle (and to keep farming) and feel we have a right to keep enjoying our chosen property without fear of neighbours selling out his crops and choosing the perhaps more lucrative income from weddings & parties instead. We have chosen to live here for the peace and nature and making a living from the land.</p> <p>Traffic... is not an issue only during the day of event, but leading up to it and cleaning up after: Heavy trucks destroying grassed areas and roads (making roads worse than they already are) delivering/picking up infrastructure. Many other delivery drives often getting lost and stopping at neighbours houses looking for the venue - including stripper-grams. No thank you. = Environmental impact as well as unwanted general disturbance. When an event property owner says they need the added income to 'support' their farming activities; council to communicate and establish ways to assist with farm's primary function to find improvements and subsidies to improve their farming activities - farming is an industry needing the Council's support much more than a party venue - is it not? Do the owners actually run any rural/farming enterprise? Are they here to run weddings, parties and anything, or to run a farm?</p> |
| Mar 30 18 01:18:12 pm | <p>As the President of the Eureka Hall (and a resident who has been severely affected by an illegal Wedding Venue operating next door to me), I have yet to find one person who lives in Eureka who agrees with this proposal in any way. There are absolutely no benefits to our local community at all, just negative impacts, so I still fail to understand why Council is not polling those residents who are going to be directly affected by these proposals rather than those who stand to make a monetary gain.</p> <p>However, as it is clear that Simon Richardson already supports this proposal, we simply must make the best of what, to our rural residents is going to be significantly challenging times. So here are my suggestions:</p> <ol style="list-style-type: none"> 1) Not all RU1 and RU2 zones of the Shire should be affected by this proposal. The argument that Simon gives that this is anti-competitive simply does not hold. RU1 zones were created for a reason - to protect the land and its residents (human, livestock and native flora and fauna) from inappropriate development. There simply must be some areas of the Shire that are exempt from having what is equivalent to a nightclub opening up in their neighbourhood. As a start it may be that those villages furthest away from Byron be protected (Booyong/Federal/Eureka/Goonengerry, Wilsons Creek/ Main Arm etc) 2) Rural wedding venues can not be within 750m distance of a private property. 3) No electronic/amplified music. 4) An end of the function at no later than 10pm - all guests off-site by 10.30pm. 5) Guests to be bused in due to the condition of rural roads. |

- 6) All venues are charged business rates - not rural or agricultural.
 - 7) No spill of lighting onto neighbours.
 - 8) Strict controls around the management of garbage and septic waste.
 - 9) No venue to be allowed/approved next to a wildlife corridor or an area where threatened species have been identified (certainly nowhere near Johnston's Big Scrub in Eureka).
 - 10) The Rural Fire Service must be involved in the Approval Process and give consent to ensure that they are prepared for fires in the area.
 - 11) The local indigenous elders must have given their approval.
 - 12) No primitive camping or temporary accommodation is to be granted on-site.
 - 13) Any venue cannot hold more than 100 guests.
 - 14) No more than 12 functions to be held each year (at a minimum interval of one every four weeks) for any venue.
 - 15) All neighbouring properties with 2km distance to be notified at least 3 month/s in advance of each event and this should include contact details of person in charge on the night and a clear process of how to make a complaint during the event and afterwards.
 - 16) Ban on events for 3 weeks over Xmas/ New Year.
 - 17) Any consent needs to clearly set out how a licence can be revoked should a venue not comply with the conditions of its approval - this process must take no more than 3 months from the time of the initial non-compliance to ensure that residents do not have to put up with a badly managed event for lengthy periods.
 - 18) Council must ensure that they notify property owners within a 2km radius of the proposed site during the approval process, and let each resident have an opportunity to submit concerns should they have any. The DA plus be advertised for 8 weeks in the local newspaper and council website.
 - 19) There must be a clear process and dedicated Compliance Officer to deal with rogue operators who will inevitably set up their own Function Centre/Wedding Venue without Approval in RU1 and RU2 zones. These venues MUST be closed down within 2 months of notification to Council to ensure that residents do not have to deal with unauthorised Wedding Parties every weekend. All rural residents must be given the contact details of this Compliance Officer.
 - 20) There needs to be a second dedicated Compliance Officer to deal with any issues that arise from Approved Function Centres and to ensure compliance with all the conditions contained within the Approval. All Residents must be given the contact details of this Compliance Officer.
 - 22) Each venue must make an annual contribution of \$3,000 to the local Hall to compensate them for the economic loss that they will inevitably sustain as a result of these proposed changes. This will enable Halls to cover the costs of their insurance and hopefully allow them to keep operating.
- Again, I must make it clear that I believe that this proposal is a step in the wrong direction and not in the interest of our rural residents. But the above conditions simply must be met if this proposal gets through.

Apr 02 18 10:26:08
am

Councils attempts to 'regulate' events is disingenuous. All the complaints make it clear these events are disruptive. Who will monitor these regulations? The Council seems to want to divest itself of the responsibility. It becomes up to the neighbours to have to have to prove the case, thereby adding to the stress and divisiveness these events cause. The reason why we live in rural areas i.e. peace and quiet, is always under threat from those who are out for themselves and \$\$\$. We would like the council to do its job and not embolden these people.

Apr 02 18 11:21:18
pm

I find it extraordinary that the Council is running the line that they cant control the wedding venues when they are unauthorised (and hence they have the power to shut them down), but that we should trust them to be able to police them when there are more of them and they are allowed to be there. That makes no sense, and I'm afraid I have very little confidence in the logic. Having unfortunately lived nearby an unauthorised rural wedding venue I'm wondering who is going to find the funds for the extra police to attend when strangers trespass onto my land at night (which, when you live away from neighbours is actually quite scary), or throw things into my paddock to be consumed by animals, or worse try to befriend my animals when they are intoxicated, not to mention to scare away the native animals that currently quite happily share my farm. I also query how much funding will be put up to fund compliance officers and how they can possibly have any teeth. When you can charge upwards of \$20,000 for a wedding are Council seriously going to dish out fines that will matter? We have already seen a precedent of people being rewarded for an attitude of "its better to breach the rules and see if they fine me" with holiday letting and unauthorised wedding venues so why would this be any different. Where are all the staff going to come from to gather the evidence to prosecute these breaches, after the damage is done of course? Or will they get away with it, and send the powerful message to the developers and commercial interests that BCC don't have the funds/staff/interest/ability to do anything anyway? I certainly hope there is not an expectation that the people who didn't want a commerical venue in their community in the first place are going to have to shoulder that burden too (as our community had to to get the earlier wedding venue shut down)? I'm sure a lot will be said about traffic, noise, sewerage etc etc because they are the simple and obvious problems that occur when you bring large groups of people into a place, but that is just the tip of the problems. For example, you can set a noise level for the music (which in my experience was ignored most events anyway because how many functions centres will have onsite managers working at them at each event) but it is actually the shouting and the inevitable cheering etc that happens at the end of the night, and the inevitable group that hang around later to talk loudly about all their worldly woes, that is just as disruptive. Who is responsible for that? The Wedding Centre will say they had left their premises so not their responsibility. I actually find the whole premise of this "consultation" quite disrespectful. Rather than ever being asked would we actually like to change the nature of our rural environment by allowing function centres to set up here, and do we think that the financial gain alleged to be made compensates for the change in lifestyle, we are being forced to argue why we

don't want our lifestyles affected for the financial benefit of someone else, someone highly likely to live outside a rural area. It seems to me that this approach pretty much sums up the attitude toward people who live in the rural zones. I have lived in the Byron rural zone for over 20 years and I live here precisely because of the silence. Until the wedding venue turned up making life hell most weekends (despite Council saying they had imposed noise restrictions on the venue, I still had to endure items in my lounge room vibrating because of the music!) I could count on one hand how many times I heard anything other than animal noises at night, and I don't see any reason why I should be forced to put up with a change that is so fundamentally at odds with why we have all chosen to live in a rural area. I have lived in our capital cities and appreciate that noise is part of the package you accept when you live there. In fact it can be part of the buzz. But it is the exact opposite in rural areas - it is the absence of noise, the silence, that is the attraction. Personally, I think that unless the entire community of people living in the rural zones (and it should be restricted to people who can prove they LIVE in the rural zone and not just have a commercial interest there such as an air bnb or a rental) vote to say they want function centres in the rural zones then Council should respect the amenity of the area and leave the zones alone. If people really want a rural wedding they can always hold it in any one of the country halls that already exist in the Shire - as that is an authentic rural experience and actually gives something positive back to the community rather than making the community suffer through it while someone else gets the money. Finally, small villages such as exist in the rural zones only work if they have community members living in them. The influx of unauthorised holiday rentals and air bnbs owned by people who don't live here has already created a shortage of permanent accommodation and fractured communities, the last thing we need is for further rural land and housing to be taken up with commercial ventures that either negatively effect the community or lie empty. I really hope Council can appreciate the destructive impact wedding venues can have on communities that don't want them and that the lifestyle rural people lead will be respected.

Apr 09 18 05:06:28 pm

Andy, I am completely with you on this (see my earlier post). The poll is completely misleading, and as I have also had the dubious privilege of living next door to an illegal wedding venue which was eventually closed down, I am devastated that Council would open up the whole Shire to such development. You are so right in the fact that it is the unintended consequences of this that will be the undoing of this policy as more and more investors jump on the bandwagon and open up illegal venues. The compliance burden of this will be untenable and of course, the onus of proof will be on the neighbours because unless there will be no 24/7 Compliance Officers. As I suggested earlier, if the Councillors who vote for this are so certain it is going to work, perhaps they wouldn't mind sharing their home address with us so that we can share the joy every time we are disturbed by the legal and illegal Function Centres that will spring up as a direct result of this legislative change!

Apr 10 18 01:58:40 pm

1. Keep weddings, functions and events out of the RU1 zones. There are multiple other zones that can accommodate them. Protect our agricultural zones for sustainable food production and stop trying to erode the integrity of the RU1 zoning.
2. Weddings and events on the rural zones cause conflict between neighbours as many residents won't "dob in" their neighbours due to fear and intimidation with the developer and the development. As an example. Council have said for us to do their dirty work for them by providing videos or proof etc (and then decide against fines anyway) as Council do not have the staff to enforce compliance.
3. BSC do not currently have the staff resources to ensure unapproved wedding venues are shut down nor that these venues are meeting their conditions of consent and we have experienced this first hand. What makes Council so sure that they will have the staff resources to ensure that each of these venues are meeting compliance and trading within the conditions of their consent and deal with all of the illegal ones that will pop up once venues are permitted in the agricultural zones?
If fines are to be issued for non-compliance then they need to be fines for example \$20,000 plus. As per Councils current compliance Policy, Council can determine if they would like to issue a fines.....or not.....There should be no instances of Council choosing to not issue fines by hiding behind their Compliance Policies. Council must issue fines to all venues found to be trading outside the terms of their conditions of consent.
4. No weddings and events centres to be approved on properties adjoining or neighbouring commercial farming.
5. The "Right to Farm" and the "Right to the quiet enjoyment of the farmers property" will be impacted by permitted weddings and functions centres into agricultural zones.
6. Just because the land next to a wedding venue is camphor scrub now...does not mean that it will always be this way as productive land is becoming very scarce and this land could easily end up as productive land in the future.
7. Functions are a big issue. I.e. pyrotechnics and fireworks are constantly being seen in the community from our property yet they are not legal. This can cause issues with stock etc.
8. Biosecurity Act 2015. How do Council - being a regulatory body - think they will work Biosecurity into the encroachment of this industry on the RU1 zone? i.e wait staff, caterers, wedding party, guests and vehicles? Although Council seem to think this is not an issue for them to deal with, Council have a joint responsibility when passing developments on the RU1 zone to ensure the biosecurity of that agricultural area.
9. Properties under 100 HA or 40 acres should not be considered as being a potential events or wedding center. This will then ensure there are NO adverse events for neighbours

nor adverse impacts on their amenity. BSC need to take into consideration farmers and the disruption to their farm management practices. It is important that a lot size be established by Council to avoid land conflict issues.

