

Dear Sir/Madam,

I wish to make a submission in relation to DA 10.2020.100.1 Tourist and Visitor Accommodation
533 Bangalow Road, Talofa.

I apologise for the last reply to the submission period, but i have been delayed due to restrictions associated with Covid-19 requirements.

My name is Colin Roden, and i am the owner of 460 and 506 Bangalow Road Talofa. Both properties are directly opposite the proposed development.

I reside at [REDACTED]

This property includes an approved 6 cabin Tourist Development.

My comments, whilst brief are as follows;

I have no general objection to a tourist development in this location, but i do have some specific objections and comments.

1. The application is a request for 8 cabins, which appears to be a departure from the standard cabin arrangement of 6 cabins.

Whilst i appreciate the council requirements refers to "bedrooms" , rather than cabins, at this level (ie, 8 cabins) it would seem to be moving away from the concept that the tourist development is an "ancillary activity" to existing agricultural pursuits, and more towards the significant activity on the property.

In addition, it would appear that this is a significant departure from the concept of "small scale, owner operated", and opens the door to 10 or even 12 cabin developments.

2. The proposed vegetation management plans, whilst extensive, do not appear to show any significant vegetation to protect the " visual integrity of the existing rural landscape".

Under this proposal, travelling along Bangalow Road from Hayters Hill towards Bangalow, the visual outlook will be of a "small urban subdivision", located in a rural environment, and inconsistent with the planning controls.

This not only reinforces the need to reduce the number of Cabins, but also highlights the need for extensive vegetation planting along Bangalow Road, and other areas to the south of the proposed development to maintain the visual integrity of this area.

3. The proposal fails to adequately address the requirements of Disabled people. There appears to be no reference to accessible parking, and the relevant requirements for hard surfaces and slope levels across the site.

4. The proposed driveway access at 3.5m in width appears to be inconsistent with council requirements that this be 4m.

5. Proposed Water Tanks would appear to be inadequate. Having lived in this exact vicinity for the past 20 years, the changing climate is such that for the past 5 years we now have extended periods of minimal rainfall.

Given these proposed cabins also have individual swimming pools, and the property also proposed to continue to run cattle, the proposed water tank requirements appear grossly inadequate to

satisfy all the water needs that will be required to adequately ensure there is an adequate water supply at all times.

should you require any further information, please do not hesitate to contact me.

regards

Colin Roden



DA 10.2020.100.1 at 533 Bangalow Road Talofa (lot10 DP1197480)

Byron Shire Council Development Officer

Preamble: Due to the corona virus and the fact that all the development application documents were not on the council web site until less than a week before the objections close the following are comments not detailed to specific points on the application.

RU 2 Zone.

1. Encourage sustainable primary industry production. This development does not do that.
2. Maintain rural landscape character. This development does not do that, rural landscapes do not have this many dwellings(total 10) and so close together.
3. Range of compatible land uses. This development does not do that. The amount of land to be taken up by this development makes this parcel of land even less viable for other rural land uses.
4. Enable tourist accommodation and small scale rural tourism associated with primary production and environmental conservation. This development is not associated with primary production it will be the prime development on this land, 1 house and 8 cottages is not associated it is dominant.
5. Protect the significant scenic landscapes and minimise impacts on scenic quality. This development does not do that. It will dominate the landscape, the green rolling hills in the Talofa area of Bangalow Road will be dominated by the 6 cottages and 1 house already built opposite. More like a packed village of 2 houses and 14 cottages along a 150 metre stretch of Bangalow Road.

General issues.

Traffic.

The volume of traffic on Bangalow Road, whatever the statistics may indicate, is increasing and any addition will cause more hold ups and accidents. The fact that 6 cottages and 1 house have driveways opposite this development will lead to stationary traffic and possible accidents.

Water.

