

Linnaeus ecotourism

Pre lodgement community engagement

Report 4 May 2020_ *Caroline Desmond*

Statutory Declaration

I, Caroline Desmond, do solemnly and sincerely declare that I have prepared this community consultation report and undertaken the community consultation activities in accordance with the Byron Shire Development Control Plan 2014 Part A, Clause A13.4. I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1990*.

Declared at ^{Ballina.} ~~Mulcahey Lawyers~~ Lennox Head



[signature of declarant]

4 May 2020

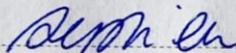
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in the presence of an authorised witness, who states:

I, Sophie Amber Lee, a JP No: 205743
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it:

1. I saw the face of the person, and
2. I have confirmed the person's identity using an identification document and the document I relied on was a Driver's License.



[signature of authorised witness]

4 May 2020

[date]

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1.0 EXECUTIVE SUMMARY

Linnaeus Estate is owned by BHCF PTY Limited (also known as Broken Head Coastal Foundation) as trustee for a property trust. The Linnaeus Property Trust has been working with the Linnaeus unitholders for three years. The current developer, who purchased in 1996, desires to sell his share to The Linnaeus Property Trust. The intention, which has the endorsement of all unitholders, is the creation of a low scale ecoretreat utilising existing communal facilities. Instead of building 11 two storey three bedroom approved houses 27 two person cabins/treehouses would be constructed.

Like much of the Byron Shire the 111.2 hectare property has a colourful history. Opposition to one development application (from a previous owner for a 1200 student university) in particular was vehement and successful. These opponents are still neighbours and they have not forgotten.

The six-week community engagement period included personal contact via phone and email, private meetings, three separate letterbox drops, a community information website, press ads, a media release and subsequent media liaison, a site notice, three community information sessions and a Q&A afternoon.

Ecology/habitat preservation, bushfire, development within the coastal erosion zone and "we like it the way it is" were the most commonly voiced concerns.

Following these were potential offsite impacts. Residents were concerned about what ecoretreat guests might do when they were not at the ecoretreat. Concerns centre around delicate roads, resident privacy, ecology, surf safety and sharing of local beaches.

There was also concern regarding weddings and events, which the applicant clarified during the early stages of engagement would not occur.

The application was cited as potentially directly affecting one adjacent neighbour. Concerns centre around the proximity of the proposed ecoretreat to the neighbours home. There was no other direct impact raised by any resident, with the exception of two properties who would like the speed limit on Broken Head Road reduced to 60km/hr.

There was little engagement from beyond Broken Head with the exception of an email from somebody looking to work with the project and one letter to the Editor from a Byron Bay resident.

Much of the feedback was not specifically related to this application. Much was in relation to development in Broken Head and development generally. There was sentiment that given "climate change" no development should be approved anywhere. Likewise, there was sentiment that no development in Broken Head/on the coast should be approved.

Due to input from Broken Head residents the following changes to the draft application have been incorporated into the final development application:

- The six demountable cabins proposed for the mapped erosion area have been removed. Instead of 33 treehouses/cabins proposed there are now 27.
- The applicant is examining an expansion in the existing site Biodiversity Conservation Management Plan revegetation program to include other areas of the site.
- The applicant is going to try to work with neighbours to further vegetate Broken Head wildlife corridors to enhance the biodiversity characteristics and fauna connectivity from Linnaeus Estate all the way to Taylors Lake.
- The applicant will apply for a Conservation Agreement for the key habitat parts of the land pursuant to Part 5, Division 3 of the Biodiversity Conservation Act.
- The applicant is liaising with Byron Shire Council concerning the rezoning of the whole of the site for environmental protection purposes.

With all meetings and events held between 15 February and 8 March we were remarkably fortunate to avoid the social distancing measures of COVID19.

2.0 BACKGROUND

On Broken Head Road between Lennox Head and Suffolk Park lies the 111.2 hectare Linnaeus Estate property. Broken Head Coastal Foundation is owner of the land as Trustee for an Ownership Trust. There are currently 19 private education buildings and one managers' residence onsite. There is also a pool, tennis court, community centre and two other communal buildings. Twelve further two storey three bedroom houses are approved (both DA and Construction Certificate) for the site but not yet constructed.

Linnaeus Estate operates as a habitat sanctuary where unitholders work together to fund and implement substantial ongoing environmental works. Their commitment to ecology can be understood through the [Linnaeus Nature Guide](#).

The Linnaeus Property Trust has been working with the Linnaeus unitholders for three years. The intention, which has the endorsement of all unitholders, is the creation of a low scale ecoretreat on a small section of the property. The current developer, who purchased in 1996, desires to sell his share to the Linnaeus Property Trust. This share includes 11 of the 12 approved but unbuilt houses.

Whilst the property has not been the subject of a great deal of development (the current building footprint across the site is 4088m²), like much of the Byron Shire it has a colourful history. Opposition to one development application (from a previous owner for a 1200 student university) in particular was vehement and successful. These opponents are still neighbours and they have not forgotten.

3.0 ENGAGEMENT PROCESS

The community engagement process recommended by Byron Shire Council was expanded considerably.

It was made clear in communications that:

- The proposal had not yet been lodged with Byron Shire Council.
- Residents had until 6 March to provide feedback. This was later changed to 22 March when we extended the engagement period.

The engagement process included personal contact via phone and email, private meetings, three separate letterbox drops, a comprehensive community information website, press ads, a media release and subsequent media liaison, a site notice, three community information sessions and one Q&A afternoon.

ACTION	DATE
Personal contact with neighbours	From 9 February
Project website live	15 February
Meetings with neighbours	15 February – 10 March
Letterbox drop / email 1	15 February
Media release disseminated	17 February
A1 site notice erected	18 February
Press ad Byron Shire Echo	19 February
Press ad Byron Shire News	20 February
Letterbox drop / email 2	27 February
Community information session 1	10:45am 28 February
Community information session 2	1:00pm 28 February
Community information session 3	2:30pm 29 February
Letterbox drop / email 3	4 March
Public Q&A afternoon	8 March

3.1 Personal contact

3.1.1 Broken Head residents

There are four adjoining neighbours. Jali Local Aboriginal Land Council abuts the property to the south. Two neighbours abut the property to the west and one to the north. There are a further two neighbours directly across Broken Head Road, one being Bundaleer Retreat.

These and many other neighbours were contacted by phone and email between 9th and 15th February. Personal meetings were held with three of the four immediate neighbours 15th February, 18th February and 10th March.

Excluding the adjoining and immediate neighbours, 24 neighbours in the surrounding area have been contacted by phone and/or email. There are numerous properties for whom we did not have contact details and so relied on the letterbox drops to encourage neighbours to make contact. Some have engaged in response to these letterbox drops and in some of these instances dialogue is ongoing.

Excluding adjoining and immediate neighbours four properties accepted the offer of private site meetings. These were held 15th – 28th February.

3.1.2 Councillors

Information was sent to Byron Shire Councillors 20th February.

3.1.3 General public

The site notice, press ads, media release and website listed a phone number and email address for correspondence. The general public were invited to attend three community information sessions and the Q&A afternoon.

3.2 Letterbox drops

Three letterbox drops were undertaken:

- 15th February (with a few more on 17th February)
These were personalised/addressed to individual neighbours. However, where the name of the resident was unknown letters were addressed "Dear neighbour".
- 27th February
Again, these were personalised/addressed to individual neighbours with the exception of properties where the name of the resident was unknown.
- 4th March (with some of these delivered 5th March)
Given the volume of consultation at this point these letters were not personalised. They were addressed "Dear neighbour".

All of the letters were also emailed to those neighbours for whom we have managed to secure email addresses. For those with "No junk mail" or similar stickers the letters were placed in an envelope and "Dear neighbour from Linnaeus" or similar was handwritten on the envelope.

Council requirements stipulate that neighbours within 500 metres be contacted by letter. For the first letter these neighbours were plotted on a map. It was clear even then that this radius was insufficient, so we went wider. For the second letterbox drop we ventured further still and for the third all of Broken Head was covered up to and including Broken Head Reserve Road. That delivery went south to but not including Ross Lane. All roads/lanes within this area off Broken Head Road/The Coast Road were covered.

The original intention was to undertake one letterbox drop. This first letter shared information regarding the project and details of the community information sessions. It also included an invitation for a private meeting. The second was undertaken as we learnt of misinformation that was spreading regarding the application. This letter, again, shared

detail regarding the community information sessions, invited residents for private meetings and provided contact details.

A “public meeting” at Broken Head Hall was organised for March 1st by those neighbours who were circulating information which was not considered consistent with the draft application. The applicant was specifically asked not to attend this meeting.

Given that a significant portion of the information shared at this meeting was inaccurate it became necessary to clarify a number of points. This prompted the third letter, which also reminded Broken Head residents of the Q&A afternoon scheduled for 8th March.

From 27 February the applicant personally emailed numerous residents addressing a range of questions that had been raised.

This email and the three letters are attached as Appendices 1 – 4.

3.3 ecotourismproposal.com.au

A comprehensive community information website went live Saturday 15th February. This was timed so those receiving the first letter could go straight to the website for more information.

As questions came in from Broken Head residents the website was updated to include responses to these questions. The navigation tabs are:

- Home
- Application (with sections for Zoning, What we are seeking, Ecoretreat and Sustainability)
- Ecology
- Property
- FAQ
- Engage

It was apparent from the public meeting at Broken Head Hall that some residents were overwhelmed with the planning detail. At this time the Zoning section was added, the Application page was broken up to make it easier to digest and some of the material was referenced (as requested by one of the speakers at the public meeting).

Refer Appendix 5.

3.4 Press advertisements

Press advertisements appeared in the Byron Shire Echo 19th February and the Byron Shire News 20th February. Refer Appendix 6.

3.5 Site notice

An A1 sign was erected at the front of Linnaeus Estate 18th February and left until 25 March. Refer Appendix 7.

3.6 Media release

A media release was disseminated Monday 17th February. Liaison with media was ongoing as responses to their questions were provided. Media coverage appeared:

- WEB Northern Star 18th February
- WEB Byron Shire News 18th February
- WEB Ballina Shire Advocate 18th February
- Byron Shire News 20th February
- Byron Shire Echo 26th February
- Byron Shire Echo 4th March (editorial and a letter to the Editor)
- Echonetdaily 4th March (letter to the Editor)

Refer Appendices 8 and 9.

3.7 Community information sessions

Three round table community information sessions were promoted. Initially there were two however as these were filling up a third was added.

11 people attended across the sessions:

- Five Broken Head residents (including one renting at Linnaeus)
- One Lennox Head resident (who works for the current developer of Linnaeus, not the applicant behind the ecoretreat)
- Five Linnaeus unitholders

The sessions were held at the Linnaeus community centre. It was considered that this provided an experience of the property for those who had not previously visited. The drive from Broken Head Road is substantial and gives a sense of the land. The community centre itself is proposed to become part of the ecoretreat. Attendees passed the pool and farm garden which would also become part of the ecoretreat.

Attendees booked via the eventbrite online booking system on the project website, with the exception of one Seven Mile Beach Road resident who called the project phone number to book three people for the first session.

The applicant (Linnaeus Property Trust), town planner, architect and myself (community engagement) were all present for these sessions, which were booked and attended as follows:

- 10:45am Friday 28th February

Seven Broken Head residents (one of these is renting at Linnaeus) and one Lennox Head resident (who works for the current developer, not the applicant behind the ecoretreat) had booked to attend. Of these, three didn't make it. However, three Linnaeus unitholders turned up and joined in. So, there were eight in total. This session lasted approximately 1.5 hours.

- 1:00pm Friday 28th February

No bookings or attendees.

- 2:30pm Saturday 29th February

Six people had booked to attend this session. Three Broken Head residents, one Sunrise Beach resident (who had worked with the property in the past) and two Linnaeus unitholders. Three people did not turn up so there was one Broken Head resident and three Linnaeus unitholders (one came along impromptu). This session lasted approximately two hours.

A private session was also held on Saturday 29th February with Linnaeus Unitholders which lasted approximately two hours.