10. All weddings, events and ceremonies must only take place in permanent structures that have been approved by Council on the property. Or a permanent site for enclosed marquee. Properties owners should not be permitted to move relocatable structures around the property for ceremonies or events, nor should they be permitted to host any of these weddings, events and ceremonies within a 1 km distance of a boundary fence to ensure the biosecurity of the farming area in which they are located.

11. 20 events per year is excessive. The cost to the neighbouring farmer must be taken into consideration. The cost to move their stock. Cost to employ staff out of hours to conduct their farm management practices. If a wedding is being held along or within a certain distance of an adjoining fence line then the farmer would have a duty of care to then forego the management of their crops, resulting in losses and lost income to the farmer as they are fulfilling their duty of care to the public.

12. There has been no mention of buffers either planting or distance in relation to these venues except for 500m to the nearest resident is too close. 1 km would be a more appropriate distance buffer to houses as well as 1 km to any boundary fence. We currently lie in bed on a Friday and Saturday night singing each word to Jimmy Barnes and we live 1 km from the permanent structure that houses these events.

13. What constitutes existing agricultural purpose in the RU1 zonings. Is it 1 cow? A garden plot? A few chooks? The developer should be required to prove that they receive 75% of their income from agriculture before a DA could be lodged. (Government Departments use this all the time as prerequisites to funding and grants and Accountants can issue Primary Producers Certificates). The Owner of the land must live and reside on the property to manage the functions centre (as per small scale tourism restrictions) and receive a minimum of 75% of their income from farming. (not from leasing out their land to farmers or other businesses under the guise of farming).

14. Unacceptable adverse effects to neighbours are often not known until these events centres etc have been in full operation. What will be Council's contingency plan to deal with issues as they arrive. Or will it be just bad luck for the farmer?

15. Weddings on RU1 zone must not result in any land use conflicts. How the developer sees future land conflicts and how the farmer sees future land conflicts are 2 different things. Council need to ensure that Neighbours are verbally consulted as well as consulted in writing, as Council do not know any of the neighbouring farmers future plans. Farming is a changing industry as too are the uses of their land. A lot of farming plans are long term and long range and take years to return profits on their investments.

16. No amplified music and if there is music it must be within the permanent structure approved by Council and must be finished by 9.30pm.

17. Ensure all event attendees are off site by 10pm as farmers work long days and are early to bed and early to rise people. Wedding and events centres cannot be impacting on their quality of lives, their Right to Farm or their quiet enjoyment of their land.

18. Noise level reports – anyone can fudge these to say whatever they want them to say. Unenforceable component of this concept.

19. Provide details of management persons for complaints. That is fine to provide the details. But what happens when no one answers your calls when you are calling because the noise is keeping you awake 1 hour over closing time? Fines should apply if appropriate measures have not been taken to rectify neighbouring complaints immediately by the wedding and venue developers.

20. Poor state of Council roads and having buses and other vehicles travelling on these often narrow windy roads.

Apr 10 18 02:46:57
pm

We have experienced many similar issues all disregarded by Council. It is obvious by the way Council have set this whole process up the recommendation from Mr van Iresel will be to pass this. Its just a matter of how they will get it through at State. Hence the fishing for info expedition from Council to dot all the I's and cross all the T's.

| | |
|------------------------------|--|
| <p>Apr 12 18 11:49:25 am</p> | <p>If Council are currently unable to prevent RU1 and RU2 zones being used for purposes that are clearly prohibited by the LEP it will stand no chance controlling any licensed venues.</p> <p>Noise in a rural environment travels, it can easily become intrusive, just ask those who have suffered from being near to unapproved weddings, parties and holiday lets. Why should Council expect the majority of residents to suffer for the financial gain of a few? Don't we already put up with enough from the "success" of the Byron tourist industry?</p> <p>Residents cannot and should not be expected to ensure event sites comply with licensing control measures. This should be done by Council and on past performance it has neither the resources nor the inclination to do this.</p> <p>This is a bad proposal that will benefit only a commercially minded few. The poll on this website is suspect. It is notable that the nature of the comments that have been left is markedly out of agreement with result of the poll. In fact, we have no idea whether those that voted live in rural areas or, indeed, in Byron shire. It seems pretty obvious to me that those who stand to gain have voted more than once.</p> <p>This is an ill thought-out proposal and should be dumped.</p> |
| <p>Apr 12 18 09:21:59 pm</p> | <p>Just sent this to Rob Van Irsel and all Councillors Please find attached a petition against Rural Wedding Venues in RU1/RU2 Zones in Eureka. Our community of 343 people has successfully closed down 3 illegal wedding venues (Bencuna House, Amelika, Goremans Road) in the last 3 years and have absolutely no wish to see this Pandora's Box opened again. As many of us have experienced, Council (and Police) do not currently have the resources to monitor compliance with illegal Wedding venues and Short Term Holiday Lets in the Shire, so how on earth will they be able to monitor legal venues plus the opportunists that will inevitably jump on the bandwagon if this change to the LEP is passed?</p> <p>Additionally, the poll on the Byron Shire Council Website is completely flawed as there is no verification of a) whether the respondent actually lives in a rural zone (or even in the Shire - e.g. my mother in England even managed to cast vote) b) stands to gain financially from the introduction of these laws (i.e. has a pecuniary interest in the outcome) or c) if even a real person (e.g. a friend managed to make up a fictional email address and managed to register a vote) and therefore this poll must be completely disregarded as a way to gauge community support or lack thereof.</p> <p>In the Federal meeting, it became clear to the Eureka Hall Committee Members (of which I am President), that it is pretty much a foregone conclusion that this will be passed by Council based on the economic argument that this will create 'jobs and growth'. However I beg you to consider this before you cast your vote - today my 14 year old son said to me that the thing he values most about where he lives is the peace and quiet, the sound of the birds and koalas and the strong community of Eureka - none of which has a monetary value - but which in turn is priceless. Allowing Function Centres in every RU1 and RU2 Zone in the Byron Shire is tantamount to giving into the developers and gives them the Green Light (pun intended) to do exactly what they like in these zones, even if it is illegal, because Council will eventually give into them if the price is right. As a wise Indian Chief once said ""Only when the last tree has died and the last river has been poisoned and the last fish has been caught will we realise that we can not eat money."</p> |
| <p>Apr 12 18 09:25:16 pm</p> | <p>Petition had 60 names on it!</p> |
| <p>Apr 13 18 10:49:00 am</p> | <p>So, as a rural resident, am I going to be the arse that objects to a wedding event next to me...yes...did they consider their neighbours!! The old salami effect. Please keep our lands rural. It's not just the humans, its the whole ecosystem that need to be considered.</p> |

| | |
|------------------------------|---|
| <p>Apr 13 18 11:42:07 am</p> | <p>So, as a rural resident, am I going to be the ##### that objects to a wedding event next to me...yes...did they consider their neighbours!! The old salami effect. Please keep our lands rural. It's not just the humans, its the whole ecosystem that need to be considered.</p> |
| <p>Apr 13 18 12:27:31 pm</p> | <p>As a resident in a Rural zone, I strongly object to permitting functions, weddings and events in rural areas in any form. Like many of our neighbours, we moved from living in Byron township out to the rural area to escape the noise and traffic, and live in an area where we could have peace and quiet.</p> <p>Function centres, weddings and events are incompatible with rural residential zone objectives.</p> <p>There is no way to "...introduce effective measures to ensure events do not cause adverse impacts on the neighbouring amenity." There will be an increase in noise and traffic.</p> <p>Anyone living on the access roads to these function centres will be affected by a large and concentrated increases in traffic, both numbers of vehicles, and potentially the loud noise created by buses, that are suggested as part of the traffic solution, and trucks delivering and collecting supplies.</p> <p>As we all know, it is difficult to predict how noise will travel from a source, sometimes many kilometres. It is recognised that bass noise can have a disturbing and distressing effect on neighbours surprising distances away. There is no guaranteed safe distance to have these venues from their neighbours.</p> <p>These large scale, commercial events should be restricted to non-residential areas, where there are purpose built venues with adequate traffic arrangements and parking and noise abatement.</p> <p>Yet again the quality of life of the people who chose to make this area their home is being threatened by greedy people seeking to exploit the Byron name for their own profit. Just because someone wants to have a commercial operation in a residential area, does not mean they should be permitted to do so, or accommodated by neighbours.</p> <p>It does not make it OK if these activities are limited to certain hours or days "...at times when your neighbours are least sensitive." I am entitled to do my gardening, read a book or have lunch or dinner on my verandah without having to hear someone else's music or party noise on a regular basis.</p> <p>Yet again, the residents are expected to police these operations, putting up with impacts, monitoring whether they are complying with their permits, deciding when and whether to complain, hoping that some compliance will be enforced promptly. REPEAT.</p> <p>Yet again, our community is being driven out by profit focussed individuals and companies eroding our quality of life.</p> <p>This is my home. It is a residential and agricultural area. It is NOT a commercial, industrial, retail or entertainment area. The peaceful enjoyment of my home is a legal and moral right and must be protected.</p> <p>Ask yourself, how would you like it if one of these venues was next door to your home?</p> |
| <p>Apr 13 18 01:27:58 pm</p> | <p>I believe strongly that the Byron LEP should not be changed to allow functions to be held in land zoned RU.1 or RU2.</p> <p>The economic benefits argument is spurious. It could be argued that every economic activity produces an economic benefit. Armament factories employ lots of people, but do we want this type of activity in Byron Shire?</p> <p>The fact that weddings produce an economic benefit to some people is not enough reason to change planning laws.</p> <p>The claimed economic benefit does not consider the economic cost to the people who have to put up with having their lives and the amenity of the area destroyed.</p> <p>The LEP zoning rules are there to protect both the residents and the environment.</p> <p>People who chose to live in a rural area should not be forced to choose how many weekends they have to put up with a function being held nearby or what time the noise will cease. That's NOT why we live here.</p> <p>A wedding ceremony held in a rural setting can be followed by a reception at a legal venue.</p> <p>The job of the Council as this ratepayer sees it is to enforce the LEP rules. (as difficult as this might be)</p> <p>If the Council alters the LEP to allow function Centres in RU1 and RU2, then surely it is encouraging other people to flaunt zoning rules, claiming "an economic benefit" to the area.; and then suggesting that the Council changes the rules to suit them.</p> |

| | |
|------------------------------|--|
| | <p>If the present rules are difficult to enforce now, why does the Council think that it will be any easier to enforce music restrictions, closing time, transport arrangements etc, under a proposed rule change?</p> <p>The same people who ignore the rules now will surely do so in any zoning.</p> <p>The Council has to find a way to penalise the illegal functions to such an extent that the "economic benefit" is zero.</p> <p>Employment will follow in the legal venues.</p> <p>The Council should not allow vested moneyed interests to walk all over the existing rights of ratepayers.</p> <p>The festival and party culture is already out of control. Allowing function centres in RU2 land will only make things worse.</p> |
| <p>Apr 13 18 01:31:12 pm</p> | <p>The survey is ridiculous. It assumes that a change will be made to the LEP. This is dogwhistling and useless as an objective assessment tool.</p> |
| <p>Apr 14 18 11:26:33 am</p> | <p>Yes, online the survey is a classic example of how to design a piece of biased research!</p> <p>I completely agree with the posts below that advocate no commercial wedding and event operations in RU1 and RU2 zones. It is not feasible to provide adequate protection to amenity and wildlife in such areas from these types of events.</p> <p>I have in the past experienced the dangerous road conditions, disruptive noise and litter pollution, and disturbance to wildlife that arose from a nearby rogue rural wedding venue. Additionally, impacted neighbouring properties would likely have their resale values reduced and it would be harder for them to find a buyer should this type of operation be permitted. Who will compensate for that?</p> |

Submissions via Email or Letter

Email from Peta Marks 5/4/2018

To whom it may concern;

I would like to register my opposition to the approval of any wedding reception venues in RU1 or RU2 zoned areas.

