

From: byroneforms
Sent: Thursday, 15 April 2021 10:25 PM
To: council
Subject: 10.2020.574.1 - Submission of Object - [REDACTED]
Importance: Low

Development Application - Submission notification

Submission ID: BSC-005-924

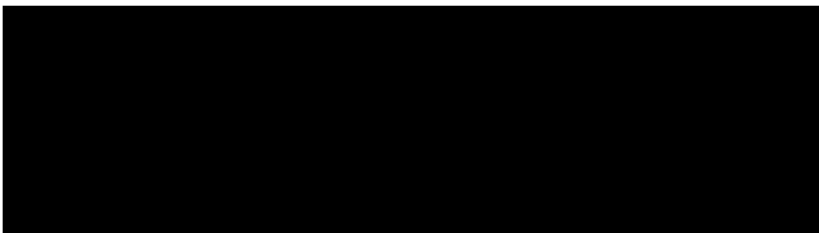
DA number: 10.2020.574.1

Subject address: 219 The Saddle road Brunswick Heads

Application type: Object

Other details:

Grounds: Submission in response to DA10.2020.574.1 , 219 The Saddle road 1. I refer to SEE 1, existing land uses This list is of permitted uses. This does not reflect the current use to which the property is put. Byron Rainbow Farm is not a registered business with the government ABN site, which indicates that no business activities are being carried out. 2. I refer to SEE 3.3, objectives of the proposal The stated objective is for the farm stay activity to be secondary to existing Byron Rainbow Farm agricultural activities This is further stated in SEE 3.6.4 From observation it appears that the existing Byron Rainbow Farm activities are negligible, otherwise they would be run as a business and registered as such with n ABN. 3. I refer to SEE 3.4, existing developments This states there are intensive/extensive agricultural and horticultural activities on the site These activities have not been sufficiently great to be run as a registered business. 4. I refer to the LEP 2014, definition of farm stay accommodation. This states that it provides for accommodation on a working farm as a secondary business to primary production. Primary production appears to have not been so great as to be a registered business. It would seem at present that farm stay accommodation would therefore be the primary business, primary production the secondary business. The SEE has not established that there is a working farm on the property, and visual observation seems to indicate that this is the case. This would therefore be contrary to the objective of the LEP in terms of farm stay accommodation. The application should therefore be assessed as rural tourist accommodation and NOT as farm stay accommodation. 5. The bulk of this DA is therefore inappropriate as it focuses on farm stay and does not address the requirements of rural tourist accommodation.





From: byroneforms
Sent: Thursday, 15 April 2021 2:25 PM
To: council
Subject: 10.2020.574.1 - Submission of Object - [REDACTED]
Importance: Low

Development Application - Submission notification

Submission ID: BSC-005-919

DA number: 10.2020.574.1

Subject address: 219 the saddle road Brunswick Heads

Application type: Object

Other details:

Grounds: Submission in response to DA 10.2020.574.1 (219 The Saddle Road) 1. I refer to the DA Form, Applicant contact details The applicant (Mr Kenneth O'Reilly) is applying on behalf of a company named as koresoft pty ltd. I have checked the government ABN website and found that there is no entity listed with this name. This appears to not be a registered company, business, or body corporate. It therefore appears to be an application for an entity that does not exist. The ABN number given is for an entity being the Mathew O'Reilly Family Trust. It is not clear who is the applicant and what the relationship is between the applicant, the company name and the ABN number. 2. I refer to the DA Form, Owner of the development site The owner is stated as koresoft pty ltd. As in 1 above this entity appears to not exist and the ABN number given is for an entity being the Mathew O'Reilly Family Trust. Who is the owner of the site since koresoft pty ltd appears not to exist. 3. The DA development plan shows that the proposed development is close to and linked to an approved dual occupancy dwelling and studio. I am unable to find that a dual occupancy or studio have been approved for this location. A previous DA approval (in 2017) showed a dual occupancy in a different location on the property. 4. I note that this current application does not include for relocating the approved dual occupancy to the position shown on the site plan. A dual occupancy at this revised location is a completely different situation and should be reassessed in relation to the current application. A change of location for the dual occupancy is clearly not part of this application. Showing an approved dual occupancy on the plan for the current application is misleading as it appears to be not approved at this location. The site plan for the current application should therefore be amended to remove this reference to the dual occupancy and studio. 5. I refer to the DA Form, Development details, staged construction. The response in the Form was that there will be no staged development. However, in SEE 3, proposed development it states that the development will be built in 4 stages. It is therefore not clear what staging is proposed in the application. 6. The application is for 6 farm stay units. At present it appears from visual observation that no farming activities are being carried out, and there is no business entity registered as a farm on this site. There appears to have been some minor agricultural activity on the site on a small scale over the past year, but not on a scale that could be reasonably described as farming. I therefore question the development of farm stay units on a property that is apparently not currently