Whilst it was not the intention to mix Linnaeus unitholders with neighbours this turned out to be positive. We had thought that residents (non-Linnaeus residents) would want their own sessions and vice versa. What we found was that the unitholders were able to answer a lot of questions that really only they could answer. Questions about the property, its care and history. Why they were doing what they were doing now and their intentions for the long-term future. They were also able to address questions regarding their separate community title application.

Feedback forms were distributed at the completion of the information sessions. Not all attendees filled in the forms. Some took them away saying they would fill them out however none of those were returned. One was only partially filled out (contact details but no feedback) and so this was later completed via phone.

3.8 Q&A afternoon

This was an open session (no bookings required) held at the Linnaeus Community Centre March 8th 3:30pm – 5:30pm. It was organised for two reasons:

- 1.0 The response to the community information sessions was low so we wanted to try something different.
- 2.0 The “public meeting” held at the Broken Head Hall on March 1st was antagonistic and did not really provide answers for Linnaeus neighbours. We sought to provide a welcoming space where people could turn up and receive answers to their questions.

The afternoon was promoted via the following means:

- Verbally at the public meeting at the Broken Head Hall on March 1st.
- On the project website <http://ecotourismproposal.com.au>
- Via phone and email contact with Broken Head residents 1st - 8th March.
- Via letterbox drop delivered to all Broken Head letterboxes and emailed to those for whom we had email addresses 4th March.

Forty-two people attended. The applicant, town planner, myself (community engagement), six Linnaeus unitholders, four Linnaeus staff and one Linnaeus tenant. The remaining attendees were Broken Head residents.

The neighbours who had not previously visited seemed either grateful or curious to have the opportunity to “come through the gate” and see firsthand what kind of place Linnaeus is.

Questions were predominantly focused around protection and potential rewilding of sections of the property, the various commercial interests involved in Linnaeus Estate and how they are related, the reasons behind the application (ie “Why don’t you just leave it as it is?”, bushfires and holiday letting. There were also questions regarding the separate community title application from the Broken Head Coastal Foundation. Interestingly, these questions were from properties who have either achieved their community title status or who are in the process of applying for community title status.

Questions were answered by the applicant, Linnaeus unitholders, the current Linnaeus manager and the town planner.

4.0 FEEDBACK

The community information sessions and Q&A afternoon were not recorded. They were intended as an informal way for neighbours to access information and provide feedback. The sessions would have been far less productive if participants felt they were being recorded.

There was no engagement from beyond Broken Head with the exception of one email from somebody looking to work with the project and one letter to the Editor from a Byron Bay resident.

4.1 Adjoining and immediate neighbours

Linnaeus has a longstanding Memo of Understanding with Jali Local Aboriginal Land Council. All local Aboriginal stakeholders have been contacted by a professional archaeological consultant.

The neighbour to the north, whose house overlooks the property, is concerned about the proximity of the proposed ecoretreat.

One of the neighbours to the west stated their concerns as:

- Bushfire threat
- Proximity of development to the neighbour to the north
- Potential threat to ecology
- Weddings and events – can they trust that this won't happen?
- Tourism precedent for Broken Head

The other neighbour to the west expressed concern regarding private road access. The two neighbours directly across Broken Head Road did not raise concerns. Another neighbour who lives nearby provided a letter to the applicant at the Q&A afternoon. This is attached as Appendix 10.

4.2 Feedback summary

Feedback from immediate neighbours is included here along with feedback from other Broken Head residents. Correspondence from residents who were circulating material against the application has not been included. Only feedback provided directly to us. The sentiment expressed in that correspondence is, however, represented below.

The engagement was qualitative. Where possible it was two-way conversation to gain meaning. Whilst there are numbers below relating to the amount of feedback on various topics these numbers are indicative only. They cannot represent all those with views however it is suggested that all of the views shared with us are at least represented along with an indication of their relative importance to those who chose to engage with us.

Concern	Frequency (# people)	Feedback mechanism	Comments	Response from Applicant
Ecology	Numerous	Private meetings Feedback form Letter Email Community information sessions Public meeting Q&A afternoon	<p>- <i>Parts of the Linnaeus property and properties to the north and west are very sensitive. We believe that creating this development will only potentially threaten this very sensitive land.</i></p> <p>- <i>I see the core issues with the planning proposal for Linnaeus as:</i></p> <p><i>i) achieving secure, in-perpetuity protection and management of the site's biodiversity values,</i></p> <p><i>ii) maintaining the built integrity of the site to complement its natural values, and</i></p> <p><i>ii) restricting and eventually removing existing development in the coastal erosion zone.</i></p> <p>- <i>Can more areas be revegetated, not just mown grassland?</i></p> <p>- <i>I'm very interested in travelling down the same path for my patch as is Mathew which conceivably makes a protected permanent corridor from our place via Mathews, scoop up others to Linnaeus. Broken Head area as a private led conservation precinct could send a great message to BSC and the public.</i></p> <p>- <i>Strict covenants mean a predictable future beyond our graves. It would greatly add to trust and give clarity to infrastructure.</i></p> <p>- <i>For your proposal to be considered by me I would need to see an iron clad Environmental Protection Plan in place for the future and a guarantee that there will be no further development whatsoever in perpetuity even in the case of changing ownership.</i></p>	<p>- We are examining an expansion in the existing site Biodiversity Conservation Management Plan revegetation program to include other areas of the site.</p> <p>- We are going to try to work with neighbours to further vegetate Broken Head wildlife corridors to enhance the biodiversity characteristics and fauna connectivity from Linnaeus all the way to Taylors Lake.</p> <p>- We will apply for a Conservation Agreement for the key habitat parts of the land pursuant to Part 5, Division 3 of the Biodiversity Conservation Act.</p> <p>- We are liaising with Byron Shire Council concerning the rezoning of the whole of the site for environmental protection purposes.</p> <p>- Land management must address both ecological preservation and bushfire management.</p>

Concern	Frequency (# people)	Feedback mechanism	Comments	Response from Applicant
Coastal erosion zone	Numerous	Private meetings Emails Community information sessions Public meeting Q&A afternoon	<ul style="list-style-type: none"> - <i>The old sites are in the front dune and no further buildings or glamp sites should be built in the front dune at all, ever!</i> - <i>Can some of the existing houses in the erosion zone be moved back?</i> - <i>Could the approved structures in the erosion zone be transferred to another location?</i> 	<ul style="list-style-type: none"> - The six demountable cabins proposed for the mapped erosion area have been removed from the application. Instead of 33 cabins proposed there are now 27. - The separate plan for Community Title from Broken Head Coastal Foundation provides for a dedicated place for the rebuilding of homes in the event of serious coastal erosion. We do not see any practical benefit in attempting to move homes that were never intended to be relocated at this time.
Bushfire	Numerous	Private meetings Letter Emails Community information sessions Q&A afternoon	<ul style="list-style-type: none"> - <i>Our biggest threat is fire. In the 8 years we have been living on our property we have had 2 fires come from the south and both have been stopped by the RFS at Linnaeus. We were told at the time by the RFS that if they couldn't stop the fire at Linnaeus they would not be able to stop it getting to Suffolk Park and then Byron Bay. The risks to the communities to the north of us are considerable.</i> - <i>...we were told when we asked questions of the standard of the buildings that they would be 'sacrificial' in the event of a fire and that they would be craned into place with minimal disturbance to the vegetation. To have 'sacrificial' buildings that you are happy to let burn in the event of a fire is a selfish disregard to the occupants and neighbours safety, the environment and for the community living beyond the bounds of Linnaeus Estate. This proposed method would only increase the fire threat and we should be trying to reduce the fire threat. A considerable number of the proposed</i> 	<ul style="list-style-type: none"> - The project has been discussed in detail with the RFS and these conversations are ongoing. - We will be expanding the reticulated water fire fighting capacity and the level of site management and are confident that the proposal will not elevate the risk. - The final bushfire report will demonstrate compliance with Planning for Bushfire Protection 2019. - Working closely with the RFS Linnaeus Estate would continue its vital role in providing protection for the area from bushfires. All properties should be contributing by providing appropriate fire breaks. - A balance is needed between providing fire breaks for bushfire protection for the area and the rewilding of sections of the property.

Concern	Frequency (# people)	Feedback mechanism	Comments	Response from Applicant
			<p><i>buildings are shown to be located to the far north east of the property, very close to your immediate northern neighbour. This is a very high risk fire area.</i></p> <p><i>- Is Linnaeus willing to put extra water tanks up to cater to firefighters to protect Broken Head from the south?</i></p>	
Seven Mile Beach Road access and usage	4	Private meetings Feedback form Community information sessions	<p><i>- As a Seven Mile Beach Road resident I am concerned about further degradation of this road and the dangers of increased traffic.</i></p>	<p>- Neighbours have been advised that access to Linnaeus Estate via Seven Mile Beach Road is not required for the ecoretreat.</p> <p>- Refer 4.3 below "Managing guests offsite" in relation to ecoretreat guests using Seven Mile Beach Road for recreation purposes.</p>
Private road access	3	Private meetings		<p>- Neighbours have been advised that use of this private road is not required and will not occur, with the exception of a fire event. In the event of fire access would be reciprocal.</p>
Proximity to northern neighbour	3	Private meetings Letter Email Public meeting Phone call	<p><i>- I'm not very happy about the cabins on my fenceline. We are concreting the whole east coast.</i></p> <p><i>- We also think it is very inconsiderate to be placing buildings so close to an immediate neighbour when you have 110 hectares. She may be able to overlook and hear the guests in their cabins, which is ridiculous when you live on a rural property.</i></p> <p><i>- Why are the proposed new buildings crammed in at the northern end (where noise can affect neighbours), rather than that central section?</i></p>	<p>- While this closest neighbour will not see the cabins near her boundary she will see the treehouses on the hill. The new buildings are smaller in size than those currently approved and will be heavily landscaped.</p> <p>- We have undertaken research and with no amplified music we do not believe that any acoustic loss of amenity will result for this neighbour. Notwithstanding, we would keep in touch so that this neighbour and other neighbours can be confident that we are managing the property with their residential amenity as a priority.</p>
Beach access	3	Private meetings Feedback form		<p>- The two current beach access points at Linnaeus Estate will be maintained. No new beach access points will be</p>

Concern	Frequency (# people)	Feedback mechanism	Comments	Response from Applicant
		Community information sessions		created.
Surf safety	3	Community information session Public meeting	<p>- <i>Seven Mile Beach is a known dangerous beach, issues of surf safety don't appear to have been addressed.</i></p> <p>- <i>It's a dangerous beach. Who is going to rescue the tourists in the surf.</i></p> <p>- <i>I surf elsewhere it's too dangerous.</i></p>	- Refer 4.3 below "Managing guests offsite".
Weddings and events	3	Private meetings Letter Letter to the Editor	<p>- <i>We were told that there will not be music, weddings or other major events. Is this truly the case?</i></p> <p>- <i>Future generations will not thank us if we allow this magnificently beautiful and ecologically important piece of land to become a high end glamping and wedding venue, as is proposed.</i></p>	<p>- Neighbours have been advised that the application does not include weddings or events. This extract from a 27 February letter to neighbours from the applicant shares some of the discussion:</p> <p><u>Does our DA include a wedding venue?</u></p> <p>Put simply – NO.</p> <p>As I understand it, the rules with respect to weddings at Linnaeus are no different to those on any other property in Broken Head. Which is to say, a resident can get married on their own property, but they can't allow weddings for unrelated 3rd parties. In theory, this would mean those who actually live at Linnaeus, would have the right to marry at Linnaeus & I would not have the authority to stop them. In practice, I think this is a moot point as there's only ever been one wedding that I know of held on site in the last 20 years.</p>
Guests using local beaches	2	Private meetings Feedback form Community information sessions	- <i>Seven Mile Beach on the northern end is still a quiet place but our long time residents like Helen know that there were thousands of crabs and birds 20 – 30 years back and there is just a fraction of the colonies left as it stands.</i>	- Refer 4.3 below "Managing guests offsite".