I live in an area that would be affected and am totally against the idea, having experienced an illegal wedding venue just a few doors up that caused a huge amount of distress to the immediate neighbours and neighbours all down the street. The noise was unbearable - not just on the night of the wedding, but in the lead-up to the wedding and during the recovery period (when the place was filling up with friends and family of the bride and/or groom), by caterers trucks, generators, bands setting up, marquees and lights shining into neighbours homes and the homes of many animals... as well as people abusing neighbours when they asked to turn the volume down so their kids could go to sleep, people urinating on their property and throwing bottles and other rubbish, people getting increasingly drunk, swearing and shouting, and clearly insufficient toilet capacity for hundreds of people in a septic system creating potential problems down the gully, additional wear and tear on what is already one of the most pot-holed roads in the area, disturbance to native animals etc etc - basically total destruction of the peacefulness of this place - the very reason we have chosen to live in a rural area rather than in town, or next to a wedding venue - legal or illegal!

Sound travels around the hills a great distance, so being 100m or 500m away makes little difference to noise when what we normally hear, what we *choose* to hear (and why we live here) is crickets, cows and natural night noises. While we are several hundred meters away, we could still hear (and feel, in our lounge room) the thump of music well into the night, shouting and drunken departures, additional night time traffic and roadside rubbish left for us to clean up. It took months of complaints before anything was done, with the operator clearly lying to council about the intention of the use of the property and not able to control what really happened at the property - and for many thousands of dollars per wedding, it was worth the risk to him to keep it going.

Who is going to respond when we need to complain about the next door wedding venue? At a previous property in Federal, we were exposed to a large party holiday renting the house next door - extremely drunk, trespassing on our property, exposing themselves, shouting, threatening us when we asked them to tone it down and blaring loud music well into the night. We called the police and it took many hours for them to respond - they have better things to do with their time down in Byron and are already over-worked - after their visit, the party-goers took to smashing bottles into and around our swimming pool. I don't understand how the council could ever hope to impose or police any 'limits' placed on legal wedding venues - what are you going to do for us at 3am?

The current 'poll' that the council has up on the website/facebook page is an incredibly flawed survey that should not be allowed to count as community 'consultation'. This survey could be completed by anyone, living anywhere in the world, many times over. It could be completed by every person in Australia who wants to move to Byron and open a wedding venue. It could be completed by every person living in Byron Bay, who doesn't have to live with a wedding venue beside them, or who wouldn't mind living in such close proximity to a party zone.

I am very concerned that you haven't directly asked the people who stand to be affected - how have you informed land owners about the community 'consultation' meetings that have been held over Easter, while many of us have been away? In recent times, I have received two letters from council advising that my property is **not affected** by a particular environmental zoning issue under review. The first letter stated that our land had been surveyed and would not be affected, the second just providing an update on the issue, even though we weren't affected. By contrast, I haven't received one letter or any form of direct communication about this issue from you, despite this being an issue which could potentially affect me, my family and my local community significantly.

There are many people who do not access social media/facebook who would not even know about this issue. It seems to me that this is a done deal and consultation with the community is at a very superficial level only. Consultation with the people who don't stand to make money from this issue, whose quality of life and right to live in a peaceful rural environment will be affected is required - without that, it is clear that you are simply acting in the interests of the business owners is prioritised over residents and that your focus is on money.

Peta Marks


Email from Jenny Coman 8/4/2018

Submission to proposed amendments/conditions to Clause 6.10 of LEP regarding wedding/function centres in RUI and RU2 zoned land.

Given the importance of retaining and appropriately using our rural land, I submit that the following conditions should apply to the approval of wedding/function centres on rurally zoned land :

1. the primary use of the land must remain farming or agricultural and the approval of a wedding/function centre a strictly ancillary use with no adverse impacts on primary production or scenic landscape; screening to be required if venue visible from any neighbouring properties.
2. the proposed site must be at least 500 m. from any neighbouring dwelling and 40 m. from any waterway.
3. the hours of any function are to be limited to those between 10 am and 10 pm and the number of functions restricted to no more than 12 in a calendar year.
4. vehicular access must be provided by a sealed road of at least 4 m. wide with an adequate parking area on site.
5. there must be adequate noise controls and accredited personnel present to monitor, also for general security purposes.
6. a plan of management to be submitted and reviewed every 3 years with renewal approved only if there have been no substantial or unaddressed complaints.
7. temporary toilets must be brought in for each event and removed, no permanent structures to be erected on the site.

There are probably other conditions which need to be applied in the interests of both environmental and social amenity but I suggest that at least the above are essential to maintain the integrity of our rural areas.

Thank you.

Jenny Coman

████████████████████

████████████████████

Email from William Fisher 12/4/2018

Submission to Byron Shire Council by Guy Fisher on the proposal to alter the Byron Shire LEP to allow commercial wedding venues and function centres on RU1 (primary production) and RU2 (rural landscape zones)

Overall, I oppose this proposal to alter the LEP to allow wedding/function centres on RU1 and RU2 land in the Shire. I recommend that the status quo option be continued allowing some commercial function centres to be allowed to apply for temporary use of land for function centres under the clause 2.8 of the LEP with very strict management and controls, and promote the use of our community halls all through the Shire as the most viable options for weddings and other events.

However, I recognise that there is a very strong push by the industry and Council to allow these in the LEP (because of the economic and employment benefits to the Shire) and if it does get passed, I would recommend many management controls to minimise any negative impact on the amenity of the neighbours as well as fees charged by Council to help raise money for the Shire's aging infrastructure and provide funds for effective compliance.

Background

The most obvious problem is the noise and traffic impacts on the neighbours.

Rural areas like Main Arm where I live and the Pocket are generally very quiet other than the sounds of wild life and a few cars. When a wedding is held everything changes. With 30-300 people attending and the music and other noises associated with all weddings disturb the quiet rural nature of our areas and has a real negative amenity impact with the neighbours. Unlike a town setting, noise would also tend to travel more, especially in a places that are on top of hills, which are often the most popular as they often have great hinterland or ocean views.

The traffic created for a typical wedding of 50-300 people is another key problem especially if the access is on a gravel or poorly paved roads in our area such as the Pocket Road with 2.2 kilometres of single lane rough road, or Upper Main Arm Road with multiple causeways subject to flooding closures, or Main Arm Road with over a kilometre of very rough road and the main single lane causeway. Rural roads throughout the Shire are in similar pool condition. There could be further deterioration of the road surface with the additional traffic brought upon by people traveling to wedding venues in cars, buses or support trucks. The safety of residents is also a major concern with increased traffic on the roads and participants leaving a wedding venue under the influence endangering the lives of others in the area. Finally, the overall impact of the noise of the traffic especially in later evening hours does negatively affect the amenity of residents.

Council admits that these problems are real in the report that was associated with the initial 23 November 2017 Council meeting that was unsuccessful in passing a Draft Amendment to the LEP to allow function centres.

In recent years Council has received complaints regarding a number of unauthorised wedding venues in the rural parts of the Shire, resulting in a variety of compliance actions. A number of development applications have also been dealt with, the majority of which have been withdrawn or refused.

Would you not logically assume that some or most of these unauthorised wedding venues would be the same ones likely apply under a new program that is being proposed?

The report states that The Land and Environment case concluded:

Council cannot approve a temporary use under that clause unless it is satisfied that (amongst other things)

*there will not be **any** adverse impacts on the amenity of the neighbourhood [**emphasis added**]... Council cannot turn its mind to whether a potential adverse impact might be acceptable in the circumstances; if an adverse impact is identified, Council is prevented from granting approval.*

It's very hard to believe that any wedding function would not have some adverse impacts on the amenity of the neighbourhood. The report agrees:

*Noise and traffic are the key issues associated with events on rural properties and have formed the basis of the majority of complaints. Assessment of the complaints, and an overview of previous development applications, indicates that it is exceedingly difficult to find a situation where noise from a wedding event would not result in **any** adverse impact on the amenity of the neighbourhood.*

An analysis of known rural venues indicates that there is significant variety in both location and in the distance to adjoining and nearby dwellings. Correlating separation distance with complaints received does not show any discernible pattern.

Residents routinely reported frustration with unauthorised wedding events where noise resulted in serious disturbance. The ongoing frequency of events was also a significant area of concern. .

Some places where neighbours were far from the site had many complaints. Yet it is interesting that the Draft LEP proposal states that distance from neighbours is a key factor on whether Council would approve their application:

A draft LEP provision is recommended that would allow Council to support rural events in appropriate locations, where there is clear separation between the event site and nearby dwellings, and with strict operational and management controls that would ensure that individual events would be managed to minimise noise and traffic.

In summary rural wedding venues has been a problem in the past. Many complaints have been received. Consultation with residents during the BRLUS process suggested that the noise from rural wedding venues had a significant impact on the rural amenity of neighbours and such events should be only allowed in existing rural halls.

Recommended management controls if a change in the LEP is made

I agree that many of the suggested controls outlined in the 23/11/17 Draft LEP proposal are appropriate, perhaps with some modification, and I would like to add some additional ones as well:

1. That all events will occur in a location that is a minimum of 500 metres from an existing dwelling house on an adjoining property not in the same ownership. It should be very difficult to get a variation to the 500 metre rule and any variation would need agreement among the affected neighbours.
2. No more than 15 events per calendar year would be allowed on any approved sites and events would not occur over more than 2 consecutive weekends.
3. The use of the site will not result in unacceptable adverse noise impacts on any adjoining land or the amenity of the neighbourhood. To achieve this there will be (a) no amplified activities (music, speeches, etc.) outside a temporary or permanent structure after 7 pm; (b) all amplified music will cease no later than 10 pm; (c) all event attendees will be off-site no later than 10:30 pm; (d) all staff will be off-site no later than 11 pm.
4. The use of the site will not result in unacceptable adverse traffic impacts on the amenity of the neighborhood. To achieve this (a) at least two thirds of the attendees will need to be bused into the event; (b) the location needs to be easily accessed by the buses coming to the event (no single lane, narrow or gravel access roads); (c) there needs to be sufficient parking area for both the buses and cars coming to the event so there is no potential of guests parking at neighbouring properties.
5. The wedding site/function centre will need notify neighbours in writing or by phone of an upcoming event at least one week in advance and provide them the contact phone number for them to call during

- the event should there be problems or non-compliance.
6. If the land is zoned RU1 Primary Production, the property is used for an existing agricultural purpose and will continue to be used for farming if approved as a wedding/function centre site.
 7. A site must provide enough on-site toilets (fixed and portaloo) to accommodate the number of attendees expected to come.
 8. No helicopters are allowed to land at an approved site.
 9. The proposed site has to have acceptable plans for possible bushfires and flooding events.
 10. No more than 100-150 participants at a venue unless the venue has been accessed to be able to handle a higher number.

