

Draft Addition to Chapter E5 – Certain Locations in Byron Bay and Ewingsdale

Add the following new section in this Chapter:

E5.8 The Farm

E5.8.1 Where this Section Applies

This section applies to land at Ewingsdale Road, Ewingsdale, known as The Farm; being Lot 1, DP 780234 and Lot 5, DP 848222, as shown on the **Local Provisions Map** within Byron Local Environmental Plan 2014.

Clause 6.xx of the Byron Local Environmental Plan 2014 specifies a number of land uses that are permissible on the site, which are additional to those permitted in the zoning table to the LEP.

The provisions in this Part of Chapter E5 relate to the land uses permitted in that Clause. They do not apply to other land uses permitted within the RU1 Primary Production zone.

In the event of any inconsistency between this Section and other Chapters in this DCP, the provisions of this Section shall prevail.

E5.8.2 Objective of this Section

The objective of this Section is to outline planning controls to regulate the additional land uses permitted under the provisions of Clause 6.xx of Byron Local Environmental Plan 2014.

E5.8.3 Rural Activity Precinct

The location and extent of the Rural Activity Precinct is shown on the **Local Provisions Map** within Byron Local Environmental Plan 2014. It applies to the part of the land containing a cluster of existing buildings, located in the south-west corner of the property.

Objectives:

The objective of the Rural Activity Precinct is to provide commercial outlets for farming products grown on site and opportunities for the community to learn about and appreciate farming

Performance Criteria:

1. Land uses within the Rural Activity Precinct should have a direct connection with farming pursuits being undertaken on the property; and
2. The nature and scale of land uses should not result in conflicts with farming activities on adjacent properties.

Prescriptive Measures:

1. An artisan food and drink industry, being a bakery, must be located within an existing building, and used for the preparation and sale of bread and other bakery goods, provided that a majority of the products contain ingredients sourced directly from the property;
2. An information and education facility, must utilise areas within existing buildings or their immediate curtilage, and provide small group training where that training is related to agriculture or rural industry, excluding training relating to marketing and/ or administration aspects of agriculture;

3. Development consent must not be granted for any use within the Rural Activity Precinct shown on the **Local Provisions Map** within Byron Local Environmental Plan 2014, unless Council is satisfied that:
 - (a) the use has an essential association with existing agricultural/ primary production activities undertaken within the **Farming Precinct** at the site, or enables or enhanced agricultural production on the site;
 - (b) the use will not limit the operation and/ or expansion of adjoining and nearby agricultural uses;
 - (c) wastewater generated by the proposed use will be within the treatment and disposal capacity of the approved on-site wastewater management system;
 - (d) there are no new or additional buildings proposed on the site;
 - (e) traffic generated by the proposed use will not result in total peak hour trips (i.e. from the site as a whole), exceeding 200 trips outside of school holiday periods or 350 trips during holiday periods;
 - (f) individual events undertaken within agricultural training/ education facilities involve a maximum of 30 people, with the exception of school groups, which can have more participants; and
 - (g) there will be no more than 1 training/ education event per week within the agricultural training/ education facilities.

E5.8.4 Farming Precinct

The location and extent of the Farming Precinct is shown on the **Local Provisions Map** within Byron Local Environmental Plan 2014. It applies to all of the property outside of the Rural Activity Precinct.

Objectives:

The objective of the Farming Precinct is to provide for primary production on the land and opportunities for the community to learn about and appreciate farming.

Performance Criteria:

1. Land uses within the Farming Precinct should have a direct connection with farming pursuits being undertaken on the property; and
2. The nature and scale of land uses should not result in conflicts with farming activities on adjacent properties.

Prescriptive Measures:

1. Development consent must not be granted for a farm field day or exhibition within the **Farming Precinct** shown on the **Local Provisions Map** within Byron Local Environmental Plan 2014, unless Council is satisfied that:
 - (a) there are a maximum of 4 such events in any calendar year;
 - (b) there are no more than 100 people attending any individual event;
 - (c) events are scheduled such that event traffic avoids morning and afternoon peak hour periods;
 - (d) events will not occur concurrently with any use of the agricultural training / education facilities within the Rural Activities Precinct;

(e) a Noise Management and Monitoring Plan has been prepared for each event, including:

- details to ensure adequate measures, roles and responsibilities are in place to ensure that event noise remains inaudible above background levels at nearby dwellings;
- assessment of expected noise impacts;
- detailed examination of all feasible and reasonable management practices that will be implemented to minimise noise impacts
- strategies to promptly deal with and address noise complaints. This should include any records that should be kept in receiving and responding to any noise complaints;
- details of performance evaluating procedures (for example, sound checks on amplified public address systems);
- procedures for notifying nearby residents living within 1 kilometre of the property of forthcoming events, times that they are likely to notice noise emanating from the site and the contact details for the onsite manager for complaints and queries to be made, and responded to;
- operational details about the use of any noise monitoring equipment to record sound pressure levels around the property;
- name and qualifications of person who prepared the report; and
- protocols for the monitoring of the event, including a requirement that a report be provided to Council following the event.

2. A continuous strip of land, with a minimum width of 5m, along all boundaries that adjoin privately owned farm land. That 5m strip is to be densely landscaped to provide a visual screen between the properties.