Concern	Frequency (# people)	Feedback mechanism	Comments	Response from Applicant
Guests accessing nature reserve	2	Community information session Public meeting		- Refer 4.3 below "Managing guests offsite".
Diversity and accessibility	2	Letter Q&A afternoon	<p>- <i>There are already too many rich white people in Byron. I would like to see more diversity. What are you doing about that? I would like to see women with burquas walking down the main street. Rich people can already afford access to environmental education. What are you doing about making this accessible to those who can't afford it?</i></p> <p>- <i>Maybe half of the newly proposed cabins could be for single mums of the shire and the lovely, caring people I met help them by taking care of their children and cure their loneliness at the same time.</i></p>	<p>- We anticipate that the ecoretreat will attract an international clientele.</p> <p>- The education program will involve local facilitators, local experts and other locals working with guests. These locals will both share and have access to cutting edge environmental and health education which they can then take to their respective communities.</p>
Speed limit on Broken Head Road	2	Phone calls Text	<p>- <i>Our biggest issue with the increase of population in the area would be the traffic, so we feel there should be consideration for you to apply for reducing the speed limit to 60km. It is already difficult to enter and exit our driveway currently.</i></p>	<p>- This is a matter between these neighbours and Byron Shire Council. We understand that they have been liaising for some time with Council regarding their request.</p>
Tourism in Broken Head	2	Private meetings Letter Q&A afternoon	<p>- <i>We have had this place to ourselves it's just hard to let go. There has been no tourism this end of the shire on the coast apart from Bundaleer.</i></p> <p>- <i>...it sets a very strong precedent for any future development proposals in Broken</i></p>	<p>- There is no other land in Broken Head with SP1 zoning.</p> <p>- The application is for low scale ecotourism which is entirely different to tourism. The restrictions and parameters of what can and cannot occur are vast.</p> <p>- Proposed "development" is restricted to refurbishing</p>

Concern	Frequency (# people)	Feedback mechanism	Comments	Response from Applicant
			<i>Head. Broken Head could become another tourist destination and the fragile ecology of the area would be lost forever.</i>	<p>and repurposing what is already there as well as using existing dwelling approvals.</p> <ul style="list-style-type: none"> - Protection of nature is at the heart of the application and product. Without a world class natural site there can be no ecoretreat. - With the focus on quiet connection and gentle education it is our hope that in time the ecoretreat will set a precedent for how to engage with global citizens in a way that benefits land and community.
Wastewater	2	Email Public meeting	<ul style="list-style-type: none"> - <i>Is a bigger sewage system planned?</i> - <i>Wastewater capabilities - can increased occupation be accommodated with on site treatment?</i> 	<ul style="list-style-type: none"> - From the project website: All onsite sewerage is pumped to the onsite sewage treatment plant. The treated effluent is then sanitised and used to irrigate areas of ongoing bush re-generation. The preliminary assessment of daily wastewater generation including the ecotourism addition has been estimated as 23.7 kL/d. The capacity of the existing wastewater treatment plant is 18.1 kL/d. A proposed upgrade to the wastewater treatment plant with a capacity of 30kL/d has been prepared. This is able to be accommodated within the footprint of the approved plant. The treated effluent irrigation system has a current capacity of approximately 50 kL/d which is sufficient to accommodate the increased flow.

Concern	Frequency (# people)	Feedback mechanism	Comments	Response from Applicant
Education	2	Letter Letter to the Editor	<p>- I love yoga classes, gut and soil is right up my alley and wellbeing classes are great. But I would like to see something more courageous, something more out there, more of the "old" real idea of Byron. I hope for a developer that walks the hippy talk and invites people to teach and learn the "age old new science" like have seminars for Live and think local, Plant local, How to live off grid, Rainforest regeneration, Local economy... and soil, gut, garden, ferment.</p> <p>- The estate was established as a low impact education centre with a particular emphasis on the environment. Now more than ever this core purpose needs to be preserved.</p>	<p>- We agree wholeheartedly. These concepts are in line with the ecoretreat vision.</p> <p>- The ecoretreat will operate as a low impact education centre with a particular emphasis on the environment.</p>
# cabins	1	Letter	<p>- I also think that 33 cabins are too many. I understand you propose to reduce the overall covered square metres considerably, but it is not all about square metres.</p>	There are now 27 cabins proposed.
Helicopters	1	Phone call		The DA will not seek consent for any helicopter usage at the site.
Compliments/neutral		Email	<p>- Thanks so much was great to meet you all and it certainly put my fears to rest. I will encourage others with unfounded fears to reach out to you too, mostlikely at the Sunday meeting. Already I've informed a few connections that it all seems very in line with our shared vision of keeping this special locale as protected as possible. Best wishes.</p>	

Concern	Frequency (# people)	Feedback mechanism	Comments	Response from Applicant
		Comments online media story	- Just looks like an improvement on what's already there to me. (March 2 nd)	
		Email	- Could be worse. (March 1 st) - I just read with interest your proposed development of the Linnaeus Estate. I was not able to visit today however the website is well set out and overall I believe the plans are worthy of community support. The work done to date to prepare for the DA has been excellent. If only all developers would proactively ask for comment and input so early on.	
		Feedback form	- Appreciate the attention given to preservation of fragile beach and coastal areas (eg Whites Beach)	
		Feedback form	- All great looking forward to the eco retreat and love the plans landscaping and design of the retreats.	
		Feedback form	- Great open discussion and is a perfect use of the property. Allowable in the LEP.	
		Feedback form	- I think the proposal is extremely well thought through and most importantly environmentally sensitive. I support it wholeheartedly.	
		Feedback form	- The plans were well presented. I'm in favour of the footprint of the buildings.	
		Feedback form	- Very impressive.	

Concern	Frequency (# people)	Feedback mechanism	Comments	Response from Applicant
		Feedback form	- Hayley amazing. Eco retreat is the best way forward for this amazing property. The small cabins situated within the appropriate landscape has been well thought out with sensitivity to the environment. Design – practical.	
		Feedback form	- It's repurposing of an existing use. I don't think it's a bad plan.	
		Q&A afternoon	- It's eco. I like it.	
		Phone call	- I'm not too concerned about it. Something's going to happen there anyway.	
		Letter	- Thank you for inviting us in an open and friendly manner and answering our multiple questions. I feel you are all people of integrity. And that you answered all my questions truthfully and you did not try to bamboozle us. Where you did not have answers yet you said you will come back to us. And I have great hope that your hearts are as good as I think and you all strive in the end for the greater good of all living things and not for the small profit of a monetary elite. Thank you for your open hearted consideration.	

4.3 Managing guests offsite

Some neighbours have expressed concern about additional people on local beaches and roads and in the nature reserve. Concerns relate to privacy, surf safety, ecology and sharing of special natural places. The applicant has provided the below response.

4.3.1 Ecotourism vs tourism

The ecotourism experience is intended as high yield and low impact for the local community and surrounding ecology. A large property mostly preserved for nature providing a genuine Australian habitat experience for a limited amount of guests. There are numerous accommodation providers in and around Byron Bay which cater for travellers who wish to let their hair down and party. This venue would not be among them.

4.3.2 Pricing

It is suggested that the pricing structure would deter those wishing to spend a lot of time offsite. Given the limited dining option it is likely that guests would dine offsite maybe once daily. Formal offsite activities with local tourism providers in and around Byron Bay, as opposed to informal offsite activities, would also be promoted to guests.

4.3.3 Guest induction

Guest induction would occur over four phases:

Promotion The promise is nature and connection to self. The experience promoted would be one of rustic natural luxury with a wellbeing and nature focus.

Booking The booking confirmation email would include content regarding the fragile nature of the property and surrounding area. There would be a link and an attachment to further information.

Arrival Upon arrival guests would be welcomed and provided with a verbal induction covering:

- Out of bounds areas of the property.
- The retreat ethos including quiet appreciation of nature.
- Key points re the surrounding area including the fragility of certain places. Some of this would be communicated as where to go as opposed to where not to go.
- Guests would be advised of the nature of the beach and that swimming is at their own risk. Should guests wish to access the beach they would do so via an existing gate.

Collateral The in-cabin compendium and other collateral would provide further detail regarding the sensitivity of the property and local area.

4.3.4 Ongoing guest education

Given the intimate nature of the retreat, staff would be across what guests are doing and would monitor/advise as appropriate.

4.3.5 Ongoing management

We intend to work hard to be excellent neighbours and add value to the Broken Head community over time. Ongoing feedback will be invaluable in improving our operations.

5.0 DISCUSSION

5.1 Concerns

Ecology/habitat preservation, bushfire and development within the coastal erosion zone were the most commonly voiced concerns. There is some obvious tension between the first two given the need to maintain fire breaks for the protection of not only the Linnaeus property but communities to the north.

Following these were potential offsite impacts. Residents were concerned about what ecoretreat guests might do when they were not at the ecoretreat. Concerns centre around delicate roads, resident privacy, ecology, surf safety and sharing of local beaches. There was also concern regarding weddings and events, which the applicant clarified during the early stages of engagement would not occur.

The ecoretreat was cited as potentially directly affecting one adjacent neighbour. There was no other direct impact raised by any resident, with the exception of two properties who would like the speed limit on Broken Head Road reduced from 80km/hr to 60km/hr.

Accessibility of the ecoretreat education content was raised along with concerns regarding a tourism precedent that could potentially result for Broken Head.

There was considerable discussion about the separate community title planning proposal from the Broken Head Coastal Foundation. This is not addressed in the table above as it is not the subject of this application. It is however addressed on the project website and in a letter to residents. Concern about this application was by no means universal. One neighbour who lives on a community title property left the Q&A afternoon in frustration at the lack of understanding around what community title actually means.

"I can't stay and listen to such silly questions".

The response suggests that interest in the application is limited to Broken Head.

5.2 Community

From the get-go there was mistrust and scepticism due to applications from previous owners.

"This site and Broken Head in general would be a very different place if it wasn't for decades of activism by the many local individuals, groups and organisations."

Broken Head resident

There is profound investment by many Broken Head residents, from older "activists" to younger newer residents, in the preservation of both lifestyle and habitat.

There were some within Broken Head who contacted us to specifically inform us that they were not represented by residents who purported to speak for Broken Head and/or their community within Broken Head. Our approach was to listen to individuals as everybody had different questions and priorities.

Much of the feedback was not specifically related to this application. Much was in relation to development in Broken Head and development generally. There was sentiment that given "climate change" no development should be approved anywhere. This was voiced strongly at the public meeting at Broken Head Hall. This has not been addressed directly as this report relates to a specific development application. Likewise, there was sentiment that no development in Broken Head/on the coast should be approved.

At the public meeting it was stated "It's not about this application". We respect that much of the feedback relates to a bigger picture which includes actions of those in the past and potential actions of those in the future.

It has been valuable to open the property gate to those who have not previously visited. It has been valuable for Linnaeus unitholders and other Broken Head residents to meet and talk. There is much common ground and much that can be achieved through ongoing dialogue.

We sincerely thank the Broken Head residents who took the time to talk to us. Who read our material and gave us feedback. Who showed up at events. Who sent us an email or gave us a call. Particularly those such as Ian Cohen who supported us in navigating changes to the draft application.

We understand that with our meetings and events held 15 February – 8 March we were remarkably fortunate to avoid the social distancing effects of COVID19.

5.3 What has come out of this

The home page of the project website was update 1st April with the following:

We sincerely thank all those who went out of their way to review our website and printed material, attend consultation sessions, the Q&A afternoon and private meetings and engage with us by phone and email. Due to input from Broken Head residents the following changes to the application have been made:

- We have removed the six demountable cabins proposed for the mapped erosion area. Instead of 33 cabins there are now 27;
- We are examining an expansion in the existing site Biodiversity Conservation Management Plan re-vegetation program to include other areas of the site;
- We are going to try our best to work with neighbours to further vegetate Broken Head wildlife corridors to enhance the biodiversity characteristics and fauna connectivity from Linnaeus all the way to Taylors Lake;
- We are making an application for a Conservation Agreement for the key habitat parts of the land pursuant to Part 5, Division 3 of the Biodiversity Conservation Act; and
- We are liaising with Council concerning the rezoning of the whole of the site for environmental protection purposes.

We have not yet lodged our application. Various reports are being finalised and we expect to lodge some time during April. Once again, thank you to all the Broken Head residents who have taken and are still taking the time to engage with us. We truly appreciate your investment in our project and in your community.

Please contact us at any time on enquiries@ecotourismproposal.com.au or 0492877437.

The Linnaeus Ecoretreat team

Further responses to issues raised can be found in 4.2 above.