DA Approval conditions and compliance

1. If a wedding venue has been operating as an unauthorised site in the past and has had either a temporary DA refused or had complaints from the neighbours, this information has to be clearly disclosed in a new DA application and what steps are being proposed to mitigate the problems that resulted in the complaints and a refused DA.
2. All neighbours within 1 kilometre of a proposed DA for a wedding/function centre would need to be notified in writing when the DA is submitted.
3. If a DA for a wedding venue/function centre also includes the construction of additional buildings for the centre, there needs to be good justification for the need of these other buildings including the impact of their construction on any affected neighbours (noise, visual)
4. Any approved DA should be a temporary one with a review after 3 years to see if the event site has complied with the management controls put in place to avoid any adverse impact on the neighbours. Someone investing lots of money to build a function centre may reconsider if they know that their business could easily be shut down.
5. A Council paid compliance officer should be on call every weekend via a hotline similar to the one used for the holiday letting industry. If a neighbour made a complaint, the officer would go to the site to document the complaint. The event site would be responsible for paying for the compliance officer's visit—like \$150
6. If a site got 3 complaints in a year period they would lose their license

Licensing and Event Fees

The Draft DA did not specifically mention additional licensing fees or event fees. There will obviously be negative impact on our rural roads from many wedding or other events. I suggest that a variety of fees be collected and reserved specifically for road repairs (especially frequent filling of potholes) and road improvements. These include a DA application fee, Section 94 fees if new construction is being proposed, and a sizeable license fee to the venue operator depending on the size capacity of the venue, and a compliance visit fee mentioned before.

But even more importantly the event operator should collect a fee from each of the weddings or functions. This could be a tiered fee depending on how many people would attend the event (i.e. Under 50, 50-100, 100-200 and over 200). Perhaps even a per person fee of like \$10 could be charged so a 30 person wedding would have a \$300 fee. The function centre would pass along those fees to Council with a report every 6 months.

Conclusion.

I really think widespread expansion of the wedding/event centres in the Shire's hinterland, formalised with a change in the LEP to allow them on RU1 and RU2 zoned land, would be a bad idea and have the potential to have a huge negative impact on the rural amenity of the residents living close to them. I repeat an excerpt from the Council's report on this matter before the 23/11/2017 meeting:

*Assessment of the complaints, and an overview of previous development applications, indicates that it is exceedingly difficult to find a situation where noise from a wedding event would not result in **any** adverse*

impact on the amenity of the neighbourhood.

Even with strict controls to minimise the negative impacts, they will always still be there at some level and it is clearly an unfair imposition on the neighbours who are affected by the noise, traffic, and other negative impacts associated with weddings and events. People specifically choose to live in these beautiful hinterland locations specifically to avoid the noises of urban living and appreciate the quiet, peaceful nature of country living with only the sounds of birds and other animals. To suddenly have a wedding/event imposed in your area is unfair and unfortunate. It has the potential to devalue your property especially if these events are occurring on a regular basis.

Lovely community halls are available all over the Shire to hold wedding events.

Perhaps a few other locations that have minimal impact on the neighbours could be used on a temporary basis. But opening up the possibility of these wedding/function centres all over the Shire is a really bad idea. I hope that you have an open mind that the Status Quo is a very viable option.

Thank you for your consideration in this matter.

William Guy Fisher

████████████████████

████████████████████

████████

████████

Email from Main Arm Rural Residents Association 13/4/2018

SUBMISSION BY MAIN ARM RURAL RESIDENTS ASSOCIATION [MARRA]

on the proposed LEP change to allow wedding functions on RU1 and RU2 land.

INTRODUCTION

The Main Arm Rural Residents' Association (MARRA) opposes amending the Byron LEP to allow for Wedding Function/Event Centres on RU1 and RU2 zoned land. We recommend that the status quo option be continued and Byron Shire Council (BSC) should concentrate on promoting Community Halls and existing function centres as the appropriate venues.

There is no net gain to rural residents in this proposal considering the increased noise and nuisance levels, extra traffic and deteriorating road infrastructure. These impacts on rural amenity are top priority issues for rural residents and should also be a top priority for BSC; weighted above the interests of a determined push by lobbyists for the Wedding Industry.

The term Function Centre in the proposed LEP amendment is of particular concern as it not only covers 'Wedding Centres' but also other 'Events'- as yet undetermined. This creates a degree of uncertainty and would extend unwarranted opportunities for development in the hinterland whilst potentially creating more adverse impacts on the environment, on agricultural and rural amenity- in rural residential areas that currently have a much greater degree of protection in place.

The Draft Byron Rural Land Use Strategy (BRLUS), still to be approved by the Department of Planning and Environment (DPE), is underpinned by some key principles: to protect rural amenity for residents, protect the environment, protect agricultural land.

A key principle of the BRLUS is to allow small-scale tourist ventures that will help supplement the income of farmers and rural land-owners. Towards this end potential income streams already exist in the form of AirBNB: allowing for up to 90 days per annum for residents to let their primary place of residence.

The expansion of Tourist cabins on rural land is another opportunity already available to rural landowners. Farmers have the possibility of leasing land for agricultural activity and strong support in the community for local food production gives extra economic incentives for small producers to enter the market.

Expanded provisions for secondary dwellings and dual occupancy on rural lots extends the economic potential for landowners and should be used to encourage and increase rural and affordable housing options for the community rather than offering more flexibility in setting up un-needed wedding centres.

The BSC argues that by regulating wedding centres this would rid the Shire of the existing problem of rogue, illegal wedding venues but in our view issues of compliance will remain extant and only increase under these proposals, with developers seeking to cut corners or simply not complying in full with their requirements.

The ability of BSC to police compliance is a major issue as clearly illustrated by the lack of compliance in the holiday letting industry and the construction of illegal new dwellings. Considering the offset costs to BSC if a full and proper regime of compliance measures were to be developed and enforced and given the extra wear and tear on our road infrastructure, there will be no significant financial gain or value to the community or justification for the increased nuisance level of the proposed amendment.

The bottom line is that compliance will be hard to enforce because Council simply does not have the resources.

RECOMMENDED MANAGEMENT CONTROLS IF A CHANGE IN THE LEP IS MADE

MARRA agrees that some of the suggested controls outlined in the 23/11/17 Draft LEP proposal could be appropriate but with some modification if Council proceeds. The LEP must impose very tight controls and prohibitions so there is no flexibility for variations that have the capacity to adversely impact on rural amenity and subvert the intention of the conditions of consent. It must be ensured that these changes do not cost BSC even more time and money on enforcing compliance.

LOCATION

All events should occur:

-In a location that is a minimum of 700 metres from an existing dwelling house on an adjoining property that is not in the same ownership

- Not within 1200m of a surrounding dwelling that has direct line of sight to the proposed development.

-A 300 metre or 500 metre limit is not adequate to protect community and rural amenity.

-There should be no variations to the distance rule

[ie. 700 metres] made between wedding event managers and owners of function centres with neighbours who may not find the noise and social impact inconvenient. Neighbours and their tolerance levels can change over time and with ownership changes this would create unnecessary complications for BSC and could be subject to challenge. BSC should remain in control here and not be pressurized by the wedding industry and property owners to make variations and dilute consent conditions.

-The owner of the dwelling approved as a function centre must live on the site permanently.

-Screening should be planted out so that the approved dwelling used as a function centre and function activities cannot be viewed by neighbours.

-BSC could consider restricting function centre approvals to discrete areas such as Myocum, Ewingsdale Coopers Shoot, Skinners Shoot.

-RU1 land could, on the other hand, could be excluded to ensure absolutely that prime agricultural land is preserved for future generations and not compromised by fads in the wedding industry.

-Local community halls [Durrumbul, Coorabell, Kohinur, Ewingsdale] and existing function centres eg. Mullumbimby Memorial Civic Hall, Golf Clubs, Surf Clubs, Elements, Byron at Byron and restaurants that provide an adequate range of facilities. This would reduce impact on infrastructure, rural residential amenity, farmland, the environment and bring financial benefit to some community organisations.

NUMBER OF EVENTS

-No more than 12 events per calendar year ie. one per month to be allowed on any approved sites. Other function locations are currently used outside of Byron Shire [Ballina, Lismore, Tweed]. We have our Community Halls etc. We should not be opening up the rural residential areas. Limits must be strict. The wedding industry is not going to collapse with a 12 events per year restriction and we do not have to prioritise the wishes of fly in and fly out visitors over those of residents

-No events over the Christmas period [Christmas Eve, Christmas Day, Boxing Day] Good Friday, NYE and New Years Day.

-No single event should be longer than 6hrs duration.

NUMBER OF ATTENDEES

-Small events only to be permitted with a maximum of 100 guests.

-Larger events required by the wedding industry can be held in existing function centres in urban areas or in the Community Halls.

REDUCTION OF NOISE & VISUAL IMPACTS

The use of the site will not result in unacceptable adverse noise impacts on any adjoining land or the amenity of the neighbourhood

- (a) no amplified activities (music, speeches, etc.) outside a temporary or permanent structure after 7 pm.
- (b) all amplified music will cease no later than 10 pm.
- [c] noise abatement measures and controls to be implemented .
- (d) all event attendees will be off-site no later than 10.00 pm and staff by 10.30 pm.
- [f] no operation of any events between 10pm and 9am on any day.
- [g] no fireworks,lasers,gliders,light aircraft,helicopters,parachuting

and possibly drones .

Accredited security staff, event manager, owner of approved dwelling/ function centre must be on site during the event.

REDUCTION OF TRAFFIC IMPACTS

The use of the site will not result in unacceptable adverse traffic impacts on the amenity of the neighbourhood and the quiet rural residential ambience

- (a) attendees will need to be bused in and out the event;
- (b) the location needs to be easily accessed by the buses coming to the event.
- [c]The proposed development cannot be accessed from an unsealed road, a classified road, or a sealed road with an average pavement width under 6m wide.
- [c] bump in and bump out movements should to be strictly limited ,by a set maximum of days and number of traffic movements eg trucks with hire equipment, transportation of portaloos and function staff.
This activity also creates loss of rural and neighbourhood amenity.
- (d) there needs to be sufficient parking area on site for both buses and cars coming to the event so there is no potential for guests or staff parking on roadside verges adjacent to the function centre or neighbouring properties.
- [e] entrance to the approved property must be on an internal sealed road [reduced noise and dust].An entrance gate could also be required .

ENVIRONMENTAL CONTROLS

There should be no adverse impact on the natural environment on the land proposed for Function Centre approval or on surrounding land.

no development to be allowed:

- on the scenic escarpment.
- within 100 m of a waterway whether a declared waterway or not: many significant creeks in the catchments, such as Marshalls and Lacks Creeks which are not declared waterways.
- within a wildlife corridor.
- where there is very high bushfire risk vegetation especially if there are

steep slopes. Fires can move very quickly and evacuation plans may not be able to be executed in time. There is also the issue of needing to have more than one entry/ exit.

--within 100m a threatened ecological community or threatened species habitat.

PUBLIC SAFETY

Fire and flood risk assessment and management plans to be required as part of the DA application.

AGRICULTURAL AND FARMING PRACTICES TO BE PROTECTED

-If the land is zoned RU1 Primary Production, the property must be used for an existing agricultural purpose and will continue to be used for farming if approved as a wedding/function centre site.

-Farming should be the principal activity on any approved RU1 property with the function center being secondary use only.