operated as a farm. 7 The SEE Introduction 1.1 shows the applicant as Matthew O'Reilly and the owner as Koresoft Pty Ltd. This differs from what is shown in the DA Form as discussed in 1. and 2. above. 8 I refer to the SEE 3.4, existing developments Byron Rainbow Farm is not listed on the government ABN website as a registered company, business, or body corporate. The listed share farming businesses are not listed on the government ABN website as a registered company, business, or body corporate. It appears that none of these are businesses and are names only. It could appear that these names are to bolster the appearance of farming and businesses involved in the proposed development. 9 The SEE considers impact on The Saddle road and Gulgan road, but makes no mention of Hyrama Crescent. Hyrama crescent is a public road and is in very close proximity to the proposed development. There are several properties on Hyrama that have a clear view of the proposed development and would be significantly visually negatively impacted and potentially noise impacted by the proposed development. The SEE appears to avoid addressing this impact, and this should be considered by Council. 10 In the SEE D2.5.2, Character and siting of dwellings under 2. and 3. the comment is that the development will not be visible from Saddle road, but makes no comment on the high degree of visibility from Hyrama crescent. There is also a comment that the development is set back 400 m from Gulgan road to ensure visual amenity is retained, but it neglects to state that the development is some 40 m higher up the slope and will be highly visible from sections of the road. 11 In the SEE D3.2.3, Character and Design in Rural Zones, Objectives, the comment that the character and amenity is compatible with the surrounding landscape of the locality is demonstrably incorrect as this is a large development. The surrounding landscape comprises isolated residences with associated sheds. The development may be single storey, but with steep roofs that increases height, and as a long string of development is not low-key as claimed. In this respect the development does not comply with the Objectives under D3.2.3 10 The scale of this development is further increased if the approved dual occupancy and studio are relocated from the already approved location to the new location shown on the site plan



To: The Byron Shire General Manager

Please find below our Submission Re: DA 10.2020.574

We object to this development proposal in its current form as it requires significant modification under the following 5 key areas: Excessive scope & scale; Access; Scenic Vista; Buffers & landscaping, Qualification/definition as a 'training facility'.

Excessive scale & scope – central facility & cottages:

6 farm worker cottages are currently permissible under the zoning and we don't object to them but the 'central facility' is overscale and duplicates uses already constructed on this property or contained in the cottage plans. It is overscale at 2 story, 200sqm. Buildings in our area are primarily historic, single story, timber Queenslanders and modest in size. This building is significantly larger than our home and many homes in the area and constitutes another large building on this property which already has a list of more than **15 buildings** approved, yet to be constructed or contained in this DA with 6 Farmstays. The 'Central Facility' has a large upper floor for 'recreation & yoga' when this property already has a designated yoga & pilates studio and a designated naturopathy studio. Each of which can be used for recreation and gatherings. This property already has an "Ancillary to agriculture facility' facilitating workshop type events and 5 staff. The 'Central Facility' duplicates toilets & kitchens which already exist in the Farm cottages. The only additional facility which seems reasonable is a shared laundry and this should be nestled below the cottages. We object to the placement of the building on the ridge line in line with the cottages thereby extending the overall impact of the built form of this development in a rural area and extending noise from an unnecessary meeting space towards the adjoining lifestyle blocks.

