

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	01/05/2024 11:31 AM
Type of submission	Support

Grounds for Submission

I would like to express our support for the potential ecologically sustainable project at 103 Yagers Lane, Skinners Shoot. As someone who cares about the well-being of Byron Bay and its surrounding environment, I believe this development is a unique opportunity to continue the great work the owners have been doing to rebuild the local ecosystem and also contribute to the community's long-term sustainability goals.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	03/04/2024 09:41 PM
Type of submission	Support

Grounds for Submission

I have known Maggie Schreiber, who is behind this proposal, for over eight years.

I taught her at Southern Cross University when she was undertaking her second BA.

She has exhibited her work at the Byron School of Art. She was also awarded a scholarship and did a residency with us.

I have always found her to be honest and trustworthy.

I have visited 103 Yagers Lane on a number of occasions and seen the regeneration work that has been undertaken there over the last 20 years

The plans for the property that are currently before Council are very impressive.

I have not previously seen a proposal of this standard in Byron.

The commitment to art within the proposal is significant - this is a genuinely creative and inspirational vision and I can't wait for it to be realised.

Thank you.

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Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	06/05/2024 03:39 PM
Type of submission	Support

Grounds for Submission

The loving care that has gone into the planning of this is evident.

There is nothing “fast” here. Every aspect of this beautiful proposal, from the gardens to the building materials has been thought through to ensure care for our planet, care for our local community and care for those who visit.

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Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	08/04/2024 06:12 PM
Type of submission	Support

Grounds for Submission

The heavy investment in regenerative and sustainable systems is evident. This land with its sensitive development will look great in fifty years. It will be healthier in fifty years due to this proposal. The abandoned piggery buildings which act as screens and background settings will fade and disintegrate and this will add to the charm of the experience. These are the types of projects that are worthy of support.

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	08/04/2024 07:13 PM
Type of submission	Support

Grounds for Submission

I believe the repurposing of the piggery will have a positive impact on our local community. Not only is the development being executed by a local member of our community that's lived here for almost two decades and loves and respects the community and lands on which she lives, it will be executed with the utmost respect for the land and its surrounds. Not only is it reusing the materials from the dilapidated piggery that it once was, paying tribute to its history, It's being constructed with the intention of showcasing and celebrating local architecture, art, artisans and makers, food, music, providing more jobs for the community, as well as providing a space that people can come and be amongst the unique beauty of the nature and its surrounding gardens and ponds.. The development occupying only 1% of the land will encourage and allow continued improvements to the land whilst valuing , protecting and maintaining its ecological values. I believe it will be executed with the utmost respect for the land and the people surrounding the area. If this development isn't "Byron" then I don't know what is?!

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Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	09/04/2024 02:49 PM
Type of submission	Support

Grounds for Submission

I fully support this innovative submission that fully offers what Byron Bay is truly about. The ecology and off grid nature of this development showcasing excellent local organic produce, supporting farmers, chefs and people interested in the artistry of the experience. It will be an asset to the area and promote the region in all its glory whilst creating employment and enhancing the landscape.

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	09/04/2024 04:59 PM
Type of submission	Support

Grounds for Submission

Goldleaf Landscaping supports the proposed design and plan for this da application

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	10/04/2024 02:03 PM
Type of submission	Support

Grounds for Submission

When I look at the plans the detail of this development becomes apparent. Whereas most – nearly all – development decisions are based on cost, this project appears to have a different guiding force. Which is the actual site, its regeneration and the experience of those who visit. I find that this “Yagers Piggery” proposal shows me what can or could be done. I cannot wait to experience the ground and gardens. To look at the dam which was previously used for dumping pig poo and watch it now attracting native birdlife, To see the pig pen panels used as walls, furniture and stepping stones. To experience the architecture, with its prolific outdoor areas both large and small. Inspiring to think we can all play a part in bringing back nature to old industrial wastelands. I know this could be a true haven for both wildlife and people.

DA No.	10.2024.24.1
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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	10/04/2024 04:55 PM
Type of submission	Support

Grounds for Submission

I am writing to express my enthusiastic support for the establishment of an education and sustainability facility in our community. As a resident deeply invested in the well-being of our environment and the education of our citizens, I firmly believe that this initiative aligns with our shared values and aspirations for a better future.

This proposed facility represents more than just a physical structure; it embodies a vision of progress, innovation, and stewardship. It offers a tangible space where individuals can engage firsthand with the principles of sustainability, transforming abstract concepts into practical, everyday solutions. In an era dominated by discussions about sustainability, it is imperative that we provide accessible avenues for people to witness sustainability in action, and this facility promises to be precisely that.

Moreover, I view this initiative as an invaluable educational resource for our community. By offering guided tours, workshops, and interactive exhibits, this facility has the potential to inspire and empower individuals of all ages to become informed advocates for sustainability. It will serve as a hub for learning, fostering a culture of environmental awareness and responsibility that will benefit not only our present community but also future generations.

Furthermore, the emphasis on creating a beautiful and inviting space underscores the importance of aesthetics in fostering engagement and appreciation. A well-designed environment can captivate the imagination and inspire a sense of wonder, encouraging visitors to explore and learn with open minds and hearts. In this regard, I am confident that this facility will not only attract local residents but also draw visitors from afar, enhancing our community's reputation as a beacon of innovation and sustainability.

In conclusion, I wholeheartedly endorse the establishment of this education and sustainability facility. It represents a commendable endeavor that embodies our collective aspirations for a more sustainable and enlightened future. I urge you to support this initiative and take the necessary steps to bring it to fruition. Together, we can create something truly remarkable that we can all be proud of.

Thank you for considering my perspective.

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	10/04/2024 06:45 PM
Type of submission	Support

Grounds for Submission

I am writing to propose the repurposing of the old piggery in our community for a new development project. As the landscape of our town evolves, it's crucial to consider sustainable and meaningful repurposing of existing structures, and the old piggery site presents a unique opportunity for such revitalization.

Reasons as to why include environmental sustainability, Repurposing existing structures reduces the need for new construction, thus minimizing environmental impact and preserving natural resources. Also to note, economical growth, community enhancement and adaptive land use.

Extreme love and honour has been poured back into this property for years by the owner. It only deserves this new adaptive vision so that it can flourish and give back to the community for years to come.

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	10/05/2024 11:50 AM
Type of submission	Support

Grounds for Submission

This proposal is a testament to Bryon's ethos embracing creativity and artistry through sustainable living. It will be a harmonious blend of environmental stewardship and architectural ingenuity.

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Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	11/04/2024 02:34 PM
Type of submission	Support

Grounds for Submission

Here is something we can all be proud of. I see this as an education facility as much as anything. There is a lot of talk – talk talk talk talk – about sustainability, and here is place where people can go – a beautiful place where people will want to go - and see it in action.

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	11/04/2024 09:46 AM
Type of submission	Support

Grounds for Submission

What a gift this magical experience will be for us all. With work for craftspeople and artists. And a genuinely sustainable build which is actually very rare – and understandably so given the costs of building in this climate.

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Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	11/04/2024 11:02 AM
Type of submission	Support

Grounds for Submission

As a resident rater payer and participant of the Byron community for the last 20 years. I strongly support this application.

Byron has traditionally been a community that supports unique experiences and thus continually attracted a diverse demographic propping the Byron economy.

As the application points to an un-intrusive, exclusive venue and minimal operating hours, I see no objection to opening the proposed site to an elevated venue that attracts exactly the people Byron has relied upon to support the economy for so many years.

I also am a huge believer that long standing members of the community should take priority over mega developers that tend to come and go leaving the town beige.

We need more authentic experiences that honour Byrons rich history.

It's a three thumbs up for me.

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Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	12/04/2024 01:23 PM
Type of submission	Support

Grounds for Submission

To Whom It May Concern,

I am writing to express my enthusiastic support for the proposed ecological sustainable project at 103 Yager Lane, Skinners Shoot. As a concerned citizen deeply invested in the well-being of Byron Bay and its surrounding environment, I believe this development presents a unique opportunity to not only enhance the local ecosystem but also contribute significantly to the community's long-term sustainability goals.

Here are several detailed reasons why I believe this project is a great development for Byron Bay:

Biodiversity Preservation: The proposed project incorporates eco-friendly design principles aimed at preserving and enhancing the biodiversity of the area. By implementing native landscaping, creating habitat corridors, and utilizing sustainable building materials, the development will provide a sanctuary for local flora and fauna, contributing to the overall health of the ecosystem.

Carbon Neutrality: Embracing renewable energy sources such as solar power and employing energy-efficient technologies will ensure that the project operates with minimal carbon footprint. By striving for carbon neutrality, the development sets a positive example for sustainable living and helps mitigate the impacts of climate change on the Byron Bay region.

Water Conservation: The project includes innovative water management strategies such as rainwater harvesting and greywater recycling systems. By reducing reliance on municipal water sources, the development helps alleviate pressure on the local water supply and promotes responsible water usage practices within the community.

Community Engagement and Education: The developers have expressed a commitment to engaging with the local community and promoting environmental education initiatives. This presents an excellent opportunity for residents and visitors alike to learn about the importance of ecological sustainability and how they can play a role in preserving the natural beauty of Byron Bay for future generations.

Economic Benefits: Beyond its environmental merits, the project offers significant economic benefits to the Byron Bay area. By attracting eco-conscious tourists and fostering a reputation as a leader in sustainable development, the project has the potential to stimulate local businesses, create job opportunities, and enhance property values in the region.

Responsible Urban Growth: In a time of rapid urbanization and development pressures, it's crucial to prioritize projects that prioritize ecological sustainability and responsible land use. The proposed development at 103 Yager Lane exemplifies a thoughtful approach to growth that balances the needs of the community with the preservation of natural resources and green spaces.

In conclusion, the ecological sustainable project at 103 Yager Lane, Skinners Shoot, represents a tremendous opportunity for Byron Bay to lead by example in environmental stewardship and sustainable development. By supporting this initiative, the Byron Council has the chance to set a

precedent for future developments, demonstrating that ecological sustainability and economic prosperity can go hand in hand.

Thank you for considering my input, and I urge the Byron Council to approve this important project for the benefit of present and future generations.

Warm Regards

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	12/04/2024 10:06 AM
Type of submission	Support

Grounds for Submission

This proposal is fantastic, a genuinely sustainable build and work for craftspeople and artists. A genuinely sustainable build is actually very rare – and understandably so given the costs of building in this climate. I have already seen some of the garden and remediation work on the dams - former slurry pits from the piggery and the plantings are beautiful. I am super excited by the gardens and the landscaping here. I believe there are five different garden areas around the new buildings as well as a field of native flowering ground covers -happy native bees . From toxic piggery to flora and fauna sanctuary. I hope that Byron Shire Council can be supportive of this amazing venture and the hard work that will be needed to restore this special site from the old piggery to a unique destination of beauty and sustainability.

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	12/04/2024 10:59 AM
Type of submission	Support

Grounds for Submission

I believe the proposed development will enhance the amenity of skimmers shoot as well as benefit the greater community of Byron Shire by:

1. Providing a place for social connection and art.
2. Showcasing a farm to table restaurant that exceeds Australian ecological standards and emphasises the use of local products and services.
3. Educating locals and visitors in sustainable business practices.
4. Converts old asbestos sheds into safe and beautiful spaces that benefit the community and our environment.
5. Creating employment for locals.

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	12/04/2024 11:35 AM
Type of submission	Support

Grounds for Submission

I wanted to put my support behind this project as I think it supports both the arts and the environment. As a 40 year resident of Byron Bay I've been feeling increasingly disappointed by the type of development and retail chains that have been let into the Shire and the loss of many local businesses in the past 12 months that have represented the visual arts. This proposed development ticks a lot of boxes that reflect Byron Bays values.

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	12/04/2024 11:53 AM
Type of submission	Support

Grounds for Submission

I was glad to see that the people behind this aren't pulling down all the buildings that were once part of the piggery. This is all part of Byron's history and it's important. I was also glad to see that they are cleaning up that old site. I think it should be quite lovely when it's all finished. Love their approach to sustainability Good luck to them.

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	12/04/2024 12:49 PM
Type of submission	Support

Grounds for Submission

I cannot think of a better example of a showcase of what Byron holds dear than this proposal. A botanical experience with great food. An artistic immersion from what I can gather. I hope with all my heart that Council can support this.

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Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	13/04/2024 09:56 AM
Type of submission	Support

Grounds for Submission

This ecological,sustainable, refined development will bring a great experience to the Byron shire.
Has my full support

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	13/04/2024 12:33 PM
Type of submission	Support

Grounds for Submission

The planting that has been done already on the property – which is 40 – 50,000 native plants, trees and shrubs – has made a monumental contribution to Skinners Shoot precinct. This has inspired neighbouring properties to join in the work and regenerate their properties also.

In addition to the planting that has already been undertaken the planting that is scheduled as a part of this DA goes far beyond any Council required “landscaping plan”. Its truly going to be a thing of great beauty and deep ecology -thrilled .

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Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	14/04/2024 08:37 PM
Type of submission	Support

Grounds for Submission

If we don't evolve in Byron - we'd still be a whaling station.

This is a wildly creative project - and one we should support and celebrate. With splendour in the grass falling over - what are the hopes and options for the youth and employment ? This is a fantastic option for our kids to work at world class venue which honours both the past and future. Let's give the kids a chance to work at something extraordinary!

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Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	15/04/2024 01:04 PM
Type of submission	Support

Grounds for Submission

I am writing to express my wholehearted support for the proposed development of GardenHouse, a botanical experience and farm-to-table restaurant in our community.

As a long-time resident, I have seen firsthand the positive impact of sustainable and locally sourced businesses on our area. I believe that GardenHouse will be an excellent addition to our community.

Culture-based employment opportunities, developments and experiences are essential to the sustainability of community, commerce and tourism in the Byron Shire. We need more of them, and the loss of multiple significant festivals and associated opportunities to the region reinforces the urgent need for more innovative and culturally oriented projects.

I have known Maggie Schreiber for ten years as a significant community member and participant contributor to Byron Shire's arts culture. Maggie is an award-winning graduate of the Byron School of Art. She has performed at the DarkMofo Festival in Tasmania and has deep collaborative links with many visual artists, performers, musicians, and culinary creatives.

I know Maggie to be a visionary and committed individual with a deep respect for ecology and the environment. This is evidenced in practice by her longstanding stewardship and land regeneration of the property at 103 Yagers Lane.

In 2004, this property was just barren paddocks with old pig sheds and a few scattered trees. However, for the past two decades, Maggie and her family have worked tirelessly to transform it into a thriving wildlife sanctuary. With over 50,000 trees, plants, and shrubs planted, the waterways remediated, and four large dams rehabilitated, the family has created a much-needed habitat for native wildlife. As a result, the once-sparse birdlife has flourished, with hundreds of native and migrant birds now calling this sanctuary home. It is of critical importance to endangered species, and it will continue to improve with further native reforestation and the establishment of koala corridors to connect to existing koala habitats.

The proposed project, GardenHouse, is a unique venture with three distinct arms. It offers a botanical experience, a 45-seat restaurant, and a centre for abstract minimalism with eight large garden installations in the five elemental gardens. What sets this project apart is its commitment to sourcing all materials sustainably, using a worldwide sustainability equation of 45% local, 30% Australia-wide, and 25% international. This admirable approach will set an excellent example for other businesses and create a unique and inspiring experience for visitors. I am particularly impressed by the project's focus on collaborating with local artists, including a dedicated wall for Byron School of Art graduate students.

This partnership between the arts community and the GardenHouse project is not just about creating a unique and inspiring visitor experience. It's about fostering a solid relationship that values and integrates the community. In addition to the restaurant and botanical gardens, the GardenHouse project will host exhibitions, cultural events, garden tours, and more, creating a

cohesive connection between the community and nature. This inclusive approach will help build a sense of community and promote the importance of sustainability and ecological design.

Importantly, this project makes intelligent use of repurposed existing built areas. The combined number of new buildings represents 0.88% of the total site area or 3.4% when car parking and driveways are included. Most of this is located on the footprint of the original pig sheds. The “new building” area is 0.4% of the total site area. The combined proposed new buildings result in a 391m² reduction in the building area – they are 391m² smaller than the buildings they are replacing. The project would capture and treat all its water on-site for reuse within the buildings, landscaping, and food growing. The project would generate and store all its energy via solar, and a closed-loop system would see all waste treated onsite.

Maggie has said she hopes the project will be a lighthouse of future development and an inspiration for how we can be part of nature and work with it rather than impose ourselves upon it. Having studied the website and proposal in detail, it is clear that GardenHouse is an exemplary project for the Northern Rivers.

Overall, the GardenHouse project will be a valuable addition to our community, and I urge you to support the development proposal. Thank you for considering my input on this critical matter.

Sincerely,

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	15/04/2024 06:45 PM
Type of submission	Support

Grounds for Submission

In a time of rapid urbanization, it's great to see a project that is building on what has gone before and appreciates the history of the site. This project has prioritized the environment, sustainable use of building materials as well as appreciating the individual craftsmanship that is plentiful in our area.

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Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	15/04/2024 08:33 PM
Type of submission	Support

Grounds for Submission

By supporting this project, the Byron Council has the chance to set a precedent for future developments, demonstrating that ecological sustainability and economic prosperity can co-exist.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	15/04/2024 11:15 AM
Type of submission	Support

Grounds for Submission

I am writing to express my enthusiastic support for the development application at 103 Yagers Lane, Skinners Shoot. This proposal represents an opportunity to further enhance the ecological landscape of our region while promoting sustainable development practices.

One of the most compelling aspects of this proposal is its commitment to sustainability. In an era where environmental conservation is of paramount importance, it is essential that development projects prioritize sustainability at their core. The proposed development at 103 Yagers Lane aligns perfectly with this principle, incorporating eco-friendly design elements and sustainable practices that will minimize its environmental footprint.

Moreover, I wish to draw attention to the remarkable transformation that has already taken place on the site under the careful stewardship of the current owner. What was once a barren wasteland has been transformed into an ecological corridor teeming with life, thanks to her unwavering commitment to ecological care. This tangible demonstration of her dedication to environmental stewardship serves as a testament to the high standard of care that she will undoubtedly bring to this new project, if granted the opportunity.

By approving this development application, the Byron Bay Shire Council has the chance to not only support sustainable development but also to further enrich our local ecosystem. The proposed project at 103 Yagers Lane represents a harmonious blend of progress and preservation, and its approval would be a significant step forward in our ongoing efforts to create a more sustainable and vibrant community.

I urge the council to carefully consider the merits of this proposal and to grant approval for the development application at 103 Yagers Lane, Skinners Shoot. Together, we can continue to build a future that is both prosperous and environmentally responsible.

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Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	17/04/2024 03:18 PM
Type of submission	Support

Grounds for Submission

Love this design it has a very peaceful feel about it. The internal courtyards will make the restaurant experience feel like your outside in nature a true magical experience. I hope the Byron Council will approve this wonderful project for the benefit of present and future generations. Thankyou.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	17/04/2024 12:41 PM
Type of submission	Support

Grounds for Submission

In the heart of Byron Bay, where creativity dances with nature's embrace, a vision emerges—a botanical haven where artistry intertwines with sustainable living. This proposal, a testament to Byron's ethos, beckons the Council's support, resonating with the soul of the community. From reclaimed materials to renewable energy, the project embodies a harmonious blend of environmental stewardship and architectural ingenuity. Its verdant gardens, teeming with native flora, offer sanctuary for both wildlife and weary souls alike. It's a renaissance—a revival of Byron's essence—where each structure whispers tales of craftsmanship and reverence for the land. This endeavor isn't just about buildings; it's a declaration of values—a commitment to honoring the past while embracing a brighter, greener future, a beacon of inspiration for all who seek to harmonize humanity with the natural world.

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Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	18/04/2024 03:04 PM
Type of submission	Support

Grounds for Submission

I support the submission on the following grounds:

The development uses environmentally sustainable and sound ecological land management principals that underpin all facets of project design and land management practices, for example:

- 1) solarization, hand-pulling and brushcutting are the main techniques used to control weeds rather than using aggressive chemicals for weed management
- 2) extensive native plantings have already been successfully conducted on the property with hundreds of native plants planted, there are also future plans to conduct wetland rehabilitation/restoration.
- 3) Two of the existing dams on the property have already undergone amelioration, numerous waterbird species use these dams and as water quality improves over time and habitat restoration is commenced there is potential to increase both species richness and diversity of the local water bird population.
- 4) the project will serve as an educational platform for visitors to gain an understanding of sustainable food production. The premise of 'paddock to plate' will give visitors the opportunity to experience a real world example of how food can be grown using sustainable permaculture practices. With the ethos of 'Think locally, act locally', not only will the project provide local employment, it will enhance the Byron Shire communities already strong environmental framework.

At a time where we see unprecedented global land clearing, habitat loss, fauna and flora species under threat of extinction and poor land management practices and decisions, it is integral to support business and community members who want to improve the local environment and help to educate both local people and visitors to the area on sustainability and promote intergenerational equality. I have had the pleasure to work with Maggie on her project and I believe that this development will be an asset to the Byron Shire.

Sincerely,

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	18/04/2024 07:23 AM
Type of submission	Support

Grounds for Submission

Supporting the growth of excellent food and organic culture in Byron shire

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	18/04/2024 08:00 AM
Type of submission	Support

Grounds for Submission

The property at 103 Yagers Lane, Skinners Shoot contains a plethora of opportunity for Byron Shire and surrounding communities. This includes the opportunity for creative individuals to feel inspired within an aesthetically beautiful and sustainable space that shifts the prospective of what dining should be - a culture that incorporates the natural surrounds, vegetation and local produce with minimal processing. A connection between the land, local farmers, artists and community. Giving respect back to the Bundjalung Nation. Byron Bay (Cavenbah) has always been an important meeting place for the Arakwal people, and this proposal acknowledges the importance of community (hospitality) local trade (farm-made produce) and the passing of wisdom (of regenerative farming practices).

The proposed project will be a leader in driving this new culture of dining, combining traditional methods of cooking and preserving, with local, organic and sustainable foods - taking the common 'Farm to Plate' approach to a new level. With this, the project will bring value to the community by educating individuals and local businesses on sustainable practices within the hospitality, art & food industries, as well as providing Byron locals with employment & world-class training to lift the current standard of hospitality and tourism within Australia.

In a time where climate change is of high concern, I support this proposal for its ability to bring the awareness of making changes within the hospitality industry to reduce the impact of climate change with a 'regenerative farming - to plate approach'. For there is no better time to start making positive change to our environment, than right now.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	18/04/2024 09:03 AM
Type of submission	Support

Grounds for Submission

I think this will be great for the area. It's a great opportunity to highlight the local farmers and purveyors. It will enhance the Bryon area.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	19/04/2024 04:36 PM
Type of submission	Support

Grounds for Submission

I am excited by the gardens and the landscaping here. I can't wait to walk around and see the different gardens with all the rare plants. I believe there are five different garden areas around the new buildings as well as a field of native flowering ground covers -happy native bees . From toxic piggery to flora and fauna sanctuary. I hope that Byron Shire Council can be supportive of this.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	19/04/2024 06:49 AM
Type of submission	Support

Grounds for Submission

Make byron bay world class in ecotourism and local economy

To Whom it May Concern

The intention here is clear, unique and admirable in its focus on sustainability, nature and artistry, as well as providing a building of simplicity and beauty.

This project has a unique feel to it, a feel that is disappearing from the Byron Area. It focuses on the sustainability of not only the building industry and the land, but also the sustainability of the human soul.

Having been involved in the restaurant industry myself for decades, I have spent enormous amounts of time encouraging sustainable practices in growing, preparing and presenting food as well as paying particular attention to the spaces inhabited by the industry, both in Australia and around the world.

I believe this project to be world class in its closed loop approach, design, care for and inclusion of the natural environment and the impact these have on those coming to this space.

There is a sense here that the building is a meditative portal to our senses and the natural world we so long for.

The proposal will feed us on many levels both physically and emotionally and will provide a deep connection back to the recognition and appreciation of the immediate site and the creative, inspirational community of Byron Bay.

This project and its design radiates a deep understanding of the site and instead of decreasing the bio-diversity, as much development in Byron's CBD has done recently, it will increase it, as well as being a backdrop for local artists to express their unique talents.

I can also see this as a huge opportunity for the youths of Byron Bay to gain excellent access to the industry via meaningful apprenticeships across the culinary, art, food production, sustainability and landscape disciplines.

We need to reinforce these traditional Byron values, and this project is a huge step forward down this once well trodden path, that is now slowly disappearing.

I sincerely hope this will gain Council's approval as it may be what Byron is crying out for in terms of representing its heart as a nature based, artistic, creative and inspirational community, that values these gifts highly and that others try to emulate, but just can't.

This is how you do it.

The proposed application has my full support.

Thanks for your time.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	19/04/2024 07:26 AM
Type of submission	Support

Grounds for Submission

The proposed project incorporates eco-friendly design principles aimed at preserving and enhancing the biodiversity of the area. Through the use of native landscaping and creating habitat corridors, as well as utilizing sustainable building materials, the development will contribute greatly to the overall health of the ecosystem.

What impresses me about this project is by the designers embracing renewable energy sources such as solar power and employing energy-efficient technologies they will ensure that the project operates with minimal carbon footprint. By striving for carbon neutrality, the development shows how these principles could be incorporated in all future developments across the Byron shire, and perhaps Byron can regain its reputation for shining the light in these areas of ecology and sustainability.

In a time of rapid urbanization, it's great to see a project that is building on what has gone before and appreciates the history of the site. This project has prioritised the environment, sustainable use of building materials as well as appreciating the individual craftsmanship that is plentiful in our area.

In a time of rapid urbanization, it's great to see a project that is building on what has gone before and appreciates the history of the site. This project has prioritised the environment, sustainable use of building materials as well as appreciating the individual craftsmanship that is plentiful in our area.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	19/04/2024 09:46 AM
Type of submission	Support

Grounds for Submission

When I look at the plans the detail of this development becomes apparent.

Whereas most – nearly all – development decisions are based on cost, this project appears to have a different guiding force. Which is the actual site, its regeneration and the experience of those who visit. I find that this “Yagers Piggery” proposal shows me what can or could be done. I cannot wait to park in the car park with its permeable ground and gardens all around and between the car parks. To look at the dam which was previously used for dumping pig poo and wee and is already attracting native birdlife. I can’t wait to walk around the many garden areas. To see the pig pen panels used as walls, furniture and stepping stones. To experience the architecture, with its prolific outdoor areas both large and small. I am also so excited to see this project has a female designer and a female Architect, and cant wait to see what they contribute to to this project.

How wonderful to transform an old piggery into a new wonderland for native wild life, fauna and flower.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	19/04/2024 11:01 AM
Type of submission	Support

Grounds for Submission

We are most happy to support this development application. Locals will be able to visit, even if only to the Artisan area for a workshop or lunch, and explore these incredible gardens. They will be able to experience the artworks and have a new place to become closer to nature. This is a positive addition to the shire, much like the Crystal Castle which was conceived by inspired locals so many years ago.

This is what we need to feed our souls as well as our local industries. We eagerly await its approval.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	20/04/2024 01:21 PM
Type of submission	Support

Grounds for Submission

The proposed use of the buildings and complete cleanup of the old piggery is a positive to the area, people and surrounding nature; incorporating thoughtful design and sustainable outlooks facilitated in a high quality manner.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	20/04/2024 01:55 PM
Type of submission	Support

Grounds for Submission

The landscape design and sustainability approach had me at hello.

Show me something better than this.

This will really raise the bar for our hospitality industry locally.

I absolutely love it.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	20/04/2024 01:59 PM
Type of submission	Support

Grounds for Submission

Connections to artists and crafts people. Connections to nature. Connections to the real Byron history. Thank you.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	20/04/2024 06:56 AM
Type of submission	Support

Grounds for Submission

As a local artist and current director of an independent regional gallery it is so exciting to see a development with so much consideration given to the needs and importance of strong cultural involvement and outcomes. The Byron region is home to so many creatives and having vibrant, contemporary spaces only enhances and expands the potential and depth of the cultural experience.

I am excited for this endeavour and look forward to sharing in the benefits such adventurous and vital developments it will bring to the local community

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	21/04/2024 03:34 PM
Type of submission	Support

Grounds for Submission

I love the unique approach to the design of this project and how it is integrated into the site. There seems to be a high priority given to environmental ethics here.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	21/04/2024 03:34 PM
Type of submission	Support

Grounds for Submission

This would be good for our region on so many levels. The visitors it brings are those who care for nature. The employment it would generate will support a wide range of industries including the creative industries. I think most of all this will be a gentle and powerful example of a living sustainable business.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	21/04/2024 03:36 PM
Type of submission	Support

Grounds for Submission

I have had a look at what is planned. Honestly this appears to be a gift that we should grab hold of. I think in other regions or Councils they might do just that. This is most certainly of an international standard. I hope that the vision comes to fruition for the sake of all of us who call this area home. Thank you

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	21/04/2024 05:02 PM
Type of submission	Support

Grounds for Submission

Love the sustainability aspect of the project

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	21/04/2024 12:49 PM
Type of submission	Support

Grounds for Submission

The proposal shows a unique example of small scale hospitality that embraces local environmental conditions, sustainable construction methods and helps to educate users and visitors of the historical uses of the site, and past industrial heritage of Byron shire. Many of Byron's historical industry buildings & infrastructure have been replaced or repurposed in ways that do not allow their history to be interpreted. This proposal and building clearly demonstrates a direct engagement with the historical piggery infrastructure, while presenting a new direction for environmentally conscious food production and hospitality. Furthermore, the project is inline the objectives set out in the LEP RU2 guidelines by enhancing the rural landscape character, natural resources and agricultural conditions of the site.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	22/04/2024 02:05 PM
Type of submission	Support

Grounds for Submission

I support the upgrading of this property

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	22/04/2024 04:14 PM
Type of submission	Support

Grounds for Submission

This application and proposal is a great way of reinvigorating a once abandoned industrial site with buildings comprised of deteriorating Hazardous Materials, into a place that should make Byron proud. This proposal seeks to improve the site, highlight its history, and show great priority for recycling, reusing, reinvigorating what once was old, and the environmental sustainability whilst using produce from the local region. Also using local contractors.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	22/04/2024 04:29 PM
Type of submission	Support

Grounds for Submission

I am in support of this sustainable development proposal for the adaptive re-use of this agricultural ruin considering the commitment of the owner to such an innovative, low-impact, high-quality design with such a large focus on the ecological remediation of the site over such a long time. Excellent!

