

Feedback for proposal to regulate unapproved dwellings at Yagers Lane Skinners Shoot



BYRON
SHIRE
COUNCIL

Submitted on 31 May 2023, 4:58PM

Receipt number YAGERS9

Related form version 2

Name robert bruce

Email

Provide your feedback here

I lived at 104 Yagers Lane for ten years (2008-2018) and was next door to the subject property. The property in question required a tremendous amount of work to clean it up and fix it out of its very poor state. It has done a wonderful job in cleaning it up. I think the current proposal will allow further upgrading of the property and eventually transforming it into something which, because of its history, won't be a blemish on the beautiful valley of Skinners Shoot. It's a great opportunity for something positive to happen at Skinners Shoot. I am very supportive of the proposal to amend Byron Local Environmental Plan (LEP) 2014 to permit a dual occupancy at 103 Yagers Lane Skinners Shoot. The planning proposal is supported by a preliminary contaminated land assessment and an on-site wastewater management assessment. It's a good thing that such rigorous assessment has been undertaken. Now hopefully the regulation of these dwellings can move forward. Thank you.

Upload your feedback here

Feedback for proposal to regulate unapproved dwellings at Yagers Lane Skinners Shoot



BYRON
SHIRE
COUNCIL

Submitted on 4 June 2023, 8:23PM

Receipt number YAGERS10

Related form version 2

Name Michael Cusack

Email

Provide your feedback here

I have lived at 103 Yagers Lane for the 15 years (but have been a local of Byron Bay for 27) she has spent those years focused on the rehabilitation of the farm, planting thousands of native plants and building an extremely environmentally sensitive house. The documentation states "The planning proposal seeks to obtain a dwelling entitlement for an existing dual occupancy (detached) on the site. This will formalise existing development on the site and will not result in any growth in development". Further, the document from Byron Shire Council states there is road access with direct frontage to Yagers Lane as well as electricity, water and sewage available to the site. I do support the formalising of existing unapproved dwellings in those circumstances where this is appropriate. In this instance it does seem to be entirely appropriate.

Upload your feedback here

Feedback for proposal to regulate unapproved dwellings at Yagers Lane Skinners Shoot



BYRON
SHIRE
COUNCIL

Submitted on 24 May 2023, 10:18AM

Receipt number YAGERS6

Related form version 2

Name Mart n E n

Email

Provide your feedback here

As a qualified ecologist that have been a local resident at Yagers Lane for five years, I greatly appreciate and admire the ongoing efforts of [redacted] to rehabilitate and improve the biodiversity values of her land. Since moving here, we have witnessed how [redacted] has continually been managing weeds, planting natives, and caring for the safety of native wildlife. She is an inspiration to us in our own efforts to do the same. I am happy to note how Council have acknowledged her important work. I am in full support of this application.

Upload your feedback here

Feedback for proposal to regulate unapproved dwellings at Yagers Lane Skinners Shoot



BYRON
SHIRE
COUNCIL

Submitted on 31 May 2023, 11:17AM

Receipt number YAGERS8

Related form version 2

Name David Gwynne

Email

Provide your feedback here

I have been an active member of the Byron shire community for 27 years and have resided at 103 Yagers Lane Skinners Shoot for 15 of those years, previously I resided at Upper Wollons Creek (which I now own) and at both properties I have contributed greatly to the environmental rehabilitation. The results of my past works are still visible. I am very supportive of the proposal to amend Byron Local Environmental Plan (LEP) 2014 to permit a dual occupancy at 103 Yagers Lane Skinners Shoot, this is such a large property to not have any building entitlement in that area. The planning proposal is supported by a preliminary contaminated land assessment and an on-site wastewater management assessment. It's a good thing that such rigorous assessment has been undertaken. After frequenting this property over the years I hope we can move forward with the regulation of these dwellings. It will be a blessing to see. Thank you.

Upload your feedback here

From:
To: [council](#); [Johnstone, Dylan](#); [Arnold, Mark](#); [Burt, Shannon](#)
Subject: Planning Proposal 26.2021.6.1 103 Yagers Lane Skinners Shoot
Date: Tuesday, 13 June 2023 7:31:10 AM
Attachments: [Planning+Overview+for+Pre-lodgement+Consultation.pdf](#)

Dear General Manager,

Subject Planning Proposal 26.2021.6.1 (103 Yagers Lane Skinners Shoot)

Our Skinners Shoot Residents Group wish to register a strong objection to the Gateway proposal being given approval by the councillors for the following reasons.

Fire Hotspot.

The land is mapped as Bush fire prone Land and contains vegetation category (1) The proposal is at end of deadend 4 metre wide pavement road with no turn around area for Fire trucks.

Climate Change is not addressed in this report on safety of occupants if the APZ areas are not increased

The report fails to address how the fire trucks can safely enter and exit the property.

Unmapped High Value vegetation.

Byron Shire Council is responsible for actioning a review of the Byron Shire Biodiversity Conservation Strategy and finalising a Pest Management Strategy. Byron Shire Council is also responsible for implementing a Koala Plan of Management and Flying Fox Camp Management Plan. We believe these strategies and plans are compromised by the Planning Proposal.

Traffic and roads

Skinners Shoot road has approx. 781 vehicles/day (20/21 traffic counts) The road formation ranges from 5m -6m and is sealed. Council adopted engineering standards require a road formation for such daily traffic flows to be a 7M seal with 1 metre shoulders.

The road contributions for the upgrade to Council engineering standards should be nominated in the planning agreement of Council.

The community have often complained to Council that areas of Skinners Shoot road present danger for children cycling to and from school and horseriders, the pavement width is a huge problem and with additional traffic load exacerbates the need for caution

against further accidents on our road.

Contribution

Council has negotiated a \$40,000 contribution for the entitlement which seems very low remuneration for the high land value return the owner obtains for the a dual occupancy dwelling entitlement and additional land use rights that is provided by the change of land use in the LEP.

(Please note that these buildings have been only used for Commercial tourist accommodation They have not been owner occupied or for permanent rental.)

We request that Councillors resolve to apply different terms to the agreement as it is unreasonable that buildings that were erected without benefit of council approvals, compliance inspections, Plumbing inspections, Sewer Approvals of subject to BCA or BASIX. That dwellings must be measured by the same high bar as citizens that apply through proper channels of the dwelling approval processes.

Our community held a Residents meeting on 12/10/22 attended the owner
and she and her architect presented their future vision for the
land once the Gateway would be approved.

This development proposal raised grave and worrying concerns from our community which were;

Traffic Movements; no thru traffic means quadruple car movements on road. (uber- in out, out in)

How will the four on site business be marketed;

1/ 45 seat restaurant three lunch, three dinner. Which Liquor licences will be applied for?

2/ shop 6 am-11pm

3/ Artisan space ?? studios, yoga, alternative workshops

4/ Roadside Stall

Rosalie Stollery declined to nominate a total development cost of the proposal.