The recent drought saw many rural homes experiencing a waiting time for water deliveries of 6 weeks. This development seems to rely on rainwater. Each cottages has a flush toilet, shower and kitchenette, but also a plunge pool. According to RFS they also need a dedicated 10,000 litres for bushfire fighting. In times of drought(more frequent, if climate change is a reality) this development will need to rely on water deliveries. This is not sustainable.

Vegetation.

Again the recent drought brought home the reality of the vulnerability of rural properties with nearby vegetation. Planting 900 trees per cottage as part of screening sounds excellent but when the drought puts a deep ground cover of fallen leaves this is a danger.

Also the wonderful revegetation program needs a bond that is not released for at least 5 years. From experience, it is so easy to plant and weed once, but to maintain all the plants

and keep the weeds at bay is another matter. So many rural holdings are weed banks, wonderful plans to revegetate, but no commitment to complete the continual maintenance.

In conclusion, this is over development, with no commitment to the ideals of RU 2 zones.

Neil and Erica Holland

[REDACTED]

[REDACTED]

We have made no political donations.

DA 10.2020.100.1 - Submission of objection

General

The proposed development is not supported as:

- It is not “small scale” in the context of its locality and property size;
- The development will have a detrimental impact on both the scenic amenity and rural landscape character of the locality due to: (i) the large scale of the proposed development and (ii) the highly visible location of the proposed development;
- It exceeds the maximum number of residential buildings for the zone, and is clearly an overdevelopment of the property;
- The cumulative impact of this development in combination with existing residential buildings and a recently established, adjacent rural tourist facility (comprising 6 cottages & sealed driveways) will result in the locality having the appearance of a subdivision rather than the beautiful rolling countryside enjoyed at present; and
- It has not adequately demonstrated how the development will complement and enhance primary production on the property.

The consequence of allowing this rural tourist facility (to benefit a small number of short term visitors) will be the permanent degradation of the highly valued rural character of the Hayters Hill / Talofa locality for local residents & travellers passing through the area.

Planning

Inconsistent with LEP zone objectives

The application does not adequately demonstrate how the proposed development will be consistent with the objectives of zone RU2 as:

- The application does not provide any detail on how the proposed development will encourage sustainable primary industry production by maintaining and enhancing the natural resource base (e.g. neither the site plan nor SEE provide any details on where and how the beef cattle, palm plantation or poultry is currently, or will be, conducted – ie. how produce will be transported from the site etc.);
- The application has not demonstrated that the proposed development will maintain the rural landscape character of the land. The relatively large scale of the proposed development combined with the highly visible location (i.e. close to Bangalow Road, on the highest part of the property and clearly visible from Bangalow Road – particularly from a few hundred metres to the east) will impact on the rural landscape character of the land despite proposed vegetation planting; and
- Eight cottages on a ~40ha property is not “small-scale” in the context of the locality.

Inconsistent with rural and nature-based tourism development objectives

The proposed development is not consistent with the objectives and requirements of rural and nature-based tourism development (clause 6.8) as eight cottages on a ~40ha property:

- Is not “small-scale” or low impact in the context of the locality;
- Will adversely impact on scenic values of the land and amenity; and
- Is not complementary to the rural or environmental attributes of the land.

The application does not demonstrate how the proposed development will be managed and operated by the principal owner living on the property (*“without requiring additional ‘outside’ staff”* - BRSS, 1988) to establish that the development is “small-scale”. This should include how cleaning, maintenance, marketing, guest liaison, administration etc. for all eight cottages, as well as time spent on complimentary primary production and environmental enhancement activities will be carried out solely by the principal owner.

Inconsistent with development control plan provision relating to tourist accommodation

As detailed above, the large scale of the proposed development - in combination with the location - (i.e. adjacent to and visible from Bangalow Road) is not low-scale and is not compatible with the surrounding landscape and character being generally broad pasture, interspersed with vegetation patches and few, well-spaced dwellings/accommodation (D3.2.3). “Low scale” developments should *“create minimum visual impacts on the surrounding natural features of an area”* (BRSS, 1988). Further, *“no more than six (6) holiday cabins may be constructed”* (BRSS, 1988).

