



Development Control Plan No. 17 Rural Tourism

Contents

Introduction	2
Objectives of this Development Control Plan	2
Where this Development Control Plan applies?	2
Variations to this Development Control Plan	2
Controls applying to all Rural Tourism Developments.....	3
Tourist and visitor accommodation.....	4
Objectives.....	4
Bed and Breakfast Accommodation.....	4
Controls.....	4
Farm Stay Accommodation	4
Controls.....	5
Cellar Doors Premises	6
Objectives.....	6
Controls	6
Restaurant or Café	7
Objectives.....	7
Controls	7
Appendix 1: Buffer Distances for Agricultural Land Uses.....	8

Introduction

Tourism is an increasingly important economic driver for the Cabonne Local Government Area. The unique rural landscape and proximity to rural centres makes Cabonne an attractive tourist destination. It is essential that the tourism land uses in rural areas are designed and managed to ensure that they are compatible and complimentary to the agricultural pursuits in Cabonne.

Development Control Plan No. 17: Rural Tourism supplements the provisions of *Cabonne Local Environmental Plan 2012* by providing more detailed controls about the tourism land uses permissible with the Council's RU1 Primary Production and RU2 Rural Landscape land use zones. The plan supports the objectives and implementation of the *Cabonne Tourism Plan 2012 – 2022* and the *Central West and Orana Regional Plan*.

This Development Control Plan provides controls in addition to those contained in Development Control Plan No. 5 General Rural Zones. Both plans should be consulted when considering a tourism development within the rural zones.

Objectives of this Development Control Plan

- *To provide guidelines for rural tourism land uses in Cabonne.*
- *To promote and support rural tourism land uses in Cabonne and to facilitate growth in local tourism*
- *To ensure that rural tourism land uses do not adversely impact the rural character of Cabonne*
- *To ensure that rural tourism supports and is compatible with the agricultural land uses in Cabonne.*
- *To support and promote the Right to Farm within Cabonne*

Where this Development Control Plan applies?

This development control plan applies to developments for Bed and Breakfast Accommodation, Farm Stay Accommodation, Cellar Door Premises and Restaurants or Cafes in the RU1 Primary Production of RU2 Rural Landscape zones.

Variations to this Development Control Plan

Whilst all proposed developments should aim to satisfy all the relevant controls within this Development Control Plan, it is noted that in some instances strict compliance may not be possible. In these cases, the applicant will be required to provide a written statement addressing:

1. *Why compliance with the specified controls cannot be achieved,*
2. *How the proposal still satisfies the objectives of the Cabonne Local Environmental Plan 2012, the relevant zone and this Development Control Plan.*
3. *How the non-compliance with the controls will result in a better outcome than if the development were to comply.*

The written statement will be considered as part of the merit based assessment of the development application. Where a standard is proposed to be varied by more than 10%, the application will be required to be considered by the sitting Council.

Controls applying to all Rural Tourism Developments

Objectives

- To ensure the Rural Tourism is compatible with the subject lot and the rural character of the area.
- To promote tourism within the Cabonne Local Government Area
- To ensure the provision of accommodation does not adversely impact adjoining land owners.
- To ensure any Rural Tourism is compatible with the agricultural uses of the subject site and surrounding area.

Controls

1. The access to the lot must comply with Council's 'Provision of Private Access' standards.
2. Any Business Identification Sign is limited to 0.75m² in area and a maximum of one (1) per development.
3. All new buildings are required to be setback a minimum of 20m from all lot boundaries, a minimum of 100m from a dwelling on an adjoining lot and away from prominent hills or ridgelines.
4. All new buildings are encouraged to work with the landscape. Removal of remnant vegetation or cut and/or fill of more than one (1) metre will be discouraged.
5. The rural tourism development should be integrated with and ancillary to the agricultural uses of the lot.
6. Any application for Rural Tourism will need to consider the potential for land use conflict. Where the proposed development is in close proximity to established agricultural land uses, setbacks may need to be increased to ensure that the adjoining land owner maintains their 'Right to Farm'. Guidelines to buffer zones for agricultural land uses have been included in Appendix 1.
7. Where an existing farm building (used for agricultural purposes) is to be utilised for the Rural Tourism, a preliminary site contamination report should be provided to demonstrate the building is suitable for the proposed development.
8. All Development Applications for Rural Tourism will not notified to adjoining land owners for no less than fourteen (14) days.