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	22/04/2024 07:05 AM
Type of submission	Support

Grounds for Submission

As a Byron-born local who cares about the well-being of Byron Bay and its surrounding environment, I believe this development presents a unique opportunity to continue the great work the owners have been doing to rebuild the local ecosystem and also contribute to the community's long-term sustainability goals

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	22/04/2024 08:14 PM
Type of submission	Support

Grounds for Submission

I have personally had several opportunities to participate in creative and social gatherings at this address. In a time of rapid urbanization in this area, its great to see a project that is building on which has historical underpinnings to the past Byron culture. The use of recycle materials from site and being intergrated by local individual craftsmen. I urge the council to approve this important project.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	23/04/2024 07:44 AM
Type of submission	Support

Grounds for Submission

This is an imaginative proposal that hopes to turn a decaying ex-piggery into a vibrant space for all members of our community to enjoy. I believe this proposal will greatly benefit the shire.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	23/04/2024 09:17 AM
Type of submission	Support

Grounds for Submission

Regeneration of ecologically sustainable land usage and an upgrade in local business venue

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	23/04/2024 11:24 AM
Type of submission	Support

Grounds for Submission

As someone who cares about the well-being of Byron Bay and its surrounding environment, I believe this development presents a unique opportunity to continue the great work the owners have been doing to rebuild the local ecosystem and also contribute to the community's long-term sustainability goals.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	24/04/2024 01:01 PM
Type of submission	Support

Grounds for Submission

I love how the building is so simple and the artwork and gardens will be the main feature. Also the internal courtyards will make the restaurant experience feel like you are outside in nature. Hope this goes ahead.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	24/04/2024 02:46 PM
Type of submission	Support

Grounds for Submission

The high regard for the environment and sustainability is evident in the design proposal, factors which are very important to Byron Bay and the surrounding communities. Combining adaptive re-use of the old piggery with a food venue for the community and visitors to come and enjoy is a fantastic opportunity and sets a wonderful example of how other sites in the area similar to this could be managed. I hope that Byron Shire Council can be supportive of this.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	25/04/2024 01:10 PM
Type of submission	Object

Grounds for Submission

My reasons for objection of development at Yagers Lane

- * Development of this size and scale at the end of a dead end lane in a quiet rural neighbourhood is hugely inappropriate
- * Traffic will increase to excessive numbers. It has been stated staff - pickers - will be arriving at 6am and restaurant staff leaving around midnight, hence traffic movements all day and night. No street lighting another whole issue. Already there are safety issues with cyclists, joggers and walkers on Skinners Shoot Rd without this increase in traffic numbers.
- * Wildlife impacts. This is one of last wildlife areas in the shire. Already, without increased traffic movements, there is frequent roadkill.
- * Light pollution from increased night traffic and the development itself. This too will impact the wildlife by disturbing their natural behaviours.
- * Noise pollution. Yagers Valley acts like an amphitheatre hence the noise from the development will reverberate around the valley, causing great disturbance to a rural neighbourhood.
- * The current proposal makes no economic sense. \$22 million would need to turn over at least \$5/6 million per year for a return on investment, meaning the development will require greater expansion in the future.
- * The massive solar system proposed gives true insight into the true intentions of this future expansion.
- * This proposed restaurant will be the largest restaurant in the Byron Shire. So it has to be asked is a dead end rural lane like Yagers Lane an appropriate location for such a large scale development? Skinners Shoot Rd and Yagers Lane are quiet rural neighbourhoods.
- * Inadequate DA in regards to Definition of Rural Tourism and reliance on commencement of DA 10.2010.208

Please see attached files re peer reviewed traffic survey by Ingen Consulting and an expert of the business operation of Noma cited by the proponent as her model for this development.

This inappropriate, gross development cannot be approved.

Attachments: NOMA and Traffic Peer Review Report provided in earlier submissions

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	25/04/2024 02:20 PM
Type of submission	Object

Grounds for Submission

As a mother of 2 young boys, I consider this development to totally inappropriate for the rural location we have chosen to live. and raise our family. For a development of this size and scope, a much more appropriate location would be nearer the CBD, or a location with much better vehicular access, similar to the location of The Farm.

The DA is incredibly difficult to understand, with over 130 documents on the council's website. However much complexity is introduced, the simple fact is that there is no place for a development of this size in a closed, dead end community such as Skinners Shoot and Yagers Lane.

Major considerations as I see it are:

Vastly increased traffic, from which most other affects are caused.

Opening hours effectively (staff coming and going) 6 am to 12 midnight, 4 days week, and 6 am to 11 on Sundays.

Wildlife killed and isolated, and habitat destroyed, by traffic, and by light and noise pollution

Cyclists, joggers and walkers (of which there are many dozens daily) endangered due to this increase in traffic

Speeding of tourists on unfamiliar roads

Removal and contamination of asbestos in the demolishing of existing derelict buildings

\$22 + million development will require significant return on investment. Thus this will be the thin edge of the wedge. Once approved expect much greater expansion. Note the massive solar/battery array proposed

Noise and Light pollution will also affect neighbours and local residents, in what is a rural setting.

It will be the largest restaurant in Byron Shire. It is ridiculous to locate it at the terminus of a dead end.

The DA itself I am told is flawed, relying on an incorrect interpretation of "rural tourism", and not having approved dual occupancy; and commencement, and ultimately cessation, of DA 10.2010.208

This development will destroy the historic Skinners Shoot community forever. It is grossly unsuitable, and will negatively impact the natural environment, and the society of neighbours ratepayers who reside there.

I attach comments on Noma, which is the restaurant declared in writing as the business model by the proponent, and a peer review of the traffic study submitted by the proponents.

Attachments: NOMA and Traffic Peer Review Report provided in earlier submissions

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	25/04/2024 03:40 PM
Type of submission	Object

Grounds for Submission

I object to the construction of a restaurant etc at 103 Yagers Lane, based on the current DA 10,2024,21 for the following reasons-

- a large increase in traffic -
 - as estimated in the Traffic Peer review (attached) commissioned by the Skinners Shoot Residence Group, the increase in traffic is likely to be well above the proponents estimate, which appears to be an absolute minimum. The Traffic Peer Review estimates an increase on Skinners Shoot Rd between 18% to 63% and between 94% to 335% on Yagers Lane. I note the current traffic on both roads is above Councils required road size.
 - other issues due to increased traffic include danger to wildlife (koalas, possums and wallabies etc). Much of the traffic will be at night when these animals are out and about.
 - danger to walkers, joggers and cyclists. The presence of the Arts Factory Hostel means a lot of visitors use this road. There is also an increase in cyclists with electric bikes rising in popularity. These people all use this road which is narrow in places and has no walker/cyclist lane.
 - Lack of footpaths on Gordon and Burns Streets forces pedestrians onto the road. Most of these pedestrians are from the the Arts Factory Hostel (and it is already an accident waiting to happen).
 - increased road noise, especially at night when patrons leave the restaurant. The proponents suggestion that this is addressed by the use of EVs is ridiculous as the road noise is largely from tyres not engines. Currently the road has very limited usage after 9pm as it is a residential area.
 - Skinners Shoot Rd is subject to flooding. In 2009 it was impassable for 4 days. (There is only one road in and out).
 - asbestos on site-
 - asbestos has been used in the original buildings and my concern is there is asbestos in the soil where the construction is to take place. This could be carried in dust to nearby properties and houses, especially those close by. Has there been an Asbestos Contamination Report done?
 - Noise mitigation from the restaurant appears inadequate, especially impacting those living nearby
- This large proposed development in a rural locality, with the traffic implications and operating hours, along with the noise management strategies poses a detrimental change to the Skinners Shoot residents.
- Thank you for considering my objection.



PROPOSED MIXED USE DEVELOPMENT AT 103 YAGERS LANE, SKINNERS SHOOT

19TH APRIL 2024

TRAFFIC PEER
REVIEW

INGEN
CONSULTING
ENGINEERED WITH PURPOSE

DOCUMENT CONTROL

Revision number	Description	Prepared	Reviewed	Issued	Issue date
A	Draft client comment	MK			
B	Final	MK	MK	MK	19/4/24

Document title: Traffic Peer Review report for 103 Yagers Lane
Document number: J1314_TPR
Author: Michiel Kamphorst, *MSc, BSc, RPEng, RPEQ, NER, PRE, MAAS*
Client name: Skinners Shoot Residents Group
Client's representative: Anthony Pangallo and Christine Ahern

Approved for use by:

Name: Michiel Kamphorst

Signature:



Date: 19th April 2024

MSc, BSc, RPEng, RPEQ, NER, PRE, MAAS

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CONTENTS

Document control	2
Contents	3
Table of figures.....	4
Table of tables.....	4
1. Introduction	6
1.1. Scope	6
1.2. Site and development description	6
1.3. Proposed development	8
2. Traffic Impact Assessment review	9
2.1. Report scope.....	9
2.2. Yagers Lane capacity and traffic volumes	9
2.3. Skinners Shoot Road capacity and traffic volumes	9
2.4. Trip distribution.....	9
2.5. Traffic data	12
2.6. Traffic growth	12
2.7. Trip generation	12
2.8. Level of Service	14
2.9. Crash data	14
2.10. Service vehicles	14
3. Traffic impacts	15
3.1. Trip generation	15
3.2. Traffic surveys.....	16
3.3. Yagers Lane capacity	18
3.4. Skinners Shoot Road capacity.....	21
3.5. Yagers Lane / Skinners Shoot Road intersection	23
3.6. Burns Street / Butler Street intersection	24
4. Road condition	26
4.1. Crash history	26

4.2.	Road conditions	26
4.3.	Flood inundation.....	27
5.	Conclusions and recommendations	31
5.1.	TTM traffic report	31
5.2.	Traffic impacts.....	31
5.3.	Road condition	32
	References	33
	Appendix A – SIDRA modelling results – Burns St.....	34
	Appendix B – SIDRA modelling results – Yagers Ln	39

TABLE OF FIGURES

Figure 1 Subject site locality, <i>Source: Byron Shire Council Web Map, accessed 8/4/24</i>	7
Figure 2 Proposed land uses, <i>Source: TTM 2024</i>	8
Figure 3 Trip Distribution assumptions by TTM, <i>Source: TTM 2024</i>	10
Figure 4 Wordsworth Street	11
Figure 5 Burns Street.....	11
Figure 6 Skinners Shoot Road survey location.....	18
Figure 7 Yagers Lane – adjacent Skinners Shoot Road	19
Figure 8 Yagers Lane – on the flats	20
Figure 9 Yagers Lane – erosion damage near the subject site.....	20
Figure 10 Skinners Shoot Road – at survey location	21
Figure 11 Skinners Shoot Road – 5.7m seal and potholes	22
Figure 12 Skinners Shoot Road – near Yagers Lane	23
Figure 13 Upgraded corner on Skinners Shoot Road.....	26
Figure 14 Skinners Shoot Road inundated, <i>Source of image: Terry Ahern</i>	28
Figure 15 Daily Weather Observations, <i>Source: www.bom.gov.au</i>	28
Figure 16 NSW tide table, <i>Source: BOM 2023</i>	29
Figure 17 Cumbebin Swamp rainfall depths, <i>Source: BOM</i>	30

TABLE OF TABLES

Table 1 Yagers Lane traffic survey	16
Table 2 Skinners Shoot Road traffic survey.....	17

Table 3 Yagers/Skinners AM peak survey	23
Table 4 Yagers/Skinners PM peak survey	24
Table 5 Burns/Butler AM peak survey	24
Table 6 Burns/Butler PM peak survey	25

1. INTRODUCTION

Ingen Consulting P/L has been engaged by the Skinners Shoot Residents Group to prepare a peer review report of the traffic report prepared for the proposal mixed use development of 103 Yagers Lane in Skinners Shoot, NSW.

1.1. Scope

The purpose of this report is to prepare a peer review of the following document:

- *Traffic Engineering – 103 Yagers Lane, Skinners Shoot, On Behalf of M. Schreiber, TTM, Revision 4, Version RP02, 17th January 2024*

The scope of this review is not exhaustive, it is intended primarily to verify calculations regarding the impact of the proposed development on the public road network, and provide further impact calculations where deemed warranted.

1.2. Site and development description

The subject site is 103 Yagers Lane, which is currently a rural property with a piggery, which we understand has been out of service. As shown in Figure 1, the subject lot is located at the end of Yagers Lane, which can be only be accessed from Skinners Shoot Road.



Figure 1 | Subject site locality, Source: Byron Shire Council Web Map, accessed 8/4/24

1.3. Proposed development

The Development Application (10.2024.24.1) describes the proposal as: “Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works.

The TTM report lists the following proposed uses for the land. The restaurant operations are described as high-end / exclusive, with a maximum 45 seated guests in the restaurant, with an additional 15 guests in the waiting room and another lounge room of 15 guests. 25 staff are expected to work at this site each day.

Table 1.1: Proposed land uses

Use	Area/Qty	Open Hours
Food & Drink (Restaurant)	Approx 900m ² GFA Capacity of 45 seating. Capacity of 15 in lounge/waiting room	<u>Wednesday - Saturday</u> 12noon to 11:00pm <u>Sunday</u> 12noon to 10pm
Food & Drink (Artisan)	Approx 72m ² GFA Capacity of 15 outdoor seating	<u>Monday to Sunday</u> 10am to 3pm – Sales hours
Artisan Sale area	Approx 38m ² GFA	<u>5 days Weekly</u> 10am to 3pm

Figure 2 | Proposed land uses, Source: TTM 2024

An online booking system is proposed that limits patron arrival to 4 guests per 15-minute increment, resulting in 16 people per hour during arrival. The 25 staff are anticipated to arrive prior to opening.

2. TRAFFIC IMPACT ASSESSMENT REVIEW

This chapter provides the peer review of the Traffic Impact Assessment for this development. The review is not intended to be comprehensive, but rather primarily focussed on impacts on the public road network.

2.1. Report scope

The Chapter 4 of the Byron DCP requires that developments with a 'moderate impact (10-50 peak hour trips), a Traffic Impact Statement is required. Its scope includes "analysis of the operation of the first intersection, as a minimum, on either side of the accesses". This has not occurred and therefore the TTM traffic report has not met the scope requirements of the DCP and is therefore not complete. It can therefore not be relied upon by Council staff for making recommendations to the Council regarding traffic impacts and suitability.

If the TTM trip generation calculations are not accurate (we describe in the section above how there are scenarios possible where significantly more traffic is generated), then the proposal may classify as 'high impact' and should therefore address all of the scope requirements listed in the 2002 Guide for Traffic Generating Developments for a Traffic Impact Study, or provide warrants for certain scope items that do not require addressing.

2.2. Yagers Lane capacity and traffic volumes

We agree with TTM that Yagers Lane currently has a design capacity of no more than 150 AADT. The actual capacity will be less, as NRLG D1 requires a 6m seal with 0.5m shoulders to meet a 150 AADT design capacity. The TTM report proposes two passing bays to address this capacity issues. This does not meet NRLG standards, which require a 6m seal width on 8m formation for rural roads over 150 AADT.

2.3. Skinners Shoot Road capacity and traffic volumes

The pavement width of Skinners Shoot is approximately 6 metres seal, limiting its capacity to 150 AADT. The TTM report does not make any suggestions as to how to address any capacity issues.

2.4. Trip distribution

The TTM report provides the following development traffic distribution without further justification:

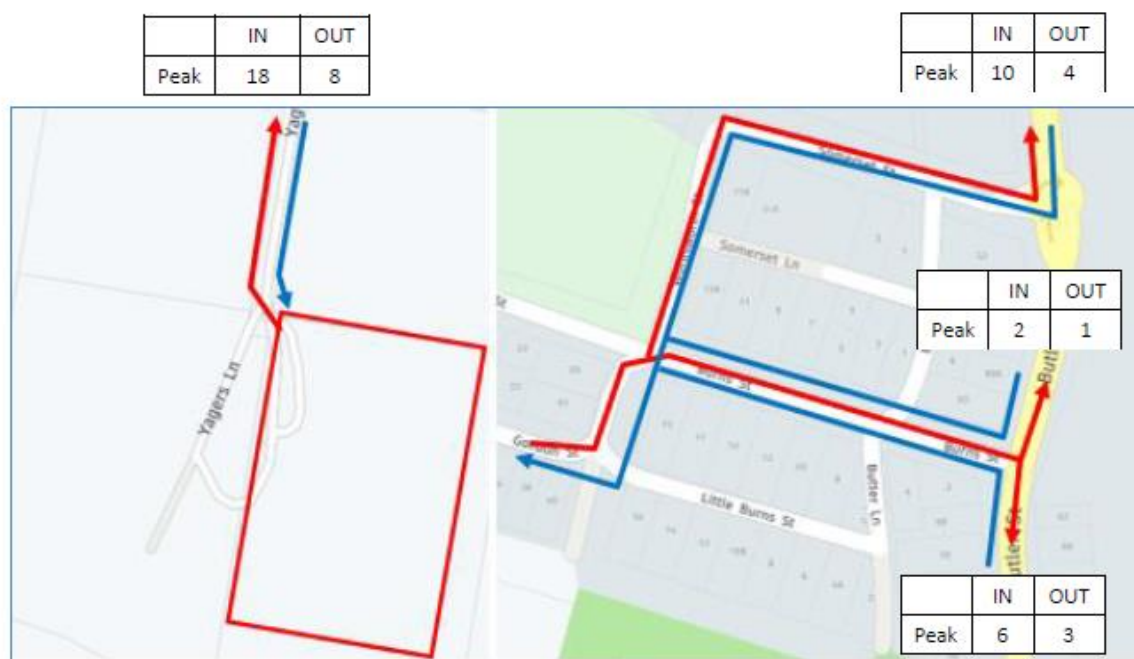


Figure 4.4. Traffic Distributions from Site to distribution point @ Peak Operation (midday)

Figure 3 | Trip Distribution assumptions by TTM, Source: TTM 2024

Given the exclusive nature of the proposal, one could expect a significant proportion of customers to be 'out of towners'. As a result, most people will use a GPS-based navigation service to navigate to and from the site. Google Maps shows access via Burns Street, it does not provide Somerset Street / Wordsworth Street as a suggested route. At the intersection of Burns Street and Wordsworth Street it is also clear that Wordsworth Street is the minor road and it has a narrow one-way road width, similar to a laneway. Therefore, it is unreasonable to suggest anyone would travel to the site via Somerset and Wordsworth. It must be assumed all development traffic will travel via Burns Street (see Figure 5).

Additionally, if traffic did travel via Wordsworth Street, then the TTM report should have assessed the roadway capacity of Wordsworth Street to service this additional traffic load, as Wordsworth Street north of Burns Street only has 4m wide seal (see Figure 4). The TTM report did not carry out any such analysis.



Figure 4 | Wordsworth Street



Figure 5 | Burns Street

2.5. Traffic data

The TTM report does not provide any traffic data for any of the adjacent road network.

2.6. Traffic growth

The TTM report does not consider background traffic growth.

2.7. Trip generation

Restaurant

The TTM report has excluded staff from trip generation rates, based on the assumption that staff would arrive prior to guests arriving. The report also estimates a maximum of 16 guests to arrive in an hour due to an online booking system combined with creating an 'exclusive, high-end' experience, at 3 persons per car. Staff would arrive prior to that.

For this 'exclusiveness' assumption to stand, stringent conditions and controls should be included in the development consent around this. Otherwise there is the scenario that the restaurant changes hands and the new owner does not implement these restrictions, resulting in uncontrolled arrival and departure flows. This scenario is detailed in section 3.1 of this peer review report.

The Statement of Environmental Effects for this development anticipates that an Operational Management Plan will be prepared as part of the Construction Certificate Documentation, which will address items such as patron bookings and the monitoring of total numbers on site at any time. Given the patron number management is such a key component of the traffic impact (as without it trip generation figures may be much higher than reported by TTM), one would expect this to be prepared for the Development Application, to give Council staff confidence that the claimed management methods will actually work in real life.

We find the TTM trip generation assumptions to be inconsistent. If it is indeed true that a booking system could ensure no more than 16 guests arrivals per hour and if indeed the average car occupancy is 1.5 ppv (based on the assumption that 1 in 3 travelling by car is a passenger), then the staff arrival peak (of the 25 staff) is likely to be similar to or potentially larger than the guest arrival peak and should therefore be included. No provisions are made prohibiting all staff from arriving within the space of one hour, and typically staff occupancy rates are much lower than guest occupancy rates, as staff often commute to work individually and rarely car share. On this basis, we argue that staff arrival and departure should indeed be included in the trip generation calculations as the staff trip generation may be higher than the guest trip generation. Added to this should be deliveries, as these would occur

between the arrival of the first staff member and the arrival of the first guests. No particular time lag between these occurrences is mentioned.

Artisan Food & Drink Industry including artisan sale area

TTM have adopted a trip generation rate of 12 trips per 100m² of GFA for the Artisan café and sale area. Given the distance to town from this site it is fair to assume that there would not be many guests who travel to site exclusively to visit the sale area. Rather guests would use both the café component and the sale area. Traffic calculations could therefore arguably be limited to the area of the café and not include all of the artisan sale area. TTM have calculated the trip generation based on the combined areas and have therefore taken a conservative approach to trip generation.

As for the trip generation rate, we agree that the adopted rate based on 'pizza shops and other small outlets' is the best available data. The resulting rate is 12 trips per 100m² GFA.

Another approach to estimating trip generation is based on the Byron DCP, which requires one car space per 7.5m² of GFA. For a 100m² GFA, this translates into 13.3 spaces per 100m² GFA. Is it reasonable to assume that 13.3 spaces generate 12 trips per hour during the peak hour? For that to occur only 6 spaces would be used during the peak hour, assuming guests stay less than 1 hour, or alternatively, guests would need to stay more than 2 hours for a full car park to represent 12 trips per hour for 100m². We don't believe this is reasonable.

Rather, guests would be expected to stay up to 1.5 hours with an average stay of around 1 hour. For a full car park this results in 27 trips per hour for the artisan area.

Combined

The combined daily trip generation is reported to be approximately 190 trips per day during busy days and approximately 70 trips per day on Monday and Tuesday. This results in a 7-day ADT of approximately 155 trips per day (accurate figures have not been provided). This is likely a low estimate based on reasons provided above. The 900m² GFA restaurant alone could generate 540 trips per day based on the 2002 RTA Guide to Traffic Generating Developments.

The actual trip generation rate will depend strongly on the actual nature of the proposed development and the effectiveness of parking management, which is not well defined in the current proposal.

2.8. Level of Service

The TTM report does not address Level of Service of the various components of the road network in its report.

2.9. Crash data

The TTM report does not consider which component of existing traffic on Skinners Shoot Road is from local traffic and which is from non-local traffic. This is important as local traffic is often more aware of road design deficiencies and less likely to cause a crash. Addition of a significant amount of traffic generated by a 'high end/exclusive' restaurant, unfamiliar with the terrain and safety issues, may result in an increased frequency of occurrence of crashes. This has not been considered in the TTM report. The TTM conclusion that the safety concerns "are not likely to be heightened by the development traffic based on the incident types" would appear inappropriate on the basis of the above. Additionally, the addition of traffic increases the frequency of occurrence of crashes and thus the crash risk. Given the significant increase of traffic proposed, it is unexpected that TTM would claim there are no heightened safety concerns. Add to this a significant trip generation during darkness, which is listed as a factor in 5 of the 9 recorded crashes, and one can conclude that road safety has not been addressed adequately as part of this development proposal.

2.10. Service vehicles

Chapter 7 of the TTM report briefly discusses on-site manoeuvring and servicing of service vehicles. The report does not address the impact of service vehicles on the road network, in particular the narrow carriageway of Yagers Lane. Approval of this proposal result in service vehicle deliveries for three separate businesses on site, being the restaurant, the artisan food and retail and the agricultural farm. For the first two, deliveries of milk, bread, linen, beverages, fish, meat and specialist deliveries may all occur by separate vehicles. The agricultural business, although not part of this proposal, may also generate deliveries of items such as seed, fertiliser and equipment supplies. The volume, type and timing of these should be discussed, in particular with respect to existing traffic on Yagers Lane.

3. TRAFFIC IMPACTS

The TTM report does not quantify traffic impacts on the road network. We have been engaged to fill that gap.

3.1. Trip generation

The TTM report provides the following trip generation estimates:

- Weekday evening peak hour trip generation: 25 trips
- 7-day ADT trip generation: 155 trips

This can be considered a 'best case scenario', based on effective implementation of the management techniques proposed in the traffic report. Given the SEE is 'light on' with respect to operational management and no actual detail is provided on how this would work in real life and what the effectiveness is, nor is confidence provided that a development approval would adequately condition such management techniques and adequate policing is employed to ensure future operators of the venue adhere to the conditions, it is likely that the actual trip generation is larger than one is reported in the TTM report.

The key question then is how much larger? If the TTM report provides a 'best case scenario', then the 'worst case scenario' can be defined as a scenario where all the management techniques are not implemented and fail, and the venue operates without restriction, based on capacity rather than the 'exclusive nature' or effective management, in that case, traffic generation should be estimated in a traditional manner.

In this case, the rates employed for the restaurant and artisan café are as per 'restaurant' in the GTTGD, which are:

- Peak hour: 5 trips per 100m² GFA
- Daily trips: 60 trips per 100m² GFA

The GTTGD does not provide rates for a retail shop. In order to determine a retail shop trip generation rate we have scaled the restaurant rates using the DCP parking rates for a food and drink premises as compared to a business premises. This is a scale factor of $7.5/20 = 0.375$, resulting in these rates:

- Peak hour: 1.8 trips per 100m² GFA
- Daily trips: 22.5 trips per 100m² GFA.

The resulting 'worst case scenario' trip generation can be calculated to be:

- Peak hour: 49.3 trips
- Daily traffic: 552 trips

In conclusion, depending on the effectiveness of management techniques and the adequacy of a development consent with accompanying operational limitations, the trip generation will likely be in the following range:

- Peak hour: 25 – 49.3 trips
- Daily traffic: 155 – 552 trips

We will adopt these ranges as we carry out a sensitivity analysis of the traffic impacts, both on roadway capacity and intersection performance.

3.2. Traffic surveys

We have carried out classified counter surveys of both Yagers Lane and Skinners Shoot Road. At Yagers Lane, the tubes were installed approximately 100 metres from the intersection with Skinners Shoot Road. Due to time constraints, the Yagers Lane survey was started on Wednesday afternoon and finished Friday morning, resulting in only one full day of data. The results are in Table 1.

Table 1 | Yagers Lane traffic survey

	Wednesday 3/4/24 (survey commenced at 17:15)	Thursday 4/4/24	Friday 5/4/24 (survey completed at 9:15)
Traffic volume	-	169	-
AM peak hour	-	9:15-10:15	-
AM peak volume	-	13	-
PM peak hour	-	16:30-17:30	-
PM peak volume	-	30	-
% heavy vehicles	0%	2%	0%
85%-ile speed	52.4 km/h	46.1 km/h	44.8 km/h

At Skinners Shoot Road, the tubes were installed between the Arts Factory and the Byron Yoga Centre. Figure 6 shows the counter installed at the automated speed response sign. The results are summarised in Table 2. Skinners Shoot Road was inundated with water during part of Sunday 7th of April and Monday 8th of April. More detail regarding this flood event is provided in section 4.3 of this report. The flooding does not seem to have affected the traffic volumes, but the 85%-ile speeds are affected those days.

Counter operation was not affected as the open end of the tube was located at the lowest elevation due to the crown in the road, resulting in the air bubble the tubes remaining intact and preventing water ingress. The counter itself was chained to a pole approximately 600mm above the ground and did also not inundate. The results are therefore valid.

Table 2 | Skinners Shoot Road traffic survey

	Saturday 6/4/24	Sunday 7/4/24	Monday 8/4/24	Tuesday 9/4/24	Wednesday 10/4/24	Thursday 11/4/24	Friday 12/4/24
Skinners Shoot Road, at automated speed response sign, 5/4/24 to 15/4/24							
Traffic volume	898	871	925	907	847	905	823
AM peak hour time	10:45-11:45	11:00-12:00	9:00-10:00	8:45-9:45	10:00-11:00	9:00-10:00	8:45-9:45
	73	120	79	74	62	82	73
PM peak hour time	18:15-19:15	14:45-15:45	18:00-19:00	18:15-19:15	16:00-17:00	17:00-18:00	15:45-16:45
	83	85	78	86	77	86	60
85%-ile speed	62.8	42.3	53.5	62.1	63.4	64.6	64.3
5-day ADT	881	AM average peak (weekday)		74	% heavy vehicles		3.00%
7-day ADT	882	PM average peak (weekday)		77			



Figure 6 | Skinners Shoot Road survey location

In addition to classified counter surveys, we carried out intersection turning movement surveys of the intersection of Yagers Lane with Skinners Shoot Road and of Burns Street with Butler Street, for both weekday AM and PM peak times. These results are shown below.

3.3. Yagers Lane capacity

On Thursday 4th of April 2024, the 24-hour traffic volume on Yagers Lane was measured at 169 vehicles. Using the 7-day data obtained on Skinners Shoot Road, we can adjust the Thursday data to determine a 7-day ADT figure, assuming the Yagers Lane daily traffic volumes fluctuate at a similar rate as on Skinners Shoot Road. Using this information, we estimate the 7-day ADT of Yagers Lane to be 165 vehicles per day.

This exceeds the existing capacity of Yagers Lane. Yagers Lane has a 5m wide bitumen seal directly south of Skinners Shoot Road (Figure 7), but it narrows to a 4m seal with occasionally 1m gravel shoulders from the first culvert (Figure 8). According to the NRLG Development Design Specification D1, minor rural road with a 6m wide bitumen seal and 0.5m shoulders has a capacity of up to 150 AADT. This means the capacity of a 4m wide pavement is less than 150 AADT.

For private driveways, the Byron Shire DCP chapter B4.2.3 requires a 5.5m wide pavement for any driveway servicing more than 3 dwellings. 3 dwellings typically generate around 20 vehicle trips per day, thus providing a roadway capacity of up to 20 trips per day for a 4m wide pavement.

This demonstrates that Yagers Lane is already significantly over-capacity and requires widening to a 6m seal with 1m shoulders, resulting in an 8m wide formation width. This is an existing problem that is not introduced by the proposed development.

However, after addition of the development traffic, the post-development 7-day ADT on Yagers Lane may increase to at least $165 + 155 = 320$ and up to $165 + 552 = 717$ trips per day. This is an increase of 94% to 335%. The 'worst case scenario' volume requires an even larger road width, being a 7m seal with 1m shoulders, thus a 9m formation.



Figure 7 | Yagers Lane – adjacent Skinners Shoot Road



Figure 8 | Yagers Lane – on the flats



Figure 9 | Yagers Lane – erosion damage near the subject site

3.4. Skinners Shoot Road capacity

The majority of Skinners Shoot Road, being west of the Arts Factory, is a rural road with a varying pavement width. The minimum pavement widths on straights that we measured is 5m seal with 1m shoulders and no verge on the approach to Yagers Lane (see Figure 12). At the traffic survey location, we measured a 6m seal with minimal verge and no visible shoulders (Figure 10).

Based on Table T1.27 from the NRLG Development Design Specification D1 – Geometric Road Design, the roadway capacity of Skinners Shoot is no more than 500 AADT. This means that Skinners Shoot is already over capacity by at least 382 vehicles per day. Based on the traffic survey data we measured, Skinners Shoot Road should have at least a 7m seal with 1m shoulders.

However, after addition of the development traffic, the post-development 7-day ADT on Skinners Shoot Road may increase to at least $882 + 155 = 1037$ and up to $882 + 552 = 1434$ trips per day. This is an increase of 18% to 63%. If Council were to upgrade Skinners Shoot Road to a 7m seal width plus 1m shoulders, then the development would trigger an additional widening to 7.5m seal with 1.5m shoulders.



