



Byron Shire

Development Control Plan
2014

Chapter D3

Tourist Accommodation



BYRON
SHIRE
COUNCIL

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D3.1 Introduction

Council is committed to a sustainable future for the Shire that involves balancing the protection and enhancement of its sensitive natural environment and improving social and economic outcomes for both residents and visitors. Byron Shire, with its scenic landscapes, attractive climate, productive agricultural land and relaxed but cosmopolitan lifestyle is a widely recognised domestic and international tourist destination. Tourism is an important contributor to the Shire's economy and to the lifestyle and wellbeing of its residents.

In September 2009 Council adopted the Byron Shire Tourism Management Plan 2008 to 2018 (Tourism Management Plan). The Tourism Management Plan provides a strategic and integrated framework to guide the management, development and marketing of tourism for Byron Shire during its 10 year life span.

This Chapter provides development guidelines and controls for **tourist accommodation** in the Shire. It aims to supplement the statutory provisions of Byron LEP 2014; to support the council's commitment to a sustainable natural, built and economic environment; and to implement those strategies and actions of the Tourism Management Plan that can be achieved through the development process.

D3.1.1 Aims of this Chapter

The Aims of this Chapter are:

1. To provide development guidelines and controls for various forms of sustainable **tourist accommodation** development across the Shire.
2. To promote a high standard of environmentally sustainable and responsive design for **tourist accommodation** development that is sensitive to and enhances the natural and physical environment and the social fabric particular to Byron Shire.
3. To promote energy efficiency and to ensure consideration of the Shire's ecological characteristics and sub-tropical climate in the design process.
4. To minimise conflict arising from development, including conflict with the amenity of local residents and residential precincts, commercial areas and agricultural activities on farming lands.
5. To give effect to the objectives of the 'Byron Shire Tourism Management Plan 2008 to 2018' through the development process.
6. To promote tourist accommodation in rural areas that is complimentary to and does not adversely impact on agricultural production.

D3.1.2 Application of this Chapter

This Chapter specifies the controls that apply to development applications seeking consent for **tourist accommodation** in Zones RU1, RU2, RU5, R2, R3, R5, B1, B2, B4, SP3 and RE1.

D3.1.3 Byron LEP 2014 Provisions relating to Tourist Accommodation

Byron LEP 2014 applies specific development standards to **bed and breakfast accommodation**, **farm stay accommodation** and **eco-tourist facilities**. Clause 6.8 Rural and nature based tourism development also applies to tourism development in rural areas.

D3.2 General Provisions

D3.2.1 Location and Siting

Objectives

1. To ensure that the siting and design of **tourist accommodation** does not conflict with important ecological characteristics, agricultural productivity or conservation values of the site or the Shire, and respects the natural systems and values of its location and surrounds.
2. To ensure that decisions relating to siting of development are consistent with the Objectives and provisions of Chapter B6 Buffers and Minimising Land Use Conflict.
3. To ensure that development does not give rise to conflicts which would prejudice the existing activities in the area or adversely affect natural resources values, landscape character or cultural heritage values.

Performance Criteria

1. The siting, design and operation of **tourist accommodation** and associated development must not adversely affect important conservation values, ecological systems or characteristics, agricultural productivity or visual character of the site or the Shire. Development must respect and contribute to the natural environmental systems and values of its location and surrounds.
2. Development applications for proposals located in or near ecologically sensitive areas, areas of high environmental values and/ or important natural features or sites must include a full description of those ecological, conservation and natural values and systems, together with a comprehensive, professional assessment of the impact of the proposed development thereon. The impact assessment must include an evaluation of the effectiveness and sustainability of any proposed amelioration and management measures.
3. Determination of the siting, extent and nature of development must be consistent with the provisions of Chapter B6 Buffers and Minimising Land Use Conflict.

Prescriptive Measures

There are no Prescriptive Measures.

D3.2.2 Character and Design in Residential, Village and Tourist Zones

Objectives

1. To ensure that **tourist accommodation** in Residential, Village and Tourist Zones is compatible with the character and amenity of development in the locality.