-The renewal process of Temporary DA s of 3 years duration must safeguard against any misuse of RU1 land. There is a real danger that 'faux ' farming will be used by developers to attempt to meet conditions of consent.

NOTIFICATION AND CONSIDERATION OF NEIGHBOURS

-The wedding site/function centre will be required to notify neighbours [email or phone] who live within 1 km of an upcoming event. This should be at least one week in advance and provide the contact phone number for calling during the event should there be problems or non-compliance. This cost is to be borne by the event organizer.

-Assessment of DAs must include a review of prior complaints and adjustments and conditions of consent are included to resolve those complaints.

ON SITE SEWAGE

-An approved Function Centre must provide temporary toilet facilities [ie porta-loos) to accommodate the number of attendees

-No permanent construction of toilets and waste -water facilities to be permitted on site to accommodate guest beyond the standard bathroom facilities in standard owner-occupier dwellings.

NO ON-SITE ACCOMMODATION

- This change to the LEP is to allow a Function Centre on RU1 or RU2 land to facilitate weddings in suitably situated private houses for small events. It is not to allow the development of significant new infrastructure and build tourist resort complexes including both function and accommodation facilities.

-The BRLUS has stated that only small-scale tourism can occur implying temporary use only of existing owner occupied dwellings. And that rural amenity is to be preserved with limited noise and visual impacts for neighbours as a result of any small-scale development.

-No function centre can be approved on a property that has, or plans to utilise, permitted existing use of a camping ground, rural tourism accommodation, eco tourism, farm stay accommodation or bed and breakfast accommodation.

- Wedding guests are to be accommodated off site, apart from possibly the bride and groom.

-There is to be no on-site accommodation where there is a 'function/event' DA active. No DA for a Function Centre is to be granted where there is on-site accommodation. Condition for on-site accommodation is that any Function Centre approval is voided.

-There is a real danger that the already significant negative impact on social amenity, with the allowance of commercial activity in rural residential zones, will be exacerbated if the onsite accommodation issue is not addressed in the proposed change to the LEP.

-Development consent for a function centre site can only be given if an approved dwelling [house or dual occupancy] is already on the site. No new dwelling house can be built on this land proposed for a function centre under this proposed change.

DA COMPLIANCE

TEMPORARY FUNCTION CENTRE DA WITH A REVIEW AFTER 3 YEARS

To ensure ongoing compliance and adherence to conditions of consent a function centre DA must be temporary and demonstrate:

- the event site has fully complied with the management controls
- no adverse impact on the neighbours ,
- no adverse affects on the environment ,
- the DA is not creating extra costs costs for Council
- the development is of a small scale in line with guidelines in the BRLUS
- if permitted in RU 1 it must be demonstrated that serious farming is the principal source of income.

THREE STRIKES AND YOU ARE OUT

A Council compliance officer should be on call every weekend via a hotline similar to the one used for the holiday letting industry. If a neighbour makes a complaint, the officer would go to the site to document the complaint. The event site would be responsible for paying for the compliance officer's visit eg \$400. A fine should be charged for each offence.

If a function centre site received 3 complaints in a 3 year period the

the DA approval would be withdrawn.

INCREASED FINES

Rogue wedding operators find paying fines no deterrent for non- compliance. So fees need to be raised significantly. Bottom line is that BSC gets more revenue.

SELF REGULATION BY THE WEDDING INDUSTRY CANNOT BE RELIED UPON

BSC should remain in complete control of compliance. Industry self regulation, as has been proposed by the local wedding, has been clearly demonstrated as a flawed regulatory measure at many levels.

USER PAYS

LICENSING AND EVENT FEES

The Draft DA report tabled in November 2017 did not specifically mention additional licensing fees or event fees. The cost of BSC enforcing compliance will be high. We need fewer visitors not more and BSC is struggling to manage our services and infrastructure. There will obviously be more negative impact on our rural roads with even more visitors being encouraged. BSC has started to explore more opportunities for user pays revenue apart from the bed tax, finding opportunities outside the State legislative controls.

We suggest that a variety of fees be collected.

ROADS

The BRLUS specifically states that no new developments should incur road or infrastructure costs to BSC .Can a road levy be imposed? Council Staff should not be assisting function centre and wedding industry operatives in applying for State and Federal funding [to access tax payers money to benefit private interests].

DA APPLICATION FEE

Is there any way that an extra fee can be charged to apply for a Function Centre DA so that BSC can cover the costs of licencing and compliance.

The LEP must impose very tight controls so there is no flexibility for variations that have the capacity to adversely impact on rural amenity

TEMPORARY DA LIMITED TO 3 YRS WITH RECURRING FEE

No permanent DA approvals to be granted. Renewal is subject to a full compliance check at the end of 3 years or annually.

SECTION 94 FEES AND ASSESSMENT TO BE CLOSELY SCRUTINIZED

It must be ensured that BSC receives more than adequate contributions if new construction is being proposed that will impact on community and infrastructure. DA development costs should not be under-quoted by applicants.

WEDDING EVENT FEE

-It is recommended that an event fee be paid to BSC for each wedding/event held in the Shire.

-The event operator should collect a fee from the each of the weddings or functions. cc \$1000 ?

-This could be a flat fee or tiered fee depending on how many people would attend the event (i.e. under 50 or 50-100).

-The function centre would pass along those fees to Council with a report every 6 months.

-Revenue from these fees could be used for grants to community halls.

BONDS FOR EVENT ORGANISERS & BRIDAL COUPLE

A significant bond could be deposited with BSC by the event organizer so that the bridal couple and organizer have more incentive and responsibility to ensure that there is compliance.

COMMERCIAL RATES CHARGED FOR RURAL PROPERTIES WITH APPROVED FUNCTION CENTRES

ie. not standard rural rates thus enabling BSC to gather more revenue.

Submitted by Judy MacDonald [Chair]

For Main Arm Residents Association Inc

[REDACTED]

13/4/2018

Email from Elizabeth Levy 13/4/2018

To: The General Manager, Byron Shire Council

I wish to register my objection to the proposal to amend the LEP to allow Function Centres in RU1 and RU2 zones.

Once again there is a call for public submissions on a major change with no detail of the proposed parameters or regulations envisaged.

Zoning has long been used as a planning instrument to maximise efficiencies by grouping together property lots of similar usage and needs and avoiding combinations of incompatible activities. Thus zoning allows individuals to lease or purchase land with reasonable confidence that they will be able to use it for its intended purpose and remain unhindered by conflicting encroachments.

The necessity for zoning protection means Council should not be in the business of amending regulations as an easy way of dealing with non-compliance as the logical outcome of this approach is a race to the bottom. What happens when these function centres discover that camping, glamping or other additions add greater profit and start slowly flouting the regulation? Having already created a compliance albatross will it be necessary to ease the regulation? Amend the amendment?

Byron Shire residents, village and rural, should not have to suffer the increasing erosion of their amenity due to the growing popularity of the area and the potential of some to make money, subsidised by the many. Byron Shire Council should stop creating greater enforcement and compliance demands when there is already under-resourcing in this area. The extra burden placed on compliance staff by the distance, isolation and timing (largely week-end nights) involved in this proposal is unthinkable.

When rural residents find themselves disturbed in the early morning hours, their livestock and livelihoods affected by an incompatible commercial activity, they are afforded little comfort by the process of:

Having their complaint assigned a number

Referral to the appropriate staff member (on Monday at the earliest)

Deliberations on whether it's a priority

Being asked to supply/gather evidence

Waiting for Council to decide if there is sufficient proof of non-compliance

Waiting for Council to seek external legal advice on whether they can safely proceed with fines or prosecution.

How popular will the move be with local police when these additional rural residents turn to them as their only solution?

It is true that the wedding industry has many lucrative and other desirable features for the local economy and that Byron is the wedding place du jour. There is no need to discourage entrepreneurship in this venture just a need to encourage its practice in suitably zoned areas. If there is not enough suitably zoned area then this is an issue that needs to be examined holistically not given the band-aid measure of tossing this industry in with rural and farming activities.

This measure appears just a further exacerbation of Byron Shire's long recognised problem - its increasing popularity and visitor numbers placing unmanageable demands on the services, infrastructure and a small council staff, sustained by a totally disproportionate number of permanent residents. However it is likely that the amendment will proceed despite the please of affected rural residents. If Council even considers allowing these 'function centres', a very significant annual fee should be imposed to allow for effective and expedient policing in out of hours and out of town venues and to compensate for the wear and tear of even greater visitor numbers.

Council should carefully consider its duty of care to its residents.

Elizabeth Levy

[REDACTED]

[REDACTED]

[REDACTED]

Email from Judy MacDonald 12/4/2018

SUBMISSION ON RURAL WEDDING VENUES

I oppose the proposal to alter the LEP to allow wedding/function centres on RU1 and RU2 land in the Shire. The status quo option should be followed allowing some commercial function centres to be allowed to apply for temporary use of land for function centres. If the LEP is changed there must be very strict management controls and prohibitions. The use of our community halls and existing function centers must be promoted as the most viable options for weddings and other events.

Consultation with residents during the BRLUS process suggested that the noise from rural wedding venues had a significant impact on rural and agricultural amenity.

There is significant pressure from the wedding industry to open up more approved wedding venues in the hinterland because of the current “trend” and high demand from visitors wanting to get married in Byron Shire.

Council has admitted that it is unable to effectively control compliance issues under the existing framework. This is really alarming news for Shire residents and ratepayers. And as a solution BSC is now proposing amending the LEP to allow Function centres as a permitted use in RU1 and RU 2 zones with strict controls that will create even more compliance issues.

The rogue wedding venue operators are not going to take any notice of the changes. Just as people continue to build illegal dwellings and do illegal holiday letting across the Shire the wedding venue compliance issues will be the same if not be increased. The less responsible members of our community and the ‘chancers’ are well aware that BSC is very limited in its capacity to oversee and enforce compliance.

If the LEP is changed, the official wedding industry, the high profile and law abiding businesses [Byron Bay Weddings, Byron Luxury Weddings and the newly formed local industry body] will be ‘badged’ responsible. A policy will be inserted into the BRLUS and ‘all’ will be deemed sorted etc. Hopefully this version of the BRLUS will not become a white elephant as did its predecessor the BRSS,

My concern is that it is a very high price to pay for a highly questionable ‘gain’. In effect changing the LEP is a very big risk and gamble. It remains a big ‘unknown’ as to how developers and entrepreneurs will find ways to work around the rules and adeptly use “variations” to circumvent the proposed policy and controls.

We have seen all this before, with our communities and BSC being ‘duded’ by big money developers using expensive legal teams.

It is very difficult for us in the community, to have faith and trust in the proposed changes. Very strict clauses and prohibitions need to be inserted into the new LEP clause ...but even then I am pessimistic.

The need to use the term Function Centre in the new LEP is particularly worrying as it not only covers Wedding Centres but also Events: another unnecessary give-away. This will open up even more opportunities for development in the hinterland and potentially create more adverse impacts on the environment, agricultural and rural residential areas that currently have a much greater degree of protection in place. This will create even more potential disturbances for rural residents and more compliance issues for BSC [and increased cost issues]. The emphasis has been specifically focused on conditions for wedding centres; but with limited anticipation of how Event Centres can be interpreted by developers and what other general conditions may be need to inserted as safeguards.

We cannot lose perspective. Council’s primary responsibility is to protect the interests of the local community and the environment.