6.0 APPENDICES

Appendix 1 - Letterbox drop/email 1

15 February 2020

Dear Les

As a neighbour we wanted to give you a heads up that at some time in the next couple of months (late March at the earliest) we will submit a DA to Byron Council regarding the Linnaeus Estate property. We wanted to offer you the opportunity to meet with us at your convenience to chat about it.

In a nutshell, the application seeks to continue with some private education uses at Linnaeus as well as establishing a low scale ecoretreat around the existing facilities - pool, communal buildings and tennis court. We would upgrade the area around the pool to incorporate a wellness facilities (spa), toilets and showers, build an evacuation building, back of house (office space, staff amenities and parking), a bin and storage area and garden shed.

We are proposing that 11 approved but unbuilt units not be erected and 33 new two person cabins be constructed for ecoretreat guests. The building footprint of new development would be 0.35 hectares or less than one third of one percent of the site. The building footprint across the entire property including all existing and new development would be 0.78 hectares or less than three quarters of one percent the site.

The ecoretreat would have a "zero carbon" commitment and the following mission:
To inspire a lasting connection to nature, community and the self while protecting this land.

Proposed development avoids all sensitive habitats, occurring only in cleared and disturbed areas. The project website has a fair amount of detail:

www.ecotourismproposal.com.au

We have not lodged our application with Byron Shire Council. We are seeking feedback until 6th March, after which we will finalise our application and lodge it with Council. There will be further opportunities to provide input later during Byron Shire Council's own public exhibition period.

Please contact us on 0291588665 or enquiries@ecotourismproposal.com.au to arrange a site visit and chat. Even if you do not wish to meet please contact us with any questions or feedback.

Thanks Les for your consideration.

Yours sincerely

The Linnaeus ecoretreat team

ecotourismproposal.com.au | enquiries@ecotourismproposal.com.au | 0291588665

Appendix 2 - Letterbox drop/email 2

27 February 2020

Dear Neighbour

Re: Application at Linnaeus

It's been brought to our attention that there is information circulating that is both inaccurate and misleading. So, further to our recent correspondence please allow us to clarify some matters. We understand that it's a complicated site with a complicated history/back story. We also appreciate that much of the Broken Head community are understandably protective of the area. With this in mind, we think it's important that as many people as possible gain a genuine understanding of what is proposed.

Weddings - This is not a wedding venue. For the proposed eco-retreat component of Linnaeus to work both the "eco" and "retreat" products and experiences must be solid and authentic. The habitat values of the property must be maintained and continually enhanced. To that end, the experience of nature must be at the fore. Consequently, our DA does NOT include a wedding venue.

Events - No public events would be held. We envisage small retreats - yoga, mindfulness, connection. Only overnight guests and Linnaeus unitholders would be able to access eco-retreat facilities including retreats. This is intentionally an intimate eco-retreat. By opening it to the public key factors would change which would potentially compromise both the habitat and the guest experience.

Access - We do not require access through the private road from Broken Head Road to Seven Mile Beach Road. Nor do we require access through Seven Mile Beach Road.

Built Form - The application incorporates 33 one bedroom tree houses with a combined floor space of 1862m² in lieu of 11 approved but unbuilt larger (mostly two storey) three bedroom houses with a combined floor space of 2388m².

Other than that, there would be:

- A fire refuge (that would double as an administrative building and meeting/yoga space)
- A garden shed (that would also double as a meeting/yoga space).
- An expanded vegetable garden.
- Two small pavilions adjacent the existing pool that would incorporate a sauna and massage/healing facilities.

Everything else is already there – pool, gym, tennis court and community centre with dining and kitchen.

Occupation - Expected occupation under the (already approved) Rural Land Use Strategy would amount to just over 148 people. Expected occupation under our scheme

would be up to 145 people at full capacity, which is unlikely to happen given the standard occupancy rate in the local area is around 70%.

Consultation - We have tabled our intentions with this DA so that it can be considered in the context of the community title application from the Broken Head Coastal Foundation. This way people can see exactly what is planned and what isn't. The conversion to community title doesn't change anything but the title, it's really just modernising the titling. All of the environmental commitments currently contained in the trust deed would simply be replicated in their Community Management Statement. If anything, it would only further entrench their commitment to managing the land as it would then be subject to all the legislation covering off on strata/community title management regimes.

We would really appreciate the opportunity to listen to other concerns you may have which we may not have addressed. You can reach us on 0492 877437 or enquiries@ecotourismproposal.com.au to arrange a site visit or have a chat. We can meet with you at any time that is convenient to you. We are available tomorrow (Friday), all weekend and next week. And of course any time moving forward.

We intend to work very hard to ensure that we are good neighbours. Please help us by keeping us informed.

There is a fair amount of information on www.ecotourismapplication.com.au

We are looking to lodge a DA with Byron Shire Council late March or early April.

Thank you for your consideration.

The Linnaeus eco-retreat team

Appendix 3 - Letterbox drop/email 3

4th March 2020

Dear Neighbour

Re: Linnaeus application

We are hopeful that many of you will attend our **open Q&A session this Sunday 8th March 3:30 – 5:30pm** at Linnaeus, 951 Broken Head Road Broken Head.

Bookings are not required. We will commence by responding to issues raised at the Broken Head Hall last Sunday 1st March. Then open the floor to those present. We hope that you can take the time to familiarise yourselves with what we are proposing via our project website www.ecotourismproposal.com.au

We understand that not everybody has internet access so for those of you who would like us to visit and go through the draft application, or those who would like to come to us and talk about it, we would like nothing more. This invitation is open to everybody, whether you have internet access or not. There will be some time on Sunday however we are mindful that many people do not wish to experience a “presentation”. Alternatively please email or call with questions or concerns

This is the first stage of a lengthy process. We are undertaking pre lodgement consultation now. We have not finalised our application and we have not lodged it with Byron Shire Council. Pre lodgement consultation is about showing neighbours what we are proposing and getting your initial feedback. As custodians of the area your feedback is most valuable in helping us to fine tune our approach and final application.

We have extended the initial pre lodgement consultation until 22nd March. We will finalise our application after that time and lodge it with Byron Shire Council. Council will then process the application and hold their own public exhibition period. You will have further opportunities for input at that time, although we will always been keen to hear from you direct.

After last Sundays meeting we broke up the website into smaller sections so it is easier to understand. We added a “zoning” section. We checked all the figures and tables that were questioned to make sure they are accurate (they are). And we added some references.

Thank you for your time and consideration.

Sincerely

The Linnaeus ecoretreat team

ecotourismproposal.com.au | enquiries@ecotourismproposal.com.au | 0492 877437

Appendix 4 - Email from applicant to numerous neighbours from 27 February

To be fair to everyone involved, it's a particularly complicated site (from a town planning point of view) with an equally complicated history/back story. Linnaeus, is one of those sites that lends itself to scepticism & rumour. To be completely honest with you, given the history of development at the site to date, I'd probably be more than a little suspicious of what's planned at Linnaeus if I were a neighbour – which is all the more reason to try and communicate as much "fact" as possible. I may be naive, but I'm hoping most people will feel more comfortable with our plans once they have the facts in front of them.

With this in mind, I've pulled together some information that might help clarify things – refer below. If you could help distribute this information through your networks (I'm happy for you to just forward this email onto people), that would be much appreciated. Also, if I've missed anything that you think should be addressed, let me know & I'll do my best to get you an accurate response.

NB: To make things easier, I've tried to explain things in question & answer format (so people can skip what they're not interested in and/or zero in on what does interest them). I've also tried to keep it as brief as possible, so people don't get lost in the detail. That said if anyone wants more information on any issue whatsoever – please feel free to call/email me. I'm only too happy to answer questions, share plans, explain our intentions etc.

For those that just want it in point form; this is it in point form

- Our DA does not incorporate a wedding venue
- We are not looking to use the site to hold events [outside what is already permitted onsite]
- We're not looking to rezone the land [eco-tourism is already a permissible use]
- Our proposal is not linked to the community title approval applicable to the rest of the site
- Our proposal will not increase the number of people staying onsite [above what has already been adopted in the Rural Land Use strategy]
- The aggregate square meterage of the tree houses we are proposing is considerably less than the 2 story houses already approved
- The tree houses will be far better located visa vi the coastal erosion zone and sensitive ecology than the houses that are already approved [& they will be genuinely relocatable].
- What we're proposing is not a resort or party venue, quite the contrary
- What we are proposing is a low scale wellbeing focused retreat under councils eco-tourism provisions
- Its' mission, will be to inspire a lasting connection to nature, community and the self – whilst also protecting the land on which it sits.

And – the longer Q&A.

[What's my involvement / How do I fit in to the picture?](#)

Put simply, the property is currently owned by a trust – The BHCF (Broken Head Coastal Foundation) Unit Trust. There are 33 units in that trust. A majority of those units were sold to individual investors (some 15 years ago). I've joined together with a couple of friends to acquire the remain 11 units – which in turn relate to 11 approved, though yet to be built houses to the north of the site. Assuming everything goes to plan, we would have legal tenure over those house sites and shared use of the communal land/facilities alongside the current owners.

What are our plans?

In town planning terms, we'd like to build an eco-retreat – in accordance with the guidelines outlined

in <https://www.legislation.nsw.gov.au/#/view/EPI/2014/297/part5/cl5.13>

In plain speak, we'd like to build a low key wellbeing retreat who's mission would be to *inspire a lasting connection to nature, community and the self, whilst also protecting the land on which it sits*. If successful, the retreat would have a particular focus on the link between soil/food/biome/gut health/mental health & general wellbeing.

I would also live on the property with my wife and family.

Does our DA include a wedding venue?

Put simply – NO.

As I understand it, the rules with respect to weddings at Linnaeus are no different to those on any other property in Broken Head. Which is to say, a resident can get married on their own property, but they can't allow weddings for unrelated 3rd parties. In theory, this would mean those who actually live at Linnaeus, would have the right to marry at Linnaeus & I would not have the authority to stop them. In practice, I think this is a moot point as there's only ever been one wedding that I know of held on site in the last 20 years.

Does our DA incorporate any form of public facing event facility?

Put simply, NO.

There are 2 spaces at Linnaeus, namely; the Community Centre and the Crab, which have historically been used for educational talks etc. These will continue to be used in this fashion but are only ever used (as far as I understand it) by people staying onsite.

Our plans include a garden shed within an expanded vegetable garden and a yoga/meeting space that would be used for wellbeing lectures (etc.) for guests. But that's about it.

Do we require access via Seven Mile Beach Road or through privately held land in Broken Head?

NO. Neither the eco-retreat proposal nor the Community Title proposal require access through these roads.

So what exactly is planned in terms of “physical development”?

Put simply, rather than build the 11 approved 3 bedroom houses (with a combined floor area of 2,388m²), our proposal would involve the construction of 33 smaller tree houses (with a combined floor area of 1,862m²) - all of which would be entirely relocatable. In short, the same number of bedrooms but in a different format.

Other than that, our proposal is fairly limited – the key items being;

- a fire refuge (that would double as an administrative building and meeting/yoga space)
- a garden shed (that would also double as a meeting/yoga space)
- an expanded vegetable garden &
- 2 small pavilions adjacent the existing pool that would incorporate a sauna and massage facilities

Everything else is already there – i.e. pool, gym, tennis court & a community centre (that incorporates a fully kitted out teaching kitchen).

How will this affect the total site occupation?

Expected occupation under the Rural Land Use Strategy would amount to just over 148 people.

Expected occupation under our scheme would be up to 145 people at full capacity, which is unlikely to happen given the standard occupancy rate in the local area is around 70%.

Will you need to upgrade the onsite sewerage treatment plant to accommodate the retreat?

Any upgrades required to house the number of people allowed onsite under the Rural Land Use Strategy (already adopted) will more than accommodate the retreat guests.

Why is there a DA and a planning proposal in motion at the same time?

Given the history of the site, I thought it was best that ALL plans be tabled simultaneously so that everyone could see exactly what was planned and what wasn't. In my experience, the one thing people fear more than change itself is “the unknown”. To that end, I figured some of our neighbours would be nervous about what “might” happen moving forward (which I think is entirely fair). I'm hoping this will help relieve some of those concerns.

What about the Coastal Erosion Zone?