Figure 10 | Skinners Shoot Road – at survey location



Figure 11 | Skinners Shoot Road – 5.7m seal and potholes



Figure 12 | Skidders Shoot Road – near Yagers Lane

3.5. Yagers Lane / Skidders Shoot Road intersection

We carried out an AM peak intersection turning movement survey of the Yagers Lane / Skidders Shoot Road intersection on Friday the 5th of April 2024. The results are shown in Table 3. It was found the peak hour was from 7:30am to 8:30pm. The PM peak survey was carried out on Wednesday 3rd of April with the results shown in Table 4. The peak hour was from 16:00 to 17:00

Table 3 | Yagers/Skidder AM peak survey

		Friday 5th April 2024																	
		06:45-07:00		07:00-07:15		07:15-07:30		07:30-07:45		07:45-08:00		08:00-08:15		08:15-08:30		08:30-08:45		08:45-09:00	
		H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total
Yagers Ln (northbound)	L	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	R	0	2	0	0	0	2	0	2	0	1	0	1	0	1	0	2	0	1
Skidders Shoot Rd (eastbound)	R	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	T	0	1	0	3	0	1	1	3	0	4	0	4	0	4	1	1	0	2
Skidders Shoot Rd (westbound)	L	0	0	0	0	0	0	0	0	0	0	1	0	2	0	1	0	1	1
	T	0	1	0	1	0	1	2	2	0	2	0	4	0	3	0	1	0	1

Table 4 | Yagers/Skinners PM peak survey

		Wednesday 3th April 2024																	
		14:45-15:00		15:00-15:15		15:15-15:30		15:30-15:45		15:45-16:00		16:00-16:15		16:15-16:30		16:30-16:45		16:45-17:00	
		H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total
Yagers Ln (northbound)	L	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
	R	0	0	0	1	0	0	0	4	0	1	0	0	0	2	0	4	0	0
Skinners	R	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Shoot Rd	T	0	6	0	2	0	2	0	1	0	1	0	0	0	1	0	1	0	5
Skinners	L	0	1	0	3	0	0	0	0	0	0	0	2	0	1	0	3	0	1
Shoot Rd	T	0	2	0	1	0	2	0	1	1	3	0	5	0	2	0	10	0	6

We have prepared a SIDRA model for this intersection. The results are shown in Appendix B. The intersection operates at Level of Service A for all scenarios and all lanes, therefore no intersection upgrades are warranted based on quantitative performance and intersection capacity.

3.6. Burns Street / Butler Street intersection

We carried out an AM peak intersection turning movement survey of the Burns Street / Butler Street intersection on Friday the 5th of April 2024. The results are shown in Table 5. It was found the peak hour was from 8am to 9pm. The PM peak survey was carried out on Wednesday 3rd of April with the results shown in Table 6. The peak hour was from 15:30 to 16:30.

Table 5 | Burns/Butler AM peak survey

		Friday 5th April 2024																							
		07:00-07:10		07:10-07:20		07:20-07:30		07:30-07:40		07:40-07:50		07:50-08:00		08:00-08:10		08:10-08:20		08:20-08:30		08:30-08:40		08:40-08:50		08:50-09:00	
		H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total
Butler St (northbound)	L	0	0	0	1	0	1	0	1	0	1	0	3	0	1	0	3	0	1	0	2	0	3	0	2
	T	0	86	1	51	2	43	2	52	1	70	1	71	1	94	1	94	5	85	2	94	2	75	5	91
Burns St (eastbound)	L	0	3	0	4	0	3	0	4	0	2	0	3	1	10	0	5	1	6	0	4	1	7	2	10
	R	0	3	0	1	0	2	0	3	0	6	0	3	0	5	0	3	0	3	0	4	0	6	0	3
Butler St (southbound)	R	0	3	0	3	0	0	0	5	0	3	0	5	0	7	0	9	0	5	1	3	0	4	0	6
	T	0	51	0	13	3	35	3	31	4	35	1	52	2	30	3	56	0	58	0	71	4	60	1	61

Table 6 | Burns/Butler PM peak survey

		Wednesday 3rd April 2024																									
		14:50-15:00		15:00-15:10		15:10-15:20		15:20-15:30		15:30-15:40		15:40-15:50		15:50-16:00		16:00-16:10		16:10-16:20		16:20-16:30		16:30-16:40		16:40-16:50		16:50-17:00	
		H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total	H	Total
Butler St (northbo	L	0	2	1	5	0	8	0	2	0	1	1	10	0	9	0	5	0	3	0	5	0	7	0	7	0	11
	T	0	59	1	58	2	93	0	96	3	111	3	89	2	93	0	73	3	77	1	75	2	69	0	62	1	59
Burns St (eastbou	L	0	6	0	5	0	3	0	2	0	4	0	4	1	6	1	3	0	4	0	5	0	5	1	11	0	12
	R	0	8	1	2	0	6	0	1	0	3	0	2	0	4	0	2	0	7	0	2	0	2	0	10	0	2
Butler St (southbo	R	0	4	0	3	0	8	0	1	0	5	0	3	2	10	3	71	0	7	0	7	1	10	0	8	0	1
	T	1	62	1	80	3	62	5	85	2	80	1	87	1	91	0	4	0	92	1	96	0	93	3	98	0	88

This survey data shows that during the AM peak, 64% of traffic turns left out of Burns Lane and 36% turns right. 28% turns left into Burns Lane and 74% turns right into Burns Lane. For the PM peak these values are 57% / 43% (left out / right out) and 24% / 76% (left in / right in).

It is reasonable to adopt these same directional distributions for the development traffic, rather than assuming a 50/50 split as TTM has done. The existing directional split represent the balance of 'catchments' north and south of this intersection and this balance will likely be similar for the development traffic. We will therefore adopt the same directional splits for development traffic.

We have prepared a SIDRA model for this intersection. The results are shown in Appendix A. The majority of this intersection currently operates at Level of Service A. Only the right turn out operates at Level of Service B. Due to background traffic growth (assumed 3.5% per annum based on data from other sites in the shire), by 2034 this right turn movement will worsen to LOS D, which is just acceptable, on the border of requiring work. Addition of development traffic result in retention of LOS D for the best-case scenario, but the worst case scenario results in a worsening to LOS E, which means an intersection upgrade is required. Thus, depending on the exact traffic generated by the proposed development, an intersection upgrade of this intersection may be triggered by the proposed development.

4. ROAD CONDITION

4.1. Crash history

In addition to the crash records provided in the TTM report, we understand that there have been two fatalities on Skinners Shoot Road, one in 1999 and one in March 2015. In the latter case, according to the ABC news article ([Woman dies in crash near Byron Bay - ABC News](#)), the car veered off the road and crashed into trees just before midnight. We understand that Byron Shire Council has carried out road geometry alterations at the location of these fatalities to reduce the crash risk (see Figure 13).



Figure 13 | Upgraded corner on Skinners Shoot Road

4.2. Road conditions

The pavement quality of Skinners Shoot Road varies. Some sections (such as in Figure 13) appear to be recently constructed and are in good condition, whereas other sections are subject to significant heaving and potholing, suggesting inadequate drainage and subgrade conditions. The heaving and potholing in some of these section is so bad that vehicles either have to slow down to walking pace, or travel via the oncoming traffic lane to avoid the holes. This locally significantly reduces road capacity.

We have found no street lights on Skinners Shoot Road. When combining this with the majority in treed areas with little to no moonlight on clear nights and occasionally bad pavement conditions, this makes for potentially dangerous conditions. The Skinners Shoot Road traffic survey reveals that on most days the PM peak is after 6pm, which means in the dark during autumn, winter and spring, when daylight savings have not yet commenced. This is likely also the busiest period of patron arrival at the subject site for the dinner service.

These issues have not been addressed in the TTM Traffic Report (other than the comment that “*a higher percentage of the crashes on this road occurred in low light conditions*”). Considering the potentially large volumetric impact of the proposed development on Skinners Shoot Road and the above-mentioned conditions, a Road Safety Audit would be an appropriate start to assess the impact of the development on road safety and to determine any contributions the proponent should make to addressing any particular safety concerns.

4.3. Flood inundation

A portion of Skinners Shoot Road crosses the Cumbebin Swamp Nature Reserve and is subject to frequent inundation. We understand from locals that Skinners Shoot Road (and parts of Yagers Lane) were inundated from Sunday the 7th to Monday the 8th of April, see Figure 14. We downloaded the daily weather observations for Cape Byron from the website of the Bureau of Meteorology, see Figure 15, which shows 72.2mm of rain on Sunday, preceded by 5mm on Saturday. This was close to a New Moon (Tuesday 9 April) and increased associated tidal movements (see Figure 16). 72mm in a 24-hour period is not a big event as can be deducted from Figure 17, and we it is therefore reasonable to expect inundation of Skinners Shoot Road to occur several times per year. There can be situations where the water level in the swamp overtops Skinners Shoot Road in between guests arriving at the subject site and guest leaving the subject site, resulting in significantly worsened travel conditions and reduced safety, in particular at night time, as there are no flood warning systems in place and lack of streetlights. Guests not familiar with the flood behaviour of the road may approach an inundated road at too high a speed, resulting in increased crash risk.



Figure 14 | Skidders Shoot Road inundated, Source of image: Terry Ahern

Byron Bay, New South Wales April 2024 Daily Weather Observations

Date	Day	Temps		Rain	Evap	Sun	Max wind gust			9 am					3 pm						
		Min	Max				Dir	Spd	Time	Temp	RH	Cld	Dir	Spd	MSLP	Temp	RH	Cld	Dir	Spd	MSLP
		°C	°C				mm	mm	hours	km/h	local	°C	%	g th	km/h	hPa	°C	%	g th	km/h	hPa
1	Mo	19.3	24.8				SSW	30	11:52	20.5	85		WSW	17	1020.7	24.3	78		NE	13	1018.5
2	Tu	20.0	26.4				NNE	46	16:32	22.4	80		NNW	6	1018.9	25.2	74		NNE	24	1014.4
3	We	22.4	29.8				NE	39	22:38	24.5	74		N	13	1016.5	25.5	79		SE	24	1015.9
4	Th	20.8	22.9				SW	56	14:41	22.1	95		E	17	1018.9	20.3	97		SW	28	1017.7
5	Fr	18.7	26.1				SW	37	03:38	19.2	98		WSW	17	1018.3	26.0	82		NNE	7	1015.4
6	Sa	19.2	28.5	5.0			ENE	33	20:44	21.5	81		SW	11	1016.7	28.2	72		E	15	1014.4
7	Su	20.4	27.2	72.2			NE	72	04:03	21.8	96		N	30	1012.9	25.1	75		NE	20	1009.0
8	Mo	20.1	26.8	2.8			WSW	35	01:51	23.4	61		WSW	17	1012.1	25.4	64		E	20	1008.8
9	Tu	19.6	25.1	0			WSW	37	22:50	21.4	88		SW	22	1008.8	24.1	74		S	24	1005.3
10	We	15.5	24.0	0			SSW	69	22:07	18.3	52		WSW	28	1009.9	22.7	60		SSW	41	1010.0
11	Th	16.3	22.8	0			SSW	56	17:22	19.6	57		SSW	26	1017.8	21.7	69		S	31	1016.8
12	Fr	16.8	22.7	0			S	56	00:19	19.2	74		SW	28	1020.5	22.1	73		S	31	1018.3
13	Sa	17.3	26.1	0			NE	35	21:21	21.3	76		S	11	1022.5	23.7	63		NE	22	1019.9
14	Su	19.2	26.9	0			NE	33	19:19	21.7	78		S	13	1023.9	25.6	59		NE	22	1021.7
15	Mo	18.7		0						23.9	68		N	6	1024.8						
Statistics for the first 15 days of April 2024																					
Mean		19.0	25.7							21.4	77			17	1017.5	24.3	72			23	1014.7
Lowest		15.5	22.7	0						18.3	52		#	6	1008.8	20.3	59		NNE	7	1005.3
Highest		22.4	29.8	72.2			NE	72		24.5	98		N	30	1024.8	28.2	97		SSW	41	1021.7
Total				80.0																	

IDCJDW2022.202404 Prepared at 00:36 UTC on Monday 15 April 2024

Figure 15 | Daily Weather Observations, Source: www.bom.gov.au

MARCH / APRIL 2024

Sydney (Fort Denison)

LAT 33° 51' S LONG 151° 14' E

Times and heights of high and low waters

Times are in local standard time (UTC +10:00)

or daylight savings time (UTC +11:00) when in effect

March 2024						April 2024					
Time	m	Time	m	Time	m	Time	m	Time	m	Time	m
1 FR 0028 1.52 0642 0.62 1238 1.37 1835 0.59		12 TU 0425 0.26 1041 1.87 1656 0.24 2308 1.80		23 SA 0158 0.60 0813 1.65 1440 0.47 2045 1.47		1 MO 0122 1.60 0821 0.65 1412 1.18 1935 0.78		12 FR 0505 0.37 1106 1.41 1643 0.59 2314 1.86		23 TU 0149 0.55 0746 1.55 1347 0.52 2009 1.71	
2 SA 0108 1.52 0733 0.67 1323 1.27 1913 0.66		13 WE 0519 0.29 1130 1.72 1737 0.34 2355 1.81		24 SU 0234 0.55 0846 1.66 1508 0.45 2115 1.53		2 TU 0225 1.58 0938 0.65 1531 1.17 2052 0.81		13 SA 0605 0.46 1202 1.29 1727 0.71		24 WE 0227 0.51 0823 1.51 1415 0.54 2040 1.76	
3 SU 0156 1.50 0836 0.70 1421 1.18 2002 0.72		14 TH 0616 0.36 1221 1.54 1817 0.47		25 MO 0309 0.52 0919 1.65 1533 0.45 2144 1.58		3 WE 0342 1.59 1053 0.59 1656 1.22 2219 0.77		14 SU 0004 1.76 0708 0.55 1303 1.20 1818 0.80		25 TH 0305 0.50 0901 1.47 1445 0.57 2114 1.80	
4 MO 0256 1.50 0956 0.70 1541 1.13 2113 0.76		15 FR 0043 1.77 0716 0.46 1315 1.36 1900 0.60		26 TU 0345 0.50 0952 1.61 1600 0.46 2214 1.63		4 TH 0458 1.66 1155 0.49 1801 1.33 2333 0.67		15 MO 0100 1.65 0816 0.62 1416 1.17 1924 0.86		26 FR 0345 0.50 0942 1.41 1518 0.61 2149 1.80	
5 TU 0409 1.53 1118 0.64 1712 1.15 2236 0.74		16 SA 0134 1.71 0825 0.55 1416 1.22 1949 0.71		27 WE 0421 0.49 1026 1.56 1626 0.49 2244 1.66		5 FR 0603 1.76 1247 0.38 1854 1.46		16 TU 0205 1.57 0923 0.65 1533 1.18 2042 0.88		27 SA 0429 0.51 1025 1.36 1554 0.66 2229 1.79	
6 WE 0524 1.62 1226 0.52 1824 1.23 2350 0.66		17 SU 0233 1.63 0941 0.61 1534 1.13 2053 0.79		28 TH 0500 0.51 1101 1.48 1654 0.54 2316 1.67		6 SA 0036 0.55 0659 1.85 1334 0.30 1941 1.60		17 WE 0317 1.52 1021 0.65 1636 1.24 2157 0.85		28 SU 0515 0.54 1112 1.30 1635 0.71 2314 1.75	
7 TH 0628 1.74 1320 0.40 1918 1.34		18 MO 0343 1.56 1100 0.64 1705 1.13 2213 0.82		29 FR 0541 0.54 1139 1.40 1724 0.60 2352 1.66		7 SU 0133 0.43 0650 1.89 1317 0.25 1926 1.73		18 TH 0421 1.52 1109 0.63 1723 1.32 2259 0.79		29 MO 0610 0.58 1206 1.26 1725 0.76	
8 FR 0052 0.54 0723 1.87 1407 0.28 2006 1.46		19 TU 0458 1.54 1208 0.62 1815 1.18 2329 0.79		30 SA 0626 0.58 1221 1.32 1757 0.66		8 MO 0128 0.34 0741 1.87 1359 0.25 2011 1.85		19 FR 0513 1.54 1147 0.59 1801 1.41 2349 0.72		30 TU 0006 1.71 0713 0.59 1310 1.24 1827 0.80	
9 SA 0147 0.43 0814 1.96 1452 0.19 2052 1.58		20 WE 0603 1.56 1259 0.58 1902 1.26		31 SU 0032 1.64 0717 0.62 1310 1.24 1838 0.73		9 TU 0221 0.28 0831 1.80 1440 0.29 2056 1.92		20 SA 0556 1.56 1221 0.55 1836 1.49			
10 SU 0240 0.33 0903 2.00 1534 0.16 2137 1.68		21 TH 0030 0.73 0654 1.59 1338 0.54 1941 1.34				10 WE 0315 0.27 0922 1.69 1520 0.37 2141 1.95		21 SU 0032 0.65 0634 1.57 1251 0.53 1908 1.57			
11 MO 0332 0.27 0952 1.97 1615 0.17 2222 1.76		22 FR 0117 0.66 0736 1.63 1411 0.50 2014 1.41				11 TH 0409 0.30 1014 1.55 1600 0.48 2227 1.93		22 MO 0112 0.60 0711 1.57 1320 0.52 1938 1.65			

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Indicates high tide of 1.7m or more Indicates low tide of 0.3m or less

New Moon ● First Quarter ☾ Full Moon ○ Last Quarter ☾

Figure 16 | NSW tide table, Source: BOM 2023

IFD Design Rainfall Depth (mm)

Issued: 15 April 2024

Rainfall depth for Durations, Exceedance per Year (EY), and Annual Exceedance Probabilities (AEP).
[FAQ for New ARR probability terminology](#)

Table	Chart							Unit: mm
	Annual Exceedance Probability (AEP)							
Duration	63.2%	50%#	20%*	10%	5%	2%	1%	
1 min	2.58	2.89	3.82	4.45	5.05	5.82	6.41	
2 min	4.35	4.86	6.51	7.65	8.80	10.4	11.8	
3 min	6.11	6.83	9.13	10.7	12.3	14.5	16.2	
4 min	7.73	8.64	11.5	13.5	15.4	18.1	20.1	
5 min	9.20	10.3	13.7	16.0	18.2	21.2	23.5	
10 min	14.9	16.6	22.0	25.5	28.9	33.1	36.3	
15 min	18.8	21.0	27.8	32.2	36.4	41.6	45.5	
20 min	21.8	24.4	32.2	37.3	42.2	48.4	52.9	
25 min	24.2	27.1	35.8	41.5	47.0	54.0	59.3	
30 min	26.3	29.4	38.9	45.2	51.2	59.0	64.9	
45 min	31.0	34.7	46.2	53.9	61.4	71.4	79.0	
1 hour	34.6	38.8	51.9	60.8	69.6	81.5	90.7	
1.5 hour	40.2	45.2	61.0	72.0	83.0	98.1	110	
2 hour	44.7	50.4	68.5	81.3	94.2	112	126	
3 hour	52.1	58.9	81.0	96.8	113	135	153	
4.5 hour	61.0	69.3	96.4	116	136	164	186	
6 hour	68.5	78.1	110	132	155	187	213	
9 hour	81.1	92.9	131	159	188	226	256	
12 hour	91.6	105	150	182	214	257	291	
18 hour	109	125	179	217	255	305	344	
24 hour	122	141	202	244	287	342	384	
30 hour	133	154	221	267	312	371	415	
36 hour	143	165	236	285	333	395	441	
48 hour	158	183	260	313	365	431	480	
72 hour	179	206	292	351	407	479	532	
96 hour	192	221	313	374	434	510	566	
120 hour	201	232	327	391	454	533	591	
144 hour	208	239	337	404	470	551	611	
168 hour	214	245	345	414	483	566	627	

Figure 17 | Cumbebin Swamp rainfall depths, Source: BOM

5. CONCLUSIONS AND RECOMMENDATIONS

We have been engaged to carry out a peer review of the Traffic Report for 103 Yagers Lane prepared by TTM in January 2024. Our findings are summarised as follows:

5.1. TTM traffic report

- The TTM traffic report does not meet the minimum scope requirements of the Byron DCP for a 'moderate impact' development and can therefore not be relied upon by Council staff in determining the development application.
- The trip generation estimates report by TTM appear very low compared to the number of car spaces proposed.
- The TTM report inappropriately assumes 53% of traffic to travel via Wordsworth Street.
- Insufficient information is provided in the TTM report to assess the impact of the development on the road network, both when considering roadway capacity and intersection capacity.
- The size and scale of the proposal seems inappropriate for the road network it relies on.
- The impact of service vehicles on public road operation (in particular Yagers Lane) has not been quantified or assessed.

5.2. Traffic impacts

- The likely trip generation by the development will be between the 'best case scenario', which is the trip generation calculated by TTM (155 per day, 25vph during peak hour) and subject to significant restrictions and management techniques to minimise travel movements.
- If management techniques are not conditioned and policed adequately, the actual generated traffic volume may be higher. We propose added consideration of a 'worst case scenario', where patron traffic is not managed, and trip generation is calculated in accordance with the GTTGD, being 552 vpd and 49vph during peak hour.
- Yagers Lane is currently being used above capacity and should be widened. The proposed development does not trigger the need for widening. However, depending on the actual trip generation, the development may trigger additional widening, beyond what is currently required. Currently a widening to 6m seal and 1m shoulders is required – if the 'best case scenario' does not apply and the actual trip generation is in between 'best case' and 'worst case', then the development could trigger widening of an additional metre, to 7m seal with 1m shoulders.
- Skinners Shoot Road is currently used above capacity and should be widened to 7m seal with 1m shoulders. The proposed development triggers further widening, to 7.5m seal with 1.5m shoulders.

- Operation of the intersection of Yagers Lane and Skinners Shoot Road is adequate and no upgrades are triggered by the proposed development.
- Operation of the intersection of Burns Street and Butler Street is adequate. Addition of development traffic may result in a trigger for intersection improvements, but this depends on the actual traffic generated. The 'best case scenario' does not trigger an upgrade, but the 'worst case scenario' does trigger an upgrade.

5.3. Road condition

- The TTM report does not include reference to fatalities, which occurred in 1999 (according to residents) and 2015 (refer to ABC news article)
- The TTM report does not adequately address the condition of Skinners Shoot Road, in particular the combination of sections of bad pavement, frequent flood inundation, lack of lighting, the late background PM peak hour and a large component of development traffic being after sunset for a large part of the year.
- A Road Safety Audit should be carried out to identify safety risks and assess if the proposed development contributes to worsening of hazards.

REFERENCES

Traffic Engineering 103 Yagers Lane, Skinners Shoot On Behalf of M Schreiber, TTM, RP02, 17th January 2024

Statement of Environmental Effects Restaurant, Artisan food and drink industry and associated works, Newton Denny Chapelle, 8th December 2023

Traffic Impact Study for The Farm Byron Bay, Ingen Consulting, Alstonville, 22nd June 2018.

New South Wales Development Design Specification D1 Geometric Road Design (urban and Rural), AUS-SPEC Joint Venture, January 2002

Guide to Traffic Generating Development, Roads and Traffic Authority, NSW, Version 2.2, October 2002

Byron Shire Development Control Plan 2014 Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access, Byron Shire Council, Mullumbimby, 26th June 2014

APPENDIX A – SIDRA MODELLING RESULTS – BURNS ST

MOVEMENT SUMMARY

▽ Site: 101 [Butler St / Burns St - Existing - AM (Site Folder: Butler St / Burns St)]

Output produced by SIDRA INTERSECTION Version: 9.1.6.228

New Site
Site Category: (None)
Give-Way (Two-Way)

Vehicle Movement Performance															
Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total	HV]	[Total	HV]				[Veh.	Dist]				km/h
			veh/h	%	veh/h	%	v/c	sec		veh	m				
South: Butler St (northbound)															
1	L2	All MCs	13	0.0	13	0.0	0.297	4.6	LOS A	0.0	0.0	0.00	0.01	0.00	27.9
2	T1	All MCs	561	3.0	561	3.0	0.297	0.0	LOS A	0.0	0.0	0.00	0.01	0.00	49.6
Approach			574	2.9	574	2.9	0.297	0.1	NA	0.0	0.0	0.00	0.01	0.00	49.0
North: Butler St (southbound)															
8	T1	All MCs	354	3.0	354	3.0	0.183	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
9	R2	All MCs	36	2.9	36	2.9	0.038	7.1	LOS A	0.2	1.1	0.54	0.67	0.54	31.4
Approach			389	3.0	389	3.0	0.183	0.7	NA	0.2	1.1	0.05	0.06	0.05	47.9
West: Burns St (eastbound)															
10	L2	All MCs	44	11.9	44	11.9	0.135	7.4	LOS A	0.5	3.6	0.63	0.82	0.63	27.1
12	R2	All MCs	25	0.0	25	0.0	0.135	15.5	LOS B	0.5	3.6	0.63	0.82	0.63	27.8
Approach			69	7.6	69	7.6	0.135	10.3	LOS A	0.5	3.6	0.63	0.82	0.63	27.4
All Vehicles			1033	3.3	1033	3.3	0.297	1.0	NA	0.5	3.6	0.06	0.09	0.06	46.6

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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Project: V:\5. Jobs\J1314_103 Yagers Lane\4 - Modelling\SIDRA\J1314.sip9

MOVEMENT SUMMARY

Site: 101 [Butler St / Burns St - Existing 2024 - PM (Site Folder: Butler St / Burns St)]

Output produced by SIDRA INTERSECTION Version: 9.1.6.228

New Site
Site Category: (None)
Give-Way (Two-Way)

Vehicle Movement Performance

Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total	HV]	[Total	HV]				[Veh.	Dist]				
			veh/h	%	veh/h	%	v/c	sec		veh	m				km/h
South: Butler St (northbound)															
1	L2	All MCs	35	3.0	35	3.0	0.300	4.6	LOS A	0.0	0.0	0.00	0.03	0.00	27.7
2	T1	All MCs	545	2.3	545	2.3	0.300	0.0	LOS A	0.0	0.0	0.00	0.03	0.00	49.2
Approach			580	2.4	580	2.4	0.300	0.3	NA	0.0	0.0	0.00	0.03	0.00	47.5
North: Butler St (southbound)															
8	T1	All MCs	474	1.1	474	1.1	0.242	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
9	R2	All MCs	108	4.9	108	4.9	0.118	7.4	LOS A	0.5	3.5	0.56	0.73	0.56	31.0
Approach			582	1.8	582	1.8	0.242	1.4	NA	0.5	3.5	0.10	0.14	0.10	45.7
West: Burns St (eastbound)															
10	L2	All MCs	27	7.7	27	7.7	0.120	7.0	LOS A	0.4	3.0	0.68	0.85	0.68	25.6
12	R2	All MCs	21	0.0	21	0.0	0.120	19.5	LOS B	0.4	3.0	0.68	0.85	0.68	25.8
Approach			48	4.3	48	4.3	0.120	12.5	LOS A	0.4	3.0	0.68	0.85	0.68	25.7
All Vehicles			1211	2.2	1211	2.2	0.300	1.3	NA	0.5	3.5	0.08	0.12	0.08	45.5

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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MOVEMENT SUMMARY

Site: 101 [Butler St / Burns St - Existing 2034 - PM (Site Folder: Butler St / Burns St)]

Output produced by SIDRA INTERSECTION Version: 9.1.6.228

New Site
Site Category: (None)
Give-Way (Two-Way)

Vehicle Movement Performance

Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total	HV]	[Total	HV]				[Veh.	Dist]				
			veh/h	%	veh/h	%	v/c	sec		veh	m				km/h
South: Butler St (northbound)															
1	L2	All MCs	49	3.0	49	3.0	0.423	4.6	LOS A	0.0	0.0	0.00	0.03	0.00	27.7
2	T1	All MCs	769	2.3	769	2.3	0.423	0.1	LOS A	0.0	0.0	0.00	0.03	0.00	49.1
Approach			818	2.4	818	2.4	0.423	0.3	NA	0.0	0.0	0.00	0.03	0.00	47.5
North: Butler St (southbound)															
8	T1	All MCs	668	1.1	668	1.1	0.342	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.8
9	R2	All MCs	153	4.9	153	4.9	0.248	10.5	LOS A	1.0	7.5	0.70	0.89	0.77	27.5
Approach			821	1.8	821	1.8	0.342	2.0	NA	1.0	7.5	0.13	0.17	0.14	44.5
West: Burns St (eastbound)															
10	L2	All MCs	39	7.6	39	7.6	0.392	13.6	LOS A	1.4	10.0	0.90	1.02	1.13	16.2
12	R2	All MCs	30	0.0	30	0.0	0.392	51.5	LOS D	1.4	10.0	0.90	1.02	1.13	16.2
Approach			68	4.3	68	4.3	0.392	30.1	LOS C	1.4	10.0	0.90	1.02	1.13	16.2
All Vehicles			1708	2.2	1708	2.2	0.423	2.3	NA	1.4	10.0	0.10	0.14	0.11	43.4

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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Project: V:\5. Jobs\J1314_103 Yagers Lane\4 - Modelling\SIDRA\J1314.sip9

MOVEMENT SUMMARY

Site: 101 [Butler St / Burns St - 2034 Best Case Dev - PM (Site Folder: Butler St / Burns St)]

Output produced by SIDRA INTERSECTION Version: 9.1.6.228

New Site
Site Category: (None)
Give-Way (Two-Way)

Vehicle Movement Performance

Mov ID	Turn	Mov Class	Demand Flows [Total HV]		Arrival Flows [Total HV]		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue [Veh. Dist]		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			veh/h	%	veh/h	%	v/c	sec		veh	m				km/h
South: Butler St (northbound)															
1	L2	All MCs	54	2.8	54	2.8	0.425	4.6	LOS A	0.0	0.0	0.00	0.04	0.00	27.7
2	T1	All MCs	769	2.3	769	2.3	0.425	0.1	LOS A	0.0	0.0	0.00	0.04	0.00	49.0
Approach			823	2.3	823	2.3	0.425	0.3	NA	0.0	0.0	0.00	0.04	0.00	47.3
North: Butler St (southbound)															
8	T1	All MCs	668	1.1	668	1.1	0.342	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.8
9	R2	All MCs	167	4.5	167	4.5	0.272	10.7	LOS A	1.2	8.4	0.71	0.90	0.81	27.3
Approach			836	1.8	836	1.8	0.342	2.2	NA	1.2	8.4	0.14	0.18	0.16	44.0
West: Burns St (eastbound)															
10	L2	All MCs	43	6.9	43	6.9	0.445	14.8	LOS B	1.6	11.6	0.91	1.05	1.19	15.6
12	R2	All MCs	33	0.0	33	0.0	0.445	54.5	LOS D	1.6	11.6	0.91	1.05	1.19	15.5
Approach			76	3.9	76	3.9	0.445	32.1	LOS C	1.6	11.6	0.91	1.05	1.19	15.5
All Vehicles			1734	2.1	1734	2.1	0.445	2.6	NA	1.6	11.6	0.11	0.15	0.13	42.7

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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MOVEMENT SUMMARY

Site: 101 [Butler St / Burns St - 2034 Worst Case Dev - PM (Site Folder: Butler St / Burns St)]

Output produced by SIDRA INTERSECTION Version: 9.1.6.228

New Site
Site Category: (None)
Give-Way (Two-Way)

Vehicle Movement Performance

Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total HV]	%	[Total HV]	%	v/c	sec		[Veh.]	[Dist]				km/h
South: Butler St (northbound)															
1	L2	All MCs	58	2.5	58	2.5	0.428	4.6	LOS A	0.0	0.0	0.00	0.04	0.00	27.6
2	T1	All MCs	769	2.3	769	2.3	0.428	0.1	LOS A	0.0	0.0	0.00	0.04	0.00	49.0
Approach			827	2.3	827	2.3	0.428	0.4	NA	0.0	0.0	0.00	0.04	0.00	47.1
North: Butler St (southbound)															
8	T1	All MCs	668	1.1	668	1.1	0.342	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.8
9	R2	All MCs	181	4.1	181	4.1	0.296	11.0	LOS A	1.3	9.4	0.72	0.92	0.85	27.1
Approach			850	1.7	850	1.7	0.342	2.4	NA	1.3	9.4	0.15	0.20	0.18	43.6
West: Burns St (eastbound)															
10	L2	All MCs	47	6.3	47	6.3	0.500	16.4	LOS B	1.9	13.4	0.92	1.07	1.26	14.9
12	R2	All MCs	36	0.0	36	0.0	0.500	57.9	LOS E	1.9	13.4	0.92	1.07	1.26	14.8
Approach			83	3.6	83	3.6	0.500	34.4	LOS C	1.9	13.4	0.92	1.07	1.26	14.9
All Vehicles			1760	2.1	1760	2.1	0.500	2.9	NA	1.9	13.4	0.12	0.16	0.15	42.0