Performance Criteria

1. **Tourist accommodation** in Zones RU5, R2, R3, R5, and SP3 must be compatible in character and amenity with development in the locality.
2. The provisions of the following Sections in Chapter D1 Residential Development in Urban and Special Purpose Zones apply to all **tourist accommodation** development in zones RU5, R2, R3, R5, and SP3 in the same way they apply **to residential accommodation** in Urban, Village and Special Purpose Zones:
 - a) Section D1.2.1 – Building Height Plane;
 - b) Section D1.2.2 – Setbacks from Boundaries;
 - c) Section D1.2.3 – Screening the Underfloor Space of Buildings;
 - d) Section D1.2.4 – Character and Visual Impact;
 - e) Section D1.2.5 – Fences;
 - f) Section D1.2.6 – Balconies;
 - g) Section D1.2.7 – Pedestrian and Cycle Access.
3. All service pipes and vents must be concealed within the walls of developments, with provision for access as required by relevant authorities. Recessed service pipes in external walls may be acceptable subject to individual assessment.
4. Where televisions are provided common television reception facilities must be included in the development.

Prescriptive Measures

There are no Prescriptive Measures.

D3.2.3 Character and Design in Rural Zones

Objectives

1. To encourage a 'low scale' form of **tourist accommodation** in Rural Zones that is compatible with the surrounding landscape and with the character and amenity of development in the locality.
2. To ensure that tourist accommodation in rural zones is supported by well-designed buildings that provide a high level of amenity to guests, respond to the subtropical climate, and enhance the Byron Shire's unique image, diverse lifestyles and local character.
3. To promote sustainable, well designed rural tourist accommodation that harmonises with the rural and natural character of its locality.
4. To encourage the use of ecologically sustainable management practices which may serve to enhance the appeal of tourist accommodation and promote Byron Shire as a leading sustainable tourism destination. Sustainable practices may include: such as organic farming, rainforest regeneration, habitat protection and enhancement, effluent re-use, composting and, energy efficient building design and active alternative energy systems.

Performance Criteria

1. **Tourist accommodation** development in Zones RU1 and RU2 must be **low scale** and compatible with the character and amenity of the surrounding rural and natural landscape, and with development in the locality.
2. The provisions of Chapter D2 Residential Accommodation and Ancillary Development in Rural Zones apply to all **tourist accommodation** development in zones RU1 and RU2 in the same way they apply to residential accommodation in Rural Zones.
3. The development must observe the road and boundary **setback** requirements specified in Chapter D2 Residential Accommodation and Ancillary Development in Rural Zones (D2.2.2) and the character and visual impact requirements (D2.2.3).
4. Placement and design of tourist accommodation must not interrupt the skyline of any major ridges or hilltops when viewed from main roads, public reserves, scenic points or other housing areas. All development is to remain below the natural tree line and step with the hill's slope. In circumstances where there are no other suitable locations, the development should be fully justified by a visual impact assessment in accordance with DCP Chapter C3 visually Prominent Sites, Visually Prominent Development and View Sharing.
5. Rural tourist accommodation is to be arranged in a 'cluster' pattern and should not be sited in a straight line that would result in a continuous visual wall of buildings.
6. Rural tourist accommodation shall be climate responsive and oriented to maximise solar access and summer shade and take advantage of rural vistas and breezes where possible.

7. The design of tourist accommodation should respond to the subtropical climate with open planned exterior and interior design that maximises air flow and cross ventilation. Design should consider shaded decks, large eaves and weather protection that respond to each elevation, high ceilings to support natural airflow, use of insulating and lightweight materials that do not retain unwanted heat.
8. Colours and materials used in rural tourist accommodation shall complement and be sympathetic to those of the surrounding landscape. Less reflective, recessive earthy tones are preferred. Where highly reflective colours or surfaces are chosen for energy efficiency purposes which do not match the surrounding landscape, the application shall demonstrate how the development will not have an adverse visual impact through the use of landscaping or appropriate siting of buildings.
9. Tourist accommodation in rural zones should be located on suitable sites that offer a high level of amenity for guests with views, breezes and outlooks over the rural landscape or natural environment, typically, with an east, north-east or northerly orientation that maximise solar access and energy efficient design practices.

Prescriptive Measures

There are no Prescriptive Measures.

D3.2.4 Character and Design in Business and Mixed Use Zones

Objectives

1. To ensure that **tourist accommodation** in Business and Mixed Use Zones is compatible with the character and amenity of development in the locality.