From my point of view, the most important issue to be considered when assessing any planning proposal for the Linnaeus site is the coastal erosion zone. Of the 33 approved

house sites, 12 of them are located in the coastal erosion zone (which is far from ideal) & 6 of them are already constructed. I probably shouldn't be commenting on the Community Title application, given I'm not the applicant (but it seems to me that some of the critics have overlooked the fact that this is Council's only opportunity to condition those dwelling so as to a) clearly place all financial liability on the owners, as distinct from council (should anything unfortunate happen in the future) and b) ensure there's a well-defined retreat strategy in place. The current Council can't revoke the approvals already granted by previous consent authorities, but it can take this opportunity to mitigate the practical and financial liabilities already in place.

At a more practical level, the planned eco retreat is an opportunity to ensure the already approved but not yet built houses in the coastal erosion zone do *not* get built. By splitting each 3 bedroom house into 3 smaller single bedroom tree houses, there's a real opportunity to move the bulk of the built form away from the coastal erosion zone and other ecologically sensitive areas. It's also an opportunity to ensure the built form is genuinely relocatable (unlike some of the so called "re-locatable" houses at Belongil Beach).

Is the eco-retreat proposal contingent on approval of the community title plan?

In short, no. The two applications are not linked. From a legal/town planning point of view they are entirely independent. That said, the conversion to community title has no real down side and considerable upside (as outlined above).

I've seen one letter from a concerned neighbour that seems to imply that the conversion would in some way reduce the commitment of the current owners to their ongoing environmental programs. With respect, I suspect she's misunderstood what's involved. The conversion to community title is really no different to a conversion from MO to CT. It doesn't change anything but the title. There's no inherent change in land use, no change in ownership, it's really just modernising the titling. All of the environmental commitments currently contained in the trust deed would simply be replicated in their Community Management Statement. If anything, it would only further entrench their commitment to managing the land as it would then be subject to all the legislation covering off on strata/community title management regimes.

Above and beyond that, it would be far easier to administer the site under a well-constructed community management statement & for that reason, I'm keen to see it progress as planned.

Is it really going to be an eco-retreat? Or is this just a trojan horse for something nastier?

As those with a town planning background would know, tourism and eco-tourism are treated very differently under the Council's planning instruments. There actually 2 quite distinct land uses. An eco-tourism use must meet far higher standards than a traditional tourism proposal refer link the Council's LEP above.

Our DA will be submitted under the eco-tourism provisions, not the standard tourism provisions. Any change to that (by a subsequent owner, for example) would have to go back to Council for development approval and would be subject to a fresh DA that would be subject to community input in the normal fashion. I'm loathe to make the "lesser of 2 evils" argument, as I'm enormously proud of the proposal we've pulled together and I genuinely think it's will deliver a better outcome for the site and the community at large than what has already been approved. That said, it could be argued that our proposal, if approved, would effectively lock in the provisions attached to eco-tourism and in doing so rule out any higher "traditional" tourism use.

But isn't any form of tourism going to be a negative, as compared to the houses that have already been approved?

It's a good question, but I think the answer is, no - provided it's genuinely going to be an eco-tourism retreat, which it is. Our proposal would see reduced development in sensitive ecological areas and a very managed outcome. No parties, no noise & a focus on guests looking to reconnect with nature etc. If the houses that are already approved are constructed and sold to individual investors there will be the same amount of people onsite, but without any formal management overlay other than what is already in place.

Conclusion

We have outlined our intentions in good faith to our neighbours. We will continue to do our best to see that accurate information is shared so that residents in the surrounding area can make an informed assessment.

Once again, thanks for your time (and your patience) if any one has any questions / concerns etc. please let me know.

Cheers,
Brandon

Appendix 5 - ecotourismproposal.com.au project website

LATEST UPDATE 1 APRIL 2020

We sincerely thank all those who went out of their way to review our website and printed material, attend consultation sessions, the Q&A afternoon and private meetings and engage with us by phone and email. Due to input from Broken Head residents the following changes to the application have been made:

- We have removed the six demountable cabins proposed for the mapped erosion area. Instead of 33 cabins there are now 27;
- We are examining an expansion in the existing site Biodiversity Conservation Management Plan re-vegetation program to include other areas of the site;
- We are going to try our best to work with neighbours to further vegetate Broken Head wildlife corridors to enhance the biodiversity characteristics and fauna connectivity from Linnaeus all the way to Taylors Lake;
- We are making an application for a Conservation Agreement for the key habitat parts of the land pursuant to Part 5, Division 3 of the Biodiversity Conservation Act; and
- We are liaising with Council concerning the rezoning of the whole of the site for environmental protection purposes.

We have not yet lodged our application. Various reports are being finalised and we expect to lodge some time during April.

Once again, thank you to all the Broken Head residents who have taken and are still taking the time to engage with us. We truly appreciate your investment in our project and in your community.

Please contact us at any time on enquiries@ecotourismproposal.com.au or 0492877437.

The Linnaeus Ecoretreat team

ABOUT

We are looking to submit a development application regarding the 111.2 hectare Linnaeus Estate property at 951 Broken Head Road Broken Head.

Consent is being sought to continue with current uses and at the same time establish a low scale eco-retreat. The building footprint for proposed new development is 0.35 hectares or less than one third of one percent of the site. Across the property with all existing and new development combined the building footprint would be 0.78 hectares or less than three quarters of one percent of the site.

We do not require access through the private road from Broken Head Road to Seven Mile Beach Road. Nor do we require access through Seven Mile Beach Road.

New development would avoid sensitive habitat, occurring on cleared and disturbed land only. The ecotreat has a zero carbon commitment.

Please help us by contacting us with questions and feedback by March 22nd. The application has not yet been lodged with Byron Shire Council.



Linnaeus location plan

ZONING

The property is covered by a combination of special activities SP1 (in this case it is specified as "mixed use"), environmental and some rural zonings. Up until 28th February 2020 the land included some private education zoning. That zoning was replaced by a mixture of environmental and special activities zones with the gazettal of [Byron LEP Amendment 17](#).

Large parts of the site have been zoned Environmental Protection (E2) and Environmental Management (E3). Broken Head Coastal Foundation and Byron Shire Council both supported this zoning change, which was gazetted (made lawful) on 28th February 2020. Combined with the other environmental zones and controls applying to this land, this protects some 65% of the site in perpetuity.

Linnaeus did not apply for the mixed use zoning. We understand that it was allocated to the property upon a recommendation from the parliamentary draftsman and gazetted on 22 Sep 2017.

Under the Byron Local Environmental Plan 2014 all forms of tourist and visitor accommodation, including all of the below, are permissible under the SP1 zoning:

- (a) Backpackers' accommodation
- (b) Bed and breakfast accommodation
- (c) Farm stay accommodation
- (d) Hotel or motel accommodation
- (e) Serviced apartments
- (f) Camping grounds
- (g) Caravan parks
- (h) Eco-tourist facilities

To meet the "mixed use" criteria the property must have two or more "uses". We have chosen to pursue eco-tourist uses as well as continue with education uses. "Eco-tourist" uses are regulated by clause 5.13 of Byron Local Environmental Plan 2014. Under this clause, consent cannot be granted unless:

- *There is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area*
- *The development is located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment*
- *The development will enhance an appreciation of the environmental and cultural values of the site or area*
- *The development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal*
- *The site will be maintained ensure the continued protection of natural resources and enhancement of the natural environment*
- *Waste generation during construction and operation will be avoided and that any waste will be appropriately removed*
- *The development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora*
- *Any infrastructure services to the site will be provided without significant modification to the environment*
- *Any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design*
- *The development will not adversely affect the agricultural productivity of adjoining land*
- *The development will minimise any impact on the natural environment with:*
 - *The maintenance (or regeneration where necessary) of habitats*
 - *Efficient and minimal energy and water use and waste output*
 - *Maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control*

WHAT WE ARE SEEKING

We are seeking to continue with current uses and at the same time establish a low scale ecotreat around the existing facilities – pool, communal buildings and tennis court. Some of the onsite buildings would continue to be used for private education and some would be used for the ecotreat. Additional development proposed includes:

- An evacuation building.
- A staff depot (back of house) with office space and parking.
- Facilities around the existing pool – spa with four therapy suites, sauna, steam room, Turkish Hammam, light food and beverage offering and toilets/showers.
- A garden shed.
- A bin and storage utility building.

A deck extension is also proposed for the community centre to open it to the north east allowing greater light and airflow.

We are proposing that 11 approved but unbuilt three bedroom two storey houses with a combined 2388m² floor space not be erected. Instead that 33 new one bed treehouses/cabins with a combined floor space of 1862m² be constructed for ecotreat guests.

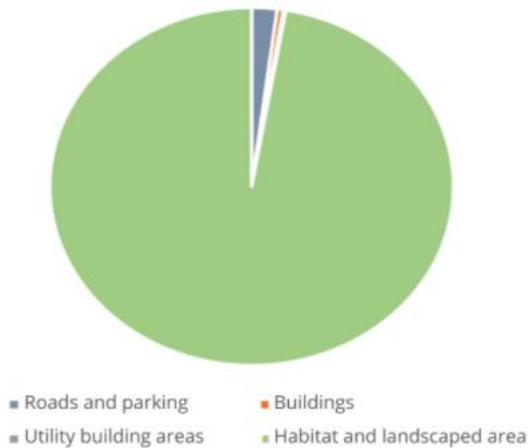
The building footprint of new development would be 0.35 hectares or less than one third of one percent of the site. The building footprint across the entire property including all existing and new development would be 0.78 hectares or less than three quarters of one percent of the site.

New development would avoid sensitive habitat, occurring on cleared and disturbed land only.

The ecotreat has a zero carbon commitment. What this means is that the majority of energy required would be provided by a significant onsite solar investment, with the balance provided by 100% renewable Australian wind or solar.

Proposed land use across the entire site	Area (ha)	Percentage (%)
Site area	111.2	100
Roads and parking	2.1	1.9
Buildings	0.6	0.5
Utility buildings and areas	0.2	0.2
Habitat and landscaped areas	108.3	97.4

LAND USE BUDGET



The approved population now including all existing and approved but unbuilt development is 112 people. Under this application the population could be up to 145 people. This figure includes up to 109 people for ecotourism, although given the 70% occupancy norm a more accurate figure is 76.3 people. The resident population of the site under the Byron Rural Land Use Strategy CT provisions is 148.5 persons (the Strategy says 33 lots x 4.5 persons).

Accommodation (green shading indicates permanent or part time ecoretreat use)

Accommodation type	# units	Max people per unit	Maximum population	Ecotourism population
Approved unbuilt manager's residence	1	4.5	4.5	-
Existing manager's residence	1	4.5	4.5	-
Existing private education centre accommodation units potentially used for ecotourism	4	2	8	5.6
Existing private education accommodation units potentially used for ecotourism	10	3.5	35	24.5
Approved unbuilt private education accommodation units not built under this application	11	-	-	-
Approved unbuilt private education accommodation unit which may be constructed shortly	1	4.5	4.5	-
Existing private education accommodation units in 7F1 zone	5	4.5	22.5	-
Proposed new one bed treehouses/cabins	33	2	66	46.2
TOTAL			145	76.3

Source: "Accommodation type" is fact. "# of units" is fact. The "Max people per unit" calculation is based on size, number of bedrooms, configuration and target market. "Maximum population" is maths. "Ecotourism population" - it is standard tourism practice to work on an average occupancy of 70%. It is not expected that this will be reached during the early stages of operation.

ECORETREAT

An intimate ecoretreat with the following mission is proposed:

To inspire a lasting connection to nature, community and the self while protecting this land.

We have made a 'zero carbon' commitment for the operation of the ecoretreat. All energy consumption that is not catered for by the significant solar investment will be sourced from 100% renewable Australian wind or solar.

All new development would be sited in areas of cleared grassland or significantly modified vegetation subject to regular mowing, with all sensitive habitat areas protected.



Site plan showing all existing and proposed development.

Sustainable industries for Byron are seen as wellness tourism (incorporating healing, awareness and cuisine) and nature experiences. They feed our healers and thinkers, keeping them here. By celebrating nature we protect her. The message to the world is that Byron is a place for rejuvenation and connection to nature. This positioning attracts travellers who want genuine connection with our land and people.