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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APPENDIX B – SIDRA MODELLING RESULTS – YAGERS LN

MOVEMENT SUMMARY

Site: 101 [Skinners Shoot Rd / Yagers Ln - Existing - AM (Site Folder: Skinners Shoot Rd / Yagers Ln)]

Output produced by SIDRA INTERSECTION Version: 9.1.6.228

New Site

Site Category: (None)

Give-Way (Two-Way)

Vehicle Movement Performance															
Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total	HV]	[Total	HV]				[Veh.	Dist]				
			veh/h	%	veh/h	%				veh	m				
South: Yagers Ln (northbound)															
1	L2	All MCs	1	0.0	1	0.0	0.005	4.6	LOS A	0.0	0.1	0.08	0.54	0.08	47.7
3	R2	All MCs	5	0.0	5	0.0	0.005	4.8	LOS A	0.0	0.1	0.08	0.54	0.08	48.7
Approach			6	0.0	6	0.0	0.005	4.8	LOS A	0.0	0.1	0.08	0.54	0.08	48.6
East: Skinners Shoot Rd (westbound)															
4	L2	All MCs	3	0.0	3	0.0	0.008	4.6	LOS A	0.0	0.0	0.00	0.12	0.00	49.5
5	T1	All MCs	12	18.2	12	18.2	0.008	0.0	LOS A	0.0	0.0	0.00	0.12	0.00	49.8
Approach			15	14.3	15	14.3	0.008	1.0	NA	0.0	0.0	0.00	0.12	0.00	49.7
West: Skinners Shoot Rd (eastbound)															
11	T1	All MCs	16	6.7	16	6.7	0.009	0.0	LOS A	0.0	0.0	0.01	0.04	0.01	49.9
12	R2	All MCs	1	0.0	1	0.0	0.009	4.8	LOS A	0.0	0.0	0.01	0.04	0.01	49.1
Approach			17	6.3	17	6.3	0.009	0.3	NA	0.0	0.0	0.01	0.04	0.01	49.9
All Vehicles			38	8.3	38	8.3	0.009	1.3	NA	0.0	0.1	0.02	0.15	0.02	49.6

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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MOVEMENT SUMMARY

Site: 101 [Skinners Shoot Rd / Yagers Ln - Existing 2024- PM (Site Folder: Skinners Shoot Rd / Yagers Ln)]

Output produced by SIDRA INTERSECTION Version: 9.1.6.228

New Site

Site Category: (None)

Give-Way (Two-Way)

Vehicle Movement Performance

Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total HV]	%	[Total HV]	%				[Veh.]	[Dist]				
			veh/h	%	veh/h	%	v/c	sec		veh	m				km/h
South: Yagers Ln (northbound)															
1	L2	All MCs	1	0.0	1	0.0	0.006	4.6	LOS A	0.0	0.1	0.09	0.54	0.09	47.7
3	R2	All MCs	6	0.0	6	0.0	0.006	4.9	LOS A	0.0	0.1	0.09	0.54	0.09	48.7
Approach			7	0.0	7	0.0	0.006	4.8	LOS A	0.0	0.1	0.09	0.54	0.09	48.6
East: Skinners Shoot Rd (westbound)															
4	L2	All MCs	7	0.0	7	0.0	0.017	4.6	LOS A	0.0	0.0	0.00	0.13	0.00	49.5
5	T1	All MCs	24	0.0	24	0.0	0.017	0.0	LOS A	0.0	0.0	0.00	0.13	0.00	49.8
Approach			32	0.0	32	0.0	0.017	1.1	NA	0.0	0.0	0.00	0.13	0.00	49.7
West: Skinners Shoot Rd (eastbound)															
11	T1	All MCs	7	0.0	7	0.0	0.004	0.0	LOS A	0.0	0.0	0.03	0.08	0.03	49.9
12	R2	All MCs	1	0.0	1	0.0	0.004	4.8	LOS A	0.0	0.0	0.03	0.08	0.03	49.0
Approach			8	0.0	8	0.0	0.004	0.6	NA	0.0	0.0	0.03	0.08	0.03	49.8
All Vehicles			47	0.0	47	0.0	0.017	1.6	NA	0.0	0.1	0.02	0.18	0.02	49.6

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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MOVEMENT SUMMARY

Site: 101 [Skinners Shoot Rd / Yagers Ln - Existing 2034 - PM (Site Folder: Skinners Shoot Rd / Yagers Ln)]

Output produced by SIDRA INTERSECTION Version: 9.1.6.228

New Site
Site Category: (None)
Give-Way (Two-Way)

Vehicle Movement Performance

Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total HV]	[Total HV]	[Total HV]	[Total HV]				[Veh.]	[Dist]				
			veh/h	%	veh/h	%	v/c	sec		veh	m				km/h
South: Yagers Ln (northbound)															
1	L2	All MCs	1	0.0	1	0.0	0.008	4.6	LOS A	0.0	0.2	0.11	0.54	0.11	47.7
3	R2	All MCs	9	0.0	9	0.0	0.008	4.9	LOS A	0.0	0.2	0.11	0.54	0.11	48.7
Approach			10	0.0	10	0.0	0.008	4.9	LOS A	0.0	0.2	0.11	0.54	0.11	48.6
East: Skinners Shoot Rd (westbound)															
4	L2	All MCs	7	0.0	7	0.0	0.022	4.6	LOS A	0.0	0.0	0.00	0.10	0.00	49.5
5	T1	All MCs	34	0.0	34	0.0	0.022	0.0	LOS A	0.0	0.0	0.00	0.10	0.00	49.8
Approach			41	0.0	41	0.0	0.022	0.8	NA	0.0	0.0	0.00	0.10	0.00	49.8
West: Skinners Shoot Rd (eastbound)															
11	T1	All MCs	10	0.0	10	0.0	0.006	0.0	LOS A	0.0	0.0	0.02	0.06	0.02	49.9
12	R2	All MCs	1	0.0	1	0.0	0.006	4.8	LOS A	0.0	0.0	0.02	0.06	0.02	49.0
Approach			11	0.0	11	0.0	0.006	0.4	NA	0.0	0.0	0.02	0.06	0.02	49.9
All Vehicles			63	0.0	63	0.0	0.022	1.4	NA	0.0	0.2	0.02	0.16	0.02	49.6

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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MOVEMENT SUMMARY

Site: 101 [Skinners Shoot Rd / Yagers Ln - 2034 Best Case Dev - PM (Site Folder: Skinners Shoot Rd / Yagers Ln)]

Output produced by SIDRA INTERSECTION Version: 9.1.6.228

New Site
Site Category: (None)
Give-Way (Two-Way)

Vehicle Movement Performance

Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total HV]		[Total HV]					[Veh. Dist]					
			veh/h	%	veh/h	%				veh	m				
South: Yagers Ln (northbound)															
1	L2	All MCs	1	0.0	1	0.0	0.014	4.7	LOS A	0.0	0.3	0.12	0.55	0.12	47.7
3	R2	All MCs	16	0.0	16	0.0	0.014	4.9	LOS A	0.0	0.3	0.12	0.55	0.12	48.7
Approach			17	0.0	17	0.0	0.014	4.9	LOS A	0.0	0.3	0.12	0.55	0.12	48.6
East: Skinners Shoot Rd (westbound)															
4	L2	All MCs	29	0.0	29	0.0	0.034	4.6	LOS A	0.0	0.0	0.00	0.25	0.00	49.3
5	T1	All MCs	34	0.0	34	0.0	0.034	0.0	LOS A	0.0	0.0	0.00	0.25	0.00	49.6
Approach			63	0.0	63	0.0	0.034	2.2	NA	0.0	0.0	0.00	0.25	0.00	49.5
West: Skinners Shoot Rd (eastbound)															
11	T1	All MCs	10	0.0	10	0.0	0.006	0.0	LOS A	0.0	0.0	0.03	0.06	0.03	49.9
12	R2	All MCs	1	0.0	1	0.0	0.006	4.8	LOS A	0.0	0.0	0.03	0.06	0.03	49.0
Approach			11	0.0	11	0.0	0.006	0.5	NA	0.0	0.0	0.03	0.06	0.03	49.9
All Vehicles			92	0.0	92	0.0	0.034	2.5	NA	0.0	0.3	0.03	0.28	0.03	49.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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MOVEMENT SUMMARY

Site: 101 [Skinners Shoot Rd / Yagers Ln - 2034 Worst Case Dev - PM (Site Folder: Skinners Shoot Rd / Yagers Ln)]

Output produced by SIDRA INTERSECTION Version: 9.1.6.228

New Site
Site Category: (None)
Give-Way (Two-Way)

Vehicle Movement Performance															
Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total HV]		[Total HV]					[Veh.	Dist]				
			veh/h	%	veh/h	%				veh	m				
							v/c	sec							km/h
South: Yagers Ln (northbound)															
1	L2	All MCs	1	0.0	1	0.0	0.020	4.7	LOS A	0.1	0.4	0.13	0.55	0.13	47.7
3	R2	All MCs	23	0.0	23	0.0	0.020	5.0	LOS A	0.1	0.4	0.13	0.55	0.13	48.7
Approach			25	0.0	25	0.0	0.020	4.9	LOS A	0.1	0.4	0.13	0.55	0.13	48.6
East: Skinners Shoot Rd (westbound)															
4	L2	All MCs	48	0.0	48	0.0	0.044	4.6	LOS A	0.0	0.0	0.00	0.31	0.00	49.2
5	T1	All MCs	34	0.0	34	0.0	0.044	0.1	LOS A	0.0	0.0	0.00	0.31	0.00	49.5
Approach			82	0.0	82	0.0	0.044	2.7	NA	0.0	0.0	0.00	0.31	0.00	49.3
West: Skinners Shoot Rd (eastbound)															
11	T1	All MCs	10	0.0	10	0.0	0.006	0.0	LOS A	0.0	0.0	0.04	0.06	0.04	49.9
12	R2	All MCs	1	0.0	1	0.0	0.006	4.9	LOS A	0.0	0.0	0.04	0.06	0.04	49.0
Approach			11	0.0	11	0.0	0.006	0.5	NA	0.0	0.0	0.04	0.06	0.04	49.8
All Vehicles			118	0.0	118	0.0	0.044	3.0	NA	0.1	0.4	0.03	0.34	0.03	49.2

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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Project: V:\5. Jobs\J1314_103 Yagers Lane\4 - Modelling\SIDRA\J1314.sip9

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	25/04/2024 12:12 PM
Type of submission	Object

Grounds for Submission

I strongly oppose on numerous grounds - the size, scope, effect on local wildlife, enormous increase in traffic, noise and destruction of local rural environment and amenity. And much more, detailed below. Totally inappropriate to the location.

IN MORE DETAIL

I have derived information and explanation from many sources, in particular, fellow local residents, who are overwhelmingly opposed to the development.

The traffic analysis is severely flawed, with gross underestimation of traffic movements and effects. With 50 + staff arriving daily, plus deliveries, the site will resemble "The Farm" in busyness, in a completely different, and inappropriate location. The building phase of a \$22+million development, in itself, will create enormous traffic volumes.

I attach commentary on the NOMA restaurant, stated by the proponents as their model, for your perusal. I also attach the Peer Review by Ingen Consulting of the proponent's traffic assessment report by TTM.

WILDLIFE

The Skinners Shoot area, and the Cumbebin Wetlands is an extremely high value fauna, flora and biodiversity area. We see Koalas, swamp wallabies, echidnas, reptiles, myriad birdlife and more on a frequent basis. We also see frequent native animal road kill due to the poorly lit and potholed and inadequate road, which will be exacerbated by the huge increase in traffic brought about by this development.

DA ITSELF:

COMMERCIAL HORTICULTURE Proposal - should require separate DA

CONTAMINATION REPORT - Done on Residential rather than on Commercial Standards

OPENING HOURS - Until 11 pm Wed - Sat; Until 10 pm Sunday. If so, this should be sited in CBD. Not a quiet rural area.

BYRON LEP RURAL TOURISM STATES:states ;

(4) Development consent must not be granted to development for the purpose of tourism development on land to which this clause applies unless—

(a) a lawfully erected dwelling house or dual occupancy (attached) is situated on the land. In other words they do not have approval for the dual occupancy, so how can this current DA be accepted by council? ie. they need to obtain approval for the dual occupancy PRIOR to any other DA's being lodged for the site

RELIANCE ON A COMMENCEMENT DA 10.2010.208

2.1 of the Statement of Environmental effects (pg 7) states In October 2010, DA 10.2010.208 approved the use of one of the nursery buildings as a Place of Assembly (limited to a maximum of 25 persons, 4 times per week, daylight hours only. Various works were completed associated with implementing this approval, including carparks and installation of the toilets and associated wastewater systems. As such, it is assumed that this consent has been formally commenced.

StarSeed Nursery and Lotus Tearooms commenced operations in Dec 2011 appearing without first obtaining a construction certificate and Final occupation certificate.

Many locals attended the premises during that period of operation.

The business remained in operation for 7 years. The business announced its closure in 20th August 2018.

AND:

Under ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 -

SECT 4.66 Continuance of and limitations on existing use.

(2)(e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.

THE ENERGY GRID

The roof of the restaurant will be fitted with a 99.54 kW solar system involving 237 roof mounted solar panels and battery storage which is a massive energy infrastructure and gives insight into the true intentions of the future expanded commercial activities planned for the site. This DA is a TROJAN HORSE - expect "THE FARM AT THE DEADEND - with DOUBLE the Traffic Movements due to 'the only way in is also the only way out.'

SCALE AND BULK OF THE COMMERCIAL BUILDINGS

is totally inappropriate and unacceptable given the context of the locality.

STATEMENT OF ENVIRONMENTAL EFFECTS

Table 8: Key development statistics (Restaurant)

Shows the Total floor area of the restaurant is a massive 945 SQUARE METRES !

Requiring 72 carparks that includes 25 allocated staff parks .

This will be the LARGEST RESTAURANT IN BYRON SHIRE.

The enormous size of the restaurant cannot by any means comply with Council definition of 'small scale' which states;

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

As the proposal has commercial structures to be constructed on rural land which are much higher than the existing dilapidated pig pens.

the development is NOT small scale and low impact;

the development is NOT complementary to the rural or environmental attributes of the land and its surrounds;

AND the development WILL HAVE a significant adverse impact on, amenity and significant features of the natural environment

TO CONCLUDE:

Council MUST NOT grant development consent unless it is satisfied;

That the likely impacts of that development, including the environmental impacts on both the natural and built environments, and the social and economic impacts in the locality ARE POSITIVE

- And that the LOCATION is suitable for such a development

I cannot see how a council which prides itself on its green, sustainability and biodiversity standards could possibly be satisfied of this.

I assert that the applicant has not addressed the social and economic impacts affecting the Skinners Shoot neighbourhood. The site location is not suitable for the buildings (9M height) proposed for commercial activities, with a massive 945 sq metre restaurant operating until 11pm (staff nightly pack up will be departing up until after midnight), travelling through a wildlife corridor road with no street lighting in a rural neighbourhood.

A commercial development which invests over \$22 mil expects a return, which can only be achieved by ongoing development, and thus further destruction of one of the last wildlife habitats in Byron Shire

I further say BEWARE THE TROJAN HORSE DEVELOPMENT.

THIS DEVELOPMENT would be a planning disaster. 'THE FARM AT THE DEADEND OF BYRON BAY'

- The proponent described the development as being explicitly modelled on NOMA in Denmark (chef and owner Rene Redzepi).

<https://noma.dk/>

In fact, the proponent **travelled to Denmark to dine at NOMA** as part of the research and planning for the development. Both NOMA and the proponent's planned restaurant are based on a high-end dining experience, with seating for around 40-45 guests and complemented by a separate lounge area.

In a letter to neighbours received in October 2022, the proponent Maggie Schreiber writes, *"As an example, Noma is a small successful rural restaurant of only 40 seats, with a huge back of house (4 times the seating area) as well as extensive growing areas and glasshouses to support that small number of guests."*

It may appear small in terms of the number of restaurant seats, but this development is a very large commercial operation, with a cost of \$22 million. This is a model that relies on a high staff to customer ratio to produce a high-end fine-dining experience, with a history of engaging numerous unpaid interns and charging prices upwards of AUD \$880 per head.

In January 2023, it was reported by the New York Times that **NOMA plan to close their restaurant** at the end of 2024 because **the model is unsustainable**.

*"Mr. Redzepi, who has long acknowledged that gruelling hours are required to produce the restaurant's cuisine, said that the math of compensating nearly **100 employees** fairly, while*

maintaining high standards, at prices that the market will bear, is not workable.”

- New York Times, 9 January 2023, Julia Moskin

<https://www.nytimes.com/2023/01/09/dining/noma-closing-rene-redzepi.html>

*“Noma's **kitchen brigade has 45 to 50 cooks**. Many are **interns doing unpaid work experience**, like me. **A dozen staff cover front of house**.... A day at Noma is quite gruelling. It typically starts about 8.30am when the chef gives directives to the intern team. After that, **dozens of suppliers begin to deliver their goods**.”*

- Federico Zanatallo, unpaid intern, Sydney Morning Herald, 25 October 2011

<https://www.smh.com.au/entertainment/nordic-exposure-20111022-1md5n.html>

*“As the human cost of the industry comes under scrutiny, Mr. Redzepi’s headaches have multiplied, with media reporting online activism critical of Noma’s treatment of foreign workers and reliance on unpaid interns. In October, Noma began paying its interns, **adding at least (US) \$50,000 to its monthly labor costs**.”*

- New York Times, 9 January 2023, Julia Moskin <https://www.nytimes.com/2023/01/09/dining/noma-closing-rene-redzepi.html>

Attachment - Traffic Peer Review Report provided in earlier submission

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	26/04/2024 02:14 AM
Type of submission	Object

Grounds for Submission

The proposed development will severely exceed the capacity of Skinners Shoot Road, which is currently designed to handle only 500 car trips daily, yet already accommodates 850. The development will not only double but could triple traffic on Yagers Lane. It will pose increased risks to local wildlife, particularly nocturnal animals, and heightening safety hazards for pedestrians and cyclists, especially those accessing the Arts Factory hostel without a dedicated footpath. Additional concerns include increased noise pollution, potential asbestos risks on the site, and disproportionate infrastructure expansions such as an oversized car park, suggesting future intensifications of use beyond the restaurant's needs. This development poses unacceptable risks to both the community and the environment.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	26/04/2024 03:02 PM
Type of submission	Support

Grounds for Submission

In the heart of Byron Bay, where creativity dances with nature's embrace, a vision emerges—a botanical haven where artistry intertwines with sustainable living. This proposal, a testament to Byron's ethos, beckons the Council's support, resonating with the soul of the community. From reclaimed materials to renewable energy, the project embodies a harmonious blend of environmental stewardship and architectural ingenuity. Its verdant gardens, teeming with native flora, offer sanctuary for both wildlife and weary souls alike. It's a renaissance—a revival of Byron's essence—where each structure whispers tales of craftsmanship and reverence for the land. This endeavour isn't just about buildings; it's a declaration of values—a commitment to honouring the past while embracing a brighter, greener future, a beacon of inspiration for all who seek to harmonise humanity with the natural world.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	26/04/2024 03:07 PM
Type of submission	Object

Grounds for Submission

Re: D.A. 10.2024.24.1 103

103 Yagers Lane, Skinners Shoot NSW 2481

SUMBISSION OPPOSING DEVELOPMENT OF A \$22 MILLION RESTAURANT AND ARTISAN FOOD INDUSTRY AT 103 YAGERS LANE, SKINNERS SHOOT

As a resident and property owner in Skinners Shoot, I am positive about finding appropriate uses for our rural lands, however I strongly oppose the commercial ventures proposed at 103 Yagers Lane which represent an excessively large development not in keeping with our community's character.

Moreover, the Traffic Assessment report provided with the D.A. contains significant contradictions about the traffic impact, casting doubt on the accuracy of the data and whether the implications of increased traffic and safety implications are fully addressed. This development could fundamentally change our rural landscape and lifestyle without adequate oversight.

Concerns Regarding the Proposed Development

1. Scale of development: The proposed development does not adhere to the small-scale requirement specified in the Byron Local Environmental Plan (BLEP) for rural tourism. The scale of the infrastructure and the services being proposed far exceed what is typically permissible under the current rural tourism guidelines.

This is a \$22 million development with a floor area of over 900 square metres, with buildings constructed of concrete and glass, located at the end of a poor-quality no-through road that is already beyond carrying capacity, in a small rural residential pocket, home to koala habitat and considerable other native wildlife.

2. Traffic and safety concerns on Skinners Shoot Rd: The Traffic Assessment report fails to adequately address the expected increase in traffic. Key issues such as traffic flow, road capacity, and safety are not comprehensively analysed, which is critical given the existing traffic concerns outlined in previous council reports.

According to the Council's 2020-2021 traffic report, Skinners Shoot Road is already operating beyond its capacity for its pavement width. The proposed development's traffic impact has not been sufficiently addressed, raising serious concerns about safety and the capacity of the existing road network to handle additional load.

As a result, the residents of Skinners Shoot commissioned a report to peer review the Traffic Assessment by TTM and fill the gaps in data about current usage of the road. Please refer to the separate Ingen Consulting report that details comprehensive data and analysis of the traffic issue as it directly relates to the development application.

Byron Council data states (2021-22 Planning Meeting Agenda, October 2022) that 781 vehicles per day travel along Skinners Shoot Rd. The Ingen Consulting data puts the number at 882 vehicles per

day, which is quite similar. However, the current pavement seal ranges from 5m – 6m on Skinners Shoot Rd, limiting capacity to just 500 days per day.

If the development goes ahead, Ingen Consulting predict an additional 155 vehicles on Skinners Shoot Rd in a best-case scenario, or up to 552 additional vehicles in a worst-case scenario. This is an increase of between 18% - 63% in traffic on a road that is already acknowledged to be beyond carrying capacity now.

As a result, we could see easily over 1000 vehicles per day on Skinners Shoot Rd, which is effectively DOUBLE the currently carrying capacity of 500 vehicles per day.

Most houses along Skinners Shoot Road are near the road. Increased night-time traffic would lead to significant disturbances for residents due to headlights and vehicle noise.

3. Economic viability will result in increased traffic: The profitability of the business hinges on increasing client numbers, which will invariably lead to more traffic. This is contrary to the principles of sustainable rural tourism, which aim to balance economic activity with environmental and social impacts.

Given the development is modelled on a restaurant in Denmark called NOMA, one would have to question the long-term viability of project and its ability to turn a profit. NOMA owner and chef Rene Redzepi has gone on public record to announce he is closing NOMA at the end of 2024 because the model isn't sustainable. The numbers just don't stack up.

"Mr. Redzepi, who has long acknowledged that grueling hours are required to produce the restaurant's cuisine, said that the math of compensating nearly 100 employees fairly, while maintaining high standards, at prices that the market will bear, is not workable."

- New York Times, 9 January 2023, Julia Moskin

<https://www.nytimes.com/2023/01/09/dining/noma-closing-rene-redzepi.html>

4. Customer & staffing numbers: There is some ambiguity around the numbers of customers and staff expected at the property on any given day. This lack of clarity raises concerns about the potential for significant underestimation of traffic, noise, and environmental impacts.

Being modelled on NOMA in Denmark, as the proponent has confirmed, we can only draw comparisons to the staffing structure described by one of the interns who worked there:

"Noma's kitchen brigade has 45 to 50 cooks. Many are interns doing unpaid work experience, like me. A dozen staff cover front of house.... A day at Noma is quite gruelling. It typically starts about 8.30am when the chef gives directives to the intern team. After that, dozens of suppliers begin to deliver their goods."

- Federico Zanatallo, unpaid intern, Sydney Morning Herald, 25 October 2011

<https://www.smh.com.au/entertainment/nordic-exposure-20111022-1md5n.html>

5. Transportation via an Electric Vehicle: There are 82 parking spaces planned, 29 for staff and the rest for customers. This alone indicates the significant of this operation. One of the ways the proponent has suggested to mitigate the impact of traffic is by using a reservation-only model and transport via a restaurant-provided electric vehicle. This seems like a logistical nightmare and one destined to fail.

Where would the designated meeting point be? Where would customers park their cars? How would this impact existing parking facilities in Byron town?

6. Wildlife impact: The Skinners Shoot area is home to abundant native wildlife. There is significant koala habitat and frequent sightings in the trees directly adjacent the road. We have personally observed koalas in the tree overhanging the road opposite our house. We also understand that koalas are released into the wild here in Skinners Shoot after rehabilitation. We also regularly sight wallabies, potoroos, possums, and echidnas.

One evening, my wife had to stop her car in the pitch dark (since there is absolutely no road lighting in Skinners Shoot) to assist a young woman who had stopped her car to rescue a possum that was

lying dying in the middle of the road, having been hit by another car. It was an extremely distressing scene.

The additional traffic generated by this significant commercial development threatens this delicate habitat and puts wildlife at risk.

7. Asbestos Management: A particularly alarming issue is the management of asbestos at the property located at 103 Yagers Lane. This property has been inactive as a farm for around 30 years, and the existing piggery buildings are known to contain asbestos. In March 2023, residents observed trucks from Tweed Asbestos Removal entering and exiting the property over a three-week period. Despite these observations, reports from discussions with council and removal services indicate that the operations were limited to removing the roof of one shed, purportedly containing no asbestos.

The presence of asbestos in the old pig sheds that form part of the development necessitates transparent and thorough documentation to ensure public safety and compliance with environmental and health regulations. The lack of an attached Asbestos Contamination Report in the Development Application not only fails to reassure the community about the safety of the operations conducted but also questions the overall management of hazardous materials associated with the proposed development. This oversight needs immediate correction to prevent potential health risks to the community and workers involved in the development site.

Conclusion

This is a \$22 million commercial development at the end of an inadequate, hazardous, no-through road, along a corridor of koala habit bushland that could see over 1000 vehicles per day, which is effectively DOUBLE the currently carrying capacity of 500 vehicles per day.

Given these significant concerns, I strongly oppose the proposed development at 103 Yagers Lane.

Attachment: Traffic Peer Review Report provided in earlier submissions

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	26/04/2024 03:28 PM
Type of submission	Object

Grounds for Submission

I am a resident of Skinners Shoot and strongly oppose plans for development of a \$22 million restaurant and artisan food industry at 103 Yagers Lane for the following reasons:

- **SCALE OF DEVELOPMENT**

The scale of the development is excessively large, inappropriate, and unacceptable given the context of the locality and the roads that serve it.

It is not suitable for rural tourism and does not adhere to the small-scale requirement specified in the Byron Local Environmental Plan (BLEP) for rural tourism. The scale of the infrastructure and the services being proposed far exceed what is typically permissible under the current rural tourism guidelines.

- Restaurant floor area is 945 square metres, including back of house and lounge
- Restaurant opening hours 12 pm - 11pm Wed to Sat and 12 pm -10 pm Sun
- Restaurant will accommodate 60 guests, 45 in the restaurant proper and up to another 15 in the lounge area, and 25 staff
- Artisan Food Area adds another 110 square metres and will accommodate 15 guests and 5 staff, including café sales, packing, and picking staff
- 53 car parking spaces allocated for the restaurant and artisan food area combined
- 29 car parking spaces dedicated to staff across the restaurant and artisan food area
- Total 82 spaces for car parking
- Building heights up to 9 metres

This will be the largest restaurant in Byron Shire and indeed larger than most other restaurants. As a comparison, Bonito restaurant seats 50 guests and is 180 square metres in size.

The significant size of the restaurant cannot by any means comply with Council definition of small scale which states, "small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property".

The roof of the restaurant will be fitted with a 99.54 kW solar system involving 237 roof mounted solar panels and battery storage which is a massive energy infrastructure, enabling potential future expanded commercial activities.

The proposal (growing fruit and vegetables for commercial purposes) is a form of extensive agriculture which needs a separate DA.

- **HIGH STAFF, UNSUSTAINABLE RESTAURANT MODEL BASED ON 'NOMA' IN DENMARK**

During the pre-lodgement community meeting phase, including visits by myself and my husband Paul Fraser to meet with the proponent and her architect, the proponent described the development as being explicitly modelled on Noma in Denmark (chef and owner Rene Redzepi).

In fact, the proponent travelled to Denmark to dine at Noma as part of the research and planning for the development. Both Noma and the proponent's planned restaurant are based on a high-end dining experience, with seating for around 40-45 guests and complemented by a separate lounge area.

In a letter to neighbours received in October 2022, the proponent Maggie Schreiber writes, "As an example, Noma is a small successful rural restaurant of only 40 seats, with a huge back of house (4 times the seating area) as well as extensive growing areas and glasshouses to support that small number of guests."

It may appear small sale in terms of the number of restaurant seats, but this development is a very large commercial operation, with a cost of \$22 million. This is a model that relies on a high staff to customer ratio to produce a high-end fine-dining experience, with a history of engaging numerous unpaid interns and charging prices upwards of AUD \$800 per head.

In January 2023, it was reported by the New York Times that Noma plan to close their restaurant at the end of 2024 because the model is unsustainable.

"Mr. Redzepi, who has long acknowledged that grueling hours are required to produce the restaurant's cuisine, said that the math of compensating nearly 100 employees fairly, while maintaining high standards, at prices that the market will bear, is not workable."

- New York Times, 9 January 2023, Julia Moskin

<https://www.nytimes.com/2023/01/09/dining/noma-closing-rene-redzepi.html>

"Noma's kitchen brigade has 45 to 50 cooks. Many are interns doing unpaid work experience, like me. A dozen staff cover front of house.... A day at Noma is quite gruelling. It typically starts about 8.30am when the chef gives directives to the intern team. After that, dozens of suppliers begin to deliver their goods."

- Federico Zanatallo, unpaid intern, Sydney Morning Herald, 25 October 2011

<https://www.smh.com.au/entertainment/nordic-exposure-20111022-1md5n.html>

"As the human cost of the industry comes under scrutiny, Mr. Redzepi's headaches have multiplied, with media reporting online activism critical of Noma's treatment of foreign workers and reliance on unpaid interns. In October, Noma began paying its interns, adding at least (US) \$50,000 to its monthly labor costs."

- New York Times, 9 January 2023, Julia Moskin

<https://www.nytimes.com/2023/01/09/dining/noma-closing-rene-redzepi.html>

Given what is publicly known about how Noma operates and the failure of their model, I have concerns that the staffing levels in the proponent's venture do not accurately reflect the real staff numbers on-site. Further, the scale of the operation requires significant deliveries of food inputs, linen, and associated restaurant needs which haven't been considered in the Traffic Assessment by TTM.

Once the "honeymoon" phase for the new restaurant is over, and the romantic vision of creating a world renown restaurant like Noma here in Skinners Shoot has faded, what then for the development site?

How might the proponents seek to alter the functioning of their business and site to become profitable?

- **TRAFFIC & ROAD SAFETY CONCERNS**

This development is a large scale, commercial venture with several business units which will significantly increase traffic in what is a quiet, rural community with no-through road access. There is one way in and one way out, requiring all traffic to travel along Skinners Shoot Rd and Yagers

Lane. The road is widely acknowledged to be inadequate and has a demonstrated history of car accidents including fatalities at night.

The quality of Skinners Shoot Rd is not conducive to a steady flow of visitor and commercial traffic, as it does not meet engineering standards, is subject to flooding during heavy rains, and is frequently covered in large and dangerous potholes that can take weeks to repair. It is unlit, unsafe, hazardous to drive along and relies upon some local knowledge to safely navigate at night and during times of inclement weather.

