

Q2. Around 90% of Shoalhaven tourist accommodation DAs are located in Berry and Kangaroo Valley -

- Will you support the Forum's recommendation for effective planning controls, and the Planning Minister's request for consistency in the treatment of all types of tourist accommodation (eg tourist cabins, farm stay cabins & eco-tourist cabins)?

Amanda Findley (Mayoral)

Consistency is one of the key elements to getting effective planning and development outcomes. Over the years on Council I have consistently supported the community in our endeavours to hold back on poor development. With consistent application of policies the community will have more confidence in the planning tools of the city. Berry and Kangaroo Valley are very much at risk of 'overdevelopment' through a develop at any cost mentality. Ensuring that landscape values are also retained in planning tools is important. I support effective planning controls.

Patricia White (Mayoral)

I acknowledge that research indicates that there is an overwhelmingly high level of DAs for tourism accommodation and temporary function proposals within the communities of Berry & Kangaroo Valley. This level of these type of DAs does not occur across the Shoalhaven.

Of particular concern to me as a Councillor is the number of illegal or unauthorised facilities that operate both accommodation and function centres. Once these are reported to Council's compliance for investigation, the property owners or operators believe they can just lodge a DA and it will be approved. I will not support any illegal operation of facilities.

Over the last nine years, I have supported Berry residents in refusal of many DAs for accommodation or function centres. Information from the Berry Forum has been most valuable.

These include:

- *Functions Centres refused: - Tindall's Lane, Strong's Rd, Bunkers Hill Rd, Cedar Springs Rd, Bellawongarah Microbrewery.*
- *Accommodation refused: - Bong Bong Rd, Sunnymede Ln, Rockfield Park, Mount Hay Resort*

DAs that Proceeded to Land & Environment Court

- *Rockfield Park –I worked tirelessly with residents on this matter. The L&E Court upheld the Council's decision to refuse the DA..*
- *Mount Hay Resort –approved by Court.*
- *Sunnymede Lane –approved by Court.*

During my nine years on Council in relation to DA's I take the following into consideration when making a decision:

- *Benefits to the Community and residents including economic and environmental*
- *LEP Zonings and DCP Chapters*
- *Residents' submissions – I read all of them on DA tracking when matters are before the Development Committee*
- *Consultants/applicants submissions*
- *Council staff briefings, agenda, and reports*

- *Discussions with residents and staff*
- *Planning controls*
- *Assessments*
- *Legislation*

I have supported the Forum's discussions and recommendations for effective planning controls, including the Planning Minister's information for consistency in the treatment of all types of tourist accommodation - tourist cabins, farm stay & eco-tourist cabins.

Paul Green (Mayoral)

As I am not fully aware of the prior discussions to date with council & policy makers and the Minister's direction, I will reserve my comments until I am fully informed of what your desire for consistency of treatment in regards to further tourism development looks like.

Nina Digiglio (Mayoral)

Yes! As mentioned by the Berry Forum submission in relation to this matter recognises that the SLEP Clause 5.4 specifies 7 bedrooms for farm stay cabins and 5 for Bed & Breakfast accommodation. I agree the SDCP density guidelines and floor area guideline requires controls to provide consistency across the region and reduce the "precedence" that is often discussed as a loophole creating out of control developments as well as reducing impacting quiet communities.

Greg Watson (Mayoral)

I am happy to support the sentiment of question 2 subject to the outcome being fair to all concerned and not a draconian set of controls which will adversely impact City wide on the whole of our vital Tourist industry.

Serena Copley (Ward 1)

Community forums such as the Berry Forum are the representatives and voices of their communities. It is the responsibility of a Council and its elected Councillors to listen to their communities, and if elected on December 4, I will be supporting the Berry Forum's recommendation for effective planning controls which implement the consistent treatment of tourist accommodation. It is essential that appropriate planning controls are in place for all types of temporary, holiday accommodation, whether tourist cabins, farm stays, and even Airbnb and Stayz bookings. Additionally, further work must be done by the NSW Government to develop a public register of temporary, holiday accommodation with regulations that limit the amount of 'nights'.

In certain circumstances, it is more than appropriate for residents to commercialise their properties. However, we must protect the amenity of our towns and villages, including Berry, through transparent and consistent planning measures which respect local residents.