In conclusion, for all the above reasons the Skinners Shoot community do not support the Gateway proposal as presented and request that more information is sought on Fire safety, Un Mapped Vegetation, Road Safety,

Re-negotiate the Contribution as inadequate the the benefit to proponent but a amenity deficit to the community.

This Gateway approval is not being applied for for the housing shortage or rental crisis but an opportunity to develop a commercial businesses on the land.

(I attach the Town Planning report given to the community at the meeting held 12 /10 /2022.)

Kind regards,

Kylie Harris

Garden House

Town Planning Overview of Proposed Development Application

1. Brief Description of Site

The application relates to Lots 7 & 8 DP 8385 located at 103 Yagers Lane, Skinners Shoot. Historically, the land has been utilised for intensive agricultural uses in the form of a large commercial piggery. This piggery ceased operation in approx. 1991. A Plant Nursery was approved on the site in 2006.



The subject site contains a dwelling and a range of very large agricultural buildings formerly utilised as part of the piggery.

The location of the proposed development is relatively unconstrained. A review of the mapped environmental constraints indicates that the land is not mapped as being impacted by the following constraints:

- Flooding;
- Koala Habitat;
- Other ecological values (other than a large Fig Tree and associated sub storey);
- Coastal hazards;
- State or regionally significant agricultural land; or
- Cattle tick dips.

The development site is primarily located within the buffer area to 'medium risk' bushfire vegetation (primarily grasslands).

2. Brief Description of Development

Development consent will be sought for a proposal to adaptively reuse part of a former piggery building for the purpose of a Restaurant and construct new buildings to be utilised as both an Artisan Food and Drink Industry and Roadside Stall. The application is inclusive of internal and external building works, carparking, earthworks, landscaping, waste water disposal and vegetation management works. The key elements are described in more detail below.

A. Proposed Restaurant

The development proposal seeks to adaptively reuse part of a former piggery building for the purpose of a restaurant. The restaurant will offer a fine dining experience and will be operated on a 'reservation only' basis. The restaurant will have a focus on quality local heirloom and organic produce with a significant proportion of the vegetables and herbs produced on site will be grown on the property in dedicated horticultural areas. Key statistics for the restaurant are as follows:

Element	Component	Criteria
Floor area	Main restaurant seating area	108m ²
	Restaurant lounge	96m ²
	Restaurant lounge mezzanine	52m ²
	Private dining	40m ²
	Restaurant drinks servery	36m ²
	Restaurant open cooking	45m ²
	Back of house	96m ²
	Total	473m²
Seating Capacity	Restaurant	45
	Lounge (pre or post dining seating area)	15
	Total	60
Staff	Total	20
Hours of Operation	Thursday	5.30pm to 10pm*
	Friday	12noon – 11.30pm*
	Saturday	12 noon – 11.30pm*
	Sunday	12 noon – 9pm*
	<i>*Hours of operation to be confirmed following completion of acoustic assessment</i>	

B. Proposed Artisan Food and Drink Industry

A separate building will be constructed on site which will comprise an Artisan Food and Drink Industry. This part of the project will manufacture gourmet food products primarily utilising local heirloom and organic produce. Examples of products to be created include pickles, preserves, vegie take home boxes, pre-made / take home meals, breads etc. The premises contains a commercial kitchen (comprising production & packing areas) and an associated sales and tasting space in the form of a small 15 seat café. It is intended that customers will be able to sit and 'meet the makers', taste the produce and purchase a collection of food items produced on site.

Key statistics for this element of the project are as follows:

Element	Component	Criteria
Floor area	Commercial kitchen	25m ²
	Packing & dispatch	39m ²
	Cafe	30m ²
	Total	95m ²
Seating Capacity	Café	15
Staff	Total	5
Hours of Operation	Picking (Rural activity).	Daily (as required) 6am -10am
	Cooking & Packing	Monday to Friday, 10 am-4 pm
	Packing	Saturday & Sunday, 10am-Noon.
	Tastings / Café / Sales	Monday to Sunday, 10am – 3 pm

C. Roadside Stall

A small roadside stall will be provided adjacent to the Artisan Food and Drink Premises. This stall will sell flowers and vegetables grown on site.

Key statistics for this element of the project are as follows:

Element	Component	Criteria
Floor area	Roadside Stall	20m ²
Seating Capacity	Nil	Nil
Staff	Nil	Artisan Food & Drink Industry staff will manage this element
Hours of Operation	Monday to Sunday	10am – 3 pm

C. Carparking and Access

All customer and staff vehicles will access the site via Yagers Lane. Vehicles will enter the site just after the big Fig Tree and will then enter a formal carparking area. Staff and visitor parking will be provided within this part of the site. A dedicated guest-drop off area will be provided at the entrance to the restaurant.

Delivery vehicles and additional staff parking for the restaurant will access the site via the existing driveway entrance located past the smaller Fig Tree.

3. Design and Assessments

The project is being designed by local Byron Bay architect, Rosalie Stollery of Rosalie Stollery Architects Pty Ltd. Specialists are engaged to complete the landscape and carpark / civil design components.

The application will be supported by a range of technical assessments. Assessments to be completed include the following:

- Traffic & Parking Impact Assessment;
- Noise Impact Assessment;

- Land Use Conflict Risk Assessment;
- Ecological Assessment (No significant trees or vegetation are being removed);
- Arborist Assessment (to ensure that the large Fig Tree remains health and viable);
- Onsite Waste Water Design Assessment;
- Bushfire Assessment; and
- Contaminated Land Assessment.

Most of these assessments have commenced, however will not be completed until such time as the Pre-Lodgement Community Consultation process is finalised.

4. Key Planning Provisions

A. LEP Zoning

The subject land is primarily zoned RU2 Rural Landscape Zone pursuant to the Byron Local Environmental Plan 2014. A small portion of the site is identified on the BLEP2014 mapping as “DM – Deferred Matter” and is therefore subject to the provisions of BLEP1988. No aspect of the development is located on this part of the site.

B. LEP Planning Definitions and Permissibility

Land Use	BLEP2014 Definition	Permissibility
Restaurant or cafe	<p><i>Restaurant or café means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.</i></p> <p>Note: DCP permits a general maximum of 60 seats, with additional seats possible where further ‘value adding’ to primary production occurs on site.</p>	With consent in RU2 Zone
Artisan Food or Drink Industry	<p><i>artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—</i></p> <p>(a) a retail area for the sale of the products,</p> <p>(b) a restaurant or cafe,</p> <p>(c) facilities for holding tastings, tours or workshops.</p>	With consent in RU2 Zone
Roadside Stall	<p><i>Roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.</i></p> <p>Note: LEP specifies maximum permissible GFA 20m²</p>	With consent in RU2 Zone

C. Other LEP Provisions

Byron Local Environmental Plan 2014 contains range of other planning controls applicable to the proposed development. This will be addressed within the development application to Council.