I have seen an increasing prevalence of cyclists, pedestrians, people pushing children in prams, people walking dogs on leads, and even children on bikes with training wheels using Skinners Shoot Rd. There is no lighting, no footpath, and certainly no cycle path. There is barely enough space for two cars to safely pass each other, especially when swerving to avoid inundated road edges or dangerous potholes.

The photos below illustrate the quality issues affecting the road, making it difficult for residents to navigate and clearly demonstrating how unsuitable the road is for use as the primary (and only) access way to a \$22 million commercial development.

The Traffic Assessment provided by TTM fails on many levels:

- It fails to capture the important issues around road quality and safety.
- It fails to take account of vehicle movements for the various commercial ventures that comprise this development. This includes the delivery of ingredients and linen for the restaurant, agricultural inputs, and fulfilment of online orders from the artisan food industry and distribution of overflow harvest produce.
- It fails to take account of the significant heavy vehicle traffic generated during the construction phase.
- It fails to incorporate traffic generated by staff, which will be significant, arriving from early morning until well after midnight on the restaurant trading days. It is reasonable to expect that there will be a changeover period in the afternoon when morning staff may be replaced by evening staff, or is this an operation that will require staff to routinely work from 10am until midnight?

The proposal includes provisions for 82 on-site car parks, which contradicts the claim that the operation would primarily use a reservation-only model with client transportation via an Electric Vehicle. This suggests a disconnect between the stated operational plan and the physical infrastructure that supports a much higher client turnover. The profitability of the business hinges on increasing client numbers, which will invariably lead to more traffic. This is contrary to the principles of sustainable rural tourism, which aim to balance economic activity with environmental and social impacts.

The TTM report provides data on road incidents and states there are safety concerns given the existing poor quality of the road. 66% of incidents are reported to occur in low light, highlighting the dangers of driving at night. The TTM report states that the safety concerns need to be further investigated. Who will carry out such investigation?

There has been no mention or awareness of the school bus which undertakes a three point turn at the intersection of Yagers Lane and Skinners Shoot Rd, when picking up/ dropping off children. Previously this was dismissed by the proponent as a non-issue since operating hours did not intersect with the timing of the school bus. However, it is highly likely that lunch patrons will encounter the 3.30pm bus as they depart the restaurant mid-afternoon. And certainly, the influx of staff and delivery vehicles will encounter the bus during the regular morning run at around 8am.

• SKINNERS SHOOT PEER REVIEW TRAFFIC REPORT

The residents of Skinners Shoot commissioned Ingen Consulting to peer review the TTM report provided by the proponent and quantify traffic impacts on the road network. This report (see attached) raises considerable questions about the suitability of the development, given the nature and quality of existing roads in the area, and highlights the inconsistencies and inaccuracies within the TTM Traffic report.

Key findings of the Traffic Peer Review and data collection by Ingen Consulting include:

Current road capacity and traffic volumes:

SKINNERS SHOOT RD

Current traffic volumes*: 882 vehicle trips per day

(Byron Shore Council data from 2021-22** reports 781 vehicles/ day)

Current road size & capacity: 5m - 6m seal

Capacity limited to 500 vehicle trips per day

Required Road width, given traffic volume:

7m seal, with 1m shoulders

YAGERS LANE

Current traffic volumes*: 165 vehicle trips per day

(Byron Shire Council data from 2021-22** reports 150 vehicles/ day)

Current road size & capacity: 4m - 5m seal

Capacity limited to 150 vehicle trips per day

Required road width, given traffic volume:

6m seal, with 1m shoulders

*Measured by Ingen Consulting, April 2024

** Byron Shire Council in their Ordinary (Planning) Meeting Agenda, October 2022

Byron Shire Council in their Ordinary (Planning) Meeting Agenda, October 2022, have reported that, "The current road formation does not comply with Council's standards..."

Therefore, both roads are already operating beyond their carrying capacity. With increased traffic generated by the proposed development, this would push both roads well beyond these levels and trigger even further widening to comply with road width requirements.

POST DEVELOPMENT TRAFFIC IMPLICATIONS:

SKINNERS SHOOT RD

Traffic generated by development:

Best-case scenario: 155 additional trips per day

Worst-case: 552 additional trips per day

Post-development TOTAL traffic:

7-day ADT on Skinners Shoot Rd may increase total traffic to 1037 trips per day (882 + 155 trips) in a best-case scenario, and up to 1434 trips per day (882 + 552 trips) in a worst-case scenario.

18% to 63% increase in traffic movements per day on Skinners Shoot Rd.

The proposed development would trigger an additional widening to 7.5m seal with 1.5m shoulders, given likely traffic movement increases on Skinners Shoot Rd.

YAGERS LANE

Traffic generated by development:

Best-case scenario: 155 additional trips per day

Worst-case: 552 additional trips per day

Post-development TOTAL traffic:

7-day ADT on Yagers Lane may increase total traffic to 320 trips per day (165 + 155 trips) in a best-case scenario and up to 717 trips per day (165 + 552 trips) in a worst-case scenario.

94% to 335% increase in traffic movements per day on Yagers Lane.

Worst case scenario traffic generated by the development would require a 7m seal and 1m shoulders on Yagers Lane.

Therefore, we are facing a situation where average weekly traffic could increase by nearly 20% on Skinners Shoot Rd and nearly 100% on Yagers Lane. In a worst-case scenario, average weekly traffic could increase by over 60% on Skinners Shoot Rd and over 300% on Yagers Lane.

Skinners Shoot Rd could see vehicle movements of over 1000 cars per day, when the current acknowledged carrying capacity is just 500 vehicles per day. Given the roads are already operating beyond their capacity, it is incumbent upon all councillors and planners to reject this proposal outright.

Please refer to the attached Traffic Peer Review by Ingen Consulting for further supporting information regarding the issue of traffic management and road safety.

- EV TRANSPORT FOR RESTAURANT CUSTOMERS

The proponent proposes transportation of customers via an Electric Vehicle (EV) to and from the site. With reservations every 15 minutes, this equates to 8 EV movements per hour. The development application fails to explain the location of the designated customer pick up and drop off point in town, the location and capacity of the parking area for customers' cars and the impact this influx of cars will have on local streets and parking capacities.

The logistics of transporting customers via an Electric Vehicle (EV) is unwieldy and likely to be abandoned due to lack of use, staffing costs, and the completely impractical nature of the concept in the long term. Further, the Traffic Assessment report by TTM fails to explain how the restaurant will stop customers from using rideshare/ taxis or personal vehicles when there will be 53 visitor car parking spaces available.

- CONTAMINATION

The Contamination report was carried out based on "residential" standards and therefore needs to be redone using the contamination assessments for commercial horticulture.

A particularly alarming issue is the management of asbestos at the property. The presence of asbestos in the old pig sheds that form part of the development necessitates transparent and thorough documentation to ensure public safety and compliance with environmental and health regulations.

It is likely that selected asbestos removal has already taken place. In March 2023, I observed trucks from Tweed Asbestos Removal travelling along Skinners Shoot Rd past our house over a three-week period.

The lack of an attached Asbestos Contamination Report in the Development Application (D/A) not only fails to reassure the community about the safety of the operations conducted but also questions the overall management of hazardous materials associated with the proposed development. This oversight needs immediate correction to prevent potential health risks to the community and workers involved in the development site.

- WILDLIFE IMPACT

The Skinners Shoot area is home to abundant native wildlife. It contains significant koala habitat and we have personally observed koalas in the tree overhanging the road opposite our house. We also understand that koalas are released into the wild here in Skinners Shoot after rehabilitation. We also regularly sight wallabies, potoroos, possums, and echidnas.

One evening, I had to stop my car in complete darkness (since there is absolutely no road lighting in Skinners Shoot) to assist a young woman who had stopped her car to rescue a possum that was dying in the middle of the road, having been hit by another car. It was an extremely distressing and dangerous scene.

The additional traffic generated by this significant commercial development threatens this delicate habitat and puts wildlife at risk.

- CONCLUSION

In considering this development application, I call upon councillors and planners to ask themselves:

What might approval of this development say about the future vision for Skinners Shoot?

How can approval be justified given the increased traffic, condition of the roads, lack of lighting, history of road incidents including fatalities at night, and failure to meet basic engineering standards even now?

Given these significant concerns, I strongly oppose the proposed development at 103 Yagers Lane. The development as planned contradicts several key aspects of local planning regulations and poses substantial risks to the quality of life of residents and the environmental integrity of the area.

If you would like to contact me to discuss this submission,

Attachment: Traffic Peer Review Report provided in earlier submissions

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	26/04/2024 04:22 PM
Type of submission	Support

Grounds for Submission

I'm a local artist and designer who has benefitted from working with the beautiful environment at 103 yagers Lane and it's extended creative community. As the proposed development seeks to continue to provide space for artists, thinkers, creators, gardeners and growers to realise their ideas and bring people together in a sustainable way - I fully support this proposal.

The plan has been designed with sensitivity to the surrounding environment and its history. The focus on landscaping and permaculture principles will increase biodiversity as well as local food production.

I think it is amazing that the restaurant will showcase produce directly from the surrounding gardens and fruit trees. There are only a small handful of restaurants in NSW that take this initiative and we should support these ethics and highlight what the area has to offer.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	26/04/2024 08:13 PM
Type of submission	Support

Grounds for Submission

I have viewed the “preliminary public art plan” that accompanies this DA. This aspect alone will be a major drawcard. To view such a body of work within the gardens and waterbodies will be truly inspirational.

The artworks that are mentioned in the public art plan are only part of the artistic works that are proposed. As craftspeople and artisans will be employed during construction and also to provide materials and utensils for the restaurant.

This reminds me of old Byron.

Thankyou.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	26/04/2024 08:45 AM
Type of submission	Support

Grounds for Submission

I have lived in the Byron Shire for 20+ years and seen much of the development promise much and deliver little in the form of support for place, people and planet.

This is one project that can set a precedent to how development looks in our region and beyond.

Time for council to support great vision and a positive legacy of healthy, integrated and sound business.

An opportunity for us to fulfil our potential!

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	26/04/2024 09:44 AM
Type of submission	Object

Grounds for Submission

As a resident of Skinners Shoot Road I object to this DA on the grounds that the increase in traffic that the development proposes it will cause is not safe or suitable for Skinners Shoot Road and Yagers lane. It is my understanding that this increase is set to be possibly above 50% the current traffic on Skinners Shoot Road. Both roads are too narrow for this much vehicle movement. This development would put not only drivers, but also cyclists and walkers, of which there are many, at an increased risk of injury or death. Wildlife, especially nocturnal wildlife, will also be in increased danger. The vehicle noise, particularly late at night due to the nature of the developments proposed operations, is also of particular concern to residents as a majority of dwellings on Skinners Shoot are very close to the road. The increased traffic will also mean an increase in damage to the already frequently compromised condition of the road; damage caused by the trucks servicing the business may be significant.

This DA is set to compromise the integrity of the rural and environmental aspects of the locality which will have irreparable and ongoing effects for the future of the region.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	26/04/2024 10:24 AM
Type of submission	Object

Grounds for Submission

As a resident of Skinners Shoot, local health practitioner and a father of 2 small boys, I strongly object to the proposed development of a vast restaurant/food outlet that will necessitate an inordinate amount of traffic driving past my front door, in the otherwise quiet road on which my family resides.

I can see only one reason for this scale of development, which is to provide a large capital return on an extraordinary investment (\$22 mil +) on a restaurant (modelled, we are told by the proponent, on the \$880/head NOMA restaurant in Denmark - see attachment). Were this restaurant/ food outlet located in a more appropriate location, then I could see the benefits. But to locate it at the END of a country lane is risible. With its massive size and scope, the traffic movements of trucks, delivery and tradesmen's vehicles just in the building phase will destroy the community of Skinners Shoot and Yagers Lane. To then add a 5 day a week operation which will effectively run from 6 am until midnight for the future will result in the destruction of one of the most biodiverse pockets surviving in Byron Shire. Forever. Start playing the requiem for our precious wildlife.

Once approved, this will be the tip of the spear as regards future expansion. No one invests this much money to lose it. It will need to expand to remain viable. Note the size of the solar and battery system. Do not be fooled by the 'greenwashing' reports and alleged environmental credentials. This is just another highly destructive overdevelopment in a highly sensitive, and totally inappropriate location.

As councillors, you all have the responsibility to make corporate decisions in the best interests of ratepayers and the environment, both natural and built. Here is an opportunity to achieve all these. By REFUSING this egregious overdevelopment.

Attachment: NOMA

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	27/04/2024 11:18 PM
Type of submission	Object

Grounds for Submission

My submission AGAINST is contained in the document "bigObjection2" which was uploaded using the File upload in the Submission Tool.

My submission was not able to entered/copied to the section "Grounds for submission" as it was too large.

The "Traffic Peer Review", which is part of my submission, should already be uploaded by other residents. Thank you.

Approval is being sought for a 4,496m² Tourist Complex encompassing a Restaurant, Artisan Food and Drink Industry area and Farm Building at Yagers Lane, Skinners Shoot. The proposed development is prohibited by operation of *Byron Local Environmental Plan 2014* (LEP) and *Byron Shire Development Control Plan 2014* (DCP). **Land uses are mischaracterised by the proponents, with Horticulture not identified and Manufacturing inadequately specified. Consultants' Reports such as the *Noise Impact Assessment, Contamination Report, Bushfire Report, LUCRA Report, Traffic Report* and *Water Management Plan* fail to identify or assess these uses at all.** Reasons for rejection outlined in this Objection are:

- The development is not a permitted land use in an RU2 Zone
- The development contravenes Aims of the DCP - *Commercial and Retail Development*
- The DA is either a sham or manifestly deficient
- Community consultation requirements have not been met

Conditions for approval of the DA and proposed land uses have not been met under Statutory Provisions of NSW Planning Law. A response to the proponents attempts to suggest otherwise is presented.

Traffic generated by the development is predicted to be up to 552 trips per day, representing a staggering 63% increase for Skinners Shoot Road – a narrow, no-through minor rural road designed to service 30 dwellings. The proponents' *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the *Traffic Peer Review* instead.

Details and impacts regarding the SSI Disposal Unit and garbage trucks to collect this waste is entirely missing from the proposal.

A major concern identified in this Objection is that **upon careful reading of the *Preliminary Site Investigation* and *Contamination Report*, the site has not been assessed for the purpose of growing food for human consumption, and only built-up areas have been sampled at all.** Methodologies were adopted for uses of residential and public open space, not for growing food. The reports on contamination are not fit for purpose and conclusions are irrelevant.

Are the Council and residents expected to swallow the mischaracterisation of this enormous development? Can a few vegetable and flower beds and art works and references to existing pig pen footprints really get this over the line? The true Land Uses and their Impacts are absent from the DA, Consultants' Reports and any history of communication with residents or Council. Cases heard in the *Land and Environment Court of NSW* refer to this a sham DA.

Part A

THE DEVELOPMENT IS NOT A PERMITTED LAND USE IN AN RU₂ ZONE

1. The Restaurant in a Rural Area is not supplementary or complementary to agricultural activities on the land and is thereby prohibited by Chapter D4.2.9 of the DCP and Land Use Tables of the LEP
2. A DA is required to conduct Horticulture, a type of intensive plant agriculture, in an RU₂ Zone
3. The Tourism Development/Restaurant in a Rural Area is not of a small or low scale and is not low impact, thereby being prohibited by Part 6.8 of the LEP, Part 2.3 of the LEP, and Chapter D4.2.9 of the DCP
4. The Farm Building is not ancillary to an agricultural use of the landholding and therefore cannot meet the definition of Farm Building under Part 2 of the LEP
5. The Artisan Food and Drink Industry area does not have Making or Manufacturing as its Principle Purpose and therefore cannot meet the definition of this land use under Part 2 of the LEP

1. The Restaurant in a Rural Area is not supplementary or complementary to agricultural activities on the land and is thereby not permitted under Chapter D4.2.9 of the DCP

Chapter D4.2.9 Performance Criteria (3) of the DCP, states "The restaurant or café shall be complementary to the principal agricultural or environmental activities on the land in the RU₁ or RU₂ Zone..."

Agriculture, however, is not conducted, proposed to be conducted or able to be conducted on the land. Site Plans, aerial photos and Architectural Plans clearly show there is no space for agriculture under the proposal. Buildings, driveways and parking take up 4,496m² – which does not include an owner or manager's dwelling, landscaping, ponds, contaminated dams, or the planned SSI disposal. There is no space for the required Buffer Zone (200m) between Horticulture and buildings. There is no provision for irrigation. The site has not been assessed for contamination for purposes of growing food for human consumption, and only built-up areas have been sampled at all. A failure to identify Horticulture as a land use, and the complete absence of agriculture from the proposal, further demonstrates that agriculture is not an activity on the land.

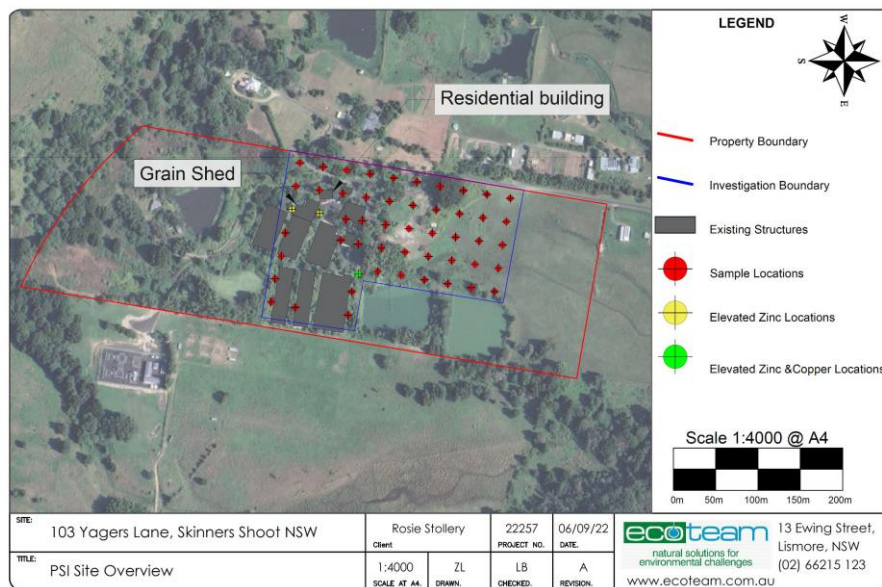
Furthermore, there is no request to amalgamate Lot 7 and 8, which risks severing the Restaurant in a Rural Area from its land.

The list of fruits, vegetables, elixirs, powders, botanicals, grains, nuts, spices, and bespoke ingredients mentioned (in one section only of the proposal) at Section 3 *Statement of Environmental Effects*, is extensive. **Where will this extraordinary range of produce to supply the Restaurant in a Rural Area be grown?**

The small areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.

The Preliminary Site Investigation states "It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required". **The recommendation, however, is irrelevant, because the scoped "proposed land use" does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.**

Section 4.2 of the *Contamination Report – Adopted Assessment Criteria* states "The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for **Low Density Residential** (HIL-A) and Generic EILs for **Urban Residential** and **Public Open Space** (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (**home grown produce** <10% fruit and vegetable intake, (no poultry).



This suggests agriculture cannot be conducted on the site without posing a potential health hazard to consumers.

The proponent's lack of commitment to agricultural activities is further demonstrated by its absence from the proposal. Only in the following sections of the *Statement of Environmental Effects* is agriculture alluded to: Clause 3.3 *Proposed Artisan Food Industry* and 3.4 *Proposed Farm Building* use phrases such as "grown on the property", "from the property", "on the property" and "vegetable and flower beds on site". Clause 3.2 *Proposed Restaurant* mentions "heirloom produce which will be produced on site in dedicated horticultural areas". Clause 2.3 *Zone Objectives and Land Use Table* and 4.3.13 *Commercial and Retail Development* refer to "a range of horticultural plantings" (also heirloom).

Only when it provides a pathway to approval is agricultural activity mentioned in the DA. Neither is agriculture mentioned in any of the minutes, communications with residents or websites. **The following sections of the DA do not refer to agriculture:**

Executive Summary, Development Application, Site Details, Pre-lodgement Consultations, Site Analysis, Description of Proposal, Site Analysis, Environmental Considerations, Flood Emergency Advice, Preliminary Site Investigation (for contamination), Summary of Proposal, Environmental & Architectural Vision, Earthworks, Vegetation Management Works, Vehicular Access & Services, Architectural Design Plans, Landscape Design Plans, Business Identification Signage, Operational Management, and Statutory Assessment.

The following Consultants' Reports do not refer to agriculture:

The Acoustic Report, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Site Plans, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.

The *Water Management Plan* has not mentioned or measured water for agricultural use such as irrigation. The *Bushfire Report* does not mention horticultural vegetation. The *LUCRA Report* does not identify Horticulture as a land use or propose a Buffer Zone. The *Noise Impact Statement* undertakes no investigation of impacts from farm machinery, pumps, forklifts or tractors.

This failure to identify or demonstrate agriculture as a land use shows that the Restaurant in a Rural area is not complementary to agricultural activities on the land.

Chapter D4.2.9 *Objectives* (4), states the following objective: "To provide an avenue for supplementary income on rural holdings".

How can income from this \$22 million dollar development be supplementary to other income on the rural holding? There is no other income on the rural holding.

The Restaurant in a Rural Area is not complementary to the principal agricultural activities on the land. Considering the size, layout, topography, infrastructure and contamination of the site, there is no evidence of how Lots 7 and 8 can sustain any agriculture and no agriculture is proposed. **The income from a \$22 million dollar Tourism Development cannot be supplementary to the other income generated from this rural holding.** The Restaurant/Tourism Development is therefore not a permitted land use in an RU2 Zone.

2. A DA is required to conduct Horticulture, a type of Intensive Plant Agriculture, in an RU2 Zone

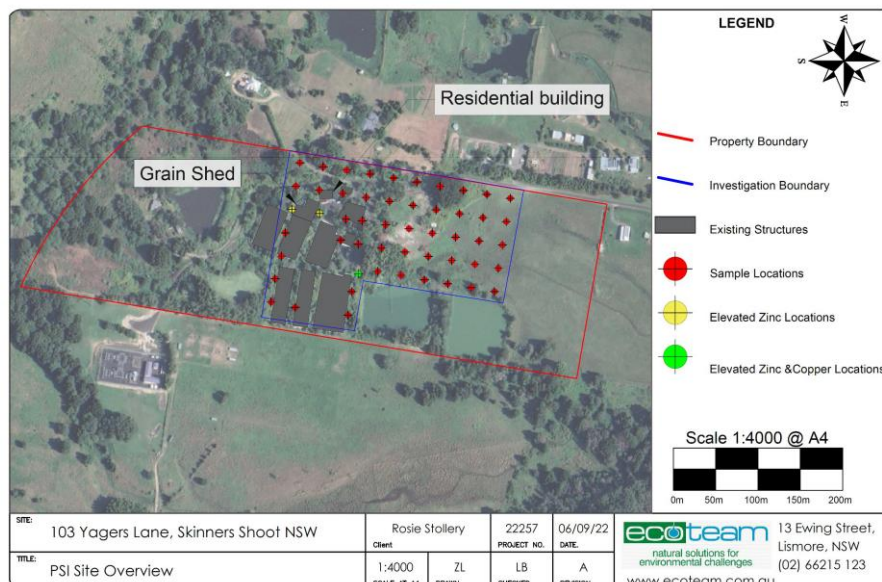
There is no DA submitted for the new land use of Horticulture (a type of Intensive Plant Agriculture) in the RU2 Zone, as required by *Table B6.1* and the *Land Use Matrix* of the LEP.

There is no space or provision on the site for the Buffer Zone of 200m which would be required for approval of Horticulture. There is no provision for irrigation. There is no assessment of impacts of Horticulture. The land has not been tested for contamination for purposes of growing food for human consumption, and only built-up areas have been sampled at all.

The areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.

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This suggests agriculture cannot be conducted on the site without posing a potential health hazard to consumers, requiring any application for Horticulture to be rejected.

3. The Tourism Development/Restaurant in a Rural Area is not of a small or low scale and is not low impact; and is thereby prohibited by Part 6.8 of the LEP, Part 2.3 of the LEP and Chapter D4.2.9 of the DCP

Part 6.8 (3) of the LEP - *Rural and nature-based tourism development*, states: "Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that – ...

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

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

(6) **small scale** means a scale that is small enough to be generally managed and operated by the principal owner living on the property".

Part 2.3 (1) of the LEP – *Zone Objectives and Land Use Table – RU2* states the following Zone Objective: "To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural character of the locality"

Similarly, Chapter D4.2.9 of the DCP - *Restaurants/ Cafes in Rural Areas* at (2) states "The development is to be low scale and able to be generally managed and operated by the principle owners(s)/ manager living on the property".

IS THE TOURISM DEVELOPMENT/USE SMALL SCALE OR LOW SCALE?

At 4,496m², including space for 71 cars, **the proposed Rural Tourism Development/Restaurant in a Rural Area is over half the size of the proposed Woolworths redevelopment** in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². The proponents attempt to measure scale merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is a adequate method of measuring scale for the application of Part 6.8 of the LEP, Part 2.3 of the LEP or Chapter D4.2.9 of the DCP. The Tourism Development is enormous in scale – physical, operational and economic scale.

Why is an SSI Disposal unit needed for a small or low scale Tourism Development/Restaurant in a Rural Area?

Is the Scale Small enough to be generally managed and operated by the principal owner living on the property?

The proponents attempt to characterise the operational scale of the enterprise as merely managing a few bookings, which Maggie herself has volunteered to do, while living on the property. **Managing and operating a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than attending to patron bookings.**

Management and Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI disposal unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping , maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.

And where on Lot 8 will the owner or manager live, while managing and operating the enterprise? Very special treatment seems to have been provided in order for a Dwelling to be approvable on this Lot, with its own section inserted into the LEP. However no provision has been made for the owner or manager's dwelling on Lot 8.

No person, whether principal owner or manager, could be expected to be capable of managing and operating this enormous Rural Tourism Development while living on the property. There is no provision for the owner or manager's dwelling on Lot 8.

IS THE DEVELOPMENT LOW IMPACT, WITHOUT SIGNIFICANT ADVERSE IMPACT ON AMENITY OR SIGNIFICANT FEATURES OF THE NATURAL ENVIRONMENT?

A Manufacturing and Tourism facility half the size of the proposed Byron CBD Woolworths redevelopment cannot be characterised as *low impact*. A 63% increase in traffic along Skinners Shoot Road is not low impact. An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skinners Shoot Road to an unacceptable degree. Other adverse impacts on Services, Amenity and Environment are misrepresented by the proponents, with Horticultural and Manufacturing activities not accounted for.

Skinners Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.

Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.

The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:

- Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff
- Arrival and departure of restaurant patrons
- Truck deliveries of farm equipment and supplies
- Inwards and outwards goods deliveries by truck for manufacturing
- Trucks collecting waste from the SSI Disposal unit
- Deliveries of artisan products to the post office or to customers by courier from online sales
- Pedestrians and cyclists

Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.

The proponents' *Traffic Report* has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. **The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.**

Instead, the proponents' *Traffic Report* states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".

This *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts. **Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the *Traffic Peer Review* instead.**

Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the *Local Strategic Statement*. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.

Other impacts on Services, Amenity and Environment have been misrepresented in the DA, with Horticulture and Manufacturing impacts entirely unassessed. The following reports cannot be relied upon to suggest the proposed Tourism Development is low-impact:

The Acoustic Report, Noise Impact Assessment, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.

The *Water Management Report* does not reference the primary uses of water – Horticulture and Manufacturing. Rather its scope encompasses water that will be used for "Food preparation" and "Outdoor use such as garden watering". It does however state that the dams are contaminated. Can it be confirmed that Rous Water are aware of this proposed Manufacturing and horticultural use?

Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. **The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone.** Agricultural and manufacturing impacts are not investigated in the LUCRA Report including from the SSI Disposal unit.

The Flora and Fauna Assessment does not investigate impacts of Horticulture or Manufacturing.

The *Bushfire Report* does not assess impacts of Horticulture (eg a change in vegetation) or stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal unit, or stored after processing.

The *Noise Impact Assessment* makes no mention or assessment of the SSI Disposal unit or trucks collecting waste. Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The *Noise Impact Assessment* merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.

Does the *Waste Management Report* assess impacts of the SSI Disposal Unit?

The natural environment of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, garbage being munched, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the natural environment.

The proposed 4,496m², \$22 million dollar Tourist Development/Restaurant in a Rural Area is not small or low scale – either physically, operationally or economically. Operation of the enormous enterprise, which proposes to grow, manufacture, pack, mail, sell and serve a huge range of products, cannot be conducted by an owner or manager living on the property. There is not even a house on Lot 8 for an owner or manager to live. The proponents fail to demonstrate the Tourist Development/Restaurant in a Rural Area is low-impact, and have left out impacts of Horticulture and Manufacturing from their proposal. The land use is not a small-scale tourism use consistent with the rural character of the locality, and residents are alarmed at the enormous impact this development will have on their amenity and the natural environment. It is therefore prohibited by Part 6.8 of the LEP, Part 2.3 of the LEP and Chapter D4.2.9 of the DCP.

4. The Farm Building is not ancillary to an agricultural use of the landholding and therefore cannot meet the definition of Farm Building in the LEP

The *Byron Local Environment Plan 2014 - Dictionary* states that “farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling”.

Agriculture, however, is not conducted, proposed to be conducted or able to be conducted on the landholding. Site Plans, aerial photos and Architectural Plans clearly show there is no space for agriculture under the proposal. Buildings, driveways and parking take up 4,496m² – which does not include an owner or manager’s dwelling, landscaping, ponds, contaminated dams, or the planned SSI disposal. There is no space for the required Buffer Zone (200m) between Horticulture and buildings. There is no provision for irrigation. The site has not been assessed for contamination for purposes of growing food for human consumption, and only built-up areas have been sampled at all. **A failure to identify Horticulture as a land use, and the complete absence of agriculture from the proposal, further demonstrates that agriculture is not a use of the landholding.**

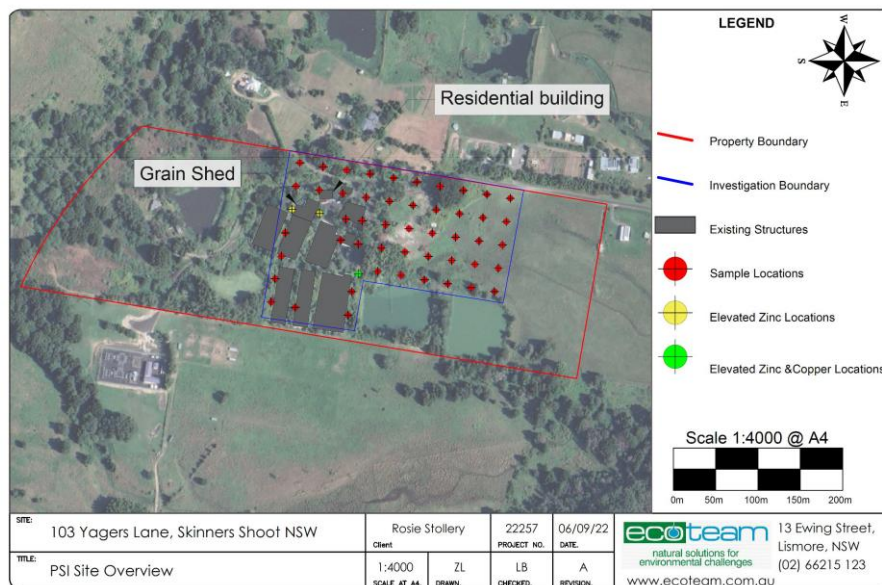
Furthermore, there is no request to amalgamate Lot 7 and 8, which risks severing the Farm Building from its farm.