Performance Criteria

Tourist accommodation in Zones B1, B2 and B4 must be compatible in character and amenity with development in the locality. The provisions of the following Sections in Chapter D4 Commercial and Retail Development apply to all **tourist accommodation** development in Zones B1, B2 and B4 in the same way they apply to commercial and retail development in Business and Mixed Use zones:

- a) Section D4.2.1 – Design Character of Retail and Business Areas.
- b) Section D4.2.2 – Design Detail and Appearance.

Prescriptive Measures

There are no Prescriptive Measures.

D3.2.5 Character and Design in Recreation Zones

Objectives

1. To ensure that **caravan parks** and **camping grounds** in Zone RE1 Public Recreation are compatible with the surrounding landscape and land uses, and with the character and amenity of development in the locality.

Performance Criteria

Caravan parks and **camping grounds** in Zone RE1 must be compatible in character and amenity with the character, landscape and land uses within the zone. The development must not create adverse environmental impacts in the surrounding landscape, or on development in the locality.

Prescriptive Measures

There are no Prescriptive Measures.

D3.3 Specific Provisions

D3.3.1 Backpackers' Accommodation

Objectives

1. To ensure that **backpackers' accommodation** development is compatible with the character and amenity of development in the locality.
2. To ensure that establishment and operation of **backpackers' accommodation** development does not adversely affect the social and economic robustness, diversity and vitality of retail, business and community areas.

Performance Criteria

1. The design and operation of **backpackers' accommodation** must be compatible with the streetscape and character of development in the locality.
2. Development applications must demonstrate that the proposed development will be consistent with the requirements of Chapter B11 Planning for Crime Prevention.
3. Development applications may need to be accompanied by a Social Impact Assessment prepared pursuant to Chapter B12 Social Impact Assessment, where applicable. The Social Impact Assessment must identify and take into account cumulative impacts of the proposed development, having regard to the scale, location and operation of other development, including other **backpackers' accommodation**.
4. Accommodation areas must have access to an outdoor sitting area adequate for the proposed number of occupants, which must be adjacent to the general living or kitchen

area and which must provide adequate access to winter sun and summer shade. The outdoor area may comprise part of a common access balcony.

Prescriptive Measures

There are no Prescriptive Measures.

D3.3.2 Bed and Breakfast Accommodation

Objectives

1. To ensure that the design and operation of **bed and breakfast accommodation** is compatible with the character of development in the locality.

Performance Criteria

1. The design and operation of **bed and breakfast accommodation** must be compatible with the streetscape and character of development in the locality.
2. The design and operation of **bed and breakfast accommodation** must not adversely affect the amenity of the precinct in which it is located.
3. The following additional criteria apply to **bed and breakfast accommodation** in Zones RU1 and RU2:
 - a) The development must be located and operated so that it does not adversely affect the conduct and productivity of agricultural operations on the site, or create potential for conflict with adjoining land uses. Determination of location and siting will depend on assessment of potential conflicts and buffer requirements pursuant to Chapter B6 Buffers and Minimising Land Use Conflict.
 - b) Development for the purpose of **bed and breakfast accommodation** must be designed and located to be compatible with the surrounding rural and natural landscape.

Prescriptive Measures

Bed and breakfast accommodation must:

- a) contain no more than 5 bedrooms for the accommodation of guests;
- b) accommodate no more than 10 guests;
- c) require the owner and/or operator to be a permanent resident on the site;
- d) offer at least breakfast for guests;
- e) provide meals for residents and guests only;
- f) contain no facilities (e.g. kitchen, sink and the like) in the rooms for preparation of food by guests;

- g) be consistent with Council's requirements in relation to kitchen facilities, fire protection, acoustic control and the like;
- h) provide car parking in accordance with Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access;
- i) in urban areas, incorporate and maintain landscaping provided in accordance with the requirements of Chapter B9 Landscaping;
- j) be designed to ensure consistency with Chapter B6 Buffers and Minimising Land Use Conflict;
- k) be designed to ensure consistency with Chapter B13 Access and Mobility and the relevant disabled access and sanitary/ bathroom facility requirements of the Building Code of Australia.

D3.3.3 Caravan Parks and Camping Grounds

Objectives

1. To ensure that the design and operation of **caravan parks** and **camping grounds** will meet the needs of users and will be compatible with the character of existing development in the locality.