The ecoretreat experience would be rustic natural luxury, drawing high yield low impact seekers and travellers from across the globe.

Guests would pay for overnight accommodation and choose to dine with us or travel the short distance to Byron Bay or elsewhere to eat out and enjoy all our region has to offer. While there would be specific retreats held from time to time these would not be “exclusive use”. This is not an all inclusive venue, a one stop shop. We would actively promote a wide range of offsite local activities and experiences to guests. Our intention is to become a valued contributor in the local and national tourism landscapes and to the local economy.

Accommodation

33 cabins would each sleep up to two people in one queen bed. Primal simplicity has been sought through the use of natural raw materials.

Three different styles of cabin are proposed:

- Treehouse cabins x 15
- Beach cabins x 14
- Rainforest cabins x 4



Artists impression treehouse cabins



Artists impression beach cabins

Experience

Vision Managers would oversee the program of optional activities focused on themes of nature, health, food, conversation, awareness, healing, arts and craft. Activities would facilitate a deeper experience of the place, the region.

NATURE

Unguided – Numerous places of interest are featured in a 32 page Trail Guide which would be available to guests. The Guide shares the flora, fauna and history of the property with illustrations and maps. From the dry brushbox forest with ironbark to the shining burrawang cyad grove, historical stumps and old dairy sites. The 6km loop track takes three hours however guests can choose to explore different sections. The water supply and hidden dam, where guests can learn about the state of the art water management system, are among the places of interest. The Trail Guide was established by the Broken Head Coastal Foundation and is an addendum to the Linnaeus Nature Guide.

Guided – Expert guides will be available for guests keen to venture beyond this trail to explore ecology, botany, coastal geomorphology and local culture. Guides will also facilitate birdwatching (over 300 bird species have been recorded on the property) to ensure that wildlife viewing does not interfere with foraging or breeding patterns. Each habitat has its own community of bird species, from the littoral rainforest with its fruit-eating pigeons and mound-building bush turkeys to the open grassed areas which support grain-eating birds such as finches and predatory birds hunting above for mice and lizards to the freshwater wetlands visited by the threatened Jabiru or Black-necked Stork.

HEALTH

Wellbeing means different things to different people. Nature is a key contributor. The importance of gut health and the links with food and soil will be a particular focus, with practitioners supporting those guests that desire this.

FOOD

Hearty farm to table soul food would be on the menu. Food fosters gathering and community, helping guests to informally connect. Guided foraging, gardening and cooking workshops with local Chefs would be among the activities. The existing farm garden would be expanded.



Artists impression looking east over the edible garden to the garden shed

CONVERSATION

"Fireside conversations" would feature guests across topics such as mindfulness, health, environment, art, design and social issues.

AWARENESS AND HEALING

Stargazing, meditation and mindfulness sessions would assist guests to unravel the stresses of modern life and bring themselves to a more present state. Traditional spa and wellness therapies would be offered alongside treatments such as a Turkish Hammam and Ayurvedic medicine.



Artists impression looking north to the pool

RECREATION

Guests would access the existing pool, tennis court and small gymnasium. There would also be a library/reading room within the existing community centre.





Facilities that would become part of the ecoretreat

ARTS AND CRAFT

Guests would be guided to hand craft beautiful things, bringing pleasure and pride at the same time as slowing down through creative physical application.

Managing our guests offsite

Some neighbours have expressed concern about additional people on local beaches and roads. Please allow us to respond to some of these concerns.

1.0 Ecotourism vs tourism

The ecotourism experience is intended as high yield and low impact for the local community and surrounding ecology. A very large property mostly preserved for nature providing a genuine Australian habitat experience for very few (relative to the size of the property) people. For information regarding the criteria for "Eco-tourist uses" please click [here](#).

There are numerous high end accommodation providers in and around Byron Bay which cater brilliantly for travellers who wish to let their hair down and party. We would not be among them.

2.0 Pricing

It is suggested that our pricing structure would deter those wishing to spend a lot of time offsite. Given our limited dining option we believe that our guests would dine offsite maybe once daily.

We would also promote formal offsite activities with local tourism providers in and around Byron Bay.

3.0 Guest induction

Guest induction would occur over four phases.

3.1 Marketing

3.1 Marketing

The promise is nature and connection. While the marketing would be upmarket and polished, the experience promoted would be one of rustic natural luxury with a wellbeing and health focus.

3.2 Booking

The booking confirmation email would include content regarding the fragile nature of the property and surrounding area. There would be a link and an attachment to further information.

3.3 Arrival

Upon arrival guests would be welcomed and provided with a verbal induction. This would cover:

- Out of bounds areas of the property
- Where guests can and can't go unguided
- The retreat ethos including quiet appreciation of nature
- Key points re the surrounding area. Such as roads to avoid. Some of this would be communicated as where to go as opposed to where not to go
- Guests would be advised of the nature of the beach and that swimming is at their own risk. Should guests wish to access the beach they would do so via an existing gate

3.4 Compendium

The in cabin compendium would provide further detail regarding the sensitivity of the property and local area. Again, it will sometimes be about advising guests what to do as opposed to what not to do.

4.0 Ongoing guest education

Given the intimate nature of the retreat staff will be across what guests are doing and can monitor/advise as appropriate.

5.0 Ongoing management

We intend to work hard to be excellent neighbours and add value to the Broken Head community over time. Ongoing feedback will be invaluable in improving our operations.

Staff

Should we be successful in our application we would recruit passionate locals. Chefs, thinkers, artists, gardeners, healers, hospitality staff, nature guides and many more vital contributors to display their skills, enjoy their work and share their knowledge. A specialist Hotel Management Consultant has estimated that 75 full-time equivalent positions would be created with up to 49 staff on-site at any one time.

SUSTAINABILITY

We have made a 'zero carbon' commitment for the operation of the ecoretreat. All energy consumption that is not catered for by the significant solar investment will be sourced from 100% renewable Australian wind or solar.

ONSITE WATER MANAGEMENT

Water is collected from a ten hectare catchment area into two interconnecting dams. The water is then treated in a state of the art treatment plant and stored in six large tanks at a high point of the site. This water is then distributed by gravity to service the needs of the property. We would increase the number of tanks to collect water from the treehouse and rainforest cabins.

WASTE AND SEWAGE TREATMENT

All onsite sewerage is pumped to the onsite sewage treatment plant. The treated effluent is then sanitised and used to irrigate areas of ongoing bush regeneration.

The preliminary assessment of daily wastewater generation including the ecotourism addition has been estimated as 23.7 kL/d. The capacity of the existing wastewater treatment plant is 18.1 kL/d. A proposed upgrade to the wastewater treatment plant with a capacity of 30kL/d has been prepared. This is able to be accommodated within the footprint of the approved plant. The treated effluent irrigation system has a current capacity of approximately 50 kL/d which is sufficient to accommodate the increased flow.

SOLAR

All proposed roofs have been designed to cater for a 250kW solar PV system, with all existing roofs retrofitted to suit. Locating the panels on roofs allows for direct to the source usage. Excess energy would be stored in onsite batteries. With energy efficiency measures applied, this equates to 100% of the summer consumption and over 40% of winter consumption. The residual energy sourced over winter will be 100% renewable. The energy consumption which is either avoided entirely or matched to a renewable source is over 500,000kWh per annum, meaning with the proposed combination of energy efficiency and renewable energy 477 tonnes of CO₂e annually is avoided.

MATERIAL LIFECYCLE COST ANALYSIS

A full lifecycle analysis will be undertaken as part of the detailed design process. This ensures the greenest materials are used both in construction and operation. Gas would not be installed in any new buildings. Renewable, durable, non-toxic and environmentally sustainable materials would be used throughout the ecoretreat.

MAXIMISING THERMAL PERFORMANCE

High R-value to walls, floors and ceilings, minimum 5 star systems and appliances and LED lighting are some of the measures that would contribute toward maximising thermal performance.

OPERABILITY AND PASSIVE COOLING

All buildings are designed for optimal operability and passive cooling through cross ventilation. The strategic placement of louvers and eave overhangs reduces the need for temperature control.

SOLAR ACCESS

Considered building orientation and large openings would maximise sun control in both summer and winter and allow natural day lighting.

ELECTRIC VEHICLES

The only onsite modes of transport would be electric and 100% renewable. The ecoretreat is designed as a walkable site with pedestrian paths, boardwalks and nature trails. Electric buggies, electric bikes and onsite charge stations would be provided.

OPERATIONAL WASTE

An operational management plan will outline the ongoing commitment to zero carbon waste practices, use of chemicals and habitat zones. For example, all food and green waste will be treated onsite through compost and worm farms. There would be no single use plastics (ie no small single use shampoo and conditioner bottles). Materials would be purchased in bulk. Local sourcing would be prioritised. Onsite waste management facilities would process reusable and recyclable resources.

The objective is that nothing is brought into the ecoretreat that is not durable, biodegradable or recyclable.

VISITOR EDUCATION

Guest welcome packs would provide guests with an understanding of the habitat values of the property as well as the sensitivities of the surrounding area. They would educate guests on habits that can help to minimise energy use not only onsite but in their daily lives.

SUSTAINABILITY DURING CONSTRUCTION

Modular, pre-fabricated construction technologies would reduce construction related impacts. Locally sourced, lightweight yet durable materials would be used. Waste streams during construction would be managed through re-use of materials within the development zone.

ECOLOGY

Linnaeus is managed on ecologically sustainable development principles. Unitholders work together to fund and implement the ongoing environmental management, from weed control to replanting and regenerating the native trees to dune care.

In 2003 the Broken Head Coastal Foundation Landcare Group was formed to carry out environmental repair and bush regeneration. It later became the Linnaeus Landcare Group once the property had been renamed after the Swedish botanist, zoologist and physician Carl Linnaeus.

From 2007 – 2016 the Linnaeus Landcare Group undertook major projects in collaboration with Byron Shire Council, Envite, Jali Local Aboriginal Land Council and numerous neighbours. Since 2016 the focus has been on new plantings as well as maintaining these areas.

Environmental enhancement activities include:

- NRCMA Voluntary agreement to conserve and enhance biodiversity (part of NRCMA Natural Heritage Trust Strategy Project).
- Coast care bush regeneration and dune restoration adjacent to crown land on Seven Mile Beach.
- NRCMA Landholder Management Agreement (weed control in regeneration areas).
- NRCMA Bush Recovery Round 3 – twenty year Property Vegetation Plan agreement for 30 hectares of land under regeneration.
- Voluntary bush regeneration works continually undertaken by Linnaeus Landcare Group.

SITE CONTEXT (VEGETATION)

Linnaeus contains extensive areas of native vegetation including brush box forest, rainforest communities, swamp sclerophyll forest, heath, dunal and wetland communities. Large areas of the site were cleared and modified from previous grazing and agricultural uses.

Broken Head Nature Reserve occurs approximately 800 metres north of the site and encompasses approximately 110 hectares of native vegetation including rainforest, dry sclerophyll forest, woodland, grassland and dunal vegetation. The southern boundary of the site abuts the eastern portion of Newrybar Swamp, an extensive area of heath and swamp forest which extends over approximately four kilometres south to Lake Ainsworth at Lennox Head.

THREATENED FLORA AND COMMUNITIES

Historic assessment of the site has identified several threatened flora species including scented acronychia, green-leaved rose walnut, white lace flower, sweet false galium, stinking laurel, rusty plum, red lilly pilly and maundia.

Six threatened flora species have been recorded within the proposed development area, all of which will be retained in-situ:

- Coolamon [planted trees] (*Syzygium moorei*)
- Native guava (*Rhodomyrtus psidioides*)
- Scrub turpentine (*Rhodamnia rubescens*)
- Stinking laurel (*Cryptocarya roetida*)
- White lace flower (*Archidendron hendersonii*)
- Queensland xylosma (*Xylosma terrae-reginea*)

Two threatened ecological communities occur on the property (littoral rainforest, lowland rainforest), with swamp sclerophyll communities in the south of the site also having high conservation value. The proposal is sited within cleared and disturbed areas.