Of particular note is, BLEP2014 Clause 6.8 Rural and Nature Based Tourism, which specifies as follows:

“(3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that—

(a) there is, or will be, adequate vehicular access to and from a road, other than a classified road, taking into account the scale of the development proposed, and

(b) the development is small scale and low impact, and

(c) the development is complementary to the rural or environmental attributes of the land and its surrounds, and

(d) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment.

small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property”

The proposed development application will seek to demonstrate that the development is a suitable, low impact, addition to the locality. The existing development footprint (being a former large piggery), location of the site (relatively removed from neighbouring properties) and the relatively small scale, exclusive nature of the restaurant contribute to this conclusion.

D. DCP Provisions

Byron Development Control Plan 2014 contains a wide range of planning controls applicable to the proposed development. The Development Application will outline each of these and provide an assessment against each of the relevant criteria. In summary, this assessment will include consideration of the provisions contained within the following Chapters of the DCP:

- B1: Biodiversity
- B3: Services
- B4: Traffic Planning, Vehicle Parking, Circulation and Access
- B6: Buffers and Minimising Land Use Conflicts;
- B8: Waste Minimisation and Management;
- B9: Landscaping;
- B11: Planning for Crime Prevention;
- B13: Access and Mobility;
- B14: Excavation and Fill
- D4: Commercial and Retail Development (Particularly Section D4.2.9)

From: [John.Dahlsen](#)
To: [council](#); [Johnstone, Dylan](#); [Arnold, Mark](#); [Burt, Shannon](#)
Subject: Re: Subject Planning Proposal 26.2021.6.1 (103 Yagers Lane Skinners Shoot)
Date: Tuesday, 13 June 2023 9:42:22 AM

Dear General Manager,

Subject Planning Proposal 26.2021.6.1 (103 Yagers Lane Skinners Shoot)

I wish to register a strong objection to the Gateway proposal being given approval by the councillors for the following reasons.

Traffic and roads impact: Skinners Shoot road has approx. 781 vehicles/day (20/21 traffic counts) The road formation ranges from 5m -6m and is sealed. Council adopted engineering standards require a road formation for such daily traffic flows to be a 7M seal with 1 metre shoulders.

The road contributions for the upgrade to Council engineering standards should be nominated in the planning agreement of Council.

The community have often complained to Council that areas of Skinners Shoot road present danger for children cycling to and from school and horseriders, the pavement width is a huge problem and with additional traffic load exacerbates the need for caution against further accidents on our road.

Fire Hotspot: The land is mapped as Bush fire prone Land and contains vegetation category (1) The proposal is at end of deadend 4 metre wide pavement road with no turn around area for Fire trucks.

Climate Change is not addressed in this report on safety of occupants if the APZ areas are not increased.

The report fails to address how the fire trucks can safely enter and exit the property.

Unmapped High Value vegetation: Byron Shire Council is responsible for actioning a review of the Byron Shire Biodiversity Conservation Strategy and finalising a Pest Management Strategy. Byron Shire Council is also responsible for implementing a Koala Plan of Management and Flying Fox Camp Management Plan. We believe these strategies and plans are compromised by the Planning Proposal.

Contribution: Council has negotiated a \$40,000 contribution for the entitlement which seems very low remuneration for the high land value return the owner obtains for the a dual occupancy dwelling entitlement and additional land use rights that is provided by the change of land use in the LEP.

(Please note that these buildings have been only used for Commercial tourist accommodation They have not been owner occupied or for permanent rental.)

We request that Councillors resolve to apply different terms to the agreement as it is unreasonable that buildings that were erected without benefit of council approvals, compliance inspections, Plumbing inspections, Sewer Approvals of

subject to BCA or BASIX. That dwellings must be measured by the same high bar as citizens that apply through proper channels of the dwelling approval processes.

Our community held a Residents meeting on 12/10/22 attended the owner and she and her architect presented their future vision for the land once the Gateway would be approved.

This development proposal raised grave and worrying concerns from our community which were;

Traffic Movements; no thru traffic means quadruple car movements on road.
(uber- in out, out in)

How will the four on site business be marketed;

1/ 45 seat restaurant three lunch, three dinner. Which liquor licences will be applied for?

2/ Shop 6 am-11pm?

3/ Artisan space ?? studios, yoga, alternative workshops

4/ Roadside stall?

Rosalie Stollery declined to nominate a total development cost of the proposal.

In conclusion, for all the above reasons, I and the Skinners Shoot community do not support the Gateway proposal as presented and request that more information is sought on Fire safety, Un Mapped Vegetation, Road Safety,

Re-negotiate the Contribution as inadequate the the benefit to proponent but a amenity deficit to the community.

This Gateway approval is not being applied for for the housing shortage or rental crisis but an opportunity to develop a commercial businesses on the land.

I look forward to your due consideration to the points raised above about the unsuitability of this project.

Best regards, John

Dr. John Dahlsen

the environment before printing this email.

Feedback for proposal to regulate unapproved dwellings at Yagers Lane Skinners Shoot



BYRON
SHIRE
COUNCIL

Submitted on 26 May 2023, 8:32AM

Receipt number YAGERS7

Related form version 2

Name Page Member

Email

Provide your feedback here

The housing is located in areas of the nine hectare site that have no environmental significance and the building envelopes occupied by the existing dwellings are considered suitable for residential use. There are also significant asset protection zones around each of the houses. I support this planning proposal because it makes sense. Thanks.

Upload your feedback here

Hoopla

Skinners Shoot
Postal:
NSW, Australia

13 June, 2023

General Manager
Byron Shire Council
Mullumbimby, NSW 2482

Re Development 103 Yagers Lane 26.2021.1.6.1
And proposed Wildlife Corridor System

Further to our 6 November, 2022 meeting with the Mayor and Deputy Mayor, we write specifically to comment on the above items, as well as incorporating by reference the comments of the Residents' Group conveyed by Mr | (below)

As you are aware, Skinners Shoot is a heavily timbered bucolic enclave. It is only accessible from the outside and Byron Interchange Travel Station and Butler Street bypass, via Gordon and Milton Streets and then Skinners Shoot Road. These are narrow. Yagers Lane is single lane.

Happily, very few Byron Shire residents and travellers are aware Skinners Shoot exists. That is why it has been a haven for Koalas, Wallabies, Echidnas, Potaroos and other native animals. It's the reason those who live here love its unspoiled timbered rustic feeling. Our property even has remnants of the Big Scrub and frequent native animal visitations, or in residence.

I have previously written to Council, 24 November 2016, at the already existing appalling pedestrian safety problems occasioned by the lack of footpaths and bicycle paths from the town and the Travel Facility to the Arts Factory. Day and night, backpackers walk in the middle or wrong sides of the roads in all weathers. Indeed, I believe you are under an obligation to inform your insurers of the severe safety risk you are taking every day. This is due to the Council failing to clear the existing, or provide sidewalks there.

You have been duly notified of the risks that you contumeliously ignore, yet you shut

your eyes at your peril and those of ignorant backpackers.