Performance Criteria

1. The design of **caravan parks** and **camping grounds** must be compatible with the existing streetscape and character of the precinct in which they are located.
2. **Caravan parks** and **camping grounds** should be designed to avoid adverse effects on the amenity of the precinct in which they are located.
3. The proposed site must be suitable for the development of the **caravan park** or **camping ground**, having particular regard to the following principles:
 - a) steep slopes must be avoided because of drainage, slip and bushfire problems and potential damage to the environment;
 - b) parks must not disturb water courses and must not be located in low-lying areas with poor drainage, or on flood liable land;
 - c) existing vegetation and areas with ecological and conservation values must be protected;
 - d) sites which are difficult to landscape and integrate into the visual environment are unsuitable;
 - e) site layout and landscaping must break up or conceal the repetitive image of caravans and movable dwellings;
 - f) climatically and visually exposed sites such as headlands and ridges are unsuitable;

- g) location adjacent to incompatible land uses is unacceptable;
 - h) sites must not form a barrier to adjacent public lands (e.g. foreshore areas);
 - i) sites that accommodate or are to accommodate long-term residents must have good access to appropriate services and facilities.
4. A minimum 10% of the total area of the **caravan park** or **camping ground** must be developed for recreation and communal activities. The recreation and communal activities area must not include any caravan site, campsite, roadway or land designated for any other purpose, but may be grassed and landscaped with trees and/ or other plants. A maximum 10% of the recreation area may be used as the site of a building devoted to recreation or communal activities that are appropriate to the proposed mix of occupants and users of the **caravan park**. Any such building must be integrated with the landscape and aesthetic characteristics of the site and the recreation area.
 5. Development applications must demonstrate that the proposed development will be consistent with the requirements of Chapters B6 Buffers and Minimising Land Use Conflict, B9 Landscaping, B11 Planning for Crime Prevention and B13 Access and Mobility.
 6. Development applications may need to be accompanied by a Social Impact Assessment prepared pursuant to Chapter B12 Social Impact Assessment, where applicable.

Prescriptive Measures

There are no Prescriptive Measures.

D3.3.4 Rural Tourist Accommodation and Farm Stay Accommodation

Objectives

1. To encourage low scale and low impact **rural tourist accommodation** that does not detract from the rural and natural character of its locality.
2. To ensure that **rural tourist accommodation** does not adversely affect rural amenity or the conduct and productivity of agricultural operations on the site or nearby lands.
3. To facilitate and support the establishment of **low scale** farm tourism as a secondary business to primary production, where **farm stay accommodation** is proposed.
4. To ensure rural tourist accommodation improves the ecological value of the site for the protection of flora and fauna and incorporates repair and enhancement of the natural environment.

5. To ensure that the rural tourism accommodation provides a satisfactory level of amenities for guests, while ensuring that the development cannot be used for normal residential habitation.

Performance Criteria

1. The development must be located and operated so that it does not:
 - a) adversely affect the conduct and productivity of agricultural operations on the site;
 - b) create potential for conflict with adjoining land uses;
 - c) disrupt environmental enhancement projects on the land; and
 - d) impact on the ecological or environmental values of the land; and
 - e) conflict with buffer requirements pursuant to Chapter B6 Buffers and Minimising Land Use Conflict.
2. Rural tourist accommodation buildings must be grouped together in a cluster pattern near the primary dwelling house on the lot, unless a dispersed arrangement can be clearly demonstrated to be a superior solution having regards to ecological impacts and agricultural activities within the site and on adjoining properties.
3. The development is to be **low scale** and designed and located to be compatible with the surrounding rural environment and of minimal environmental impact. Colour values of built elements must be selected and positioned to complement those of the surrounding landscape. Recessive earth-toned colours with low reflectivity are preferred.
4. Environmental reparations are required as a part of any Rural Tourist Development. Such repairs are to be focused on the expansion of wildlife corridors, repairing and reconnecting vegetation remnants, weed control and management, livestock fencing to watercourses and enhancing riparian areas and habitat for threatened species and endangered plant communities, whilst maintaining rural vistas and any existing farming activities.
5. Rural tourist accommodation must be located on sites with good road access and sufficient characteristics to provide environmental buffers from adjoining dwellings and rural land, effective environmental enhancement projects suitable to the characteristics of the land and, preservation of viable productive rural land and/or prejudicing of adjoining rural land.
6. Access driveways to the public road network shall be minimised and appropriately located to improve road safety and minimise road user impacts on neighbouring properties by way of noise, dust, vibration, and lighting. All weather car parking is to be provided in accordance with Chapter B4.
7. Any proposed communal guest facilities are to be accessible to all guests. Applications must identify the proposed use of these facilities and demonstrate how they are ancillary to the Rural Tourist Accommodation.