This DA is revealing that their true plans are for over scale development. Whilst the cottages have 1 bedroom, there is also a 25.4sqm loft/mezzanine space – suitable as an undisclosed 2nd bedroom. This loft should be removed from the plans. Not surprisingly with the mezzanine the proposal plans provide parking for 12 cars. With this in mind our small community could have an additional 24 (not just 12) people, both tourists and farm workers constantly coming and going on our farm road. **With a loft in the cabins accommodating 2 people the potential total number of people on this land could total 38. (see breakdown below)**

The site septic plan is seeking approval for the following approved & proposed developments:

Current development approved on the property and for the following # of people:

- Residential Dwelling - ? # people
- Residential Dual occupancy – 4 bedrooms; **6 people**
- 2 studios (1 naturopathy, 1 pilates & 1 yoga) – **3 people**
- Extractive industry (internal works – no material removal off site)
- Intensive plant agriculture / Agricultural produce industry
- Roadside stall
- Plant Nursery, landscaping supplies
- Ancillary to agriculture facility (facilitating workshop type events) – **5 staff**
- Extractive industry (including material removal off site)
- Agricultural produce Industry
- Garden Centre

- This DA requests approval for a further: 6 X Farmstay (**2 persons each**) – **12 people (though it could be 24)**; plus a central facility when there is already approval for 'Ancillary to agriculture facility (facilitating workshop type events) – 5 staff

The proposed septic plans accommodates for 26 people in total on this property with this additional DA.

There is no mention of the number of camper vans/primitive camping currently on the site which would also need to be accommodated in the septic system.

A TOTAL OF 26 PEOPLE as contained in DA's approved & proposed on this site. That is excessive development and would double the population of the Saddle Road Ridge line. With the mezzanine 'bedroom' it could be a total 38 people.

As the landowner is seeking approval for the cottages as a Farm Stay and for Farm workers we would like to see the property have an appropriate balanced ratio between built form and farming. As part of the assessment of this DA could council please do an audit of the amount of approved and proposed built form and roadways on this property as compared to area used for productive farming. We overlook this 'farm' and see more and more land being cleared and roadways but little produce or livestock. Living on this ridge line I have never have the opportunity to purchase a single, item of farm produce from Rainbow Farm. I still go back to Ewingsdale (our previous home) to buy my eggs which is so disappointing when we moved to rural land and are passionate to support low food miles and local produce.

Access:

We object to this development adding traffic to the dangerous Saddle Rd when the property has safe, level access directly from Gulgan Rd. As extracted below from the submission's traffic report, The Saddle Road is deemed to be relatively unsafe with limited sight lines. Both myself and my neighbours have been run off this road. The suggestion that by placing a sign asking the guests and farm workers turn right and travel in the easterly direction the 2 kilometres toward the Gulgan Road intersection of Saddle road is unrealistic and would never work when 80% of services and tourist attractions are accessed in Mullumbimby and Byron Bay via Mullumbimby Rd which is a short 570 metres in the western direction. Furthermore, the easterly Gulgan section of the Saddle Rd. is also unsealed, narrow and still has limited sightlines and should not take additional traffic. Saddle Road is a unique historic farm road which should remain as is. It's scenic vista's are enjoyed for walking, cycling and local resident traffic and should in no way be developed in line with this landowners aspirations for development. The submission also mentions that as Saddle Road has no parking restrictions it could be used for additional parking generated by the Farm Stay & Central Facility. Once again, this talks to the over scale vision of this development. The plans should provide suitable safe access & parking for 6 cottages, 6 cars on site and no more, It should not be planning to generate additional car parking & traffic on The Saddle Road.