The list of fruits, vegetables, elixirs, powders, botanicals, grains, nuts, spices, and bespoke ingredients mentioned (in one section only of the proposal) at Section 3 *Statement of Environmental Effects*, is extensive. **Where will this extraordinary range of produce be grown?**

The small areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.

The Preliminary Site Investigation states “It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required”. **The recommendation, however, is irrelevant, because the scoped “proposed land use” does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.**

Section 4.2 of the *Contamination Report – Adopted Assessment Criteria* states “The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for **Low Density Residential** (HIL-A) and Generic EILs for **Urban Residential** and **Public Open Space** (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (**home grown produce** <10% fruit and vegetable intake, (no poultry)).



This suggests agriculture cannot be conducted on the site without posing a potential health hazard to consumers.

The proponent's lack of commitment to agricultural uses is further demonstrated by its absence from the proposal. Only in the following sections of the *Statement of Environmental Effects* is agriculture alluded to: Clause 3.3 *Proposed Artisan Food Industry* and 3.4 *Proposed Farm Building* use phrases such as "grown on the property", "from the property", "on the property" and "vegetable and flower beds on site". Clause 3.2 *Proposed Restaurant* mentions "heirloom produce which will be produced on site in dedicated horticultural areas". Clause 2.3 *Zone Objectives and Land Use Table* and 4.3.13 *Commercial and Retail Development* refer to "a range of horticultural plantings" (also heirloom).

Only when it provides a pathway to approval is agricultural activity mentioned in the DA. Neither is agriculture mentioned in any of the minutes, communications with residents or websites. **The following sections of the DA do not refer to agriculture:**

Executive Summary, Development Application, Site Details, Pre-lodgement Consultations, Site Analysis, Description of Proposal, Site Analysis, Environmental Considerations, Flood Emergency Advice, Preliminary Site Investigation (for contamination), Summary of Proposal, Environmental & Architectural Vision, Earthworks, Vegetation Management Works, Vehicular Access & Services, Architectural Design Plans, Landscape Design Plans, Business Identification Signage, Operational Management, and Statutory Assessment.

The following Consultants' Reports do not refer to agriculture:

The Acoustic Report, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Site Plans, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.

The *Water Management Plan* has not mentioned or measured water for agricultural use such as irrigation. The *Bushfire Report* does not mention horticultural vegetation. The *LUCRA Report* does not identify Horticulture as a land use or propose a Buffer Zone. The *Noise Impact Statement* undertakes no investigation of impacts from farm machinery, pumps, forklifts or tractors.

Clearly the proposed Farm Building is not actually a Farm Building since there is no farm.

Considering the size, layout, topography, infrastructure and contamination of the site, there is no evidence of how Lots 7 and 8 can sustain any agriculture and no agriculture is proposed. The building is not ancillary to an agricultural use of the landholding, and cannot be defined as a Farm Building under the LEP in order to become a permitted use in an RU2 Zone.

5. The Principle Purpose of the Artisan Food and Drink Industry area is not Making or Manufacturing; and is thereby prohibited by Part 2 of the BLEP.

The *Byron Local Environment Plan 2014 – Dictionary* states that “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....”

The small floor area and small staff numbers dedicated to manufacturing activities, and the layout of the Artisan Food and Drink Industry area clearly demonstrates a lack of commitment to the purpose of Making or Manufacturing. Inadequate specification of manufacturing activities in the proposal adds to evidence that Making and Manufacturing is not the principle purpose of the building or place.

The list of fruits, vegetables, elixirs, powders, botanicals, grains, nuts, spices, and bespoke ingredients proposed to be transformed into artisan products is extensive. But how will all these products be picked, manufactured, packed, bottled, stored and prepared for mailing in the 61m² “Commercial Kitchen” by 5 staff? Anyone who has sold retail products on-line is aware how much space and time is required for preparing multiple high-end small orders for mailing. The “Commercial Kitchen” is the only area allocated to Making or Manufacturing – the remainder of the space is devoted to sales, tastings, workshops, meet the maker and the café.

Details of manufacturing operations and impacts are virtually absent from the proposal including Consultants’ Reports. Only in the following sections of the *Statement of Environmental Effects* are such operations described with phrases such as “creating elixirs and tinctures”, “creating our own unique tea infusions”, “Making our own spice cupboard”, “Creating seasonal granolas”, “exploring” other products. Clause 3.2 *Proposed Restaurant* mentions “heirloom produce which will be produced on site in dedicated horticultural areas”.

The following Consultants’ Reports do not measure impacts of Manufacturing:

Noise Impact Assessment, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Traffic Report, Waste Management Plan, Pre lodgement community engagement report.

The proponents' *Traffic Report* states **"For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".** This is how manufacturing activities are described.

The OSMS Report describes the Artisan Food and Drink Industry area as a "café and commercial kitchen".

The *Water Management Report* does not reference the primary uses of water – Horticulture and Manufacturing. Rather its scope encompasses water that will be used for **"Food preparation"** and "Outdoor use such as garden watering".

Manufacturing impacts are not included in the LUCRA Report. The SSI Disposal unit is not mentioned.

The *Noise Impact Assessment* makes no mention or assessment of the SSI Disposal unit or trucks collecting waste.

The *Bushfire Report* does not assess impacts of Industry for example stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal unit, or stored after processing.

The *Flood Risk Management Report* does however mention "ancillary operations", while referring to closing the Restaurant in the case of emergency. **Presumably the phrase "ancillary operations" is intended to describe the activities of Horticulture and Manufacturing.**

Making or Manufacturing is clearly not the primary purpose of this building or place. A restaurant cannot be characterised as an Artisan Food and Drink Industry Area merely to become a permitted Land Use in an RU2 Zone under the LEP.

Part B

THE DEVELOPMENT CONTRAVENES AIMS OF THE DCP – *Commercial and Retail Development*

Chapter D4.1.2 of the DCP *Commercial and Retail Development* 1. states as its first Aim “ To ensure that the bulk, scale, character and operation of business, commercial, retail and associated development are compatible with the character and amenity of development in the locality and in the Shire.”

The character and amenity of development in Skinners Shoot is rural dwellings and the odd BnB. The Arts Factory Lodge is medium-scale tourist accommodation, located on the border of the town centre. The Yoga Centre is a small primitive camping development located towards the town centre, a long way before the residential locality of Skinners Shoot. Traffic generated from these establishments does not significantly affect amenity of residents as they are located before the residential area of Skinners Shoot.

At 4,496m², including space for 71 cars and an SSI Disposal unit, the proposed Commercial and Retail Development is **over half the size of the proposed Woolworths redevelopment** in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². **The proponents attempt to measure the bulk and scale of the development merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring bulk or scale for the application of Chapter D4.1.2 of the DCP.** The Tourism and Commercial Development is enormous in bulk and scale, and is completely out of character with development in the locality. There are no plans for future large scale Tourist, Industrial or Commercial Developments in the locality.

The proponents attempt to characterise operations of the enterprise as merely managing a few bookings. Operations of a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than patron bookings.

Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI disposal unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping , maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.

The character of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the neighbourhood.

Traffic generation of 552 vehicle trips per day, representing a 63% increase in traffic along Skinners Shoot Road is not compatible with rural dwellings and resident managed BnBs.

How many other private SSI disposal units are operated by Commercial and Retail facilities in Byron Shire?

The bulk, scale and operations of the proposed 4,496m², \$22 million dollar Commercial and Retail Facility is not remotely compatible with the character and amenity of current or future rural residential development at Skinners Shoot.

Part C

THE DA IS EITHER A SHAM OR MANIFESTLY DEFICIENT

Land uses are mischaracterised by the proponents, with Horticulture not identified and Manufacturing inadequately specified. What does this demonstrate? Either the proposal is a sham, or the DA is manifestly deficient. If approval is granted, and subsequently contested in the *Land and Environment Court*, it is likely that the complete absence of agriculture from the proposal will be sufficient evidence that the Restaurant in a Rural Area is not complementary to agricultural activity on the land, and that the Farm Building is not ancillary to agriculture. Similarly, lack of information and failure to consider the impacts of Manufacturing in the DA or Consultants' Reports demonstrate that Making and Manufacturing is not the principal purpose of the Artisan Food and Drink Industry area.

1. No application has been made for Horticulture, a type of Intensive Plant Agriculture, in the RU2 Zone, as required under the LEP Land Use Matrix and Table B6.1.

There is no provision or space for the 200m Buffer Zone required for Horticulture approval. No impacts of Horticulture have been assessed. The land available for growing produce has not been assessed for contamination, and testing (of built-up areas only) was not conducted using methodologies for growing food for human consumption. Therefore approval for Horticulture cannot be granted.

2. Horticulture, the principle land use, is completely absent from the proposal.

The entire premise of the approvability of this development rests on the Restaurant in a Rural Area, Artisan Food and Drink Industry area and Farm Building being complementary to Horticulture – and yet this land use has not been identified or specified in the proposal.

There is no provision or space for the 200m Buffer Zone required for Horticulture approval. No impacts of Horticulture have been assessed. The land available for growing produce has not been assessed for contamination, and testing (of built-up areas only) was not conducted using methodologies for growing food for human consumption. Therefore approval for Horticulture cannot be granted.

3. Agricultural activities are not identified or described in the proposal (*Statement of Environmental Effects*) or Consultant's Reports. Only in Sections 3.3 *Proposed Artisan Food Industry* and 3.4 *Proposed Farm Building* is agriculture alluded to with phrases such as "grown on the property", "from the property", "on the property" and "vegetable and flower beds on site". Section 3.2 *Proposed Restaurant* mentions "heirloom produce which will be produced on site in dedicated horticultural areas". Clause 2.3 *Zone Objectives and Land Use Table* and 4.3.13 *Commercial and Retail Development* refer to "a range of horticultural plantings" (also heirloom).

This is hardly sufficient detail for a commercial enterprise. Impacts are not assessed at all, and no provision for conducting agriculture on the land has been made.

Only when it provides a pathway to approval is agricultural activity mentioned in the DA. Neither is agriculture mentioned in any of the minutes, communications with residents or websites. This pathway to approval for the Restaurant in a Rural Area and Farm Building is blocked. **The following sections of DA do not refer to agriculture:**

Executive Summary, Development Application, Site Details, Pre-lodgement Consultations, Site Analysis, Description of Proposal, Site Analysis, Environmental Considerations, Flood Emergency Advice, Preliminary Site Investigation (for contamination), Summary of Proposal, Environmental & Architectural Vision, Earthworks, Vegetation Management Works, Vehicular Access & Services, Architectural Design Plans, Landscape Design Plans, Business Identification Signage, Operational Management, and Statutory Assessment.

The following Consultants' Reports do not refer to agriculture or its impacts:

The Acoustic Report, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Site Plans, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.

The Water Management Report does not reference the major use of water – Horticulture. Rather its scope encompasses water that will be used for "Outdoor use such as garden watering". Can it be confirmed that Rous Water are aware of this proposed horticultural use?

The *Bushfire Report* does not assess impacts of Horticulture – that is, horticultural vegetation without a buffer zone between this land use and buildings.

The *LUCRA Report* does not identify Horticulture as a land use, propose a buffer zone or investigate impacts of chemicals, noise or farm operations on residents.

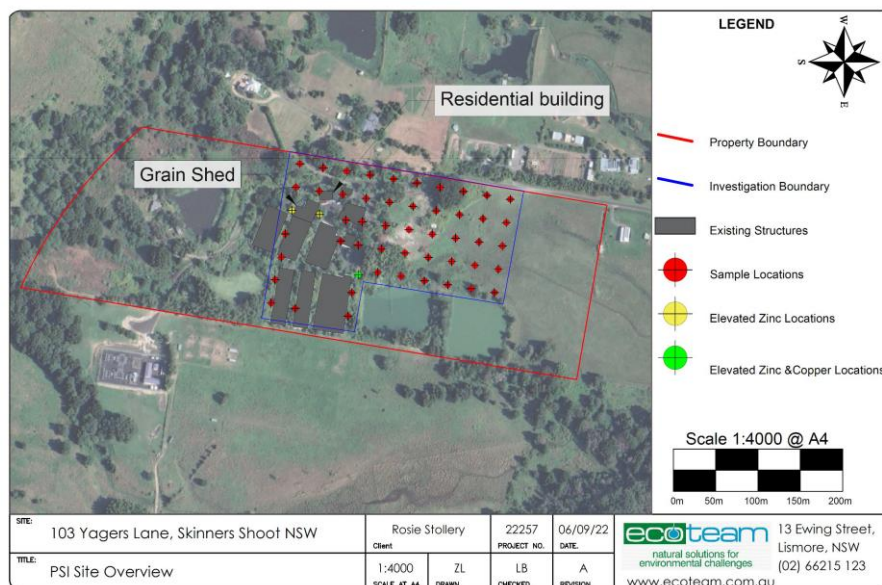
The *Traffic Report* does not reference or measure impacts from agricultural operations such as farm workers, truck deliveries of farm supplies, or forklift and tractor operations.

4. The Contamination Report and Preliminary Site Investigation are not fit for purpose and must be disregarded.

The areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.

The Preliminary Site Investigation states "It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required". **The recommendation, however, is irrelevant, because the scoped "proposed land use" does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.**

Section 4.2 of the *Contamination Report – Adopted Assessment Criteria* states "The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for **Low Density Residential** (HIL-A) and Generic EILs for **Urban Residential** and **Public Open Space** (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (**home grown produce** <10% fruit and vegetable intake, (no poultry).



5. The proponents' *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts.

The proponents' *Traffic Report* has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. **The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.**

Instead, the proponents' *Traffic Report* states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".

This *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts. **Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the *Traffic Peer Review* instead.**

6. No application has been made to amalgamate Lots 7 and 8, risking severance of agriculture from the Restaurant and Farm Building, rendering any misguided approval invalid.

7. Details of manufacturing operations are virtually absent from the proposal including Consultants' Reports. Section 3.3 of the *Statement of Environmental Effects* is one of the few places in the proposal which describes such operations, using phrases such as "creating elixirs and tinctures", "creating our own unique tea infusions", "Making our own spice cupboard", "Creating seasonal granolas", "exploring" other products. Section 3.2 *Proposed Restaurant* mentions "heirloom produce which will be produced on site in dedicated horticultural areas".

This is hardly sufficient detail for a commercial enterprise. Impacts are not adequately assessed, and it shows that Making and Manufacturing is not the principle purpose of the development.

Details of the SSI Disposal unit are completely absent from the proposal. Are they included in the *Waste Management Plan*?

The *Traffic Report* does not reference or measure impacts from manufacturing operations such as staff trips for the commercial kitchen, staff trips for packing and mailing products, staff trips for maintenance staff, truck deliveries for inwards and outwards goods, forklift operations, disposal of waste from the SSI Disposal unit; Or deliveries of products to the post office or customers by courier for on-line sales.

Instead, the proponents' *Traffic Report* states **"For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".**

This *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts. **Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the *Traffic Peer Review* instead.**

The LUCRA Report does not investigate the impacts of noise and manufacturing operations. The SSI Disposal unit is not referred to anywhere in the report.

The Flora and Fauna Assessment does not investigate impacts of Manufacturing.

The *Noise Impact Assessment* makes no mention or assessment of the SSI Disposal unit or trucks collecting waste. The report merely identifies a number of Manufacturing issues needing to be addressed, but does nothing to assess them or address them.

The *Bushfire Report* does not assess impacts of Manufacturing such as storage of stock and packaging or piles of waste waiting to be munched in the SSI Disposal unit, or stored after processing.

The *Flood Risk Management Report* does however mention "ancillary operations", while referring to closing the Restaurant in the case of emergency. **Presumably the phrase "ancillary operations" is intended to describe the activities of Horticulture and Manufacturing.**

The *OSMS Report* describes the Artisan Food and Drink Industry area as a "café and commercial kitchen".

The *Water Management Report* does not reference the primary uses of water – Horticulture and Manufacturing. Rather its scope encompasses water that will be used for "Food preparation".

Are the Council and residents expected to swallow the mischaracterisation of this enormous development? Can a few vegetable and flower beds and art works and references to existing pig pen footprints really get this over the line? The true Land Uses and their Impacts are absent from the DA, Consultants' Reports and any history of communication with residents or council. Cases heard in the *Land and Environment Court of NSW* refer to this a sham DA.

Part D

COMMUNITY CONSULTATION REQUIREMENTS HAVE NOT BEEN MET

The Community was largely made aware of the proposal through the efforts of a resident who was out walking. Upon picking up what he thought to be litter, a letter describing the proposal was discovered. This resident, who did not receive the letter, then requested information from the proponent, and initiated communication.

Despite the proponent's assertions, requirements for community consultation have not been met for this Community Significant Development. Since I was not aware of the proposal prior to being recently advised by a neighbour (as is the position of many residents) I rely for this section on the *Pre lodgement Community Engagement Report* and copies of letters provided by neighbours.

1. No facilitated community meeting or workshop has taken place

A meeting initiated by a Skinners Shoot resident did take place on 16 October 2022, at which some Concepts were presented to a handful of residents by Maggie and an architect. This cannot be considered a facilitated community meeting or workshop because:

- The meeting was not facilitated or initiated by the proponent
- **It has been categorically stated by the proponent and their town planner that the resident-initiated meeting on 16 October 2022 was not a pre lodgement meeting.** This statement was made at a council meeting on 10 August 2023 in front of Councillors and Staff and is a matter of public record on Council's website.
- Adjoining and surrounding landowners and known community groups were not notified of any meeting
- Correspondence as shown in *Appendix 7* on 20th October states that "the community engagement period is over". This is 4 days after the resident-initiated meeting.

2. The community has not had adequate time to consider and comment on the proposal

Section 3.0 Engagement Process states there was a letter drop on 28th September 2022 – only Yagers Lane residents received this letter.

- The Letterdrop as shown in *Appendix 1* does not provide notice of any meeting, but merely advises that an appointment can be made for a Workshop. It also says the closing date for comments is the 12th October, which is prior to the resident-initiated meeting which the proponent is attempting to disguise as a facilitated community meeting or workshop. There is no indication of who this letter was dropped to. No residents other than on Yagers Lane received this letter.
- The Response from Maggie Schreiber on 20th October 2022 as shown in *Appendix 7* states that "the community engagement period is over". This is 4 days after the resident-initiated meeting. At this point, only residents who attended the resident-initiated meeting on 22 October are aware of the proposal. The community engagement period closed before the community was even aware of the proposal.

3. The applicant has not, as a minimum, given at least 10 days' notice of the above community consultation meeting or workshop, for community significant development as follows:

- Letter To Known Community Groups – no letter was sent to Skinners Shoot Residents Group or Butler Street Residents Group
- Newspaper Notice – The press advertisement as shown in *Appendix 3 of the Pre Lodgement Community Engagement Report* does not mention a date for a meeting, a location for a meeting, or in fact any meeting at all. There is a vague reference to “workshops by appointment” and a Gardenhouse website.
- Site Notice – from the Report, this appears to have been done
- Social Media – apparently the President of the Skinners Shoot Residents Group posted a comment on Facebook, however since this was done by the applicant, there is no record of it

The notice must include the following information as a minimum, which it did not include:

- An explanation of the proposed application, noting that it has not yet been lodged with Council – this explanation was not provided on letters dropped to Yagers Lane residents or the press advertisement
- Details of where further information can be found - Website and contact details were provided, but only on letters dropped to Yagers Lane residents and the press advertisement
- **Information, including the date and time, of the arranged community meeting or workshop – There was no arranged community workshop. No Information, Date or Time was provided anywhere including the press advertisement for a community meeting.** References to workshops only appeared on the website, as shown by the proponents, not in letters or the press advertisement.
- Alternative avenues for feedback to be shared – email, telephone etc – A website and contact details were provided, but only on letters dropped to Yagers Lane residents and the press advertisement
- Final date feedback will be received and considered – this was only provided by letters dropped to Yagers Lane residents and in the press advertisement. Feedback closed 4 days after the resident-initiated meeting and before the Community was even aware of the proposal

Part E

THE DA AND PROPOSED LAND USES DO NOT COMPLY WITH STATUTORY PROVISIONS

Compliance with *Environmental Planning and Assessment Act 1979* (EPA Act) – *Liability in respect of contaminated land*

Schedule 6 of the *EPA Act* provides that planning authorities who act substantially in accordance with the Contaminated Land Guidelines are taken to have acted in good faith and thereby can avoid incurring any liability in so far as it relates to contaminated land. This includes during “the processing and determination of a development application and any application under Part 3A or Division 5.2”

In this schedule, “contaminated land means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment: contaminated land means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment”.

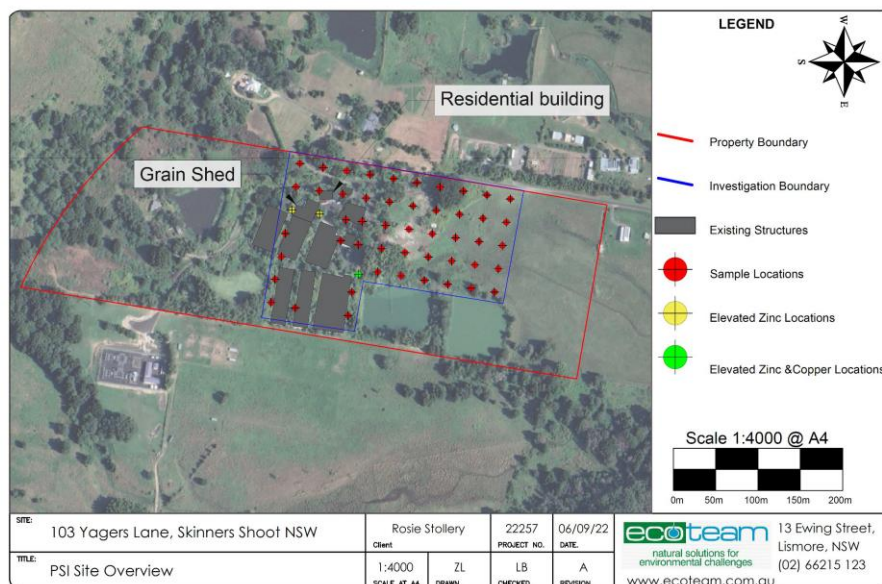
In order to act in good faith, a “planning authority needs to be satisfied that a site is suitable for its proposed use or can and will be made suitable, based on what they know of the site. This will involve an evaluation or review of the information submitted by the proponent” [3.5 Evaluation of the Information Provided by the Proponent, *Managing Land Contamination Planning Guidelines*).

EVALUATION OR REVIEW OF INFORMATION SUBMITTED BY THE PROPONENT

The areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.

The Preliminary Site Investigation states "It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required". The recommendation, however, is irrelevant, because the scoped "proposed land use" does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.

Section 4.2 of the *Contamination Report – Adopted Assessment Criteria* states "The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for **Low Density Residential** (HIL-A) and Generic EILs for **Urban Residential** and **Public Open Space** (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (**home grown produce** <10% fruit and vegetable intake, (no poultry).



The Information submitted by the Proponent is not fit for purpose. The planning authority cannot be satisfied that the site is suitable for its proposed use or can and will be made suitable, based on what they know of the site.

<u>Contravention of SEPP Requirements Chapter 4.4</u>		
SEPP Requirement	Proponent Comment	Non-compliance
4.4.2 Biodiversity and Conservation 2021	<p>The application involves the removal of two planted trees to facilitate the development as proposed.</p> <p>Reference should be made to the assessment provided against Chapter B1 of the DCP for further information in this regard, as well as the Ecological Assessment provided at Attachment 3.</p>	<p>Impacts of Horticultural and Manufacturing activities have not been referenced or accounted for in the proposal or in the <i>Ecological Assessment</i>.</p> <p>Compliance is not demonstrated.</p>
4.4.5 Resilience and Hazards 2021 – Chapter 4 Remediation of Land	<p>The objective of Chapter 4 of SEPP (Resilience and Hazards) 2021 is to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.</p> <p>Clause 4.6 of the SEPP relates to contamination and remediation that should be considered in determining a development Application. A consent authority must firstly consider whether a site is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state, or it will be suitable after remediation, for the proposed development.</p> <p>Reference should be made to Preliminary Site Investigation prepared by Ecoteam provided within Attachment 7 of this report. The report concludes that “<i>given the nature of the proposed development and the results of laboratory analysis, the risk of soil contamination to human health and environmental receptors is deemed low across the site at this time</i>”.</p>	<p>There is a high risk of harm to human health and other aspects of the environment as agriculture has not been identified as a land use or assessed in the <i>Statement of Environmental Effects</i>, <i>Preliminary Site Investigation</i> or the <i>Contamination Report</i>.</p> <p>The consent authority cannot be satisfied that the land is suitable for the proposed development. Contamination has not been investigated in areas available for growing produce. Methodologies for purposes of growing of food for human consumption are not adopted.</p> <p>The areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.</p>

<u>Contravention of SEPP Requirements Chapter 4.4</u>		
SEPP Requirement	Proponent Comment	Non-compliance
		<p><i>The Preliminary Site Investigation</i> states "It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required". The recommendation, however, is irrelevant, because the scoped "proposed land use" does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.</p> <p>Section 4.2 of the <i>Contamination Report – Adopted Assessment Criteria</i> states "The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for Low Density Residential (HIL-A) and Generic EILs for Urban Residential and Public Open Space (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (home grown produce <10% fruit and vegetable intake, (no poultry).</p> <p>Compliance is not demonstrated.</p>

<u>Contravention of SEPP Requirements Chapter 4.5</u>		
SEPP Requirement	Proponent Comment	Non-compliance
4.5 Noise Impact Assessment	<p><i>"Following an assessment of the background noise levels, attended noise measurements and noise modelling it is our view that the proposed development can be adequately managed through:</i></p> <ul style="list-style-type: none"> <i>• The implementation of a Noise Management Plan for venue operations to ensure adequate measures, roles and responsibilities are in place to achieve the project specific noise criteria.</i> <p><i>The Noise Management Plan should detail the methods that will be implemented for the whole project to minimise operational noise.</i></p>	<p>A Noise Management Plan has not been provided. The following has not been achieved:</p> <ul style="list-style-type: none"> <i>a) identification of nearby residences and other sensitive land uses;</i> <i>b) assessment of expected noise impacts;</i> <i>c) detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;</i> <i>d) clear and defined acceptable rules of behaviour for patrons;</i> <i>e) adherence to responsible service of alcohol regulations;</i> <i>f) strategies to promptly deal with and address noise complaints;</i> <i>g) details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);</i> <i>h) procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and reference to relevant consent conditions.</i> <p>Noise from farm staff coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, and pumps may have significant impact on the amenity of residents, and has not been assessed because agriculture was not identified as a land use.</p> <p>Noise impacts of the SSI Disposal unit and trucks removing this waste has not been assessed.</p> <p>The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p> <p>Compliance is not demonstrated.</p>

<u>Contravention of SEPP Requirements Chapter 4.5</u>		
SEPP Requirement	Proponent Comment	Non-compliance
	<i>A detailed assessment of the mechanical plant is required. As final plant selection has not been completed, an assessment of plant should be conducted during the design phase.</i>	<p>No such detailed assessment of the mechanical plant has been conducted.</p> <p>In particular the SSI Disposal Unit has not been identified in the Report.</p> <p>The <i>Noise Impact Assessment</i> has merely identified issues of concern and these issues have not been addressed.</p> <p>Compliance is not demonstrated.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

"In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of this application"

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;

<u>Contravention of SEPP Requirements Chapter 4.15 Evaluation</u> (b)		
SEPP Requirement	Proponent Comment	Non-compliance
Context and Setting	<p>The surrounding land uses comprise a combination of rural, rural lifestyle and tourism related activities. The development site represents a heavily modified built form comprising a former intensive piggery.</p> <p>The Land Use Conflict Risk Assessment provided at Attachment 13 confirms that the proposed development is able to satisfactorily co-exist with surrounding land uses.</p>	<p>The character and amenity of development in Skinners Shoot is rural dwellings and the odd BnB. The Arts Factory Lodge is medium-scale tourist accommodation, located on the border of the town centre. The Yoga Centre is a small primitive camping development located towards the town centre, a long way before the residential locality of Skinners Shoot. Traffic generated from these establishments does not significantly affect amenity of residents as they are located before the residential area of Skinners Shoot.</p> <p>The Tourism and Commercial Development is completely out of character with development in the locality. There are no plans for future large scale Tourist, Industrial or Commercial Developments in the locality.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(b)

SEPP Requirement	Proponent Comment	Non-compliance
		<p>A Manufacturing and Tourism facility of this scale is out of context with the natural environment of Skinners Shoot, which is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy industrial and tourist complex with staff and patrons coming and going, products being manufactured, sales being made, workshops being held, and parcels being rushed to the post-office or customers is not in context with the surrounds.</p> <p>Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone. Agricultural and manufacturing impacts are not investigated in the LUCRA Report including from the SSI Disposal unit.</p> <p>The <i>Noise Impact Assessment</i> makes no mention or assessment of the SSI Disposal unit or trucks collecting waste.</p> <p>Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p> <p>The chapter is contravened.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(b)

SEPP Requirement	Proponent Comment	Non-compliance
Access, transport and traffic	The proposal is consistent with the scale of development foreshadowed in Council's planning policies and is not expected to adversely impact on the function of the local road network.	<p>What evidence has been presented to show the proposal is consistent with the scale of development foreshadowed in Council's planning policies? There are no plans for future Tourist, Industrial or Commercial Developments to be serviced by Skinners Shoot Road, let alone with such an enormous impact.</p> <p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>A Manufacturing and Tourism facility half the size of the proposed Byron CBD Woolworths redevelopment cannot be characterised as <i>low impact</i>.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(b)

SEPP Requirement	Proponent Comment	Non-compliance
		<p>A 63% increase in traffic along Skinners Shoot Road is not low impact. An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skinners Shoot Road to an unacceptable degree. Other adverse impacts on Services, Amenity and Environment are misrepresented by the proponents, with Horticultural and Manufacturing activities not accounted for.</p> <p>Skinners Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p> <p>Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(b)

SEPP Requirement	Proponent Comment	Non-compliance
		<ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from "by appointment only" to access by the general public.</p> <p>Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the <i>Local Strategic Statement</i>. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.</p> <p>The chapter is contravened.</p>
Flora and fauna	<p>The proposal involves the removal of 2 x planted native trees. The large mature Fig and associated understorey will be retained as a key landscape feature of the development. does not require the removal of any significant vegetation. An Ecological Assessment is provided at Attachment 3 which confirms that the project is not expected to result in significant adverse ecological impacts.</p>	<p>Horticultural and Manufacturing activities have not been referenced or accounted for in the proposal, the <i>Ecological Assessment</i>, the <i>Biodiversity Assessment</i> or the <i>Flora and Fauna Assessment</i>.</p> <p>I was not able to find the <i>Ecological Assessment</i>.</p> <p>Compliance is not demonstrated.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(b)

SEPP Requirement	Proponent Comment	Non-compliance
Natural Hazards	<p>The site is mapped as being affected by bushfire prone vegetation. A Bushfire Hazard Assessment is provided within Attachment 4 with the recommendations incorporated within the project design. Whilst the site is not mapped as being flood prone, both Skinners Shoot Road and Yagers Lane do experience occasional inundation. As outlined in the assessment within Attachment a formal Flood Emergency Evacuation Plan (FERP) will be adopted for the premises relating to both local and regional flood events. This approach involves a combination of 'avoidance' (closure) in the case of forecast regional flood events and 'shelter in place' for local storm events.</p>	<p>The <i>Bushfire Report</i> does not assess impacts of Industry for example stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal unit, or stored after processing. Horticultural and Manufacturing activities have not been referenced or accounted for in the <i>Bushfire Report</i>.</p> <p>The <i>Flood Emergency Evacuation Plan</i> makes reference to Horticulture and Manufacturing merely as "ancillary activities" to the Restaurant.</p> <p>Compliance is not demonstrated.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

"In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of this application"

(c) The suitability of the site for the development:

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(c)

SEPP Requirement	Proponent Comment	Non-Compliance
Does the proposal fit within the locality	<p>The current application is accompanied by a wide range of technical assessments which confirm that the proposal represents a suitable addition to the locality.</p>	<p>None of the wide range of technical assessments mention or measure agriculture or manufacturing, and so cannot be relied upon to confirm the proposal is a suitable addition to the locality.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(c)

SEPP Requirement	Proponent Comment	Non-Compliance
	<p>Particular reference should be made to the Noise Impact Assessment (Attachment 14), Land Use Conflict Risk Assessment (Attachment 13) and Traffic Impact Assessment (Attachment 8). The proposed development will be largely hidden from view by virtue of the location of the site, topography and existing and proposed landscaping.</p>	<p>The character and amenity of development in Skinners Shoot is rural dwellings and the odd BnB. The Arts Factory Lodge is medium-scale tourist accommodation, located on the border of the town centre. The Yoga Centre is a small primitive camping development located towards the town centre, a long way before the residential locality of Skinners Shoot. Traffic generated from these establishments does not significantly affect amenity of residents as they are located before the residential area of Skinners Shoot.</p> <p>At 4,496m², including space for 71 cars and an SSI Disposal unit, the proposed Commercial and Retail Development is over half the size of the proposed Woolworths redevelopment in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m².</p> <p>The proponents attempt to measure the bulk and scale of the development merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring bulk or scale for the application of Chapter D4.1.2 of the DCP.</p> <p>The Tourism and Commercial Development is enormous in bulk and scale, and is completely out of character with development in the locality. There are no plans for future large scale Tourist, Industrial or Commercial Developments in the locality.</p> <p>The proponents attempt to characterise operations of the enterprise as merely managing a few bookings. Operations of a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than patron bookings.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation		
(c)		
SEPP Requirement	Proponent Comment	Non-Compliance
		<p>Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI disposal unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping, maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.</p> <p>The character of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the neighbourhood.</p> <p>Traffic generation of 552 vehicle trips per day, representing a 63% increase in traffic along Skinners Shoot Road is not compatible with rural dwellings and resident managed BnBs.</p> <p>How many other private SSI disposal units are operated by Commercial and Retail facilities in Byron Shire?</p> <p>The bulk, scale and operations of the proposed 4,496m², \$22 million dollar Commercial and Retail Facility is not remotely compatible with the character and amenity of current or future rural residential development at Skinners Shoot.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(c)

SEPP Requirement	Proponent Comment	Non-Compliance
Site attributes conducive to the development?	The subject lands are mapped as bushfire prone land. The development will be undertaken in accordance with the relevant standards contained within PfBP2019.	<p>Site Plans, aerial photos and Architectural Plans clearly show there is no space for agriculture under the proposal. Buildings, driveways and parking take up 4,496m² – which does not include an owner or manager's dwelling, landscaping, ponds, contaminated dams, or the planned SSI disposal. There is no space for the required Buffer Zone (200m) between Horticulture and buildings.</p> <p>The land is not conducive to horticulture as there is no space and no water source for irrigation as the dams are contaminated.</p> <p>The land has not been cleared of contamination in areas available for growing produce, and methodologies for purposes of growing food for human consumption are not used.</p> <p>Being situated in a quiet rural area, the site is not conducive to a 4,496m², manufacturing and tourism complex which is over half the size of the proposed Woolworths redevelopment in the Byron CBD.</p> <p>Being situated on a narrow dead-end road the site is not conducive to the development due to the unacceptably high level of traffic it will generate.</p> <p>This chapter is contravened.</p>

Contravention with Zones and Permissibility under LEP

Section 4.2.2 of the *Statement of Environmental Effects* fails to identify Horticulture as a Land Use. This endangers the entire premise of the proposal, which is that produce grown on the land will be served at the Restaurant in a Rural Area in support of the agricultural activities on the land, then manufactured into artisan products in the Artisan Food and Drink Industry, and be supported by a Farm Building ancillary to agriculture on the land.