Prescriptive Measures

- Rural tourist accommodation** can accommodate a maximum of 8 bedrooms, with overall accommodation densities in accordance with Table D3.1 and D3.2 below:

Table D3.1 – Density of Rural Tourist Accommodation (excluding Farm Stay Accommodation)

Land Size	Max Number of Bedrooms	Max Number of Buildings ^{1.}
15 – 20 ha	5	3
20 – 25 ha	6	4
25 – 30 ha	7	5
30 ha or greater	8	6

Table D3.2 – Density of Farm Stay Accommodation

Land Size	Max Number of Bedrooms	Max Number of Buildings ^{1.}
0 – 5 ha	2	1
5 – 10 ha	3	2
10 – 15 ha	4	3
15 – 20 ha	5	4
20 – 25 ha	6	5
25 – 30 ha	7	6
30 ha or greater	8	6

^{1.} Accords with Codes SEPP building densities for farm stay accommodation

2. A minimum lot size of 15 hectares is required for rural tourist accommodation.
3. **Rural tourist accommodation** is to be designed with the following features.
 - a) Each **rural tourist accommodation** structure is to have a **gross floor area** not more than 60 m² comprising a maximum of two (2) bedrooms, a kitchenette and bathroom/ toilet amenities. **Rural tourist accommodation** is to open up onto outdoor recreation/living areas with access to winter sun and summer shade, and where possible orientated to take advantage of views of the surrounding hinterland, rural landscapes, the Pacific Ocean and/or other natural features.
 - b) All weather car parking must be provided on-site in accordance with Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access. The paving of car parking areas is not encouraged (except where roads need to be on more steeply sloping lands), rather these areas should be a pervious surface such as hailstone or gravel or other forms of permeable paving to an all-weather standard to ameliorate stormwater runoff.
 - c) Provide external pedestrian access between buildings and facilities associated with the development, including car parking. The access must comprise connecting pathways or access **balconies** with an all-weather surface and must be integrated with the overall landscape plan for the development. Where feasible, access pathways between buildings and parking areas should be covered to provide weather protection.
 - d) Be designed and located to minimise noise and vibration impacts on occupants of adjoining or nearby dwellings or buildings.
 - e) A landscape plan to be submitted with the application in accordance with Chapter B9 Landscaping. The plan to incorporate adequate landscaping and screen plantings when viewed from a public road or a **dwelling** on other land in the locality, and for privacy between **rural tourist accommodation** structures.
 - f) Be located so that it benefits from existing road and physical infrastructure and shall utilise a single access point from the public road network to service both the accommodation and residential use of the site.
 - g) One of the **rural tourist accommodation** buildings must have disabled access.
 - h) Where laundering is offered, it shall be provided in a central laundry facility building (which may include the principle dwelling). Laundries are not permitted in tourist accommodation buildings.
 - i) If a purpose-built group accommodation building is constructed, or an existing approved building is converted into guest accommodation comprising three or more bedrooms, such a building is to have a gross floor area for the entire building not exceeding 40 m² per bedroom. The total number of bedrooms for the rural tourist accommodation development is not to exceed the maximum of eight bedrooms.
 - j) The siting of **rural tourist accommodation** must be such that:

- i) adequate separation distances are incorporated to minimise the potential for land use conflict between the proposed rural tourist facility and existing or potential conflicting land uses such as intensive agriculture, quarries, animal establishments, on adjoining or adjacent land in accordance with Chapter B6 Buffers and Minimising Land Use Conflict;
 - ii) all **rural tourist accommodation** is to be located on land having either a North, Northwest, Northeast or Easterly aspect to maximise solar energy collection and minimise energy use;
 - iii) **rural tourist accommodation** is to be arranged in a 'cluster' pattern and should not be sited in a straight line that would result in a continuous visual wall of buildings.
 - iv) Each tourist accommodation building is to be no more than 20m from the closest accommodation building. Variations may be supported where the land has physical or environmental constraints and it can be demonstrated that a further separation distance is a superior solution when considering environmental issues, land use conflict, loss of farmland and impacts on rural character.
 - v) it is located and operated so that it does not adversely affect the conduct and productivity of agricultural operations on the site. Determination of location and siting will depend on assessment of potential conflicts and buffer requirements pursuant to Chapter B6 Buffers and Minimising Land Use Conflict.
 - vi) The placement and design of rural tourist accommodation and other associated structures should not interrupt the skyline of any major ridges or hilltops when viewed from main roads, public reserves, scenic points or other housing areas. All development is to remain below the natural tree line and step with the hill's slope.
 - vii) Rural tourist accommodation shall utilise complementary colour values to the surrounding landscape. Suitable earth toned colours include slate, deep grey, deep browns and varying shades of green accommodating to the natural environment
4. Rural tourist accommodation without practical access to reticulated water is to have a minimum domestic tank capacity of at least 20,000 litres per accommodation building. Details of the water supply system, including tank locations and capacity must be submitted with the development application.
 5. Applications for rural tourist accommodation are to consider vehicle access including dust, noise, existing road conditions and the potential impact on the local amenity.
 6. Where there are at least three (3) holiday cabins and the primary road is of a lesser standard than the preferred minimum (i.e. gravel construction or narrower than 6m sealed pavement), a Traffic Impact Statement (TIS) is to be submitted in accordance with Chapter B3, Part B4.2.1. The TIS shall address environmental/user road impacts such as dust, noise, passing opportunities and existing road constraints such as narrow bridges and poor road alignment.

7. Tourist and visitor accommodation is for the purpose of providing short-term holiday accommodation on a commercial basis.
8. Rural tourist and visitor accommodation will only be permitted on sites with a lawfully erected dwelling house or dual occupancy.
9. A **vegetation management plan (VMP)** is to be submitted with each Rural Tourist Accommodation Development Application detailing where 900 local native trees per cabin or rural tourist residence are to be planted as environmental repair and enhancement for development. **VMP's** must be prepared by a qualified and experienced bush regenerator (Certificate 4 in Natural Area Restoration / Conservation and Land Management) or ecologist with specific knowledge and experience in Restoration Ecology and in accordance with the *Guidelines for VMP/Biodiversity Conservation Management Plan (BCMP)/ Environmental Enhancement Management Plan (EEMPs)*, available on Council's website.

Baseline monitoring and permanent monitoring points must be included with the **VMP** and restored or planted areas will have conditions imposed that the **VMP** area must be retained in perpetuity.

Equivalent ecological restoration may be provided where existing native vegetation occurs on site. It is preferred that remnant vegetation on site is restored to a local native plant community type before additional planting is undertaken. Weed control should prioritise invasive species and weeds of national significance (WONS). The area of restoration to be completed in place of planting is to be calculated as follows:

- a. Calculate the area required to plant 900 trees per cabin or rural tourist residence using the appropriate plant spacings for the vegetation community to be established. For example, rainforest species are generally planted 2 to 3m apart, thus 900 trees would occupy an area of some 0.56ha at spacings of 2.5m (using the table below); while koala habitat restoration or eucalypt/sclerophyll plant communities naturally have spacings between 4m and 6m apart so that 900 trees would occupy an area of 1.44 ha.

Table D3.3 - Tree Spacing Numbers / Hectare (Ha)

No of Trees per Ha	Spacing
10,000	@ 1.0metre spacing
4,444	@ 1.5metre spacing
2,500	@ 2.0metre spacing
1,600	@ 2.5metre spacing

No of Trees per Ha	Spacing
1,111	@ 3.0metre spacing
816	@ 3.5metre spacing
625	@ 4.0metre spacing
400	5 metre spacings
25	20 metre spacings
16	25 metre spacings
11	30 metre spacings
4	50 metre spacings