Note: In this DCP a reference to 'Rural Tourism' is a reference to; Bed and Breakfast Accommodation, Farm Stay Accommodation, Cellar Door Premises or a Restaurant or café.

Tourist and visitor accommodation

Objectives

- To ensure the provision of accommodation is compatible with the subject lot
- To promote tourism within the Cabonne Local Government Area
- To ensure adequate services are provided for the accommodation
- To ensure the provision of accommodation does not adversely impact adjoining land owners.
- To ensure any accommodation is compatible with the agricultural uses of the subject site and surrounding area.

Bed and Breakfast Accommodation

Cabonne Local Environmental Plan 2012 defines Bed and Breakfast Accommodation as:

Bed And Breakfast Accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- a) meals are provided for guests only, and*
- b) cooking facilities for the preparation of meals are not provided within guests' rooms, and*
- c) dormitory-style accommodation is not provided.*

Clause 5.4 of *Cabonne Local Environmental Plan 2012* limits the number of bedrooms used for the Bed and Breakfast Accommodation to five (5).

Controls

- a) Car parking must be provided at a rate of 1 per bedroom used for the Bed and Breakfast Accommodation, plus one addition parking space for the residence of the dwelling.
- b) Any Bed and Breakfast Accommodation is required to be within the primary residence on a lot.
- c) Where mains water is not available, a minimum of 10,000L of water is to be provided per bedroom. This is on top of a minimum of 60,000L for the dwelling on the lot. A standalone supply of not less than 10,000L should be available at all times for firefighting purposes.

Farm Stay Accommodation

Cabonne Local Environmental Plan 2012 defines Farm Stay Accommodation as:

Farm Stay Accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Clause 5.4 of *Cabonne Local Environmental Plan 2012* limits the number of bedrooms used for the Farm Stay Accommodation to twelve (12).

Controls

- a) Farm Stay Accommodation is only permissible on a lot on which a dwelling is permissible under Clause 4.2A of *Cabonne Local Environmental Plan 2012* AND is a minimum of 10Ha.
- b) The subject lot must be rated for Primary Production (Farmland) purposes under the Local Government Act 1993.
- c) Farm Stay Accommodation is to be designed so as to be complementary and supplement to the predominant use of the land for agriculture and is to be designed to be complementary to the rural landscape.
- d) Any new buildings proposed for the Farm Stay Accommodation need to be within 50m of the existing dwelling on the lot.
- e) Car parking must be provided at the rate of one (1) per cabin.
- f) Where mains water is not available, a minimum of 10,000L of water is to be provided per bedroom. This is on top of any water required for a dwelling on the lot. A standalone supply of not less than 10,000L should be available at all times for firefighting purposes.
- g) Any application for Farm Stay Accommodation must demonstrate that the subject site can accommodate an On Site Sewer Management System (OSSMS).
- h) The maximum stay of a single occupant at the Farm Stay Accommodation is 14 continuous days.

Cellar Doors Premises

Cabonne Local Environmental Plan 2012 defines a Cellar Door Premises as:

Cellar Door Premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Objectives

- To promote and support the Orange Wine Region.
- To ensure the a Cellar Door Premises is compatible with the subject lot
- To ensure adequate services are provided for the Cellar Door Premises
- To ensure the Cellar Door Premises does not adversely impact adjoining land owners.
- To ensure the Cellar Door Premises is compatible with the agricultural uses of the subject site and surrounding area.