Additionally, despite “No Standing” signs at the beginning of Skinners Shoot Road, when functions are held at the Arts Factory, panel vans are parked illegally, making bicycle, pedestrian and fire-truck access, either impossible or exceedingly dangerous. The Council has thus far failed to enforce the “No Standing” rules.

Now it is proposed to allow a “Farm” type destination development at the end of Yager’s Lane.

This entails a huge job in cleaning the site of asbestos and, initially, a 45-seat restaurant, an all-day café, and a produce store. With access by staff and suppliers and all the guests (some fueled by alcohol) all this must significantly increase the load on the narrow roads to and from the development.

It will substantially reduce the amenity of the Skinners Shoot enclave for both the human and wildlife inhabitants and mushroom the risks mentioned above.

The whole Pittwater Peninsular, Newport, Bilgola, Avalon & Palm Beach was recently declared cleared out of its Koala colonies. This is due to population pressure, habitat clearing and road-kill. This proposed destination development will triple the traffic. Please don’t let this happen to Skinners Shoot.

The irony of the Council seeking to implement a Wildlife Corridor system at the same time as potentially allowing this significant destination development with its traffic implications is so bizarrely contradictory to “avoidance” as to beggar belief.

Yours faithfully

Jennifer Norton-Smith & Robert Douglass
Owners

*Dear General Manager,
Subject Planning Proposal 26.2021.6.1 (103 Yagers Lane Skinners Shoot)*

Our Skinners Shoot Residents Group wish to register a strong objection to the Gateway proposal being given approval by the councillors for the following reasons.

Fire Hotspot.

The land is mapped as Bush fire prone Land and contains vegetation category (1) The proposal is at end of deadend 4 metre wide pavement road with no turn around area for Fire trucks.

Climate Change is not addressed in this report on safety of occupants if the APZ areas are not increased

The report fails to address how the fire trucks can safely enter and exit the property.

Unmapped High Value vegetation.

Byron Shire Council is responsible for actioning a review of the Byron Shire Biodiversity Conservation Strategy and finalising a Pest Management Strategy. Byron Shire Council is also responsible for implementing a Koala Plan of Management and Flying Fox Camp Management Plan. We believe these strategies and plans are compromised by the Planning Proposal.

Traffic and roads

Skidders Shoot road has approx. 781 vehicles/day (20/21 traffic counts) The road formation ranges from 5m -6m and is sealed. Council adopted engineering standards require a road formation for such daily traffic flows to be a 7M seal with 1 metre shoulders.

The road contributions for the upgrade to Council engineering standards should be nominated in the planning agreement of Council.

The community have often complained to Council that areas of Skidders Shoot road present danger for children cycling to and from school and horseriders, the pavement width is a huge problem and with additional traffic load exacerbates the need for caution against further accidents on our road.

Contribution

Council has negotiated a \$40,000 contribution for the entitlement which seems very low remuneration for the high land value return the owner obtains for the a dual occupancy dwelling entitlement and additional land use rights that is provided by the change of land use in the LEP. (Please note that these buildings have been only used for Commercial tourist accommodation They have not been owner occupied or for permanent rental.)

We request that Councillors resolve to apply different terms to the agreement as it is unreasonable that buildings that were erected without benefit of council approvals, compliance inspections, Plumbing inspections, Sewer Approvals of subject to BCA or BASIX. That dwellings must be measured by the same high bar as citizens that apply through proper channels of the dwelling approval processes.

Our community held a Residents meeting on 12/10/22 attended the owner I _____ and she and her architect _____ presented their future vision for the land once the Gateway would be approved.

This development proposal raised grave and worrying concerns from our community which were;

Traffic Movements; no thru traffic means quadruple car movements on road. (uber- in out, out in)
How will the four on site business be marketed;

1/ 45 seat restaurant three lunch, three dinner. Which Liquor licences will be applied for?

2/ shop 6 am-11pm

3/ Artisan space ?? studios, yoga, alternative workshops

4/ Roadside Stall

Rosalie Stollery declined to nominate a total development cost of the proposal.

In conclusion, for all the above reasons the Skidders Shoot community do not support the Gateway proposal as presented and request that more information is sought on Fire safety, Un Mapped Vegetation, Road Safety,

Re-negotiate the Contribution as inadequate the the benefit to proponent but a amenity deficit to the community.

This Gateway approval is not being applied for for the housing shortage or rental crisis but an opportunity to develop a commercial businesses on the land.

From:
To: [Arnold, Mark](#); [council](#); [Burt, Shannon](#); [Johnstone, Dylan](#)
Subject: Submission Planning Proposal 103 Yaegers lane Skinners Shoot
Date: Thursday, 15 June 2023 5:43:49 AM

Dear General Manager, Byron Shire Council
CC: Shannon Burt, Dylan Johnstone

Submission Regarding Planning Proposal for 103 yagers Lane, Skinners Shoot.

I would like to submit our objection to the above planning proposal for the following reasons:

1. Constraints

Fire Hotspot.

The land is mapped as Bush fire prone Land and contains vegetation category (1) The proposal is at the end of a 4 metre wide pavement road with no turn around area for Fire trucks.

Climate Change is not addressed in this report on safety of occupants if the APZ areas are not increased

The report fails to address how the fire trucks can safely enter and exit the property.

Unmapped High Value vegetation.

Byron Shire Council is responsible for actioning a review of the Byron Shire Biodiversity Conservation Strategy and finalising a Pest Management Strategy. Byron Shire Council is also responsible for implementing a Koala Plan of Management and Flying Fox Camp Management Plan. We believe these strategies and plans are compromised by the Planning Proposal. While there may be no koalas identified on the site, the mapping suggests they are active along part of the length of skinners shoot rd.

Traffic and roads

Skinners Shoot road has approx. 781 vehicles/day (20/21 traffic counts) The road formation ranges from 5m -6m and is sealed. Council adopted engineering standards require a road formation for such daily traffic flows to be a 7M seal with 1 metre shoulders.

The road contributions for the upgrade to Council engineering standards should be nominated in the planning agreement of Council.

The community have often complained to Council that areas of Skinners Shoot road present danger for children cycling to and from school and horse riders, the pavement width is a huge problem and with additional traffic load exacerbates the need for caution against further accidents on our road.

The road was upgraded in 2012, funded by Essential energy, as part of the substation construction under a direction from planning NSW (Part 3A). 11 years later, the condition of the road has deteriorated and is in desperate need of a resurface and some clearing of shoulders etc.

Contribution

Council has negotiated a \$40,000 contribution for the entitlement which seems very low remuneration for the high land value return the owner obtains for a dual occupancy dwelling entitlement and additional land use rights that is provided by the change of land use in the LEP.

(Please note that these buildings have been only used for Commercial tourist accommodation They have not been owner occupied or for permanent rental.)

We request that Councillors resolve to apply different terms to the agreement as it is unreasonable that buildings that were erected without benefit of council approvals, compliance inspections, Plumbing inspections, Sewer Approvals are subject to BCA or BASIX. That dwellings must be measured by the same high bar as citizens that apply through proper channels of the dwelling approval processes.