The Draft Byron Rural Land Use Strategy is still sitting with the DPE, yet to be approved, after having been adopted by BSC last October. This strategy is underpinned by some key principles: protect rural amenity for residents, protect the environment, protect agricultural land, allow small scale tourist ventures that will help supplement the income of farmers and rural land owners, ensure that with development and increased road use infrastructure costs are met by the developer not by Council, rate payers

or the State Government.

We need to have fewer tourists in the Shire not more and BSC needs to find creative ways to introduce user pay fees to significantly increase Council revenue. The Shire is booming: we have lots of jobs and growth being driven from the ground up: rapidly and randomly. BSC cannot keep up, as evidenced by admitting that enforcing compliance is out of its control.

We really don't need to change the LEP to encourage more economic growth by 'gifting' the wedding industry and 'event' entrepreneurs more development opportunities in the hinterland.

By encouraging more wedding visitors there will be even more demand for air bnb and tourist accommodation which is already seriously impacting on rental opportunities for community members, driving up house prices and making housing unaffordable for local families. This housing crisis has been recognised by both Council and the community as one of our major challenges. Yet BSC seems to be moving to exacerbate the problem. It is highly likely that some of the premium dwellings, that will be licenced to hold regular events, will pass from being private owner occupied houses into permanent quasi commercial visitor accommodation. This will also defy the intention of the BRLUS: that residents will be able to supplement their incomes by small-scale tourism.

The trickle down effect theory has been discredited and we wonder how this philosophy has a place in a Shire that promotes itself as a 'green' trail-blazing, progressive community. BSC has been unquestioning in its acceptance of the growth and income figures provided by the wedding industry and how that must all be good for us.

BSC is already struggling to finance services and infrastructure in the Shire. There will be no direct new funds coming into Council revenue by promoting more wedding and event venues. But there will be increased costs to be borne by Council: increased costs of enforcing compliance for both the legitimate venues and the continuing illegal venues. More tourist traffic on hinterland roads as well as more from heavy vehicles servicing the needs of the venues will create more wear and tear.

The recent rate rise has effectively been a band-aid as the challenge will be, at a minimum, to raise the condition of infrastructure deemed poor to average.

Can Byron Shire start to become bold and stand up for its values? Is it time to say 'no' as are other cities around the world being swamped by tourism? It is time to think about what legacy we will be leaving future generations. We have a greater responsibility than most to protect our highly significant, biodiverse environment and some of the richest farmland in Australia.

Surely the long-term interests of rural residents, farmers and the environment should be given preference by our Council over a niche industry which will benefit a few.

Key conditions/prohibitions if the LEP is to be changed

-750 metres distance from function center to nearest neighbour

-No function centres allowed on RU1 land: agricultural land must be preserved for future generations and farmers left to farm.

- 12 events pa .ie one per month
- no events in Christmas and New Year period ,Good Friday
- no onsite accommodation ie rural tourist cabins
- owner occupier of dwelling used for function must be on site at all events
- guests bussed in and out
- guests off site by 10.30,events 6hr smax
- function centers cannot be accessed by gravel roads or roads narrower than 6 metres
- no helicopters or light aircraft on site or adajacent
- no adverse impacts on local environment
- small scale events only max 100 visitors
- See more detail on conditions in the submission I sent in on behalf of MARRA.

NOTE

It has been disappointing to see the flawed community consultation process.The on-line poll has obviously been hijacked by those in the wedding industry.There was no requirement to include a name and address. Multiple votes could have been lodged from multiple email addresses. Who knows where the respondents lived. The on line forum section however was exclusively used by local residents opposed to changes to the LEP.Curious.

The survey form only required registration of an email address with a nominated suburb which could not be verified.The survey forms handed out for completion at the consultation sessions did not require a name and address or identification of being a rural resident, involved in the wedding industry etc. There was also confusion if there was the usual BSC submission process and to whom to send your submission.

Judy MacDonald

[REDACTED]

[REDACTED]

[REDACTED]

Email from Kay Collins 13/4/2018

-
- **General Manager
Byron Shire Council
PO Box 219
Mullumbimby 2482**

Cc Byron Shire Councillors

Dear Sir/Madam

Re: Rural Weddings and Events

As a resident in a Rural zone, I strongly object to permitting functions, weddings and events in rural areas in any form. Like many of our neighbours, we moved from living in Byron township out to the rural area to escape the noise and traffic, and live in an area where we could have peace and quiet.

Function centres, weddings and events are incompatible with rural residential zone objectives.

There is no way to “...introduce effective measures to ensure events do not cause adverse impacts on the neighbouring amenity.” There will be an increase in noise and traffic.

Anyone living on the access roads to these function centres will be affected by a large and concentrated increases in traffic, both numbers of vehicles, and potentially the loud noise created by buses, that are suggested as part of the traffic solution, and trucks delivering and collecting supplies.

As we all know, it is difficult to predict how noise will travel from a source, sometimes many kilometres. It is recognised that bass noise can have a disturbing and distressing effect on neighbours surprising distances away. There is no guaranteed safe distance to have these venues from their neighbours.

These large scale, commercial events should be restricted to non-residential areas, where there are purpose built venues with adequate traffic arrangements and parking and noise abatement.

Yet again the quality of life of the people who chose to make this area their home is being threatened by greedy people seeking to exploit the Byron name for their own profit. Just because someone wants to have a commercial operation in a residential area, does not mean they should be permitted to do so, or accommodated by neighbours.

It does not make it OK if these activities are limited to certain hours or days “...at times when your neighbours are least sensitive.” I am entitled to do my gardening, read a book or have lunch or dinner on my verandah without having to hear someone else’s music or party noise on a regular basis.

Yet again, the residents are expected to police these operations, putting up with impacts, monitoring whether they are complying with their permits, deciding when and whether to complain, hoping that some compliance will be enforced promptly. REPEAT.

Yet again, our community is being driven out by profit focussed individuals and companies eroding our quality of life.

This is my home. It is a residential and agricultural area. It is NOT a commercial, industrial, retail or entertainment area. The peaceful enjoyment of my home is a legal and moral right and must be protected. Thank you for doing so.

Ask yourself, how would you like it if one of these venues was next door to your home?

Yours sincerely

Kay Collins

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Email from Paul Martin 13/4/2018

The General manager

Re Weddings & Events In Rural Areas

I live in a rural area and I believe that due to negative experience with other unapproved activities that NO weddings or events are appropriate or should be approved in rural areas for the following reasons -

1. People (voters) live in rural areas for the quiet enjoyment and peaceful amenity of the rural environment and do not want to be impacted by such events so a small number of owners can make money at the expense of others.
2. The owners of the existing unapproved or proposed venues bought these properties knowing they were in rural areas where such events are illegal. Council cannot approve them to appease a few landowners who have made what would turn out to be a foolish decision which without approval would not have the commercial windfall they expected.
2. Approval would impact not only the immediate neighbours but due to the manner in which noise travels will impact rural landowners many kilometres away.
3. Flora and fauna would be adversely affected by noise and traffic and unless strictly monitored and controlled waste and effluent. For instance, the area in which we live is koala habitat and events such as proposed would add further impact on their environment.

Should the Council deny many people in rural areas the ongoing quiet enjoyment of their properties so a few would benefit then I propose the following conditions of consent be imposed with no variation or exception on every approval -

1. No approval if event held within 1 kilometre* of any neighbour.
2. A condition of consent by Council of a contribution to Council for each approval of \$2,000 and a fee for each event of \$500.
2. No amplified music & commentary.
3. Limit number of guests to 50.
4. Guests and staff only to arrive and depart by bus to and from a town i.e. not just down the road to impact on another rural resident and
5. No parking by staff or guests on premises to limit vehicle noise (engine, slamming doors and in-car sound systems). The impact of vehicles catering to these events would be enough without staff and guest vehicles too.
6. Functions allowed only during the day from 11am and all guests and staff to be off premises 8pm.
7. Functions only to be carried out in council approved enclosed structures, or temporary structures in council approved position (i.e. not moved to any position on the property) no closer than 1 kilometre to any neighbour.
8. Council to stipulate appropriate waste management for the site.
9. No approval if a proposed venue would be within 2 kilometres of koala habitat.
10. Neighbours given 2 months notice of each event and notice placed in Echo and one other local newspaper.
11. Each event to have responsible adult resident on site for the whole time of event.
12. Every neighbour within 5 klms to be provided with the mobile phone number of owners of event site and the on site resident.

13. Council to have dedicated compliance staff person available on day of each event and provide neighbours with mobile phone number (not answering service or council office landline number).

14. Council to revoke the license of any approved venue which has 3 substantiated complaints related (but not limited) to traffic, noise or trespass by guests.

*Given that we are impacted by a venue 2 kilometres away 1 kilometre is absolute minimum distance permissible.

Given the negative impact of approval of such events on the rural community I urge council **do not approve** weddings and events in rural areas.

Sincerely

Paul Martin

████████████████████

████████████████

Email from South Golden Beach Community Association 13/4/2018

SOUTH GOLDEN BEACH
COMMUNITY ASSOCIATION INC.
PO Box 11, New Brighton. NSW 2483 Ph: 0429 803561
web: www.southgoldenbeach.com email: sgbca@bigpond.com



To: Byron Shire Council
Station St, Mullumbimby
2482 NSW
11th April 2018

Re: Submission re Proposed Weddings and Events in RU1 and RU2 Areas

South Golden Beach Community Association has major concerns regarding Council's proposal to allow Event Venues in RU1 and RU2 rural zones.

Some concerns include noise, traffic, impacts on already degraded roads, polluted waterways and groundwater from overloaded, inadequate sewage systems, disturbances to vulnerable wildlife and neighbouring farm animals, disturbances to residential amenity, antisocial behaviour from drunken revellers and the devaluing of neighbouring properties.

Of particular concern is the fact that presently council staff are aware of numerous weddings venues that are operating without approval yet have only issued fines in some cases. They admit that they do not have the resources to be more pro-active in putting a stop to these activities. This does not provide any confidence to property owners that their amenity will be protected by staff monitoring and compliance actions if venues are approved near them. Council **MUST** commit to employing more compliance staff if these venues are granted approval. Event operators **CANNOT** be relied to self-monitor their operations.


If allowed, we believe that consideration should be given the following consent conditions for inclusion in the LEP amendments and/or development approval:

1. Function centres should be prohibited on RU1 land in order to protect precious agricultural land for sustainable food production;
2. A total guest limit of 100 to be imposed to keep numbers under control.
3. No weddings and events centres to be approved on properties adjoining land where commercial farming is being practiced minimising disruption to farm management practices;

4. Commercial agricultural uses must be proven, and the function centre approval must be SECONDARY to the commercial agricultural use of the land;
5. A minimum of 700-1000m set-back from nearest dwellings;
6. No function events to be approved within 100m of an Endangered Ecological Community or threatened species habitat.
7. A minimum set-back of 60m of a water course or water body;
8. A minimum setback of 100m from all high-risk bushfire areas;
9. Prohibit venues on ridgelines and scenic escarpments;
10. Noise limits should be set to protect residential amenity. Limits for both A-weighted and C-weighted (bass) noise would be needed.
11. Noise buffers such as sound-proof fences and vegetation MUST be installed/ planted along boundaries.
12. Noise monitoring equipment to be installed at neighbouring properties during events and a Council hotline provided for complaints;
13. A strict curfew of 10pm should be imposed with all guests leaving the property by 10.30pm;
14. Professional security must be provided at all events;
15. Mini buses to be used to transport guests to reduce adverse impacts on poor quality rural roads;
16. Portable toilets to be utilised to reduce the risk of overloading existing and possibly unapproved sewage treatment systems;
17. Prohibit rural tourist cabins on properties where events venues have been approved. This will eliminate the potential of all-night revellers adversely effecting neighbours and the environment;
18. Ban the use of pyrotechnics and fireworks;
19. No permanent DA approvals to be given. Instead, 3 yearly approvals to be renewed only if applicants have demonstrated that they have complied with the consent conditions;
20. Bonds from approved venue operators payable to Council to cover cost of possible inspections and enforcement action by compliance officers;
21. Fines for non-compliance consistently issued and collections enforced;
22. Approved properties to be rated at commercial rates instead of rural;
23. Total prohibition on helicopters as a mode of transport;
24. If venues are approved in RU1 or RU2 areas each site should have annual drone surveillance to ensure that owners are operating within their approved structures and boundaries according to their consent conditions.