THREATENED FAUNA HABITAT

Historic assessment of the site has identified several threatened fauna species, including wallum sedge-frog, grey-headed flying-fox, common blossom bat, black-necked stork, eastern long-eared bat, white-eared monarch, white-bellied sea-eagle and little lorikeet. Extensive areas of forest and various vegetation types provide a diversity of foraging, refuge and breeding opportunities for threatened fauna which may utilise the coastal fringe in the locality between Lennox Head and Cape Byron.

AVOID AND MINIMISE

The design of the proposal has been developed over several months following preliminary field investigations which indicated that substantial numbers of threatened flora occurred at the site. Discussions were then held with the ecologist, project planner, architects and bushfire consultant to design the project to avoid intact sensitive habitats, minimise impacts on threatened flora habitat/threatened ecological communities and reduce impacts on native vegetation from bushfire asset protection zones. The proposal utilises areas of cleared grassland or significantly modified vegetation. Areas of better quality littoral rainforest and threatened flora habitat will be retained.

ENVIRONMENTAL PROTECTION

Large parts of the site have been zoned for Environmental Protection (E2) and Environmental Management (E3) zoning to ensure significant vegetation and habitats are protected. This zoning was gazetted (made lawful) on 28 February 2020.



Site analysis

Broken Head Coastal Foundation and Byron Shire Council both supported this zoning change which, along with the other environmental zones and controls applying to this land, protect some 65% of the site in perpetuity.

PROPERTY

On the beach side of Broken Head Road between Suffolk Park and Lennox Head lies the 111.2 hectare property commonly known as Linnaeus Estate. The property is predominantly within the Byron Shire and encompasses 1.5km of beach frontage, wetlands, coastal heath, littoral rainforest and coastal dunes which support a rich and healthy biodiversity.

Broken Head Coastal Foundation is the owner of the land as Trustee for an Ownership Trust. There are currently 18 private education buildings and two manager's residences onsite. There is also a pool, tennis court, community centre and two other communal buildings. Existing approvals are in place for 13 more private education buildings.

The current building footprint across the site is 4088m².



Entrance to Linnaeus

The land, like much of the Byron region, has a colourful [history](#).

This application is separate to a planning proposal for community title from the Broken Head Coastal Foundation which has been endorsed by the Byron Shire Rural Land Use Strategy. That planning proposal, which has been in the public arena for around five years, has been granted Gateway Approval from the Department of Planning. [Read more here](#).

HISTORY

The property was a source of fuelwood for Norco butter factory furnaces prior to being used for dairy farming and banana plantations in the 1940s. Corn, pumpkins, cucumber and watermelons were grown in the 1950s, with beef cattle grazing after that. Quarrying, beach sand mining and driving over the dunes all contributed to deforestation and degradation.

The land was zoned for private education in 1985. An approval was granted for a university campus – “The Academy” – with 1,200 students. Construction commenced with footings built however the owners went into receivership in 1987 and the property was taken over by St George Bank. In 1996 the property was purchased by the Broken Head Coastal Foundation who have nurtured the Linnaeus Estate. Since 2016 the property has been covered by a combination of special activities – initially education and more recently mixed use, environmental and some rural zonings.

PLANNING PROPOSAL

The proposal seeks a neighbourhood community title scheme around the existing private education buildings comprising 33 lots with a minimum size of 250m². Each lot could have only one dwelling and the bulk of the land would be in shared ownership.

The intention is more conventional governance - community title instead of the existing complicated trust and lease arrangement. The change would also provide flexibility with the existing buildings. Subject to development applications unitholders could be permitted to reside in their buildings. Currently these buildings are mostly only approved to house visitors for education purposes.

The planning proposal has been exhibited by Byron Shire Council. If approved it would be sent for gazettal, which means the community title would become lawful. After that a DA could be lodged for the 33 lot community title "subdivision" approval.

FAQ

— How will you protect the ecology?

Large parts of the site have been zoned Environmental Protection (E2) and Environmental Management (E3). Broken Head Coastal Foundation and Byron Shire Council both supported this zoning change, which was gazetted (made lawful) on 28th February 2020. Combined with the other environmental zones and controls applying to this land, this protects some 65% of the site in perpetuity.

This application avoids sensitive habitats, utilising areas of cleared land (mown grassland) or significantly modified vegetation subject to regular mowing.

Should this application be approved the excellent environmental works that the Broken Head Coastal Foundation have designed and implemented would be intensified. Their approach can be understood by viewing the [Linnaeus Nature Guide](#).

This application is based on and because of protection of the ecology. Success of the ecotourism enterprise depends upon protection of the biodiversity values of the property.

For more information regarding ecology please click [here](#).

— What about Seven Mile Road?

We do not require access through the private road from Broken Head Road to Seven Mile Beach Road. Nor do we require access through Seven Mile Beach Road.

— How will you manage your guests offsite?

Some neighbours have expressed concern about additional people on local beaches and roads. Please allow us to respond to some of these concerns.

1.0 Ecotourism vs tourism

The ecotourism experience is intended as high yield and low impact for the local community and surrounding ecology. A very large property mostly preserved for nature providing a genuine Australian habitat experience for very few (relative to the size of the property) people. For information regarding the criteria for "Eco-tourist uses" please click [here](#).

There are numerous high end accommodation providers in and around Byron Bay which cater brilliantly for travellers who wish to let their hair down and party. We would not be among them.

2.0 Pricing

It is suggested that our pricing structure would deter those wishing to spend a lot of time offsite. Given our limited dining option we believe that our guests would dine offsite maybe once daily.

We would also promote formal offsite activities with local tourism providers in and around Byron Bay.

3.0 Guest induction

Guest induction would occur over four phases.

3.1 Marketing

The promise is nature and connection. While the marketing would be upmarket and polished, the experience promoted would be one of rustic natural luxury with a wellbeing and health focus.

3.2 Booking

The booking confirmation email would include content regarding the fragile nature of the property and surrounding area. There would be a link and an attachment to further information.

3.3 Arrival

Upon arrival guests would be welcomed and provided with a verbal induction. This would cover:

- Out of bounds areas of the property
- Where guests can and can't go unguided
- The retreat ethos including quiet appreciation of nature
- Key points re the surrounding area. Such as roads to avoid. Some of this would be communicated as where to go as opposed to where not to go
- Guests would be advised of the nature of the beach and that swimming is at their own risk. Should guests wish to access the beach they would do so via an existing gate

3.4 Compendium

The in cabin compendium would provide further detail regarding the sensitivity of the property and local area. Again, it will sometimes be about advising guests what to do as opposed to what not to do.

4.0 Ongoing guest education

Given the intimate nature of the retreat staff will be across what guests are doing and can monitor/advise as appropriate.

5.0 Ongoing management

We intend to work hard to be excellent neighbours and add value to the Broken Head community over time. Ongoing feedback will be invaluable in improving our operations.

— Will Byron Shire Council be assessing this application?

We will lodge our development application with Byron Shire Council. They will process the application, hold their own public exhibition period and prepare an assessment for consideration by the Northern Regional Planning Panel (formerly the Joint Regional Planning Panel or JRPP). Any ecotourism project with a value over \$5 million must go to the Northern Regional Planning Panel.

— How do I have my say?

Please email us at enquiries@ecotourismproposal.com.au or call us on 0492877437 with questions and feedback. We welcome your input.

Please come along to an *open Q&A session* Sunday 8th March 3:30 – 5:30pm at Linnaeus, 951 Broken Head Road Broken Head. A number of questions were raised at the Broken Head Hall on March 1st. These will be answered along with any other questions from neighbours.

We realise the site has a complex history and so have extended the period of pre-lodgement consultation until 22 March. After that date we will finalise our application and lodge it with Byron Shire Council. There will be further opportunities for community input during Byron Shire Council's public exhibition period.

— Will public events be held onsite?

No.

— What about weddings?

This is not a wedding venue. For the proposed ecoretreat component of Linnaeus to work both the "eco" and "retreat" products and experiences must be solid. The habitat values of the property must be maintained and continually enhanced. The experience of nature must be at the fore. Events are not a fit. There is no place for event guests. Access would be for overnight guests only.

We intend to work very hard to ensure that we are good neighbours. That the proposed changes bring no negative consequences at all for our neighbours.

— Will I have access to the facilities?

Only overnight guests and Linnaeus unitholders would be able to access ecoretreat facilities. This is intentionally a low scale low footprint intimate retreat. By opening it to the public key factors would change which would potentially compromise both the habitat and the guest experience.

— Is this stage one of a bigger development?

No.

— How many people will be employed through this ecoretreat?

A specialist Hotel Management Consultant has estimated that 75 full-time equivalent positions would be created with up to 49 staff on-site at any one time.

— How will the changes affect traffic on Broken Head Road/The Coast Road?

The impact of the proposed ecotourism addition has been assessed by expert traffic engineers to determine what changes (if any) would be required to ensure that safety and efficiency are maintained. This was carried out through an assessment of the existing site conditions, estimated parking requirements and traffic generation.

The existing 'seagull' intersection arrangement on MR545 (Broken Head Road/The Coast Road) has been assessed according to the warrants for turn treatment and safe intersection sight distance from Austroads. The existing arrangement provides for traffic safety and efficiency for both the existing and proposed development traffic generation, with capacity for much higher traffic volumes. The existing access connection to MR545 also has enough width and length to meet the requirements of AS2890 for access. Therefore no changes are proposed.

— Can your sewerage treatment plant handle the extra load?

Yes. The preliminary assessment of daily wastewater generation including the ecotourism addition has been estimated as 23.7 kL/d. The capacity of the existing wastewater treatment plant is 18.1 kL/d. A proposed upgrade to the wastewater treatment plant with a capacity of 30kL/d has been prepared. This is able to be accommodated within the footprint of the approved plant. The treated effluent irrigation system has a current capacity of approximately 50 kL/d which is sufficient to accommodate the increased flow.

— Is this part of the community title planning proposal?

No. This application is separate to a planning proposal for community title from the Broken Head Coastal Foundation which has been endorsed by the Byron Shire Rural Land Use Strategy. That planning proposal, which has been in the public arena for around five years, has been granted Gateway Approval from the Department of Planning. The proposal seeks a neighbourhood community title scheme around the existing private education buildings comprising 33 lots with a minimum size of 250m². Each lot could have only one dwelling and the bulk of the land would be in shared ownership.

The intention is more conventional governance – community title instead of the existing complicated trust and lease arrangement. The change would also provide flexibility with the existing buildings. Subject to development applications unitholders could be permitted to reside in their buildings. Currently these buildings are mostly only approved to house visitors for education purposes.

The planning proposal has been exhibited by Byron Shire Council. If approved it would be sent for gazettal, which means the community title would become lawful. After that a DA could be lodged for the 33 lot community title “subdivision” approval.

ENGAGE

Please email us at enquiries@ecotourismproposal.com.au or call us on 0492877437 with questions and feedback. We welcome your input.

We realise the site has a complex history and so have extended the period of pre-lodgement consultation until 22 March. After that date we will finalise our application and lodge it with Byron Shire Council. They will process the application, hold their own public exhibition period and prepare an assessment for consideration by the Northern Regional Planning Panel (formerly the Joint Regional Planning Panel or JRPP). Any ecotourism project with a value over \$5 million must go to the Northern Regional Planning Panel.

There will be further opportunities for community input during Byron Shire Council's public exhibition period.

Thank you for your time and consideration.

Appendix 6 - Press ads Byron Shire News and Byron Shire Echo

Consultation re proposed DA

We are looking to submit a Development Application regarding the 111.2 hectare Linnaeus Estate property at 951 Broken Head Road Broken Head.

The application seeks to establish a low scale ecoretreat incorporating the existing facilities - pool, communal buildings and tennis court. The pool area would be upgraded to incorporate a wellness facility (spa), toilets and showers. An evacuation building, back of house (office space, staff amenities and parking), bin and storage area and garden shed would be constructed.

The application proposes that 11 approved but unbuilt units not be erected and 33 two person cabins/treehouses be constructed for ecoretreat guests.

The building footprint of new development would be 0.35 hectares or less than one third of one percent of the site. The building footprint including all existing and new development would be 0.78 hectares or less than three quarters of one percent of the site.

The ecoretreat has a zero carbon commitment. New development would avoid sensitive habitat, occurring in cleared and disturbed areas only.