2. Historical uses of the site

As the council is aware the subject site was used as a piggery for many years. While the contamination report briefly mentions this past use, the report is compromised by the limited samples of soil taken across the whole property (only 2 samples were taken around the dwellings seeking gateway). The report also fails to mention the many asbestos sheds that are existing on the site. It is incredible that a contamination report does not mention asbestos buildings located on the property! There are old time residents who reside at Skinners shoot who worked at the piggery many years ago who have a wealth of information about the past activities of the site.

Council and Planning NSW need to be aware of this and ensure proper steps are undertaken to remove the asbestos safely before this planning proposal proceeds to the next step. I believe the contamination report is flawed and insufficient.

Obviously, Council is aware of these buildings (and previous uses) from past site compliance inspections, yet none were mentioned in the October 2022 council meeting report about this proposal. Furthermore, upon inquiries that were made Planning NSW about the past history of the site/ asbestos/contamination, they were unaware about any of the past historical uses and potential contamination.

3. Does not address housing shortage/ bigger plans for site

Our community held a Residents meeting on 12/10/22 attended by the owner
and her architect presented their future vision for the land once
the Gateway would be approved.

This development proposal raised grave and worrying concerns from our community which were;

Traffic Movements; no thru traffic means quadruple car movements on road. (uber- in out, out in)

How will the four on site business be marketed;

1/ 45 seat restaurant three lunch, three dinner. Which Liquor licences will be applied for?

2/ shop 6 am-11pm

3/ Artisan space ?? studios, yoga, alternative workshops

4/ Roadside Stall

Rosalie Stollery declined to nominate a total development cost of the proposal.

In conclusion, for all the above reasons we do not support the Gateway proposal as presented and request that more information is sought on Fire safety, Unmapped Vegetation, Road Safety, asbestos removal and contamination remediation from past piggery activities of this site

This Gateway approval is not being applied for for the housing shortage or rental crisis but an opportunity to develop commercial businesses on the land into the future.

regards

Anthony Pangallo & James Dawson
Ph:

Byron Bay NSW 2481

Feedback for proposal to regulate unapproved dwellings at Yagers Lane, Skinners Shoot



Submitted on	12 June 2023, 4:40PM
Receipt number	YAGERS11
Related form version	2

Name	Rago Dah sen
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Email

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I am very strong y aga nst t. It w create ots of extra traff c on our road as we as no se and ght, where now I ook out over nature and peace and qu et.

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From:
To: [council](#); [Johnstone, Dylan](#); [Arnold, Mark](#); [Burt, Shannon](#)
Subject: Submission for 103 Yagers Lane due 16th June (old piggery)
Date: Friday, 16 June 2023 4:40:55 PM
Attachments: [Planning+Overview+for+Pre-lodgement+Consultation.pdf](#)

Dear General Manager,

Subject Planning Proposal 26.2021.6.1 (103 Yagers Lane Skinners Shoot)

We are members of the Skinners Shoot Residents Group and wish to register a strong objection to the Gateway proposal being given approval by the councillors for the following reasons.

Fire Hotspot.

The land is mapped as Bush fire prone Land and contains vegetation category (1)

The proposal is at end of deadend 4 metre wide pavement road with no turn around area for Fire trucks.

Climate Change is not addressed in this report on safety of occupants if the APZ areas are not increased

The report fails to address how the fire trucks can safely enter and exit the property.

Unmapped High Value vegetation.

Byron Shire Council is responsible for actioning a review of the Byron Shire Biodiversity Conservation Strategy and finalising a Pest Management Strategy.

Byron Shire Council is also responsible for implementing a Koala Plan of Management and Flying Fox Camp Management Plan. We believe these strategies and plans are compromised by the Planning Proposal.

Traffic and roads

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The road contributions for the upgrade to Council engineering standards should be nominated in the planning agreement of Council.

The community have often complained to Council that areas of Skinners Shoot road present danger for children cycling to and from school and horse riders, the pavement width is a huge problem and with additional traffic load exacerbates the need for caution against further accidents on our road.

Contribution

Council has negotiated a \$40,000 contribution for the entitlement which seems very low remuneration for the high land value return the owner obtains for the a

dual occupancy dwelling entitlement and additional land use rights that is provided by the change of land use in the LEP.

(Please note that these buildings have been only used for Commercial tourist accommodation They have not been owner occupied or for permanent rental.) We request that Councillors resolve to apply different terms to the agreement as it is unreasonable that buildings that were erected without benefit of council approvals, compliance inspections, Plumbing inspections, Sewer Approvals of subject to BCA or BASIX. That dwellings must be measured by the same high bar as citizens that apply through proper channels of the dwelling approval processes.

Our community held a Residents meeting on 12/10/22 attended the owner and her architect presented their future vision for the land once the Gateway would be approved.

This development proposal raised grave and worrying concerns from our community which were;

Traffic Movements; no thru traffic means quadruple car movements on road. (uber- in out, out in)

How will the four on site business be marketed;

1/ 45 seat restaurant three lunch, three dinner. Which Liquor licences will be applied for?

2/ shop 6 am-11pm

3/ Artisan space ?? studios, yoga, alternative workshops

4/ Roadside Stall

Rosalie Stollery declined to nominate a total development cost of the proposal.

In conclusion, for all the above reasons the Skinners Shoot community do not support the Gateway proposal as presented and request that more information is sought on Fire safety, Un Mapped Vegetation, Road Safety,

Re-negotiate the Contribution as inadequate the the benefit to proponent but a amenity deficit to the community.

This Gateway approval is not being applied for for the housing shortage or rental crisis but an opportunity to develop a commercial businesses on the land.

(I attach the Town Planning report given to the community at the meeting held 12 /10 /2022.)

Kind Regards

Lisa Sampson & Phil Kennedy

Garden House

Town Planning Overview of Proposed Development Application

1. Brief Description of Site

The application relates to Lots 7 & 8 DP 8385 located at 103 Yagers Lane, Skinners Shoot. Historically, the land has been utilised for intensive agricultural uses in the form of a large commercial piggery. This piggery ceased operation in approx. 1991. A Plant Nursery was approved on the site in 2006.



The subject site contains a dwelling and a range of very large agricultural buildings formerly utilised as part of the piggery.

The location of the proposed development is relatively unconstrained. A review of the mapped environmental constraints indicates that the land is not mapped as being impacted by the following constraints:

- Flooding;
- Koala Habitat;
- Other ecological values (other than a large Fig Tree and associated sub storey);
- Coastal hazards;
- State or regionally significant agricultural land; or
- Cattle tick dips.

The development site is primarily located within the buffer area to 'medium risk' bushfire vegetation (primarily grasslands).

2. Brief Description of Development

Development consent will be sought for a proposal to adaptively reuse part of a former piggery building for the purpose of a Restaurant and construct new buildings to be utilised as both an Artisan Food and Drink Industry and Roadside Stall. The application is inclusive of internal and external building works, carparking, earthworks, landscaping, waste water disposal and vegetation management works. The key elements are described in more detail below.