Our community halls in our hinterland villages are fantastic potential venues for charming rustic weddings in our shire. Approving numerous other venues will certainly decrease the frequency at which these halls are hired thus restricting their viability.

SGBCA does not believe that function centre approvals should be granted in either RU1 or RU2 areas but if Council decides otherwise we trust that our recommendations above will be given serious consideration in amending the LEP.

Sincerely Yours
Angela Dunlop
Secretary, SGBCA


Email from Hilary Bone 13/4/2018

Please find attached an article published in the Byron Echo net daily.

Please kindly read the article. It is my response to Council's decision to permit weddings and other events in zones where they are currently prohibited. If Council intends to inflict further pain on me (see attached) I will mount a precedent case. Current case law and state and commonwealth legislation provides overriding protections against the LEP amendments you propose. I am already prepared.

The first question Council should ask is, "who wishes to live next door to an events venue?"

Has Council invited all property owners currently living next door to an illegal events venue to provide Council with a detailed account of their experiences?

Council is acting on the presumption that neighbouring property owners behave in a manner that is conducive to weddings and other events. However if farmers fully exercise their property rights no one would want to have a wedding next door.

I moved in to my home fourteen years ago. Since then I have had constant interference from neighbours and Council with my right to the quite enjoyment of my property.

I have had bulldozer activity on both sides of my property resulting in the removal of protected trees and damage to natural water courses. I live next door to Amelika. When Tom Lane (the Farm) lived there I was kept awake by parties sometimes until 4 o'clock in the morning. I fought that. He advertised the property as an events venue when he sold it. I then had to suffer "Splendour in the Hills." with the new owner. He did not suffer as he resides on the Gold Coast. I fought that. Council failed in its responsibility. Council then tried to inflict E zoning on my property. Most of the 3000 property owners, invited to attend a meeting with Council staff, owned properties that were not designated DM (Deferred Matter). Council wasted a colossal amount of ratepayers time in an attempt to spread the net as wide as possible. Which is illegal. On the one hand Council is saying protect the environment and on the other hand the bulldozers are merrily romping their way through vast swathes of trees in the hinterland with Council's blessing. And now it is events.

Oh how I would like to rest in peace.

Hilary Bone.

Attached Article from Hilary Bone

PROPOSED ARTICLE FOR PUBLICATION

“HINTERLAND WEDDINGS AND EVENTS – A FREE FOR ALL”

There are currently nine zones in Byron Shire where function centres, including weddings, are permitted with development consent. There are three zones where they are prohibited. This includes RU1 and RU2 zones. However some commercial weddings continue to take place in RU1 and RU2 zones.

Instead of closing illegal wedding events down in these zones Byron Shire Council (Council) has decided to amend the 2016 LEP to approve such events.

It is a fact that no one in the hinterland or in the entire shire wishes to live next door to a wedding or commercial events venue. Naturally there will be people who are happy to participate in such events in other peoples "backyards".

Council has said:

“Council would like to take a more active approach to rural weddings and events. Council is considering policy solutions to manage and control weddings and events within rural zones through planning controls.”

These statements are made despite the fact that Council admits that it does not have the resources to implement such policy or monitor and control consent conditions. Neighbouring property owners are expected to do this. To date most affected neighbours have suffered in silence but this is about to change. Many now have the resources to fight to protect their legal rights.

in *Roden v Bandora Holdings Pty Ltd [2016] NSWCA 220 (24 August 2016)* Colin Roden, a local farmer, was successful in obtaining a declaration from the Supreme Court of Appeal NSW, to the effect that the development consent 10.204.230.1 dated 13 October 2014 (for a wedding and events venue) given by Byron Shire Council to Bandora Holdings Pty Ltd was invalid and of no effect. Byron Shire Council failed to correctly interpret its own 1988 LEP i.e. understand the meaning of “tourist facility”. Colin Roden was awarded all legal costs.

Council has the power to issue a DA but not the resources to rein in the horse after it has bolted or to deal with the damage caused.

Byron Bay Weddings owner Che Devlin has stated:

“Not every property is suitable for weddings. If it’s affecting your neighbour it’s not suitable for weddings.”

Inevitably the effects of weddings and other commercial events do not merely “affect” neighbours they violate their property rights, impair their health and diminish their quality of life.

Council states that commercial events such as weddings boost the local economy and bring employment. The same can be said for McDonalds, Dan Murphy, shopping malls, nightclubs, festivals etc. The effect is the same.

Council states:

“Council recognises that people choose to live in rural areas for a peaceful lifestyle. Byron Shire Council has the difficult job of trying to find a balance that works for residents and the events industry.”

For the reasons outlined above there can be no balance. I speak from personal experience.

In 2016 an event entitled “Splendour in the Hills” was hosted on my neighbour’s property. According to the Gold Coast Bulletin more than 300 people attended the event. There was free alcohol, great music and everyone had a wonderful time. One of the so called VIP’s arrived by helicopter.

Preparation for the event included the erection of marquees and round the clock sound testing. Frenetic activity persisted over four days. Several visitors mistakenly drove up to our house. We were forced to vacate our property on the day of the actual event as the doof music was so intense that our house shook and we could not function at all. It was impossible to even hold a conversation in our home. Our cows and pet were terrified of the helicopter. The effect on wildlife would have been equally horrific. On our return to our home we were unable to sleep due to the disturbance. This was particularly shocking as a member of our household was recovering from recent surgery.

On the arrival of the helicopter another neighbour’s horses tore through a barbed wire fence. Another neighbour had her two grandchildren, a baby and toddler staying with her. The children were very distressed by the noise. Their grandmother unsuccessfully tried to buffer the noise by hanging blankets over her doors and windows.

I notified Council prior to the event and again after the event. No one from Council was available during the event. Council later contacted me to confirm it was an illegal activity and a fine would be issued. On the strength of this advice I refrained from commencing legal action in the tort of nuisance. Nearly twelve months

later I was told by Council no fine had issued as this was a low priority matter and Council had to devote its resources to higher priority matters.

I was left to conclude that the event was indeed a “free for all” except of course for the people who were legally entitled to be on their property i.e. the neighbours. The price we paid was immeasurable.

Parts of the hinterland remain picturesque and remnants of wildlife persist. In large part this can be attributed to those residents who care enough to invest their time and money in preserving and enhancing the natural environment on their properties and common land

I am of the belief that Council resources will be better spent on the ongoing engagement of a lawyer (preferably legal counsel) who is an accredited specialist in environmental law. With expert advice Council may be able to avoid litigation and gain sufficient confidence to dutifully uphold existing law rather than evading it by constantly tweaking the LEP.

Members of the community who genuinely care about the natural environment and about other people’s backyards as well as their own are beginning to band together in mutual support to protect the peace of this remaining fragment of hinterland. We are not immortal. We have a moral obligation to leave something of intrinsic value for those who follow.

Hilary Bone

Federal

Email from Brian and Janine Wallace 13/4/2018

Dear Sir/Madam,

We would like to lodge our strong objection to any form of controls to supposedly manage rural weddings and events.

As a resident in a Rural zone, we strongly object to permitting functions, weddings and events in rural areas in any form. We reside in Skinners Shoot (69 Raywards Lane) and have 4 neighbours on our boundaries who seek to use their property in such a manner, and have already done so on numerous occasions, both before and after council orders to stop. Two of these four neighbours do not live on these properties (with one in fact living overseas) whilst a third is very frequently away. During Splendour in the Grass last year a huge function was held on Mr Stones property that was advertised in the Sydney Morning Herald. The noise emitted from this event could be heard over a kilometre away, with our windows (as the closest neighbours) shaking. Many in the neighbourhood were incensed and were contacting us to find out what was going on. This event was only brought into control by Police attendance. Along with the noise created by events near us we have also had to deal with the trucks bringing in equipment and catering supplies for days beforehand and then the traffic, including foot traffic on the lane way on the day of the events.

In addition to the noise and traffic issues, Skinners Shoot is a significant wildlife corridor, as noted in Councils LEP, together with Council surveys and Biodiversity Study along with Flora and Fauna reports we have commissioned. Functions held in Skinners Shoot are extremely detrimental to the wildlife, including rare and endangered species. The impact on wildlife cannot be understated!

Like many of our neighbours, we moved to a rural area to escape the noise and live in an area where we could have peace and quiet. If we had wanted to live near a function centre we would have bought a property next to one. We have a young child who is put at risk by the traffic and older children who are heavily impacted by the noise when trying to study.

Function centres, weddings and events are incompatible with rural residential zone objectives. There is no way to "...introduce effective measures to ensure events do not cause adverse impacts on the neighbouring amenity." Those profit driven property owners who don't follow the rules now are highly unlikely to follow any measures that council might put in place - residents will still have to put up with noise beyond the restrictions and call Police in to control them. This will significantly impact our amenity. We believe there should be significant legislation and penalties for those who conduct these events.

The survey on Councils "Have your say" page is a not a valid survey. It can be easily manipulated and should not be relied upon as an effective measure of the communities response to this issue. We would like to be kept informed of the progress of this matter via email.

Regards

Bernard and Janine Wallace

Email from Matthew O'Reilly 16/4/2018

This is a submission to the discussion on Rural Function Centres in Byron Shire.

My name is Matthew O'Reilly. I am President of Community Alliance for Byron Shire Inc. and Saddle Road Local Area Management Planning Association Inc.

I have consulted widely with members of both organisation as part of this submission.

First of all, our members feel that Byron Shire is already under too much stress from Tourism development. Tourism numbers are already too high and the community and infrastructure is unable to cope. It is impacting on community members lifestyles and the spirit of Byron Shire. Byron Shire is being loved to death. It is having an impact on housing through the large number of dwellings used for short term holiday letting. We are very concerned that the opening up of rural areas for legal function centres will just expand these impacts with zero positive benefits for Byron Council.

Any Planning Proposal to change the Byron LEP 2014 is a huge GIFT to the wedding / functions and tourism industries and will be a huge COST to the resident and ratepayers of Byron Shire.

At present function centres are illegal in rural areas. This change only benefits one industry sector with little justification except for "it is already happening illegally". Frankly that is not a very good justification. Should we make theft and assault legal just because they are happening anyway?

But because it seems Councillors and staff are set on making this amendment we believe it should be strict and specific to minimise impacts and maximise benefits to the Shire. At the end of this submission we include a draft LEP amendment which we believe addresses ALL the community concerns. Remember this amendment is a GIFT to the business industry so it is wrong to assume there should be minimal restrictions. Maximum restrictions should be applied in the first instance and then after five years if there are no negative impacts and second Planning Proposal can be used to make small changes.

It is significant that this LEP change will only benefit a particular industry that pays no extra rates or council fees or section 94 contributions, yet they are paying nothing towards Councils costs in conducting this consultation or in doing the LEP change. Other developers who want an LEP change have to pay for Councils costs themselves but NOT the wedding industry.