The Proponents conveniently leave out of this section the definition of a Restaurant in Rural Area, under which the proposed restaurant is not permissible in an RU2 zone. They do not mention how the proposed Farm Building can be defined as a Farm Building without a farm.

<u>Contravention of Aims of the LEP Part 1.2</u>		
Aim of the LEP	Proponent Comment	Non-compliance
"the principle of providing credible information in open and accountable processes to encourage and assist the effective participation of local communities in decision making".	none	<p>The DA is incomplete and manifestly deficient as the Land Uses of agriculture and Horticulture have not been identified and are entirely absent in the <i>Statement of Environmental Effects</i> and in the Consultants' Reports.</p> <p>Details of Manufacturing are inadequately specified and impacts of Manufacturing are inadequately measured in <i>Statement of Environmental Effects</i> and in the Consultants' Reports. For example, the SSI Disposal unit is not mentioned in anywhere in the proposal or reports other than in the Site Plans and Architectural Drawings. Required consultation for Community Significant Development has not occurred.</p> <p>Please see Part C "The DA is Either a Sham or Manifestly Deficient" and Part D "Community Consultation Requirements Have not Been Met" of this Objection.</p> <p>Are the Council and residents expected to swallow the mischaracterisation of this enormous development? Can a few vegetable and flower beds and art works and references to existing pig pen footprints really get this over the line? The true Land Uses and their Impacts are absent from the DA, Consultants' Reports and any history of communication with residents or council. Cases heard in the <i>Land and Environment Court of NSW</i> refer to this a sham DA.</p> <p>This Aim is contravened.</p>
"to minimise conflict between land uses within a zone and adjoining zones and ensure minimal impact of development on the amenity of adjoining and nearby land uses".	none	<p>The Land Uses of agriculture and Horticulture have not been identified or described in the DA or Consultants' Reports.</p> <p>The Required Buffer Zone to mitigate impacts of Horticulture such as chemical spraying, operation of farm machinery and noise cannot fit on the land.</p> <p>Details of Manufacturing are inadequately specified and impacts of Manufacturing are inadequately measured in <i>Statement of Environmental Effects</i> and in the Consultants' Reports.</p> <p>Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours.</p>

Contravention of Aims of the LEP Part 1.2

Aim of the LEP	Proponent Comment	Non-compliance
		<p>Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. Noise from SSI Disposal and trucks collecting waste could be significant.</p> <p>The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone. Agricultural and manufacturing impacts are not investigated in the LUCRA Report including from the SSI Disposal unit or trucks collecting waste.</p> <p>The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them. There is no mention or assessment of the SSI Disposal unit or trucks collecting waste.</p> <p>This Aim is contravened.</p>

<u>Contravention of LEP Zone Objectives Part 2.3</u>		
Zone Objectives	Proponent Comment	Non-compliance
<p>To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural character of the locality.</p>	<p>The subject application seeks to adaptively re-use part of the former Yager's Piggery for the purpose of a small restaurant and associated uses. The proposed restaurant component involves the repurposing of part of a former piggery building which is intended to preserve the existing rural landscape of the site. The proposed new buildings to be constructed on the land are each relatively small (and clearly subservient to the large former piggery buildings. Material selection, form and height each seek to complement the existing rural development on the land and the surrounding rural character. The development as a whole has been restricted in size to accommodate a limited (and defined) number of patrons. The premises will be exclusively 'by appointment only' with 'drop in' customers or access by the general public. The application is supported by a range of reports which confirm that the application as proposed is able to satisfactorily co-exist with the surrounding rural locality without causing adverse impacts. The objective of the development is to produce high quality foods using organic produce grown onsite within dedicated horticulture areas. As such, the premise of the development is centred on the primary production capabilities of the land to support horticulture production. The proposed development will showcase gourmet food products utilising seasonal heirloom and organic produce grown on site and surrounding district. Based on the above, the development is considered to comply with the RU2 zone objectives.</p>	<p>At 4,496m², including space for 71 cars, and its own SSI Disposal unit, the proposed Tourism Use is over half the size of the proposed Woolworths redevelopment in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². The proponents attempt to measure scale merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is a adequate method of measuring scale for the application of Part 6.8 of the LEP, Part 2.3 of the LEP or Chapter D4.2.9 of the DCP. The Tourism Development is enormous in scale – physical, operational and economic scale.</p> <p>There is no guarantee that the premises will not change from "by appointment only" to access by the general public.</p> <p>Why is an SSI Disposal unit needed for a small scale Tourism Use?</p> <p>The natural environment of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, garbage being munched, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the natural environment.</p>

<u>Contravention of LEP Zone Objectives Part 2.3</u>		
Zone Objectives	Proponent Comment	Non-compliance
		<p>The land use is not a small-scale tourism use consistent with the rural character of the locality, and residents are alarmed at the enormous impact this development will have on their amenity and the natural environment.</p> <p>Please see Part A "The Development is Not a Permitted Land Use in an RU2 Zone", Part B "The Development Contravenes Aims of the DCP – Commercial and Retail Development" for further information regarding contravention of Zone Objectives and Adverse Impacts.</p> <p>This Objective is contravened.</p>

Contravention of LEP Part 6.8 Rural and Nature Based tourism Development

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

<u>Contravention of LEP Part 6.8 Rural and Nature Based tourism Development</u> (3)		
LEP Standard	Proponent Comment	Non-compliance
(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	"The development seeks to utilise the existing driveway crossover connecting to Yagers Lane. Reference should be made to proposed access arrangements outlined within the Traffic Impact Assessment provided within Attachment 8. This assessment confirms that the surrounding road network has the capacity to accommodate the development as proposed."	<p>Vehicular access for Horticultural and Manufacturing activities on the site has not been accounted for either in the proposal or in the proponents' <i>Traffic Report</i>. Access for heavy vehicles including trucks, forklifts, tractors and trucks has not been considered.</p> <p>Vehicle access as follows has not been measured:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Compliance has not been demonstrated.</p>

Contravention of LEP Part 6.8 Rural and Nature Based tourism Development		
(3)		
LEP Standard	Proponent Comment	Non-compliance
<p>STANDARD:</p> <p>(3b) the development is small scale and low impact; small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.</p> <p>PROPONENT COMMENT:</p> <p>"The proposed development is the vision of our client, Ms Maggie Schreiber, who is a relative of the owner of the land. Ms Schreiber as lived on the land for approximately 20 years and will manage and oversee the operation of the premises. The activities on the site will be guided by a clear and defined Operational Management Plan to ensure that all requirements of the development are implemented in accordance with applicable conditions of consent to minimise impact (both onsite and offsite).</p> <p>The proposed activities have been carefully curated by our client to ensure that the overarching vision of the premises is achieved in a manner which is respectful to the site, compatible with the surrounds and capable of being overseen and managed by her. All guests attending the premises will need to have a prior reservation, with no access to the site for the general public on a 'drop-in' basis.</p> <p>The reservation only nature of the proposal will enable Ms Schreiber to manage attendance at the site to ensure that the customer experience matches the vision for the site.</p> <p>The proposal provides for an exclusive and intimate experience for a relatively small number of diners in the 45 seat restaurant. An experienced chef will manage the 'day to day' of the restaurant, with such operations occurring in accordance with the development consent and operational management plan for the site. It is noted that a relatively large number of FTE staff will be engaged within the restaurant. However, this is typical for premises which provide high end, fine dining experiences. In this regard, by their very nature, such premises require a significantly higher staff to guest ratio than typical restaurants so as to deliver the desired quality of food and service.</p> <p>Not more than 75 guests will be on site at any time (maximum of 60 in the restaurant / lounge and 15 in the Artisan Area). The 75 maximum guest capacity occurs only 15 hours per week in the middle of the day (when the artisan area and restaurant are operational at the same time220322 Statement of Environmental Effects Page 39.</p> <p>In the evening, the artisan area will be non-operational, resulting in a maximum of 60 guests on site (in both the restaurant and lounge area).</p> <p>The small number of restaurant guests attending the site are such that it's reasonable to conclude that the development is small scale.</p> <p>We also note that whilst the restaurant occupies a relatively generous footprint, this needs to be considered in the context of the existing scale of buildings on the land (which are substantial) and the desire to provide an exclusive, private and generously proportioned space. The number of guests accommodated on site remains small notwithstanding the size of the building.</p> <p>The application is supported by a range of assessments which confirm that the project will be able to satisfactorily co-exist with surrounding uses and can reasonably considered 'low impact' including a Noise Impact Assessment, Land Use Conflict Risk Assessment, Ecological Assessment and Waste Water Assessment.</p>		

NON COMPLIANCE:

THE TOURISM DEVELOPMENT/USE IS NOT SMALL SCALE OR LOW SCALE

At 4,496m², including space for 71 cars, and its own SSI Disposal unit, **the proposed Rural Tourism Development/Restaurant in a Rural Area is over half the size of the proposed Woolworths redevelopment** in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². The proponents attempt to measure scale merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is a adequate method of measuring scale for the application of Part 6.8 of the LEP, Part 2.3 of the LEP or Chapter D4.2.9 of the DCP. The Tourism Development is enormous in scale – physical, operational and economic scale.

Why is an SSI Disposal unit needed for a small or low scale Tourism Development/Restaurant in a Rural Area?

The Scale is not Small enough to be generally managed and operated by the principal owner living on the property

The proponents attempt to characterise the operational scale of the enterprise as merely managing a few bookings, which Maggie herself has volunteered to do, while living on the property.

Managing and operating a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than attending to patron bookings.

Management and Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI disposal unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping, maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.

And where on Lot 8 will the owner or manager live, while managing and operating the enterprise? Very special treatment seems to have been provided in order for a Dwelling to be approvable on this Lot, with its own section inserted into the LEP. However no provision has been made for the owner or manager's dwelling on Lot 8.

No person, whether principal owner or manager, could be expected to be capable of managing and operating this enormous Rural Tourism Development while living on the property. There is no provision for the owner or manager's dwelling on Lot 8.

NON COMPLIANCE: THE DEVELOPMENT IS NOT LOW IMPACT

A Manufacturing and Tourism facility half the size of the proposed Byron CBD Woolworths redevelopment cannot be characterised as *low impact*. A 63% increase in traffic along Skinners Shoot Road is not low impact. An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skinners Shoot Road to an unacceptable degree. Other adverse impacts on Services, Amenity and Environment are misrepresented by the proponents, with Horticultural and Manufacturing activities not accounted for.

Skinners Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.

Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.

The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:

- Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff
- Arrival and departure of restaurant patrons
- Truck deliveries of farm equipment and supplies
- Inwards and outwards goods deliveries by truck for manufacturing
- Trucks collecting waste from the SSI Disposal unit
- Deliveries of artisan products to the post office or to customers by courier from online sales
- Pedestrians and cyclists

Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from "by appointment only" to access by the general public.

The proponents' *Traffic Report* has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. **The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.**

Instead, the proponents' *Traffic Report* states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".

This *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts. **Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the *Traffic Peer Review* instead.**

Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the *Local Strategic Statement*. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.

Other impacts on Services, Amenity and Environment have been misrepresented in the DA, with Horticulture and Manufacturing impacts entirely unassessed. The following reports cannot be relied upon to suggest the proposed Tourism Development is low-impact:

The Acoustic Report, Noise Impact Assessment, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.

The *Water Management Report* does not reference the primary uses of water – Horticulture and Manufacturing. Rather its scope encompasses water that will be used for "Food preparation" and "Outdoor use such as garden watering". It does however state that the dams are contaminated. Can it be confirmed that Rous Water are aware of this proposed Manufacturing and horticultural use?

Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. **The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone.** Agricultural and manufacturing impacts are not investigated in the LUCRA Report including from the SSI Disposal unit.

The Flora and Fauna Assessment does not investigate impacts of Horticulture or Manufacturing.

The *Bushfire Report* does not assess impacts of Horticulture (eg a change in vegetation) or stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal unit, or stored after processing.

Contravention of LEP Part 6.8 Rural and Nature Based tourism Development

(3)

LEP Standard	Proponent Comment	Non-compliance
<p>The <i>Noise Impact Assessment</i> makes no mention or assessment of the SSI Disposal unit or trucks collecting waste. Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p>	<p>Does the <i>Waste Management Report</i> assess impacts of the SSI Disposal Unit?</p>	<p>The natural environment of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, garbage being munched, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the natural environment.</p> <p>The proposed 4,496m², \$22 million dollar Tourist Development/Restaurant in a Rural Area is not small or low scale – either physically, operationally or economically. Operation of the enormous enterprise, which proposes to grow, manufacture, pack, mail, sell and serve a huge range of products, cannot be conducted by an owner or manager living on the property. There is not even a house on Lot 8 for an owner or manager to live. The proponents fail to demonstrate the Tourist Development/Restaurant in a Rural Area is low-impact, and have left out impacts of Horticulture and Manufacturing from their proposal. The land use is not a small-scale tourism use consistent with the rural character of the locality, and residents are alarmed at the enormous impact this development will have on their amenity and the natural environment. It is therefore prohibited by Part 6.8 of the LEP, Part 2.3 of the LEP and Chapter D4.2.9 of the DCP.</p>
<p>This Chapter is contravened.</p>		

LEP STANDARD	PROPONENT COMMENT	NON-COMPLIANCE
<p>(d) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment.</p>	<p>"A significant area of the site will be retained for horticultural purposes. These areas will be utilised for growing fruit, vegetables, herbs and flowers for the proposed restaurant and artisan food and drink industry. The development involves the adaptive re-use of an existing agricultural building (former piggery) to reduce the physical impact of the development and preserve the rural amenity of the locality. The development will not have any significant adverse impacts on the surrounding environment. Reference should be made to the various environmental assessments referred to throughout this report."</p>	<p>At 4,496m², including space for 71 cars, and its own SSI Disposal unit, the proposed Tourism Use is over half the size of the proposed Woolworths redevelopment in the Byron CBD.</p> <p>The proponents suggest adaptive re-use of the existing pig pens will somehow reduce the impact of the development. There is nothing in the NSW Planning Framework or Case Law to suggest this is a adequate method of measuring impact for the application of LEP or DCP. This will not reduce the impacts of traffic, noise, manufacturing or horticulture on residents or Council.</p> <p>The proponents do not dispute here the significant impact on Amenity.</p> <p>An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skinners Shoot Road to an unacceptable degree. Other adverse impacts on Services, Amenity and Environment are misrepresented by the proponents, with Horticultural and Manufacturing activities not accounted for. For example the SSI Disposal unit is not mentioned or measured in the <i>Statement of Environmental Effects</i> or <i>Consultants' Reports</i>.</p> <p>Skinners Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p>

		<p>Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit.</p> <p>Traffic will be generated by:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.</p> <p>The proponents’ <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons.</p>
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		<p>The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the <i>Local Strategic Statement</i>. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips on the Amenity and Natural Environment of Skinners Shoot will be huge, for both Council or residents.</p> <p>Other impacts on Services, Amenity and Environment have been misrepresented in the DA, with Horticulture and Manufacturing impacts entirely unassessed.</p>
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		<p>Amenity will be disrupted due to conflicts between land uses which will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone. Agricultural and manufacturing impacts are not investigated in the LUCRA Report including from the SSI Disposal unit.</p> <p>The Flora and Fauna Assessment does not investigate impacts of Horticulture or Manufacturing.</p> <p>The <i>Noise Impact Assessment</i> makes no mention or assessment of the SSI Disposal unit or trucks collecting waste. Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p> <p>The natural environment of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, garbage being munched, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the natural environment.</p> <p>This Chapter is contravened.</p>
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<u>Contravention of LEP Part 6.6 Essential Services</u>		
LEP Standard	Proponent Comment	Non-compliance
Supply of Water	<p>The property has a connection to the Rous Water reticulated supply. Notwithstanding this, the development proposes to be a sustainable, closed system and therefore proposes to use rain water tanks for collection of roof water, which will then supply potable and nonpotable water. No roof water collection is to be made from any existing roofs due to the potential of contamination and given that they may contain asbestos. Only new roofs installed as part of this development are to be used for the collection of potable water. Water will be pumped from the rainwater storage tank in order to service the potable water requirements. It is intended that the rainwater storage tanks will sized to be utilised to service all the water demands of the proposed development, not just potable requirements. The sizing of water tanks will be as per the hydraulic engineers requirements and would be done as part of the construction certificate application. A Water Management Plan prepared by Greg Alderson and Associated is provided at Attachment 10.</p>	<p>Arrangements have not been made for the provision of water to the farm, which potentially includes horticultural irrigation, or the Manufacturing facility for artisan food and drink production. It is not clear whether Rous Water has been consulted about the agricultural and industrial activities.</p> <p>Rainwater tanks are highly unlikely to be sufficient for irrigation and food processing, and other sources of water such as the dams on the property have been stated as unusable due to contamination.</p> <p><i>The Water Management Report</i> does not reference the major use of water – Horticulture and Manufacturing. Rather its scope encompasses water that will be used for “Food preparation” and “Outdoor use such as garden watering”. It also mentions that the dams are contaminated.</p> <p>Compliance is not demonstrated.</p>

<u>Contravention of LEP Part 6.6 Essential Services</u>		
LEP Standard	Proponent Comment	Non-compliance
Stormwater Management	<p>Greg Alderson and Associates have prepared a Stormwater Management Plan for the proposal which is provided at Attachment 12. The report advises that:</p> <ul style="list-style-type: none"> • <i>Runoff from the existing developed areas on site will generally utilise existing drainage paths, ultimately flowing to the north via an existing open channel.</i> • <i>A new underground pipe system will be provided for the proposed new development areas (new vehicular and landscaping areas) which will convey runoff to the existing open channel. Overland flow paths will be provided to direct runoff in excess of the underground system to the channel.</i> • <i>On-Site Detention has been proposed by way of a 6.0m(W) x 13.2(L) x 0.9m(H) Ausdrain Enviromodule underground tank. Provision of this tank ensures site discharges do not exceed existing levels.</i> • <i>Site runoff will be treated by a multi-faceted treatment train utilising, vegetated swales, buffer strips, and bioretention. MUSIC modelling of the proposed measures has calculated that the treatment train pollutant reduction exceeds Council's requirements.</i> 	<p>Horticultural and Manufacturing activities have not been referenced or accounted for either in the proposal or in the <i>Stormwater Management Plan</i>.</p> <p>Irrigation of fruit trees, vegetables and grain would be expected to result in significant run-off. Use of chemicals and fertilizers may cause this run-off to have adverse impacts.</p> <p>Details of farm structures such as netting and shade cloth have not been provided.</p> <p>No details of horticultural operations have been provided.</p> <p>Compliance has not been demonstrated.</p>

<u>Contravention of LEP Part 6.6 Essential Services</u>		
LEP Standard	Proponent Comment	Non-compliance
Vehicular Access	<p>Vehicular access will be achieved via the upgrade of the existing driveway crossover connecting to Yagers Lane. New internal driveways will be constructed within the property providing access to a formal carparking area, a dedicated guest drop off area, staff parking and deliveries. Reference should be made to the Traffic Impact Assessment at Attachment 8.</p>	<p>Vehicular access for Horticultural and Manufacturing activities on the site has not been accounted for either in the proposal or in the proponents' <i>Traffic Report</i>. Access for heavy vehicles including trucks, forklifts, tractors and trucks has not been considered.</p> <p>Vehicle access as follows has not been measured:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Compliance has not been demonstrated.</p>

Contravention of DCP Section B1

Requirement	Proponent Comment	Compliance is not Demonstrated
4.3.2 Biodiversity	Refer to Section 7.2 of the Ecological Assessment provided at Attachment 3 , which incorporates a full assessment against Chapter B1 of the Byron DCP. In short, the assessment did not identify adverse impacts on significant flora or fauna species.	<p>Horticultural and Manufacturing activities have not been referenced or accounted for either in the proposal or in the <i>Ecological Assessment</i>.</p> <p>The findings that there are no adverse impacts on flora or fauna are irrelevant as the scope of the Report is inadequate.</p> <p>Compliance is not demonstrated.</p>

Contravention of DCP Section B3.2.1 Provision of Services

DCP Requirement	Proponent Comment	Evidence of Non-compliance
<p>Water Supply</p> <p>Development shall be provided with an adequate water supply connection or have suitable arrangements in place for the provision of an adequate water supply service.</p>	Complies Refer to the Water Management Plan provided at Attachment 10	<p>Arrangements have not been made for the provision of water to the farm, which potentially includes horticultural irrigation, or the manufacturing facility for food product production. It is not clear whether Rous Water has been consulted about the agricultural and industrial activities, as the Water Management Plan does not mention requirements for agriculture or manufacturing.</p> <p>Rainwater tanks are highly unlikely to be sufficient for irrigation and food processing, and other sources of water such as the dams on the property have been stated as unusable due to contamination.</p> <p>The <i>Water Management Plan</i> does not mention, measure or make any conclusions regarding the water for Horticulture or Manufacturing. The <i>Contamination Report</i> states that the dams are contaminated.</p> <p>Compliance is not demonstrated.</p>

DCP Requirement	Proponent Comment	Evidence of Non-compliance
<p>Stormwater and Drainage Development must comply with the requirements set out in Sections B3.2.3 and B3.2.4 relating to stormwater management and erosion and sedimentation control</p>	<p>Complies. Refer to the Stormwater Management Plan provided at Attachment 12</p>	<p>Run-off, erosion and sedimentation control in regards to Horticultural and Industrial activities is not mentioned in the <i>Stormwater Management Plan</i>.</p> <p>Irrigation of fruit trees, vegetables and grain would be expected to result in significant run-off. Use of chemicals and fertilizers may cause this run-off to have adverse impacts.</p> <p>Details of farm structures such as netting and shade cloth have not been provided.</p> <p>Details of horticultural operations have not been provided.</p> <p>Compliance is not demonstrated</p>
<p>Road access – General Development must comply with road access requirements contained in Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access, and the Northern Rivers Development & Design Manual</p> <p>Road access – Bushfire Prone On bushfire prone land, road access may need to be improved to facilitate access by the NSW Rural Fire Service. For specific requirements please refer to the current version of the NSW RFS Planning for Bushfire Protection and any additional design information included in "Practice Notes or Fast Facts Sheets".</p>	<p>Complies Refer to the Traffic Impact Assessment provided at Attachment 8</p> <p>Applicable RFS requirements have been incorporated into the design, including compliant turning circles for RFS vehicles and access to a static water supply.</p>	<p>Skidders Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p> <p>Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p>

DCP Requirement	Proponent Comment	Evidence of Non-compliance
<p>Road access – Council controlled roads</p> <p>Where development is proposed with frontage to a Council controlled road, or where access to a development site relies on a Council controlled road, road construction and upgrading may be required.</p>	<p>As outlined in the Traffic Impact assessment at Attachment 8, two passing bays are to be provided in Yagers Lane.</p>	<p>Traffic generative by this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit.</p> <p>Traffic will be generated by:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from "by appointment only" to access by the general public.</p> <p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal unit are not counted. Neither are trips</p>

DCP Requirement	Proponent Comment	Evidence of Non-compliance
		<p>to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the <i>Local Strategic Statement</i>. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.</p> <p>The <i>Bushfire Report</i> does not assess impacts of Horticulture (eg a change in vegetation) or stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal unit, or stored after processing.</p> <p>Compliance not demonstrated.</p>

Contravention of DCP Section B3.2.3 Stormwater Management

DCP Requirement	Proponent Comment	Non-compliance
<p>An applicant may lodge detailed stormwater management plans with the development application for concurrent approval under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993, as necessary.</p> <p>Alternatively stormwater management concept plans must be lodged with the development application and a condition of consent will require the relevant approvals prior to issue of the Construction Certificate.</p>	<p>Complies</p> <p>A Stormwater Management Plan is provided at Attachment 12.</p>	<p>Horticultural and agricultural activities have not been referenced or accounted for either in the proposal or in the <i>Stormwater Management Plan</i>.</p> <p>Compliance not demonstrated.</p>

Contravention of DCP Section B4 Traffic planning, vehicle parking, circulation and access

B4.1.2 Aims of this Chapter 1. To ensure that all relevant traffic impacts relating to development are identified, assessed and mitigated		
B4.1.2 Aims of this Chapter 1. To ensure that all relevant traffic impacts relating to development are identified, assessed and mitigated	None	<p>The only way to mitigate the traffic impacts is to reject the application.</p> <p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>A 63% increase in traffic along Skinners Shoot Road is predicted. An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skinners Shoot Road to an unacceptable degree.</p> <p>Skinners Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p>

B4.1.2 Aims of this Chapter

1. To ensure that all relevant traffic impacts relating to development are identified, assessed and mitigated

Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.

The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:

- Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff
- Arrival and departure of restaurant patrons
- Truck deliveries of farm equipment and supplies
- Inwards and outwards goods deliveries by truck for manufacturing
- Trucks collecting waste from the SSI Disposal unit
- Deliveries of artisan products to the post office or to customers by courier from online sales
- Pedestrians and cyclists

Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from "by appointment only" to access by the general public.

Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the *Local Strategic Statement*. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.

The Chapter is contravened.