The proposed development is not designed and located to be compatible with the surrounding rural and natural landscape. The relatively large number of cottages (in combination with the existing dwelling and large shed) in combination with the location (i.e., adjacent to and visible from Bangalow Road) will have an adverse visual impact on the locality and is not compatible with the surrounding landscape and character (D3.3.4).

The cottage located between the “existing cottage” and shed on the site plan does not meet the minimum road setback (for classified roads) and should not be approved (D2.2.2). This cottage will be clearly visible from Bangalow Road and in combination with the existing cottage and shed will present a visual “wall” of development incompatible with the rural locality.

It is not reasonable to argue that any development that has less than the maximum allowable number of bedrooms is automatically “low-scale”. “Low-scale” should be demonstrated on a case-by-case basis with evidentiary support. In this instance, this should include as a minimum details of how this relatively large operation will be managed and operated solely by the principal owner and sufficient detail such as elevations/drawings from Bangalow Road (in several locations opposite and within several hundred metres of the development) to show the actual visual impact of the proposed development.

The additional proposed access for the tourist accommodation development will result in a total of three road accesses within 100 metres for the one property also contributing to the adverse visual impact and large-scale of the development. Further, the amount of sealed road encompassing the driveway access for 8 cottages, 11 new car park spaces, pathways around each cottage, & fire tank access (as well as the three fire tanks themselves) will form a considerable scar on the landscape.

Eight (8) cottages are proposed which in combination with the existing cottage makes nine (9) residential buildings for the property which exceeds the maximum allowable of six (6), further demonstrating the adverse character and visual impact of the development (D2.2.3).

The SEE states that a landscape plan was included with the application however it was not in the list of documents available via Council’s DA Tracker. It is acknowledged that some proposed planting is marked on the site plan however this does not meet the requirements of Chapter B9 and is certainly not adequate to demonstrate the scale of visual and rural character impacts the development will have.

Impacts of the development

The proposed development is not supported as the likely impacts of that development cannot or have not been adequately mitigated particularly the environmental impacts on the natural and built environments. The proposal will have an adverse visual impact on the rural character and scenic amenity of the locality as the development is not “small scale” in the context of the locality and property size (8 additional buildings and associated infrastructure on ~40ha), will be visible from Bangalow Road, is inconsistent with the low-scale rural character of the locality and is generally overdevelopment of the property.

Further, approval of this development will have a significant adverse effect on the rural character of the locality when consideration of cumulative impacts is taken into account. The following information details the scale of these cumulative impacts:

- **Approval of this development will result in 19 residential buildings within a 60 metre setback from Bangalow Road along a 500m stretch of the road** (6 cottages and one dwelling opposite, this development being 8 cottages and one dwelling, 3 existing dwellings to the east). This many buildings in such a proximity to the road will have the appearance of a rural residential subdivision which is completely out of character for the area.
- **Whereas, the stretch of road 500m further west and east has two (2) and one (1) residential buildings respectively within the 60m road setback.**

In light of the inconsistencies of the proposed development with relevant planning documents and likely adverse effects (including cumulative effects) that are not adequately characterised or mitigated (as detailed above), the site is not suitable for the scale or nature of the proposed development.

Context

We live at [REDACTED] We run (and have done for over 10 years) a commercial beef cattle enterprise and approved farmstay so have detailed knowledge of the location and subject industries (i.e., cattle and tourism).

I, Ivan Holland, am currently employed as a Planner by Byron Shire Council. The views expressed in this submission are those of my wife and I and do not represent the views of Byron Shire Council.

Thank you for considering our submission. Please contact us if you have any queries regarding this submission and/or to keep us informed of the progress with this application.

Kind regards,

Angela Grice and Ivan Holland