'The Mullumbimby Road. Saddle Road intersection has been assessed under previous reports relating to activity on this site (refer GAA traffic Assessment: mixed use development 219 Saddle Road, October 2019) and is deemed to be relatively unsafe with substandard sight distances available.'

On purchasing our land and meeting with Mathew O'Reilly, we were extremely disappointed when we discovered that not only he had purchased the rear laneway which accesses our property but he rejected our request for access for our modest 2 bedroom, 120 sqm, secondary dwelling for a maximum of 2 cars. This access would provide us with a lower environmental footprint and less development on our property for our simple, historic

relocated dwelling. It also allows us safer access from The Saddle Road taking the potential 2 cars maximum off The Saddle road at an earlier point. This showed disappointing self interest taking precedence over an interest in supporting community harmony as well as environmental sustainability. Given the submission states that Mr. O'Reilly is stepping back from managing Koresoft I'd like our request to gain access to this laneway be re-considered by Koresoft, in-line with consideration of the impact this additional development will have on our amenity as an adjoining property.

Scenic Vista:

Saddle Road is a landmark locally for viewing both mountain sunsets and ocean views from a quiet country laneway. The submission states that they will consider 'scenic vista' yet this landholder currently has erected 2 metre high, green shade cloth stretching approximately 300 metres along the Saddle Road in front of his property. It is an eyesore and blocks views for walkers and neighbours. As a condition of approval to this DA this shade cloth should be removed. As a commitment to show a demonstrable interest in maintaining 'scenic vista' this landholder should remove this eyesore immediately. Additionally, trees have been removed along this property along Gulgan Road exposing traffic to our property sight lines. This should also be remediated as part of a planting plan as a condition of approval for this DA.

The plan currently includes a parking lot for 12 cars where the requirement is for just 6 cars. Again, as stated earlier this DA is revealing that their true plans are for over scale development. To maintain the rural nature of the area it would be more in keeping to have parking for 1 car discretely placed below each cottage rather than the parking lot proposed (be it for 6 cars or 12). Less cleared land will equate to less visual impact. The proposal goes on to talk about Farm vehicles being parked at the cottages and along the road way. So they are proposing both a 12 car parking lot, parking at the cottages and vehicles parked along the laneway. This is excessive and indicates the plan for potentially 4 people per cabin.

'The Byron DCP requires 1 space per guest bedroom for Rural Tourist Accommodation. The proposed development has 6 cabins each with 1 bedroom.'

Buffers & view preservation for Adjoining Neighbours:

The landowner has said he will not impact the views of adjoining properties yet he has an extensive planting plan along our boundary. We would request that he meet on site with us with his landscapers to discuss this plan and demonstrate our views will not be impacted. I also request that the development of this scale add suitable buffers for noise and again, an on-site review & discussion needs to take place.

We request that this landowner be required to complete a LUCRA for this development taking into consideration the amenity of the existing, adjoining large lot lifestyle properties when he would be adding tourist accommodation & transient worker accommodation to an area which is currently entirely residential.

Qualification/definition as a 'training facility'

The DA states that farm workers would need to show enrolment in a registered training organisation in a field related to farming or *'be studying at Rainbow Farm'* in order to qualify for accommodation. Is Rainbow Farm a registered training organisation, university or college? If not, this should be removed from the DA.

In summary, we support a small scale 6 cottage, 1 bedroom (no loft) farm stay (no central facility) as long as it is a legitimate development & exchange of farming education, is on an appropriate modest scale in keeping with the rural environment and does not impact on the amenity, scenic vista and road

access of the existing, small Saddle Ridge residential community. We object to this DA in its' current form. It is over scale and requires major amendments in the areas outlined above as well as additional assessments. (LUCRA & farming to built development ratio.)

Sincerely,

A solid black rectangular redaction box covering the signature area.