Issues:

Council should consider only allowing Rural Function Centres (RFCs) on RU2 land and not on RU1 land. RU1 land is primary production land and it should not be negatively impacted by tourism development. RFCs are a type of rural tourism development and they should remain small scale. This means they should have no more than 100 guests at any one event.

Weddings and functions can be held at other licensed venues throughout the Shire including Clubs, Restaurants, Community Halls, Council Land, Crown Land. This is especially so if they will have more than 100 guests. Byron residents and ratepayers can hold weddings and functions on their own land for family and friends at any time without development consent. It is only commercial wedding and function venues that are illegal. This LEP change does not benefit existing residents and ratepayers at all as they are not restricted from holding weddings or functions themselves at any time.

The LEP clause should have strict "PROHIBITIONS" not just controls. Controls can be amended by applications to vary development standards. A prohibition is not so easily varied.

RFC developments still result in greater usage of rural roads and council infrastructure, but they currently pay no additional rates. If the RFC is a temporary venue which is put up and packed away after each event or it uses an existing dwelling or building, then the developers will pay almost NO section 94 contributions for Rural Roads or Council services. Section 94 contributions are based on capital expenditure but if there is almost no capital expenditure then they will pay very little.

The draft LEP clause below includes fifteen development standards and 17 development prohibitions. It all includes a 3 year limit or sunset clause on all development consents granted with the option for renewal.

6.10 Rural Function Centre Development

(1) The objective of this clause is to ensure that function centre development in rural areas is small scale and does not adversely impact on the agricultural production, scenic or environmental values of the land and to

minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between function centres, specified land uses and surrounding dwellings.

(2) This clause applies to land in the following zones:

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape.

(3) Development consent must not be granted to function centre development on land to which this clause applies unless the consent authority is satisfied that:

(a) there is, or will be, a minimum 4m wide, sealed vehicular access to and from a road, taking into account the scale of the development proposed, and

(b) the development is small scale and low impact, and

(c) the development is complementary to the rural and environmental attributes of the land and its surrounds, and

(d) the development will have accredited security personnel, and

(e) the development will have noise controls and noise abatement measures that keep associated development and traffic noise below ambient background levels at all buildings on surrounding land with penalties for non-compliance, and

(f) the development will be subject to an approved management plan with penalties for non-compliance, and

(g) the development will have an approved complaint handling procedure with penalties for non-compliance, and

(h) the development will have an approved native vegetation landscaping plan, and

(i) the development will include a voluntary planning agreement to repair and/or renew the Council roads connecting to the land, and

(j) the development will include a voluntary planning agreement for local biodiversity conservation, and

(k) the land subject of the development will be rated as business land and not as farm land or residential land, and

(l) the development will have visual screening so that it is not visible from any surrounding dwellings, and

(m) the development will arrange to bus all guests to the events and no private transport or parking will be provided, and

(n) the development will be secondary to agricultural use of the land

(o) the development will pay a council infrastructure levy for each event held.

(4) Development consent is prohibited for the purpose of function centre development on land to which this clause applies unless:

(a) a lawfully erected dwelling house or dual occupancy (attached) is situated on the land, or

(b) a dwelling house may be erected on the land under this Plan.

(5) Development consent is prohibited for the purpose of function centre development on land to which this clause applies if:

(a) the proposed development is within 700m of a dwelling on surrounding land, or

(b) the location of the proposed development is within 1200m of a surrounding dwelling that has direct line of sight to the proposed development, or

(c) the proposed development is within 40m of a waterway, or

(d) the proposed development is within 100m of,

i. an endangered ecological

community,

ii. threatened species habitat or

iii. high bushfire risk vegetation, or

(e) the proposed development includes permanent buildings and/or permanent wastewater treatment systems, or

(f) the proposed development will operate between 10pm and 9am on any day, or

(g) the proposed development will include fireworks, lasers, drones or helicopter use, or

(h) the proposed development will have a significant adverse impact on agricultural production, amenity or significant features of the natural environment on the land and surrounding land, or

(i) the proposed development is in a flood planning area, or

(j) the proposed development includes an ancillary caretaker's or manager's residence, or

(k) the proposed development will include more than one event per month that takes place any time between the hours of 5pm and 10pm, or

(l) the proposed development will include more than 100 guests/attendees at any one event, or

(m) the proposed development will include any single event with a duration longer than six hours, or

(n) the proposed development will include any events on Christmas Day, Good Friday, Easter Sunday, New Years Eve or New Years Day, or

(o) the proposed development is within 50m of a ridgeline or hilltop, or

(p) the proposed development will occur on land that also has approval for:

a camping ground, or
rural tourism accommodation, or
eco tourism, or
farm stay accommodation, or
bed and breakfast accommodation, or

(q) the proposed development can only be accessed from:

- i. an unsealed road, or
- ii. a classified road, or
- iii. a sealed road with an average pavement

width under 6m wide

(6) Any development consent granted under this clause will be for a maximum of three years at which time a new three-year development consent may be granted subject to parts 1, 2, 4 and 5 of this clause.

(7) In this clause:

small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.

Email from Che Devlin 13/4/2018

To the General Manager,

To be forwarded to the honourable councillors,

Firstly thank you so much for implementing & overseeing a review of weddings in the Byron Shire.

I sincerely believe this review will consolidate & serve to improve on what has been achieved so far.

I wish to commend you on the consultation process overseen by Rob van Iersel & his team.

I have attended 3 out of the 4 forums & applaud you & your colleagues for the inclusive, community-based way you approached this important issue.

I am writing today to offer my services & assistance in any way & in anything you may be formulating on this agenda.

I have been overseeing weddings in the Byron Shire for 12 years (& my family for the last 40 years.)

I understand that you may be going down the road of implementing a set guidelines a "code of conduct." which is the best way forward.

Overall i believe the guidelines so far are very encouraging & please reference our guidelines already in place at Byron Bay Weddings.

There are 2 guidelines that i wish to bring your attention to "distance from neighbours & frequency of events"

In relation to these two points in particular, it would be my professional opinion that this is really important & needs to be addressed with correct management & appropriate guidelines.

Management is the single biggest influence to an appropriate event or an inappropriate event. The management, not the distance or frequency is the biggest determining factor as to whether there is an impact on neighbours.

This is why over the years there have been a number of well-run properties that have been hosting small low key weddings.

You hold the future of the wedding industry & the lively hood of so many in this community in your hands. I ask you to be considerate to all effect in our community.

Bon Appetit,

Che Devlin

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Email from L & S Harris

Council Policy.

Reference Council's policy on Rural Weddings.

How are suitable locations defined, enough has already been done to degrade the main purpose of Ru1 & Ru2 zones.

In our area Kingsvale rd. Myocum a Treatment Centre has been established & while it needs quiet surroundings it has caused traffic & environmental issues, also wildlife impacts. Therefore weddings would not be acceptable here & in similar areas elsewhere.

L & S Harris.

L. Harris
S. Harris





How can we best manage weddings and events in rural areas?

1. What would you consider to be unacceptable impacts from weddings and events in rural areas?

Noise after 10 pm at night and Traffic using roads all night

2. How could we control the issue of noise?

Easy, set rules

3. How could we control the issue of transportation?

using bus's to transport people to and from venue, as much as possible

4. What other aspects of weddings and events, in rural areas, would you like to see managed?

None, just run to rules set out

5. What frequency of events would you consider to be appropriate?

Allow when people want such, not everyone can be married on ~~one~~ day a month.

6. Please outline any conditions you would like to see introduced to the approvals process for rural Function Centres.

Abide by the rules set out and no after 10-30 party's

7. Other

I have ~~an~~ one events place near me "Byron View" and have been to "Forget me Not" at Cooper Street Rd and both are so well managed



How can we best manage weddings and events in rural areas?

1. What would you consider to be unacceptable impacts from weddings and events in rural areas?

Noise (music, speeches, traffic); traffic movements; guests spilling into roads.

2. How could we control the issue of noise?

Deborah Morgan at the 'Moundahs' (opposite us) implemented a good system. Not sure what it was but for us it dropped the noise significantly. She also had a 22:30 curfew, which was much appreciated. (I'm aware her wedding venue wasn't sanctioned.)

3. How could we control the issue of transportation?

Buses work, with collection + drop-off at designated areas nearer town. Hinterland roads are already dangerous, esp. at night without cars parked along the edge. Plus guests generally drink alcohol!

4. What other aspects of weddings and events, in rural areas, would you like to see managed?

Munimise the venues; survey neighbours before approval is given; survey neighbours periodically throughout the year; require curfews. Consider restricting venues to public halls, churches (ex churches).

5. What frequency of events would you consider to be appropriate?

Six to eight only, in rural/residential areas.

6. Please outline any conditions you would like to see introduced to the approvals process for rural Function Centres.

Curfews of 22:00 - 22:30, no later

& Limit music volume.

7. Other

It would be reasonable for neighbours to be financially compensated for their involuntary 'involvement' in nearby weddings.

Anonymous Letter



How can we best manage weddings and events in rural areas?

YOU ARE UNABLE TO
MANAGE EVENTS. - LEAVE R11 AND R12 ALONE

1. What would you consider to be unacceptable impacts from weddings and events in rural areas?

NO ACCEPTABLE IMPACT. NO WEDDINGS + EVENTS
PROPRIETARY RIGHTS ARE PROTECTED BY LAW

2. How could we control the issue of noise?

IS TORT OF NUISANCE.

NO NOISE BECAUSE NO EVENTS

3. How could we control the issue of transportation?

NO TRANSPORT - NO EVENTS

BYRON SHIRE COUNCIL
DOC NO:
REC'D: 16 APR 2018
FILE NO: F2622
ASSIGNEE: M. Chapman

4. What other aspects of weddings and events, in rural areas, would you like to see managed?

BANNED ALTOGETHER

5. What frequency of events would you consider to be appropriate?

NO EVENTS

6. Please outline any conditions you would like to see introduced to the approvals process for rural Function Centres.

NO APPROVAL -

CONSENT CONDITIONS ARE NEVER ENFORCED

7. Other

COUNCIL NEEDS TO UPHOLD EXISTING
LAWS INSTEAD OF EVADING THEM BY TRYING
TO TWEAK THE LEG.

Anonymous Letter



How can we best manage weddings and events in rural areas?

BYRON SHIRE COUNCIL
DOC NO:
REC'D: 16 APR 2018
FILE NO: F2622
ASSIGNEE: M. Chapman

1. What would you consider to be unacceptable impacts from weddings and events in rural areas?

Noise levels - intrusions on your property
~~absent~~ - absent landlords - no respect given
to neighbours - council unavailability & intervene
out of own.

2. How could we control the issue of noise?

shut down music/noise no later than
8PM Weddings & legal times for other events.
Noise has to be monitored & adhered to.

3. How could we control the issue of transportation?

Control the numbers first. Bus them in
& out. Keeps the drunks in their
own backyard.

4. What other aspects of weddings and events, in rural areas, would you like to see managed?

They need a DA. They are given strict
requirements which are enforceable & carry
heavy fines if they do not comply.

5. What frequency of events would you consider to be appropriate?

max a year.

6. Please outline any conditions you would like to see introduced to the approvals process for rural Function Centres.

many of these weddings/events are in perpetuity
with absentee landlords. They face stiff
fines when conditions breached & if this
happens they are refused further gigs.

7. Other

We have had a night more of events next
door. This is not acceptable. We have an option
to protect ourselves from this & council via
TORT OF NUISANCE.