A. Proposed Restaurant

The development proposal seeks to adaptively reuse part of a former piggery building for the purpose of a restaurant. The restaurant will offer a fine dining experience and will be operated on a 'reservation only' basis. The restaurant will have a focus on quality local heirloom and organic produce with a significant proportion of the vegetables and herbs produced on site will be grown on the property in dedicated horticultural areas. Key statistics for the restaurant are as follows:

Element	Component	Criteria
Floor area	Main restaurant seating area	108m ²
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	Private dining	40m ²
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	Restaurant open cooking	45m ²
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Seating Capacity	Restaurant	45
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	Total	60
Staff	Total	20
Hours of Operation	Thursday	5.30pm to 10pm*
	Friday	12noon – 11.30pm*
	Saturday	12 noon – 11.30pm*
	Sunday	12 noon – 9pm*
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B. Proposed Artisan Food and Drink Industry

A separate building will be constructed on site which will comprise an Artisan Food and Drink Industry. This part of the project will manufacture gourmet food products primarily utilising local heirloom and organic produce. Examples of products to be created include pickles, preserves, vegie take home boxes, pre-made / take home meals, breads etc. The premises contains a commercial kitchen (comprising production & packing areas) and an associated sales and tasting space in the form of a small 15 seat café. It is intended that customers will be able to sit and 'meet the makers', taste the produce and purchase a collection of food items produced on site.

Key statistics for this element of the project are as follows:

Element	Component	Criteria
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	Cafe	30m ²
	Total	95m ²
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Hours of Operation	Picking (Rural activity).	Daily (as required) 6am -10am
	Cooking & Packing	Monday to Friday, 10 am-4 pm
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	Tastings / Café / Sales	Monday to Sunday, 10am – 3 pm

C. Roadside Stall

A small roadside stall will be provided adjacent to the Artisan Food and Drink Premises. This stall will sell flowers and vegetables grown on site.

Key statistics for this element of the project are as follows:

Element	Component	Criteria
Floor area	Roadside Stall	20m ²
Seating Capacity	Nil	Nil
Staff	Nil	Artisan Food & Drink Industry staff will manage this element
Hours of Operation	Monday to Sunday	10am – 3 pm

C. Carparking and Access

All customer and staff vehicles will access the site via Yagers Lane. Vehicles will enter the site just after the big Fig Tree and will then enter a formal carparking area. Staff and visitor parking will be provided within this part of the site. A dedicated guest-drop off area will be provided at the entrance to the restaurant.

Delivery vehicles and additional staff parking for the restaurant will access the site via the existing driveway entrance located past the smaller Fig Tree.

3. Design and Assessments

The project is being designed by local Byron Bay architect, Rosalie Stollery of Rosalie Stollery Architects Pty Ltd. Specialists are engaged to complete the landscape and carpark / civil design components.

The application will be supported by a range of technical assessments. Assessments to be completed include the following:

- Traffic & Parking Impact Assessment;
- Noise Impact Assessment;

- Land Use Conflict Risk Assessment;
- Ecological Assessment (No significant trees or vegetation are being removed);
- Arborist Assessment (to ensure that the large Fig Tree remains health and viable);
- Onsite Waste Water Design Assessment;
- Bushfire Assessment; and
- Contaminated Land Assessment.

Most of these assessments have commenced, however will not be completed until such time as the Pre-Lodgement Community Consultation process is finalised.

4. Key Planning Provisions

A. LEP Zoning

The subject land is primarily zoned RU2 Rural Landscape Zone pursuant to the Byron Local Environmental Plan 2014. A small portion of the site is identified on the BLEP2014 mapping as “DM – Deferred Matter” and is therefore subject to the provisions of BLEP1988. No aspect of the development is located on this part of the site.

B. LEP Planning Definitions and Permissibility

Land Use	BLEP2014 Definition	Permissibility
Restaurant or cafe	<p><i>Restaurant or café means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.</i></p> <p>Note: DCP permits a general maximum of 60 seats, with additional seats possible where further ‘value adding’ to primary production occurs on site.</p>	With consent in RU2 Zone
Artisan Food or Drink Industry	<p><i>artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—</i></p> <p>(a) a retail area for the sale of the products,</p> <p>(b) a restaurant or cafe,</p> <p>(c) facilities for holding tastings, tours or workshops.</p>	With consent in RU2 Zone
Roadside Stall	<p><i>Roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.</i></p> <p>Note: LEP specifies maximum permissible GFA 20m²</p>	With consent in RU2 Zone

C. Other LEP Provisions

Byron Local Environmental Plan 2014 contains range of other planning controls applicable to the proposed development. This will be addressed within the development application to Council.

Of particular note is, BLEP2014 Clause 6.8 Rural and Nature Based Tourism, which specifies as follows:

“(3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that—

(a) there is, or will be, adequate vehicular access to and from a road, other than a classified road, taking into account the scale of the development proposed, and

(b) the development is small scale and low impact, and

(c) the development is complementary to the rural or environmental attributes of the land and its surrounds, and

(d) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment.

small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property”

The proposed development application will seek to demonstrate that the development is a suitable, low impact, addition to the locality. The existing development footprint (being a former large piggery), location of the site (relatively removed from neighbouring properties) and the relatively small scale, exclusive nature of the restaurant contribute to this conclusion.

D. DCP Provisions

Byron Development Control Plan 2014 contains a wide range of planning controls applicable to the proposed development. The Development Application will outline each of these and provide an assessment against each of the relevant criteria. In summary, this assessment will include consideration of the provisions contained within the following Chapters of the DCP:

- B1: Biodiversity
- B3: Services
- B4: Traffic Planning, Vehicle Parking, Circulation and Access
- B6: Buffers and Minimising Land Use Conflicts;
- B8: Waste Minimisation and Management;
- B9: Landscaping;
- B11: Planning for Crime Prevention;
- B13: Access and Mobility;
- B14: Excavation and Fill
- D4: Commercial and Retail Development (Particularly Section D4.2.9)

Skidders Shoot Residents Group

General Manager,
Byron Shire Council
Mullumbimby 2482

Dear Mark Norris,

Subject: Planning Proposal 26.2021.6.1 (103 Yagers Lane Skidders Shoot)

I strongly object to the approval of the Gateway proposal by the councillors for the following reasons:

1. **Fire Hotspot:** The land is designated as Bushfire Prone Land and contains vegetation category (1). The proposal is situated at the end of a dead-end 4-meter-wide pavement road with no turnaround area for fire trucks. The report fails to address the safety of occupants in relation to Climate Change and the need to increase Asset Protection Zones (APZ).
2. **Unmapped High-Value Vegetation:** Byron Shire Council is responsible for reviewing the Byron Shire Biodiversity Conservation Strategy, finalizing a Pest Management Strategy, and implementing a Koala Plan of Management and Flying Fox Camp Management Plan. We believe these strategies and plans are compromised by the Planning Proposal.
3. **Traffic and Roads:** Skidders Shoot road has approximately 781 vehicles per day based on the 20/21 traffic counts. The road formation ranges from 5m to 6m and is sealed. Council engineering standards require a road formation of 7m seal with 1-meter shoulders for such daily traffic flows. The planning agreement should specify the road contributions necessary to upgrade it to Council engineering standards. Our community has frequently raised concerns about dangerous sections of Skidders Shoot road for children cycling to and from school and for horse riders. The narrow pavement width exacerbates the need for caution against further accidents.
4. **Contribution:** The negotiated \$40,000 contribution seems inadequate given the high land value return the owner obtains for the dual occupancy dwelling entitlement and additional land use rights resulting from the change of land use in the Local Environmental Plan (LEP). We request that Councillors reevaluate the terms of the agreement to ensure that dwellings erected without council approvals and compliance inspections, meet the same high standards as those approved and paid for, through proper development application.