- b. For areas that are clearly dominated by weed species (greater than 50% cover over all stratum), the total restoration area is double that calculated in point a) above. For areas that are weedy, but not weed-dominated (less than 50% cover over all stratum), the restoration area worked is four times that calculated above. These calculations ensure that equivalent effort is expended whether planting or restoring existing plant communities.
10. All development applications for **farm stay accommodation** to include suitable details demonstrating that the accommodation is secondary to farming activity on the land and the siting of the accommodation will not adversely impact the ongoing use of the property for primary production. This could include information on what is farmed, scale and annual output, existing farm infrastructure, staff, length of operation and any farm plan. The primary farming activities must satisfy the definition of a **commercial farm** in the Byron LEP 2014.
 11. Night time lighting for outdoor recreational facilities such as tennis courts or sporting facilities is prohibited. All other external lighting should be limited to protect the dark night sky and the rural atmosphere of the locality (e.g. lighting located around pool areas).
 12. Fire refuge buildings are not supported for rural tourist accommodation development.
 13. Communal guest facility buildings are to have a maximum gross floor area of 70m² and must not contain a kitchen.

D3.3.5 Eco-Tourist Facility

Objectives

1. To facilitate and support the establishment of **low scale** nature based tourism.
2. To ensure that the size and scale of **eco-tourist facilities** are consistent with the goal of protecting and enhancing the natural environment or scenic amenity of the locality.
3. To ensure that **eco-tourist facilities** are sympathetically designed and sited such that the development does not impinge on the amenity or agricultural productivity of adjoining properties.

Performance Criteria

1. The development must be located and operated so that it does not:
 - a) adversely affect the conduct and productivity of agricultural operations on the site;
 - b) create potential for conflict with adjoining land uses;
 - c) disrupt environmental enhancement projects on the land;
 - d) impact on the ecological or environmental values of the land;
 - e) impact upon the scenic qualities of the landscape;
 - f) conflict with buffer requirements pursuant to Chapter B6 Buffers and Minimising Land Use Conflict.
2. The development is to be **low scale** and designed and located to be compatible with the surrounding rural environment and of minimal environmental impact.
3. Car parking for guests must be provided in accordance with Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access. Provision of recycling and **waste** management facilities must be in accordance with Chapter B8 Waste Minimisation and Management.
4. The development must observe the road and boundary **setback** requirements specified in Chapter D2 Residential Accommodation and Ancillary Development in Rural Zones (D2.2.2) and the character and visual impact requirements (D2.2.3).
5. The development is to be suitably sited in accordance with the requirements of Chapter C3 Visually Prominent Sites, Visually Prominent Development & View Sharing.

Prescriptive Measures

1. **Eco-tourist facilities** can accommodate a maximum of 8 bedrooms, with overall accommodation densities in accordance with Table D3.1

2. In the event that free standing buildings or structures are proposed, the prescriptive measures for **rural tourist accommodation** in Section D3.3.4 (Prescriptive Measure 3) apply.
3. In the event that camping sites are proposed the performance criteria in Section D3.3.3 for **caravan parks** and **camping grounds** apply.
4. In the event that a purpose-built building is constructed or an existing building is converted into guest accommodation, such a building is to have a gross floor area not exceeding 40 m² per bedroom.
5. A plan for the environmental repair and enhancement of the property (i.e. a **vegetation management plan** or **biodiversity conservation management plan**) should be submitted with any application. Works can incorporate a mixture of weed removal and/or tree planting dependant upon the environmental and ecological qualities and features of the property.
6. A water management plan shall be submitted with the development application demonstrating how rain water is to be harvested from the roofs of buildings or other sources and stored in tanks for use. Potable Water is to be stored and distributed in accordance with the Private Water Supply Guidelines prepared by NSW Health.
7. Where possible, power shall be provided by renewable sources including wind and solar generators. Details to be submitted with the application.
8. A waste management plan shall be submitted with the development application which sets out as a minimum, measures to separate and dispose of green waste, paper and cardboard, glass bottles, metal cans, plastics, and putrescible waste.
9. A demonstrated connection between the development and the ecological, environmental, or cultural values of the site or area must include that the site or area is not more than 1km from the development and that it is accessible to visitors so they can experience it in a tangible way.
10. Fire refuge buildings where required by RFS or Planning for Bushfire Protection are to have a maximum gross floor area of 70m² and are not to contain any facilities other than a disabled toilet.
11. A **vegetation management plan (VMP)** is to be submitted with each Eco Tourist Facility Development Application detailing where 900 local native trees per cabin or eco-tourist facility are to be planted as environmental repair and enhancement for development. **VMP's** must be prepared by a qualified and experienced bush regenerator (Certificate 4 in Natural Area Restoration / Conservation and Land Management) or ecologist with specific knowledge and experience in Restoration Ecology and in accordance with the *Guidelines for VMP/Biodiversity Conservation Management Plan (BCMP)/ Environmental Enhancement Management Plan (EEMPs)*, available on Council's website.