The DA has not yet been lodged with Council. Feedback is being sought until 6th March. Please visit www.ecotourismproposal.com.au for more information and contact 0492 877 437 or enquiries@ecotourismproposal.com.au with questions and feedback. Information sessions are being held 28 and 29 February at various times. Bookings are essential and can be made via the website.

Thank you.

Appendix 7 - A1 site notice

CONSULTATION PRIOR TO DEVELOPMENT APPLICATION

951 Broken Head Road, Broken Head

The application seeks to continue with current uses as well as establish a low scale ecoretreat incorporating the existing facilities - pool, communal buildings and tennis court. The pool area would be upgraded to incorporate a wellness facility (spa), toilets and showers. An evacuation building, back of house (office space, staff amenities and parking), bin and storage area and garden shed would be constructed.

The application further proposes that 11 approved but unbuilt units not be erected and 33 two person cabins/treehouses be constructed for ecoretreat guests.

The building footprint of new development would be 0.35 hectares or less than one third of one percent of the site. The building footprint across the entire property including all existing and new development would be 0.78 hectares or less than three quarters of one percent of the site.

The ecoretreat has a zero carbon commitment. New development would avoid sensitive habitat, occurring in cleared and disturbed areas only.

The application proposes to work alongside the Broken Head Coastal Foundation, who have guided the ecological preservation for the past 24 years.

The DA has not yet been lodged with Council. Feedback is being sought until 6th March. Please visit www.ecotourismproposal.com.au for more information or contact 0492 877437 or enquiries@ecotourismproposal.com.au with questions and feedback. Community information sessions are being held 28 and 29 February at various times. Bookings are essential and can be made via the website.

Thank you.



Appendix 8 - Media release



17 February 2020

Media release

Cabin reshuffle and facilities upgrade proposed at Linnaeus

A new application will be put forward to Byron Shire Council over the next couple of months regarding Linnaeus Estate at Broken Head.

The 111.2 hectare property is covered by a combination of special activities - mixed use, environmental, private education and some rural zonings. While the zoning allows for tourism the property is currently only approved for private education.

The application will seek to continue with current uses as well as establish a low scale ecotreat incorporating the existing facilities - pool, communal buildings and tennis court. The pool area would be upgraded with wellness facility (spa), toilets and showers and an evacuation building, back of house (office space, staff amenities and parking), bin and storage area and garden shed would be constructed.

The application proposes that 11 approved but unbuilt units with a combined floor space of 2388m² not be erected. That instead 33 new two person cabins/treehouses with a combined floor space of 1862m² be constructed for ecotreat guests.

The building footprint of new development would be 0.35 hectares or less than one third of one percent of the site. The building footprint across the entire property including all existing and new development would be 0.78 hectares or less than three quarters of one percent of the site.

A zero carbon commitment has been promised. "Nearly all the required energy would be provided by a significant solar investment" outlined Hayley Pryor from Harley Graham Architects. "The balance would be sourced from 100% renewable Australian wind or solar".

New development would avoid sensitive habitat, occurring in cleared and disturbed areas only. The application proposes to work alongside the Broken Head Coastal Foundation, who have guided the ecological preservation for the past 24 years.

No plans have yet been submitted to Council. Community engagement is being held until March 6th, after which the application will be finalised and lodged. Locals are invited to view the project website www.ecotourismproposal.com.au and ask questions or provide feedback to enquiries@ecotourismproposal.com.au or 0492 877437. Community information sessions are being held February 28 and 29 at various times. Bookings are essential and can be made via the project website.

Locals will have further opportunities to input when Byron Shire Council holds its own public exhibition period.

For further information including images please contact Caroline Desmond 0415 499429 or caroline@carolinedesmond.com.au

Appendix 9 - Media coverage

Web, Byron Shire News, Northern Star, Ballina Shire Advocate, 18 February 2020



An artist's impression of some of the beach cabins that will be proposed.

PROPERTY

Cabins, tree houses proposed for idyllic coastal property



LIANA TURNER

18th Feb 2020 4:00 PM
Subscriber only

A DEVELOPMENT application that is expected to be lodged with Byron Shire Council next month will propose new cabins and tree houses on the 111.2ha Linnaeus Estate at Broken Head.

The proponents are currently undertaking community engagement prior to lodging the application.

The proposal will seek for existing uses, including private education, to continue while establishing a "low-scale eco-retreat" that incorporates the existing facilities (a pool, communal buildings and tennis court).

The DA will propose that 11 approved - but not yet -constructed - dwellings be -replaced with 33 two-person cabins or tree houses for -retreat guests.

The proposed building footprint of the new structures would be 0.35ha and the plans involve a "zero carbon commitment", with most energy supplied on-site and the remainder coming from sustainable sources, the proponent said in a statement.

If approved, this would bring the total building area on the property to 0.78ha.

"New development would avoid sensitive habitat, occurring in cleared

and disturbed areas only," the statement said.

"The application proposes to work alongside the Broken Head Coastal Foundation, who have guided the ecological preservation for the past 24 years."

While no plans have yet been submitted with the council, the proponent is holding community engagement until March 6.

Residents have been invited to view the proposal at www.ecotourismproposal.com.au.

Further inquiries can be made through enquiries@ecotourismproposal.com.au or 0492 877437.

Community information sessions will be held on February 28 and 29, bookings are essential and can be made through the website.

More feedback will be sought later when the DA is before the council.

Cabin, treehouse plans proposed

LIANA TURNER

A DEVELOPMENT application that is expected to be lodged with Byron Shire Council next month will propose new cabins and tree houses on the IllZha Linnaeus Estate at Broken Head.

The proponents are currently undertaking community engagement prior to lodging the application.

The proposal will seek for existing uses, including private education, to continue while establishing a "low-scale eco-retreat" that incorporates the existing facilities (a pool, communal buildings and tennis court).

The DA will propose that if approved - but not yet constructed - dwellings be replaced with 33 two-person cabins or tree houses for retreat guests.

The proposed building footprint would be 0.78ha and the plans involve a "zero carbon commitment", with most energy supplied on-site and the remainder

coming from sustainable sources, the proponent said in a statement.

"New development would avoid sensitive habitat, occurring in cleared and disturbed areas only," the statement said.

"The application proposes to work alongside the Broken Head Coastal Foundation, who have guided the ecological preservation for the past 24 years."

While no plans have yet been submitted with the council, the proponent is holding community engagement until March 6.

Residents have been invited to view the proposal at www.ecotourismproposal.com.au.

Further inquiries can be made through enquiries@ecotourismproposal.com.au or 0492 877437.

Community information sessions will be held on February 28 and 29, bookings are essential and can be made through the website.

More feedback will be sought later when the DA is before the council.



TRANQUIL: An artist's impression of beach cabins proposed for the Linnaeus property at Broken Head.



25 Feb 2020
Article type: Publication
Page: 6
Byron Shire Echo, The
Readership: 53000
AVE: \$622.81
Circulation: 23200

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Linnaeus Estate pushes for wellbeing retreat

A public meeting to discuss a 'low-scale wellbeing retreat' development proposal, at a gated beachside estate, situated between Byron Bay and Lennox Head will be held at the Broken Head Community Hall on Sunday March 1, from 4pm.

Council staff have told *The Echo* the Linnaeus Estate DA will go before the Northern Regional Planning Panel.

While a DA is yet to be lodged, it has stirred neighbours into action.

According to the owners, 'The 111.2 hectare property is covered by a combination of special activities – mixed use, environmental, private education and some rural zonings. While the zoning allows for tourism, the property is currently only approved for private education.'

'The application will seek to continue with current uses, as well as establish a low-scale eco-retreat, incorporating the existing facilities – pool, communal buildings and tennis court. The pool area would be upgraded with wellness facility (spa), toilets and showers and an evacuation building, back of house (office space, staff

amenities and parking), bin and storage area and garden shed would be constructed.'

'The application proposes that 11 approved, but unbuilt, units with a combined floor space of 2,388m² not be erected. That instead, 33 new two-person cabins/treehouses with a combined floor space of 1,862m² be constructed for eco-retreat guests.'

Former Greens mayor and NSW MLC, Jan Barham, has flagged her concerns, which range from climate change impacts, foreseeable risk of future erosion and liability of Council.

Barham said, 'It is unbelievable, with the coastal problems Council has been dealing with for decades, that in 2020, Council would create new lots in a coastal risk area, especially when they have declared a climate emergency.'

'There is also the likelihood of a repeat of historical events such as cyclones and east coast lows that could ravage this section of coast, and with Council supporting the new zonings in the risk area, there are serious consequences.'

'Disturbingly the proposal

has identified as per the staff report: "15 lots in the coastal erosion zone," but states that this will be dealt with by conditions of consent for any of the structures to comply with the relocatable provisions of the LEP and DCP.'

Developer replies

One of the developers, Brandon Saul, has hosed down what he says are misunderstandings about the proposal and process.

He told *The Echo* that the proposal will not increase the number of people staying onsite 'above what has already been adopted in the Rural Land Use strategy'.

Responding to queries as to expected numbers, he says 'I suspect we'd be lucky to get 20 people at a time interested in the type of things we'd be looking to present.'

When asked of claims by neighbour Lois Hunt whether this DA is motivated purely by profit and 'why not stand by what the original developers intended?,' Saul replied, 'Ultimately, I think all development is driven by economics. So, I think the honest answer to this question is that this is one

of those cases where the more profitable thing to do will, in fact, provide the best outcome for the site, and the community, in which it sits.'

The Echo also asked, 'Presumably this rezoning can be a catalyst for expanded operations in the future – ie a thin edge of the wedge?'

Saul replied, 'We are not asking Council to re-zone the property. Tourism is already a permissible use on the land we propose to use for our retreat. That said, the "thin end of the wedge" argument represents a valid concern.'

'On that point, I'd encourage those that are concerned to take a closer look at the site and our proposal. While Linnaeus is a large parcel of land, most of it is not suitable for development and never will be. Much of it has already been voluntarily earmarked for ecological preservation under the council's new "e zone" process and much of it is low lying grassland, not suitable to development.'

'We invite people to attend our community information sessions this Friday and Saturday. Bookings can be made via www.ecotourismproposal.com.au'.



03 Mar 2020
Article type: Publication
Page: 11
Byron Shire Echo, The
Readership: 53000
AVE: \$148.97
Circulation: 23200

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page 1 of 2

A little Linnaeus

Call me cynical, but there's something about the pronouncements of Brandon Saul, one of the people behind the proposed 'eco-development' of the Linnaeus Estate between Byron Bay and Lennox Head, that doesn't add up.

Surely the last thing Byron Shire needs right now is more tourism. In an era of ongoing climate crisis, economies based on bringing things in – whether they

are goods or services or, as in this case, tourists – are doomed to fail. Instead, we should be doing everything we possibly can to increase resilience and self-reliance.

Future generations will not thank us if we allow this magnificently beautiful and ecologically important piece of land to become a high-end glamping and wedding venue, as is proposed.

The Estate was established as a low-impact educational centre, with a particular emphasis on the environment. Now more than ever this core purpose needs to be preserved.

John Page
Byron Bay

A little Linnaeus

John Page, Byron Bay

Call me cynical, but there's something about the pronouncements of Brandon Saul, one of the people behind the proposed 'eco-development' of the Linnaeus Estate between Byron Bay and Lennox Head, that doesn't add up.

Surely the last thing Byron Shire needs right now is more tourism. In an era of ongoing climate crisis, economies based on bringing things in – whether they are goods or services or, as in this case, tourists – are doomed to fail. Instead, we should be doing everything we possibly can to increase resilience and self-reliance. Future generations will not thank us if we allow this magnificently beautiful and ecologically important piece of land to become a high-end glamping and wedding venue, as is proposed.

The Estate was established as a low-impact educational centre, with a particular emphasis on the environment. Now more than ever this core purpose needs to be preserved.

Appendix 10 - Letter from neighbour

2 MARCH 2020

MATTHEW LONGHURST
PO Box 1770, Byron Bay 2481

Dear "The Linnaeus eco-retreat team"

SUBMISSION OPPOSING

Any eco-retreat, hotel or
short term lodging.

I write to strongly oppose any use of
951 Broken Head Rd, Broken Head
Lot 1 DP 1031848

"The Linnaeus Estate"
for any form of eco-retreat.

Yours sincerely

Matthew LONGHURST