Our community held a residents meeting on October 12, 2022, where owner [redacted] and architect [redacted] presented their vision for the land once the Gateway planning proposal is approved. This proposal raised significant concerns regarding traffic movements, marketing of the on-site businesses (including a restaurant, shop, artisan space, and roadside stall), and the overall development cost, which was not disclosed. (attached is the Town Planning overview of the proposed development application)

It further cemented the belief that this planning proposal is not to alleviate housing / rental shortages rather it is a gateway to a commercial development.

In conclusion, based on the reasons mentioned above, I do not support the Gateway proposal.

I have read this submission and oppose the Gateway Planning Proposal for the reasons stated above.

Terry Ahern

Garden House

Town Planning Overview of Proposed Development Application

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The subject site contains a dwelling and a range of very large agricultural buildings formerly utilised as part of the piggery.

The location of the proposed development is relatively unconstrained. A review of the mapped environmental constraints indicates that the land is not mapped as being impacted by the following constraints:

- Flooding;
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The development site is primarily located within the buffer area to 'medium risk' bushfire vegetation (primarily grasslands).

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From:
To: [council](#)
Subject: Planning Proposal 26.2021.6.1 (103 Yagers Lane, Skinners Shoot
Date: Thursday, 15 June 2023 1:06:08 PM
Attachments: [Planning+Overview+for+Pre-lodgement+Consultation-1.pdf](#)

Dear General Manager,

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Re-negotiate the Contribution as it appears inadequate and deficit to the community amenity.

This Gateway approval is not being applied for for the housing shortage or rental crisis but an opportunity to develop several commercial businesses on the land.

(I attach the Town Planning report given to the community at the meeting held 12 /10 /2022.)

Kind regards

Teena Wright

Garden House

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Key statistics for this element of the project are as follows:

Element	Component	Criteria
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	Cafe	30m ²
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	Cooking & Packing	Monday to Friday, 10 am-4 pm
	Packing	Saturday & Sunday, 10am-Noon.
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C. Roadside Stall

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Key statistics for this element of the project are as follows:

Element	Component	Criteria
Floor area	Roadside Stall	20m ²
Seating Capacity	Nil	Nil
Staff	Nil	Artisan Food & Drink Industry staff will manage this element
Hours of Operation	Monday to Sunday	10am – 3 pm

C. Carparking and Access

All customer and staff vehicles will access the site via Yagers Lane. Vehicles will enter the site just after the big Fig Tree and will then enter a formal carparking area. Staff and visitor parking will be provided within this part of the site. A dedicated guest-drop off area will be provided at the entrance to the restaurant.

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4. Key Planning Provisions

A. LEP Zoning

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B. LEP Planning Definitions and Permissibility

Land Use	BLEP2014 Definition	Permissibility
Restaurant or cafe	<p><i>Restaurant or café means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.</i></p> <p>Note: DCP permits a general maximum of 60 seats, with additional seats possible where further ‘value adding’ to primary production occurs on site.</p>	With consent in RU2 Zone
Artisan Food or Drink Industry	<p><i>artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—</i></p> <p>(a) a retail area for the sale of the products,</p> <p>(b) a restaurant or cafe,</p> <p>(c) facilities for holding tastings, tours or workshops.</p>	With consent in RU2 Zone
Roadside Stall	<p><i>Roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.</i></p> <p>Note: LEP specifies maximum permissible GFA 20m²</p>	With consent in RU2 Zone

C. Other LEP Provisions

Byron Local Environmental Plan 2014 contains range of other planning controls applicable to the proposed development. This will be addressed within the development application to Council.

Of particular note is, BLEP2014 Clause 6.8 Rural and Nature Based Tourism, which specifies as follows:

“(3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that—

(a) there is, or will be, adequate vehicular access to and from a road, other than a classified road, taking into account the scale of the development proposed, and

(b) the development is small scale and low impact, and

(c) the development is complementary to the rural or environmental attributes of the land and its surrounds, and

(d) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment.

small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property”

The proposed development application will seek to demonstrate that the development is a suitable, low impact, addition to the locality. The existing development footprint (being a former large piggery), location of the site (relatively removed from neighbouring properties) and the relatively small scale, exclusive nature of the restaurant contribute to this conclusion.

D. DCP Provisions

Byron Development Control Plan 2014 contains a wide range of planning controls applicable to the proposed development. The Development Application will outline each of these and provide an assessment against each of the relevant criteria. In summary, this assessment will include consideration of the provisions contained within the following Chapters of the DCP:

- B1: Biodiversity
- B3: Services
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- B6: Buffers and Minimising Land Use Conflicts;
- B8: Waste Minimisation and Management;
- B9: Landscaping;
- B11: Planning for Crime Prevention;
- B13: Access and Mobility;
- B14: Excavation and Fill
- D4: Commercial and Retail Development (Particularly Section D4.2.9)

Skidders Shoot Residents Group

General Manager,
Byron Shire Council
Mullumbimby 2482

Dear Mark Norris,

Subject: Planning Proposal 26.2021.6.1 (103 Yagers Lane Skidders Shoot)

Our Skidders Shoot Residents Group strongly objects to the approval of the Gateway proposal by the councillors for the following reasons:

1. **Fire Hotspot:** The land is designated as Bushfire Prone Land and contains vegetation category (1). The proposal is situated at the end of a dead-end 4-meter-wide pavement road with no turnaround area for fire trucks. The report fails to address the safety of occupants in relation to Climate Change and the need to increase Asset Protection Zones (APZ).
2. **Unmapped High-Value Vegetation:** Byron Shire Council is responsible for reviewing the Byron Shire Biodiversity Conservation Strategy, finalizing a Pest Management Strategy, and implementing a Koala Plan of Management and Flying Fox Camp Management Plan. We believe these strategies and plans are compromised by the Planning Proposal.
3. **Traffic and Roads:** Skidders Shoot road has approximately 781 vehicles per day based on the 20/21 traffic counts. The road formation ranges from 5m to 6m and is sealed. Council engineering standards require a road formation of 7m seal with 1-meter shoulders for such daily traffic flows. The planning agreement should specify the road contributions necessary to upgrade it to Council engineering standards. Our community has frequently raised concerns about dangerous sections of Skidders Shoot road for children cycling to and from school and for horse riders. The narrow pavement width exacerbates the need for caution against further accidents.
4. **Contribution:** The negotiated \$40,000 contribution seems inadequate given the high land value return the owner obtains for the dual occupancy dwelling entitlement and additional land use rights resulting from the change of land use in the Local Environmental Plan (LEP). We request that Councillors reevaluate the terms of the agreement to ensure that dwellings erected without council approvals and compliance inspections meet the same high standards as those approved through proper channels.