Controls

- a) The hours of operation of a cellar door premises are to be within 9am to 6pm.
- b) An application for a Cellar Door Premises will only be considered where there is an established, crop producing, commercial vineyard on the subject lot.
- c) Car parking must be provided at a rate of 1 per 3 seats or 1 per 10m² Gross Floor Area as well as a minimum of 1 parking space for disabled persons. Parking should be provided in accordance with the Australian Standards.
- d) Any application for a Restaurant or Café is required to demonstrate that a sufficient water supply will be available on site. A standalone supply of not less than 10,000L should be available at all times for firefighting purposes.

Restaurant or Café

Cabonne Local Environmental Plan 2012 defines a Restaurant or Café as:

Restaurant Or Cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Objectives

- To promote the Orange Food and Wine Region.
- To ensure the Restaurant or Café does not adversely impact adjoining land owners.
- To ensure the Restaurant or Café is compatible with the agricultural use of the lot and the surrounding area.
- To ensure adequate services are provided for the Restaurant or Café

Controls

- a) Car parking at a rate of 1 per 3 seats or 1 per 10m² Gross Floor Area, whichever is the greater plus 1 additional space for persons with disabilities per 10 spaces required. (i.e. if 20 spaces are required, an additional 2 spaces for person with disabilities are required). Parking is required to be provided in accordance with the Australian Standards.
- b) Parking area would need to be constructed to an all-weather to ensure the parking lot can be used all year round.
- c) Any application for a Restaurant or Café is required to demonstrate that the subject site can accommodate an On Site Sewer Management System (OSSMS).
- d) Any application for a Restaurant or Café is required to demonstrate that a sufficient water supply will be available on site. A standalone supply of not less than 10,000L should be available at all times for firefighting purposes.

Appendix 1: Buffer Distances for Agricultural Land Uses.

Agricultural Land Use	Distance (meters)	Source
Pig Farms (indoor)	(1)1000 ^a (2) 500	Living and Working in Rural Areas Handbook (2007) For facilities holding less than 200 pigs - Draft Standard Instrument LEP (2017)*
Pig Farms (outdoor)	500	National Environmental Guidelines for Outdoor Rotational Piggeries - Revised: Australian Pork Limited (2013)
Poultry (broiler & eggs) indoor and outdoor	(1)1000 ^b (2) 500	Living and Working in Rural Areas Handbook (2007) and Level 1 Odour Modelling case study For facilities holding less than 1000 birds - Draft Standard Instrument LEP (2017)*
Dairies	500 ^c	Including for facilities holding less than 50 head - Draft Standard Instrument LEP (2017)*
Cattle Feedlots	1000 ^d 500	Living and Working in Rural Areas Handbook (2007) For facilities holding less than 50 head - Draft Standard Instrument LEP (2017)*
Sheep or goat Feedlots	500	Living and Working in Rural Areas Handbook (2007)
Rabbits	150 ^e	Rabbit Farming: Planning and Development Control Guideline: NSW DPI (2002)
Other intensive livestock	250	SEPP (Exempt and Complying Development Codes) 2008
Stock grazing	50	Living and Working in Rural Areas Handbook (2007)
Stock yards	200	SEPP (Exempt and Complying Development Codes) 2008 –Inland Code
Outdoor Cropping/sugar cane/turf farms	300	Living and Working in Rural Areas Handbook (2007)
Outdoor horticulture	250	SEPP (Exempt and Complying Development Codes) 2008
Protected cropping (greenhouses)	250	SEPP (Exempt and Complying Development Codes) 2008
Silos/grain storage bunkers	100	SEPP (Exempt and Complying Development Codes) 2008 –Inland Code
Fan assisted silos (Macadamia nuts)	300	Living and Working in Rural Areas Handbook (2007)

Source: Department of Primary Industries, Buffer Zones to Reduce Land Use Conflict with Agriculture, November 2018.