Tonia Gray (Ward 1)

The Forum's recommendations for effective planning controls:

- *I will support the Forum's efforts seeking more effective planning controls, particularly in relation to tourist accommodation. These DAs are increasing across Berry and Kangaroo Valley and are a cause for concern. We are seeing DAs for Airbnbs, conference centres, wedding venues, farm stays, and accommodation described as eco-tourism, cabins and camping. Additional tourist accommodation has the potential to put pressure on our natural environment, wildlife and infrastructure, and needs to be managed carefully.*
- *The Forum has done impressive work in responding to the DPIE's proposed agritourism initiative and I wholeheartedly support the recommendations that have been put forward, such as the use of the ATO's criteria and tests for eligibility for primary producer status, supplementary income limits, confinement to family or limited partnership farms, protection of flood prone areas, consideration of NSW biodiversity and habitat objectives including safe wildlife corridors and reconsidering the number of people allowed in tents, caravans and campervans as exempt development.*
- *I also believe that planning provisions for camping grounds and so-called primitive camping need to be reviewed as they are 'ripe for further exploitation' as pointed out by Berry Forum. It is clear that camping for up to 20 people will not be 'minor and low impact' where there is no access to sewers or town water. Council needs to reconsider the criteria for minor and low impact in more detail.*
- *DAs for wedding function centres in rural zones are also a type of development that needs to be carefully scrutinized in terms of impact on noise, traffic and amenity. Frequently, it has fallen to the community to pay for independent peer reviews of the proponent's reports.*

The Planning Minister's request for consistency in the treatment of all types of tourist accommodation

- *I do support the Planning Minister's request for consistency in planning matters. In his OpEd in the SMH (15/09/21) he argued against compromising our standards. As he said, 'in the long run, planning matters'. This would also apply to making exceptions in the application of standards for the protection of our environment when it comes to the consideration of DAs for tourist cabins, farm stay cabins and eco-tourist cabins.*
- *In summary, as lead candidate for the Greens (Ward 1) I have researched and listened to the concerns of the local community. **Our Future Plan** has as the Greens No 1 priority (Ward 1), the need for effective planning controls. You can trust in me to serve you well.*

John Wells (Ward 1)

I acknowledge that the Berry Forum has been in the vanguard of planning commentary and policy development around the issue of tourism accommodations (including farm stay & eco-tourism). This is understandable given the overwhelming level of DA activity emanating from the Berry District, Kangaroo Valley and the escarpments between these localities.

It may also be appropriate to make reference in this item to temporary function proposals which may/may not be associated with tourism accommodation.

Over the two terms of Council which I have served the community, a number of very significant development proposals/applications were considered by Council with the benefit of clear advice

from the Berry Forum. I believe I have conscientiously exercised my vote in a manner consistent with applicable planning controls, assessment considerations and community opinion.

In relation to tourism accommodation and short-term functions I opposed -

- *the expansion of the Mount Hay Resort (overturned by the L&EC)*
- *Rockfield Park (upheld by the L&EC)*
- *275 Bong Bong Rd*
- *25 Sunnymede Lane (accepted by Council on appeal - against my vote) **
- *Tindalls Lane temporary function centre*
- *Strong's Rd temporary function centre*
- *408 Bunkers Hill Rd (subject to L&EC appeal) **
- *Bellawongarah microbrewery **
- *Cedar Springs Rd temporary function centre*

**approval recommended by staff*

Cumulatively, these developments would have substantially impacted the character of the district.

One significant space in the tourism accommodation sector is burgeoning - Air BNB. This has grown without a planning framework or regulatory control. It is estimated that in the Berry township & environs. between 200 to 300 Air BNBs are operating.

Council also awaits the State Governments position on a model clause for the LEP relating to rural and nature- based tourist facilities and reforms around agribusiness and small scale agricultural activities. Such changes may have a definitional impact in relation to permissibility.

Matthew Norris (Ward 1)

We need to be consistent in our approach to tourist accommodation. Whilst 90% of Shoalhaven tourism accommodation is in Berry/Kangaroo Valley, If we are consistent in our planning that will ensure the whole of the Shoalhaven is on a fair and even playing field with the approach to tourist accommodation given the tourism economy we find ourselves in. Given a whole of Shoalhaven approach has failed before we need to understand why this is the case and work on a solution that works for all involved.