Our community held a residents meeting on October 12, 2022, where owner [redacted] and architect [redacted] presented their vision for the land once the Gateway proposal is approved. This proposal raised significant concerns regarding traffic movements, marketing of the on-site businesses (including a restaurant, shop, artisan space, and roadside stall), and the overall development cost, which was not disclosed. (attached is the Town Planning overview of the proposed development application)

In conclusion, based on the reasons mentioned above, the Skidders Shoot community does not support the Gateway proposal.

I have read this submission and oppose the Gateway for the reasons stated above.

Christine Ahern

Garden House

Town Planning Overview of Proposed Development Application

1. Brief Description of Site

The application relates to Lots 7 & 8 DP 8385 located at 103 Yagers Lane, Skinners Shoot. Historically, the land has been utilised for intensive agricultural uses in the form of a large commercial piggery. This piggery ceased operation in approx. 1991. A Plant Nursery was approved on the site in 2006.



The subject site contains a dwelling and a range of very large agricultural buildings formerly utilised as part of the piggery.

The location of the proposed development is relatively unconstrained. A review of the mapped environmental constraints indicates that the land is not mapped as being impacted by the following constraints:

- Flooding;
- Koala Habitat;
- Other ecological values (other than a large Fig Tree and associated sub storey);
- Coastal hazards;
- State or regionally significant agricultural land; or
- Cattle tick dips.

The development site is primarily located within the buffer area to 'medium risk' bushfire vegetation (primarily grasslands).

2. Brief Description of Development

Development consent will be sought for a proposal to adaptively reuse part of a former piggery building for the purpose of a Restaurant and construct new buildings to be utilised as both an Artisan Food and Drink Industry and Roadside Stall. The application is inclusive of internal and external building works, carparking, earthworks, landscaping, waste water disposal and vegetation management works. The key elements are described in more detail below.

A. Proposed Restaurant

The development proposal seeks to adaptively reuse part of a former piggery building for the purpose of a restaurant. The restaurant will offer a fine dining experience and will be operated on a 'reservation only' basis. The restaurant will have a focus on quality local heirloom and organic produce with a significant proportion of the vegetables and herbs produced on site will be grown on the property in dedicated horticultural areas. Key statistics for the restaurant are as follows:

Element	Component	Criteria
Floor area	Main restaurant seating area	108m ²
	Restaurant lounge	96m ²
	Restaurant lounge mezzanine	52m ²
	Private dining	40m ²
	Restaurant drinks servery	36m ²
	Restaurant open cooking	45m ²
	Back of house	96m ²
	Total	473m²
Seating Capacity	Restaurant	45
	Lounge (pre or post dining seating area)	15
	Total	60
Staff	Total	20
Hours of Operation	Thursday	5.30pm to 10pm*
	Friday	12noon – 11.30pm*
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	<i>*Hours of operation to be confirmed following completion of acoustic assessment</i>	

B. Proposed Artisan Food and Drink Industry

A separate building will be constructed on site which will comprise an Artisan Food and Drink Industry. This part of the project will manufacture gourmet food products primarily utilising local heirloom and organic produce. Examples of products to be created include pickles, preserves, vegie take home boxes, pre-made / take home meals, breads etc. The premises contains a commercial kitchen (comprising production & packing areas) and an associated sales and tasting space in the form of a small 15 seat café. It is intended that customers will be able to sit and 'meet the makers', taste the produce and purchase a collection of food items produced on site.

Key statistics for this element of the project are as follows:

Element	Component	Criteria
Floor area	Commercial kitchen	25m ²
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	Cafe	30m ²
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A small roadside stall will be provided adjacent to the Artisan Food and Drink Premises. This stall will sell flowers and vegetables grown on site.

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All customer and staff vehicles will access the site via Yagers Lane. Vehicles will enter the site just after the big Fig Tree and will then enter a formal carparking area. Staff and visitor parking will be provided within this part of the site. A dedicated guest-drop off area will be provided at the entrance to the restaurant.

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Most of these assessments have commenced, however will not be completed until such time as the Pre-Lodgement Community Consultation process is finalised.

4. Key Planning Provisions

A. LEP Zoning

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Byron Local Environmental Plan 2014 contains range of other planning controls applicable to the proposed development. This will be addressed within the development application to Council.

Of particular note is, BLEP2014 Clause 6.8 Rural and Nature Based Tourism, which specifies as follows:

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small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property”

The proposed development application will seek to demonstrate that the development is a suitable, low impact, addition to the locality. The existing development footprint (being a former large piggery), location of the site (relatively removed from neighbouring properties) and the relatively small scale, exclusive nature of the restaurant contribute to this conclusion.

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- B14: Excavation and Fill
- D4: Commercial and Retail Development (Particularly Section D4.2.9)

General Manager,
Byron Shire Council
Mullumbimby 2482

Dear Mark Norris,

Subject: Planning Proposal 26.2021.6.1 (103 Yagers Lane Skinners Shoot)

We are members of Skinners Shoot Residents Group and we oppose the Gateway proposal by to be voted on by councillors for the following reasons:

1. Fire Hotspot: The land is designated as Bushfire Prone Land and contains vegetation category (1). The proposal is situated at the end of a dead-end 4-meter-wide pavement road with no turnaround area for fire trucks. The report fails to address the safety of occupants in relation to Climate Change and the need to increase Asset Protection Zones (APZ).
2. Unmapped High-Value Vegetation: Byron Shire Council is responsible for reviewing the Byron Shire Biodiversity Conservation Strategy, finalizing a Pest Management Strategy, and implementing a Koala Plan of Management and Flying Fox Camp Management Plan. We believe these strategies and plans are compromised by the Planning Proposal.
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Our community held a residents meeting on October 12, 2022, where owner _____ and architect _____ presented their vision for the land once the Gateway planning proposal is approved. This proposal raised significant concerns regarding traffic movements, marketing of the on-site businesses (including a restaurant, shop, artisan space, and roadside stall), and the overall development cost, which was not disclosed. (attached is the Town Planning overview of the proposed development application)

It further cemented the belief that this planning proposal is not to alleviate housing / rental shortages rather it is a gateway to a commercial development.

In conclusion, based on the reasons mentioned above, I do not support the Gateway proposal. We have read this submission and oppose the Gateway Planning Proposal for the reasons stated above.

Julie and Paul Brown
Skinners Shoot Rd
Skinners Shoot Rd

Garden House

Town Planning Overview of Proposed Development Application

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