Baseline monitoring and permanent monitoring points must be included with the **VMP** and restored or planted areas will have conditions imposed that the **VMP** area must be retained in perpetuity.

Equivalent ecological restoration may be provided where existing native vegetation

occurs on site. It is preferred that remnant vegetation on site is restored to a local native plant community type before additional planting is undertaken. Weed control should prioritise invasive species and weeds of national significance (WONS). The area of restoration to be completed in place of planting is to be calculated as follows:

- a. Calculate the area required to plant 900 trees per cabin or rural tourist residence using the appropriate plant spacings for the vegetation community to be established. For example, rainforest species are generally planted 2 to 3m apart, thus 900 trees would occupy an area of some 0.56ha at spacings of 2.5m (using the table below); while koala habitat restoration or eucalypt/sclerophyll plant communities naturally have spacings between 4m and 6m apart so that 900 trees would occupy an area of 1.44 ha.

Table D3.4 - Tree Spacing Numbers / Hectare (Ha)

No of Trees per Ha	Spacing
10,000	@ 1.0metre spacing
4,444	@ 1.5metre spacing
2,500	@ 2.0metre spacing
1,600	@ 2.5metre spacing
1,111	@ 3.0metre spacing
816	@ 3.5metre spacing
625	@ 4.0metre spacing
400	5 metre spacings
25	20 metre spacings
16	25 metre spacings
11	30 metre spacings

No of Trees per Ha	Spacing
4	50 metre spacings

- b. For areas that are clearly dominated by weed species (greater than 50% cover over all stratuses), the total restoration area is double that calculated in point a) above. For areas that are weedy, but not weed-dominated (less than 50% cover over all stratuses), the restoration area worked is four times that calculated above. These calculations ensure that equivalent effort is expended whether planting or restoring existing plant communities.

D3.3.6 Hotel or Motel Accommodation

Objectives

1. To ensure that **hotel or motel accommodation** development is compatible with the character and amenity of development in the locality.
2. To ensure that establishment of **hotel or motel accommodation** development does not adversely affect the social and economic robustness, diversity and vitality of retail, business and community areas and precincts.

Performance Criteria

1. The design and operation of **hotel or motel accommodation** must be compatible with the streetscape and character of development in the locality.
2. Development applications must demonstrate that the proposed development will be appropriately designed and landscaped consistent with the requirements of Chapters B11 Planning for Crime Prevention and B9 Landscaping.
3. **Hotel or motel accommodation** development must not adversely affect the amenity of the precinct in which it is located. Development applications may need to be accompanied by a Social Impact Assessment prepared pursuant to Chapter B12 Social Impact Assessment, where applicable.
4. External pedestrian access must be provided between accommodation units and other facilities associated with the development, including car parking. The access must comprise covered connecting pathways or access **balconies** with an all-weather surface and must be integrated with the overall landscape plan for the development.
5. Motels must incorporate eating and living areas and facilities, together with outdoor recreation/ living areas with access to winter sun and summer shade. They may also include self-contained cooking facilities.
6. Development must be designed and constructed to minimise noise and vibration impacts on occupants of adjoining or nearby **dwellings** or buildings.

Prescriptive Measures

There are no Prescriptive Measures.

D3.3.7 Serviced Apartments

Objectives

1. To ensure that **serviced apartment** development is compatible with the character and amenity of development in the locality.
2. To ensure that establishment of **serviced apartment** development does not adversely affect the social and economic robustness, diversity and vitality of retail, business and community areas and precincts.

Performance Criteria

1. The design and operation of **serviced apartments** must be compatible with the streetscape and character of development in the locality.
2. Development applications must demonstrate that the proposed development is designed and landscaped consistent with the requirements of Chapters B11 Planning for Crime Prevention and B9 Landscaping.
3. **Serviced apartments** must not adversely affect the amenity of the precinct in which it is located.
4. **Serviced apartments** must comply with the requirements of Chapter D1 Residential Development in Urban and Special Purpose Zones, Section D1.6.

Prescriptive Measures

There are no Prescriptive Measures.