DCP Requirement	Proponent Comment	Non-compliance
<p>B4.2.1 Traffic Impact A Traffic Impact Study should follow the standard format and structure described in the Roads and Maritime Authority's (RMS) 'Guide to Traffic Generating Developments' (as amended from time to time by a superseding document prepared by RMS).</p>	<p>Complies A Traffic Impact Assessment is provided at Attachment 8.</p>	<p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>Compliance is not demonstrated.</p>

DCP Requirement	Proponent Comment	Non-compliance
B4.2.2 Parking Layout Standards Car parking requirements, parking layout, driveway widths and vehicle manoeuvring areas are to be in accordance with the relevant sections of the current editions of Australian Standard 2890.	Complies Refer to the Traffic Impact Assessment provided at Attachment 8.	Arrangements for parking, layout, driveway widths and vehicle manoeuvring have not been made with consideration of agricultural or manufacturing activities. Traffic will be generated by: - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists
B4.2.3 Vehicle Access and Manoeuvring Driveways and manoeuvring areas are to be designed and constructed in accordance with the requirements of the current editions of Australian Standard 2890, Austroads and the Northern Rivers Local Government Development & Design Manual.	Complies Refer to the Traffic Impact Assessment provided at Attachment 8.	- Pedestrians and cyclists
B4.2.3 Vehicle Access and Manoeuvring Designs for manoeuvring areas are to be in accordance with the current editions of Australian Standard 2890 and must include a swept path analysis for the relevant design vehicle.	Complies Refer to the Traffic Impact Assessment provided at Attachment 8.	The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.
B4.2.3 Vehicle Access and Manoeuvring Driveways, manoeuvring areas and parking areas, including loading & unloading areas, should be sealed with an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment. Porous paving should be provided, where soils are capable of high infiltration rates, for parking spaces	The driveways will be constructed on coloured exposed aggregate and paving.	Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment

DCP Requirement	Proponent Comment	Non-compliance
(other than those for people with disabilities) and domestic driveways. Gravel surfaces are generally not acceptable in urban locations and some rural situations (issues such as noise, dust, and erosion need to be considered).		is expected to function as a small café/takeaway for the occasional visitor to the area, a “sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee”.
B4.2.8 Bicycle Parking Development Proposals must make provision for bicycle parking in accordance with Table B4.1. The Bicycle parking is also to be designed in accordance with the current editions of AS 2890 Parking Facilities, Austroads and the NSW RTA Bicycle Guideline 2005 as appropriate and as nominated under Chapter B5 Providing for Cycling.	Ample informal space is available on site for bicycle parking.	This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents’ report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.
B4.2.9 Loading Bays All developments have a need for a safe loading and unloading area (service area) which does not obstruct the passage of vehicles or pedestrians. Unless designed specifically for a nominated vehicle type or types appropriate to the use of the proposed development, loading bays should be provided in accordance with the schedule contained in Table B4.2	Refer to the Traffic Impact Assessment provided at Attachment 8. The assessment confirms that suitable areas are available for both SRV & MRV parking	

Contravention of DCP Section B6 Buffers and Minimising Land Use Conflict

DCP Requirement	Proponent Comment	Non-compliance
B6.2.1 Responsibility for Managing Land Use Conflict Performance Criteria 1. It is the responsibility of applicants for development consent to ensure that potential land use conflicts are identified and managed appropriately. 2. Development applications must identify potential land use conflicts and must be designed to avoid those conflicts, or to reduce them to acceptable levels.	None	<p>The Land Use of Horticulture has not been identified. Land use conflicts have not been adequately identified or managed.</p> <p>There is no provision or space for the 200m Buffer Zone required for Horticulture approval. No impacts of Horticulture or agriculture have been assessed. .</p> <p>The Noise Impact Assessment makes no mention or assessment of the SSI Disposal unit or trucks collecting waste. Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will be significant. The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p> <p>Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone. The <i>LUCRA Report</i> does not investigate the impacts of noise and manufacturing operations. The SSI Disposal unit is not referred to anywhere in the report.</p> <p>The findings that there were no unacceptable land use conflicts are irrelevant as the scope of the Report is totally inadequate.</p>
B6.2.2 Conflict Risk Assessment All development applications must identify any potential for land use conflicts and the means proposed to address those conflicts. In cases where potential for conflict is evident, development applications must be accompanied by a formal Conflict Risk Assessment and associated mapping.	Complies Refer to the Land Use Conflict Risk Assessment (LUCRA) provided at Attachment 13 . The assessment did not identify any unacceptable land use conflicts with surrounding rural land uses.	
B6.2.3 Planning Principles to Minimise Land use Conflict Performance Criteria 1 c) It is the responsibility of the encroaching development to provide the necessary setback and buffer to incompatible land uses	None	
2. Environmental Protection B) The potential for land use conflict and development of mitigation measures should be assessed as part of any proposed intensification of use	None	

DCP Requirement	Proponent Comment	Non-compliance
<p>3. Community engagement a) Community engagement, including consultation with adjoining landowners and operators of 'scheduled activities'... should be part of the development planning process to identify and avoid land use conflict</p>	<p>None</p>	<p>Since the proposal does not identify Horticulture as a land use, community engagement has not been part of the planning process.</p> <p>Details of Manufacturing operations are not sufficient to identify and avoid land use conflict.</p> <p>Engagement Requirements for Community Significant Development have not been met.</p> <p>The Community was largely made aware of the proposal through the efforts of a resident who was out walking. Upon picking up what he thought to be litter, a letter describing the proposal was discovered. This resident, who did not receive the letter, then requested information from the proponent, and initiated communication.</p> <p>Despite the proponent's assertions, requirements for community consultation have not been met for this Community Significant Development. Since I was not aware of the proposal prior to being recently advised by a neighbour (as is the position of many residents) I rely for this section on the <i>Pre lodgement Community Engagement Report</i> and copies of letters provided by neighbours.</p> <p><u>1. No facilitated community meeting or workshop has taken place</u></p> <p>A meeting initiated by a Skinners Shoot resident did take place on 16 October 2022, at which some Concepts were presented to a handful of residents by Maggie and an architect. This cannot be considered a facilitated community meeting or workshop because:</p> <ul style="list-style-type: none"> • The meeting was not facilitated or initiated by the proponent • It has been categorically stated by the proponent and their town planner that the resident-initiated meeting on 16 October 2022 was not a pre lodgement meeting. <p>This statement was made at a council meeting on 10 August 2023 in front of Councillors and Staff and is a matter of public record on Council's website.</p>

DCP Requirement	Proponent Comment	Non-compliance
		<ul style="list-style-type: none"> • Adjoining and surrounding landowners and known community groups were not notified of any meeting • Correspondence as shown in <i>Appendix 7</i> on 20th October states that “the community engagement period is over”. This is 4 days after the resident-initiated meeting. <p><u>2. The community has not had adequate time to consider and comment on the proposal</u> <i>Section 3.0 Engagement Process</i> states there was a letter drop on 28th September 2022 – only Yagers Lane residents received this letter.</p> <ul style="list-style-type: none"> • The Letterdrop as shown in <i>Appendix 1</i> does not provide notice of any meeting, but merely advises that an appointment can be made for a Workshop. It also says the closing date for comments is the 12th October, which is prior to the resident-initiated meeting which the proponent is attempting to disguise as a facilitated community meeting or workshop. There is no indication of who this letter was dropped to. No residents other than on Yagers Lane received this letter. • The Response from Maggie Schreiber on 20th October 2022 as shown in <i>Appendix 7</i> states that “the community engagement period is over”. This is 4 days after the resident-initiated meeting. At this point, only residents who attended the resident-initiated meeting on 22 October are aware of the proposal. The community engagement period closed before the community was even aware of the proposal. <p><u>3. The applicant has not, as a minimum, given at least 10 days’ notice of the above community consultation meeting or workshop, for community significant development as follows:</u></p> <ul style="list-style-type: none"> • Letter To Known Community Groups – no letter was sent to Skinners Shoot Residents Group or Butler Street Residents Group

DCP Requirement	Proponent Comment	Non-compliance
		<ul style="list-style-type: none"> • Newspaper Notice – The press advertisement as shown in <i>Appendix 3 of the Pre Lodgement Community Engagement Report</i> does not mention a date for a meeting, a location for a meeting, or in fact any meeting at all. There is a vague reference to “workshops by appointment” and a Gardenhouse website. • Site Notice – from the Report, this appears to have been done • Social Media – apparently the President of the Skinners Shoot Residents Group posted a comment on Facebook, however since this was done by the applicant, there is no record of it <p><u>The notice must include the following information as a minimum, which it did not include:</u></p> <ul style="list-style-type: none"> • An explanation of the proposed application, noting that it has not yet been lodged with Council – this explanation was not provided on letters dropped to Yagers Lane residents or the press advertisement • Details of where further information can be found - Website and contact details were provided, but only on letters dropped to Yagers Lane residents and the press advertisement • Information, including the date and time, of the arranged community meeting or workshop – There was no arranged community workshop. No Information, Date or Time was provided anywhere including the press advertisement for a community meeting. References to workshops only appeared on the website, as shown by the proponents, not in letters or the press advertisement. • Alternative avenues for feedback to be shared – email, telephone etc – A website and contact details were provided, but only on letters dropped to Yagers Lane residents and the press advertisement

DCP Requirement	Proponent Comment	Non-compliance
		<ul style="list-style-type: none"> Final date feedback will be received and considered – this was only provided by letters dropped to Yagers Lane residents and in the press advertisement. Feedback closed 4 days after the resident-initiated meeting and before the Community was even aware of the proposal
B6.2.4 Buffers Prescriptive Measures The buffer distances in Tables B6.1... apply generally to development.	"Noted"	The <i>Land Use Matrix</i> and <i>Table B6.1</i> recommends a minimum of 200m between Horticulture and rural dwellings. No Buffer is proposed for the development and a 200m buffer cannot fit on the land.

Contravention of DCP Section B8 Waste Minimisation and Management

The Proponent seeks to rely on the *Operational Waste Management Plan* for compliance with this section.

However Horticultural activities have not been referenced or accounted for either in the proposal or in the *Operational Waste Management Plan*. Details regarding Manufacturing have been inadequately specified.

Has the planned SSI Disposal unit and the trucks required to collect waste been accounted for in the *Operational Waste Management Plan* ?

Contravention of DCP Chapter D4 – Commercial and Retail Development

DCP Requirement	Proponent Comment	Non-compliance
<p>D4.1.2 Aims</p> <p>1. To ensure that the bulk, scale, character and operation of business, commercial retail and associated development are compatible with the character and amenity of development in the locality and in the Shire</p>	None	<p>The character and amenity of development in Skinners Shoot is rural dwellings and the odd BnB. The Arts Factory Lodge is medium-scale tourist accommodation, located on the border of the town centre. The Yoga Centre is a small primitive camping development located towards the town centre, a long way before the residential locality of Skinners Shoot. Traffic generated from these establishments does not significantly affect amenity of residents as they are located before the residential area of Skinners Shoot.</p> <p>At 4,496m², including space for 71 cars and an SSI Disposal unit, the proposed Commercial and Retail Development is over half the size of the proposed Woolworths redevelopment in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². The proponents attempt to measure the bulk and scale of the development merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring bulk or scale for the application of Chapter D4.1.2 of the DCP. The Tourism and Commercial Development is enormous in bulk and scale, and is completely out of character with development in the locality. There are no plans for future large scale Tourist, Industrial or Commercial Developments in the locality.</p> <p>The proponents attempt to characterise operations of the enterprise as merely managing a few bookings. Operations of a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than patron bookings.</p>

DCP Requirement	Proponent Comment	Non-compliance
		<p>Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI disposal unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping , maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.</p> <p>The character of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the neighbourhood.</p> <p>Traffic generation of 552 vehicle trips per day, representing a 63% increase in traffic along Skinners Shoot Road is not compatible with rural dwellings and resident managed BnBs.</p> <p>How many other private SSI disposal units are operated by Commercial and Retail facilities in Byron Shire?</p>
7. To promote reduction in motor vehicle trips, and to encourage pedestrian and bicycle access, usage and mobility	None	<p>The development will generate the following extra motor vehicle trips:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of machinery and irrigation equipment and other farm supplies - Inwards and outwards goods deliveries by truck for Manufacturing - Deliveries of artisan products to the post office or to customers by courier for online sales <p>Skinners Shoot Road is not suitable for pedestrians or cyclists. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p>

DCP Requirement	Proponent Comment	Non-compliance
		Early morning (6am) and late night (11pm) traffic, which is currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from "by appointment only" to access by the general public.

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas

DCP Requirement	Proponent Comment	Non-Compliance
Objectives 2. To mitigate and manage any land use conflicts	None	Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone. Agricultural and manufacturing impacts are not investigated in the LUCRA Report including from the SSI Disposal unit.
Objectives 3. To limit the impacts of a restaurant or café on the broader environment	None	<p>The proposal, which includes a Manufacturing and Tourism facility half the size of the proposed Byron CBD Woolworths redevelopment does not limit the impacts of a restaurant or café on the broader environment. A 63% increase in traffic along Skinners Shoot Road is predicted. An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skinners Shoot Road to an unacceptable degree. Other adverse impacts on Services, Amenity and Environment are misrepresented by the proponents, with Horticultural and Manufacturing activities not accounted for.</p> <p>Skinners Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas

DCP Requirement	Proponent Comment	Non-Compliance
		<p>Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.</p> <p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states “For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a “sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee”.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the <i>Local Strategic Statement</i>. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.</p> <p>Other impacts on Services, Amenity and Environment have been misrepresented in the DA, with Horticulture and Manufacturing impacts entirely unassessed. The following reports cannot be relied upon to suggest the proposed Tourism Development is low-impact:</p> <p><i>The Acoustic Report, Noise Impact Assessment, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.</i></p> <p>The <i>Water Management Report</i> does not reference the primary uses of water – Horticulture and Manufacturing. Rather its scope encompasses water that will be used for "Food preparation" and "Outdoor use such as garden watering". It does however state that the dams are contaminated. Can it be confirmed that Rous Water are aware of this proposed Manufacturing and horticultural use?</p> <p>Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas

DCP Requirement	Proponent Comment	Non-Compliance
		<p>Agricultural and manufacturing impacts are not investigated in the LUCRA Report including from the SSI Disposal unit.</p> <p>The Flora and Fauna Assessment does not investigate impacts of Horticulture or Manufacturing.</p> <p>The <i>Bushfire Report</i> does not assess impacts of Horticulture (eg a change in vegetation) or stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal unit, or stored after processing.</p> <p>The <i>Noise Impact Assessment</i> makes no mention or assessment of the SSI Disposal unit or trucks collecting waste. Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p> <p>Does the <i>Waste Management Report</i> assess impacts of the SSI Disposal Unit?</p> <p>The natural environment of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, garbage being munched, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the natural environment.</p> <p>The proposed 4,496m², \$22 million dollar Tourist Development/Restaurant in a Rural Area is not small or low scale – either physically, operationally or economically. Operation of the enormous enterprise, which proposes to grow, manufacture, pack, mail, sell and serve a huge range of products, cannot be conducted by an owner or manager living on the property. There is not even a house on Lot 8 for an owner or manager to live.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>The proponents fail to demonstrate the Tourist Development/Restaurant in a Rural Area is low-impact, and have left out impacts of Horticulture and Manufacturing from their proposal. The land use is not a small-scale tourism use consistent with the rural character of the locality, and residents are alarmed at the enormous impact this development will have on their amenity and the natural environment. It is therefore prohibited by Part 6.8 of the LEP, Part 2.3 of the LEP and Chapter D4.2.9 of the DCP.</p> <p>This Objective is contravened.</p>
Objectives 4. To provide an avenue for supplementary income on rural holdings	None	<p>The income from a \$22 million dollar Tourism Development cannot be supplementary to the other income generated from this rural holding, as there is no other income generated from this rural holding.</p> <p>This Objective is contravened.</p>
Performance Criteria 2. The development is to be low scale and able to be generally managed and operated by the principle owners(s)/ manager living on the property.	Refer to assessment against Clause 6.8 of the BLEP.	<p>At 4,496m², including space for 71 cars, and its own SSI Disposal unit, the proposed Rural Tourism Development/Restaurant in a Rural Area is over half the size of the proposed Woolworths redevelopment in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². The proponents attempt to measure scale merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring scale for the application of Part 6.8 of the LEP, Part 2.3 of the LEP or Chapter D4.2.9 of the DCP. The Tourism Development is enormous in scale – physical, operational and economic scale.</p> <p>The proponents attempt to characterise the operational scale of the enterprise as merely managing a few bookings, which Maggie herself has volunteered to do, while living on the property. Managing and operating a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than attending to patron bookings.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>Management and Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI disposal unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping, maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.</p> <p>And where on Lot 8 will the owner or manager live, while managing and operating the enterprise? Very special treatment seems to have been provided in order for a Dwelling to be approvable on this Lot, with its own section inserted into the LEP. However no provision has been made for the owner or manager's dwelling on Lot 8.</p> <p>No person, whether principal owner or manager, could be expected to be capable of managing and operating this enormous Rural Tourism Development while living on the property. There is no provision for the owner or manager's dwelling on Lot 8.</p> <p>The Chapter is contravened.</p>
<p>Performance Criteria</p> <p>3. The restaurant or café shall be complementary to the principal agricultural or environmental activities on the land in the RU1 or RU2 Zone and where possible, value add to produce either harvested or manufactured on the property or</p>	<p>A range of horticultural plantings including heirloom vegetables and fruits, herbs and flowers will be grown on site and served at the restaurant.</p>	<p>Agriculture is not conducted, proposed to be conducted or able to be conducted on the land. Site Plans, aerial photos and Architectural Plans clearly show there is no space for agriculture under the proposal. Buildings, driveways and parking take up 4,496m² – which does not include an owner or manager's dwelling, landscaping, ponds, contaminated dams, or the planned SSI disposal. There is no space for the required Buffer Zone (200m) between Horticulture and buildings. There is no provision for irrigation. The site has not been assessed for contamination for purposes of growing food for human consumption, and only built-up areas have been sampled at all. A failure to identify Horticulture as a land use, and the complete absence of agriculture from the proposal, further demonstrates that agriculture is not an activity on the land.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas

DCP Requirement	Proponent Comment	Non-Compliance
		<p>The proponent's lack of commitment to agricultural activities is further demonstrated by its absence from the proposal. Only in the following sections of the <i>Statement of Environmental Effects</i> is agriculture alluded to: Clause 3.3 <i>Proposed Artisan Food Industry</i> and 3.4 <i>Proposed Farm Building</i> use phrases such as "grown on the property", "from the property", "on the property" and "vegetable and flower beds on site". Clause 3.2 <i>Proposed Restaurant</i> mentions "heirloom produce which will be produced on site in dedicated horticultural areas". Clause 2.3 <i>Zone Objectives and Land Use Table</i> and 4.3.13 <i>Commercial and Retail Development</i> refer to "a range of horticultural plantings" (also heirloom).</p> <p>Only when it provides a pathway to approval is agricultural activity mentioned in the DA. Neither is agriculture mentioned in any of the minutes, communications with residents or websites. The following sections of the DA do not refer to agriculture:</p> <p><i>Executive Summary, Development Application, Site Details, Pre-lodgement Consultations, Site Analysis, Description of Proposal, Site Analysis, Environmental Considerations, Flood Emergency Advice, Preliminary Site Investigation (for contamination), Summary of Proposal, Environmental & Architectural Vision, Earthworks, Vegetation Management Works, Vehicular Access & Services, Architectural Design Plans, Landscape Design Plans, Business Identification Signage, Operational Management, and Statutory Assessment.</i></p> <p>The following Consultants' Reports do not refer to agriculture:</p> <p><i>The Acoustic Report, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Site Plans, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.</i></p> <p>The <i>Water Management Plan</i> has not mentioned or measured water for agricultural use such as irrigation. The <i>Bushfire Report</i> does not mention horticultural vegetation. The <i>LUCRA Report</i> does not identify Horticulture as a land use or propose a Buffer Zone. The <i>Noise Impact Statement</i> undertakes no investigation of impacts from farm machinery, pumps, forklifts or tractors.</p>

<u>Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas</u>		
DCP Requirement	Proponent Comment	Non-Compliance
		This failure to identify or demonstrate agriculture as a land use shows that the Restaurant in a Rural area is not complementary to agricultural activities on the land.
Prescriptive Measures b) The development to be located so that it may benefit from existing road and physical infrastructure. (Note. Restaurants or cafes on no-through roads have an increased potential to generate undesirable traffic noise which could disrupt the local amenity. Such roads if unsealed or narrow may need to be upgraded if increased traffic volumes generated by the development creates a nexus for such works to be carried out at the applicants' expense	None	<p>Skidders Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p> <p>Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skidders Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skidders Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.</p>

<u>Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas</u>		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the <i>Local Strategic Statement</i>. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.</p>

DCP Requirement	Proponent Comment	Non-Compliance
<p>Prescriptive Measures d) Applications that propose to open during the evening hours (6 pm onwards) to be accompanied by a detailed noise assessment report prepared by a suitably qualified and experienced acoustic engineer. The report shall assess whether the proposed development is capable of complying with the requirements of the NSW Industrial Noise Policy (NSW Environment Protection Authority, 2000). The generation of 'offensive noise' as defined under the <i>Protection of the Environment Operations Act 1997</i> is prohibited.</p>	<p><i>"Following an assessment of the background noise levels, attended noise measurements and noise modelling it is our view that the proposed development can be adequately managed through:</i></p> <ul style="list-style-type: none"> <i>• The implementation of a Noise Management Plan for venue operations to ensure adequate measures, roles and responsibilities are in place to achieve the project specific noise criteria.</i> <p><i>The Noise Management Plan should detail the methods that will be implemented for the whole project to minimise operational noise.</i></p>	<p>A <i>Noise Management Plan</i> has not been provided. The following has not been achieved:</p> <ul style="list-style-type: none"> <i>a) identification of nearby residences and other sensitive land uses;</i> <i>b) assessment of expected noise impacts;</i> <i>c) detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;</i> <i>d) clear and defined acceptable rules of behaviour for patrons;</i> <i>e) adherence to responsible service of alcohol regulations;</i> <i>f) strategies to promptly deal with and address noise complaints;</i> <i>g) details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);</i> <i>h) procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and reference to relevant consent conditions.</i> <p>Noise from farm staff coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, and pumps may have significant impact on the amenity of residents, and has not been assessed because agriculture was not identified as a land use.</p> <p>Noise impacts of the SSI Disposal unit and trucks removing this waste has not been assessed.</p> <p>The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p> <p>Compliance is not demonstrated.</p>

DCP Requirement	Proponent Comment	Non-Compliance
	<i>A detailed assessment of the mechanical plant is required. As final plant selection has not been completed, an assessment of plant should be conducted during the design phase.</i>	<p>No such detailed assessment of the mechanical plant has been conducted.</p> <p>Noise impacts of the SSI Disposal unit and trucks removing this waste has not been assessed.</p> <p>The <i>Noise Impact Assessment</i> has merely identified issues of concern and these issues have not been addressed.</p> <p>Compliance is not demonstrated.</p>

Contravention of DCP Chapter D5 – Industrial Development

DCP Requirement	Proponent Comment	Non-compliance
<p>Chapter D5.1.1</p> <p>Aims of this Chapter</p> <p>5. to promote reduction in motor vehicle trips, and to encourage pedestrian and bicycle access, usage and mobility</p>	None	<p>The development will generate the following extra motor vehicle trips:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal unit - Deliveries of artisan products to the post office or to customers by courier from online sales <p>No provision for Pedestrians and cyclists along Skinners Shoot Road has been made. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.</p>

DCP Requirement	Proponent Comment	Non-compliance
<p>Chapter D5.1.1 Aims of this Chapter 6. To limit potential conflicts between residents and industrial activities</p>	<p>None</p>	<p>Conflicts between land uses will arise from increased traffic, noise, waste management and industrial activities and operating hours. Manufacturing impacts are not investigated in the <i>LUCRA Report</i> including from the SSI Disposal unit.</p> <p>The <i>Noise Impact Assessment</i> makes no mention or assessment of the SSI Disposal unit or trucks collecting waste. Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p> <p>The proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee". This is how manufacturing activities are described.</p> <p>The <i>OSMS Report</i> describes the Artisan Food and Drink Industry area as a "café and commercial kitchen".</p> <p>The <i>Bushfire Report</i> does not assess impacts of Industry for example stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal unit, or stored after processing.</p> <p>The <i>Flood Risk Management Report</i> does however mention "ancillary operations", while referring to closing the Restaurant in the case of emergency. Presumably the phrase "ancillary operations" is intended to describe the activities of Horticulture and Manufacturing.</p>

Contravention of DCP Section D5.2.5 Water Sensitive Urban Design and Industrial Development

DCP Requirement	Proponent Comment	Non-compliance
<p>Performance Criteria</p> <p>3. Stormwater run-off originating from development must be of a quality that will protect or enhance the environmental quality of receiving water</p>	None	<p>Horticultural and Manufacturing activities have not been referenced or accounted for either in the proposal or in the <i>Stormwater Management Plan</i>.</p> <p>Irrigation of fruit trees, vegetables and grain would be expected to result in significant run-off. Use of chemicals and fertilizers may cause this run-off to have adverse impacts.</p> <p>Details of farm structures such as netting and shade cloth have not been provided.</p> <p>No details of horticultural operations have been provided.</p>
<p>4. Development shall integrate and allow for water sensitive urban design (WSUD) measures to be implemented into lot layouts and drainage systems.</p>	None	<p>Industrial uses have not been accounted for in the proposal or <i>Stormwater Management Plan</i>.</p> <p>The following suggestions under WSUD have not been taken up:</p> <ul style="list-style-type: none"> a) storage rather than conveyance of stormwater b) maintenance and enhancement of water quality c) permeable surfaces, soakwells and landscaped swales in site layout to increase onsite infiltration and treatment e) localised water supply for irrigation

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	28/04/2024 07:11 PM
Type of submission	Support

Grounds for Submission

This ecological, sustainable and refined development is deeply considered and will have a positive impact on the community and the broader region. This project has my full support and I look forward to it coming to fruition in the near future. Byron Bay needs authentic experiences and more opportunities such as this to showcase the beauty and creativity of the region. I don't not hesitate in urging you to consider this development as a gem in the crown of the Northern Rivers region.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	28/04/2024 08:30 PM
Type of submission	Object

Grounds for Submission

The proposed development will overwhelm Skinners Shoot Road, which currently handles 850 car trips daily, surpassing its designed capacity of 500 trips. The increase in traffic on Yagers Lane could potentially double or even triple. This surge in vehicles poses threats to local wildlife, especially nocturnal animals, and raises safety concerns for pedestrians and cyclists, particularly Arts Factory hostel and the Byron Yoga Centre users who must navigate without a proper footpath to town. Additionally, the late-night noise from patrons and staff leaving the restaurant will disrupt the tranquility of the area.

Furthermore, other issues such as noise pollution, potential asbestos hazards on the site, and the excessive size of the development, indicated by the \$22.5 million budget, suggest potential future expansions, possibly for events like weddings. The proposed car park size far exceeds the restaurant's needs, highlighting a potential overuse of the facility. Overall, these factors contribute to the significant risks posed to both the community and the environment that are out of scale and incompatible with the intention for the rural residential area.

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	28/04/2024 11:53 PM
Type of submission	Object

Grounds for Submission

While I appreciate aspects of the vision that the developer has in mind, having lived on Skinners Shoot Road for 15 years, I am concerned about the impact that this scale of development will have on the quiet dead-end roads of Skinners Shoot Rd & Yagers Lane, their communities of residents, & the local wildlife.

Despite the development being supposedly designed for a capacity of 75 patrons at a given time, the number of car trips on the roads would be many more than that per day, with the opening hours of 10am-3pm for the cafe & artisan food area, plus 12-11pm for the restaurant allowing for many sittings & thus a continuous overturn of patrons.

As a mother of preschool aged children, we regularly go for walks & bike rides along the two roads, neither of which have footpaths & both of which are already too narrow for the volumes of traffic which use them (based off data from the Traffic Peer Review Report commissioned by the Skinners Shoot Residents Group). Each time a car comes, I have to attempt to safely get my children off the road into the gutter until the hazard passes. With a large increase in the volume of traffic on the roads (including a potential doubling or tripling of traffic on Yagers Lane), these walks would feel far more dangerous & frankly not worth attempting.

In addition to my own use, there is generally a relatively large volume of foot traffic along Skinners Shoot Rd for a rural road. Because of its proximity to town, some locals walk (or cycle) to town from their homes, residents from Byron Bay jog up it for exercise, & guests from the Byron Yoga Centre & Byron Arts Factory Hostel walk regularly back & forth. The road is narrow & lacks a footpath, meaning many pedestrians & cyclists each day share the road with cars. The speed limit for Skinners Shoot Rd was reduced to 50km/h in 2023, yet aside from one electronic sign at the start of the road this speed limit is never policed & consequently cars mostly seem to drive at 60-70km/hr, especially further up the road away from the electronic sign reminder. There have already been a number of accidents & fatalities on the road, & a large increase in traffic would make this situation all the more dangerous.

In addition to an increased risk for human pedestrians, wildlife including koalas, wallabies, echidnas, pythons & possums frequently cross Skinners Shoot Rd, with most of the road comprised of native swampland & essentially a wildlife corridor of native bush. Danger to wildlife will significantly increase with an increase in traffic, especially late night traffic of patrons & staff leaving the restaurant.

Overall, while I am not opposed to the developer creating some kind of small restaurant or commercial establishment on their land, I am concerned that the scale of this development is too big & will create negative impacts on the quiet rural neighbourhood of Skinners Shoot, especially via the large increase in traffic volume.

In addition, I am concerned that the \$22.5 million budget & scale of infrastructure being proposed (eg. enormous solar pv system) seems to indicate that there may be plans for a staged

development, with more planned for down the track, resulting in greater volumes of traffic & a development with a scale that is even more out of character with the quiet rural setting.

Attachment: Traffic Peer Review Report provided in earlier submissions

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	29/04/2024 01:31 AM
Type of submission	Object

Grounds for Submission

Updated Submission to replace previously submitted Objection

My updated submission is contained in the PDF "bigObjection3.pdf". Also part of my submission is my email to Patricia Docherty dated 28/4/2024. Also part of my submission is the "Traffic Peer Review" Report, uploaded by many other residents already. Thank you.

Approval is being sought for a 4,496m² Tourist Complex encompassing a Restaurant, Artisan Food and Drink Industry area and Farm Building at Yagers Lane, Skinners Shoot. The proposed development is prohibited by operation of *Byron Local Environmental Plan 2014* (LEP) and *Byron Shire Development Control Plan 2014* (DCP). **Land uses are mischaracterised by the proponents, with Horticulture not identified and Manufacturing inadequately specified. Consultants' Reports such as the *Noise Impact Assessment, Contamination Report, Bushfire Report, LUCRA Report, Traffic Report* and *Water Management Plan* fail to identify or assess impacts from these uses.** Reasons for rejection outlined in this Objection are:

- The development is not a permitted land use in an RU2 Zone
- The development contravenes Aims of the DCP - *Commercial and Retail Development*
- The DA is either a sham or manifestly deficient
- Community consultation requirements have not been met (Please refer also to the email from me dated 28/4/24 to Patricia Docherty attached to this Objection)

Conditions for approval of the DA and proposed land uses have not been met under Statutory Provisions of NSW Planning Law. A response to the proponents attempts to suggest otherwise is presented.

Traffic generated by the development is predicted to be up to 552 trips per day, representing a staggering 63% increase for Skinners Shoot Road – a narrow, no-through minor rural road designed to service 30 dwellings. The proponents' *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the *Traffic Peer Review* instead.

Details and impacts regarding the SSI Disposal Unit and garbage trucks to collect this waste is entirely missing from the proposal.

A major concern identified in this Objection is that **upon careful reading of the *Preliminary Site Investigation* and *Contamination Report*, the site has not been assessed for the purpose of growing food for human consumption, and only built-up areas have been sampled at all.** Methodologies were adopted for uses of residential and public open space, not for growing food. The reports on contamination are not fit for purpose and conclusions are irrelevant.

Are the Council and residents expected to swallow the mischaracterisation of this enormous development? Can a few vegetable and flower beds and art works and references to existing pig pen footprints really get this over the line? The true Land Uses and their Impacts are absent from the DA, Consultants' Reports and any history of communication with residents or Council. Cases heard in the *Land and Environment Court of NSW* refer to this as a sham DA.

Part A

THE DEVELOPMENT IS NOT A PERMITTED LAND USE IN AN RU₂ ZONE

1. The Restaurant in a Rural Area is not supplementary or complementary to agricultural activities on the land and is thereby prohibited by Chapter D4.2.9 of the DCP
2. A DA is required to conduct Horticulture, a type of intensive plant agriculture, in an RU₂ Zone
3. The Tourism Development/Restaurant in a Rural Area is not of a small or low scale and is not low impact, thereby being prohibited by Part 6.8 of the LEP, Part 2.3 of the LEP, and Chapter D4.2.9 of the DCP
4. The Farm Building is not ancillary to an agricultural use of the landholding and therefore cannot meet the definition of Farm Building under Part 2 of the LEP
5. The Artisan Food and Drink Industry area does not have Making or Manufacturing as its Principle Purpose and therefore cannot meet the definition of this land use under Part 2 of the LEP

1. The Restaurant in a Rural Area is not supplementary or complementary to agricultural activities on the land and is thereby not permitted under Chapter D4.2.9 of the DCP

Chapter D4.2.9 Performance Criteria (3) of the DCP, states "The restaurant or café shall be complementary to the principal agricultural or environmental activities on the land in the RU₁ or RU₂ Zone..."

Agriculture, however, is not conducted, proposed to be conducted or able to be conducted on the land. Site Plans, aerial photos and Architectural Plans clearly show there is no space for agriculture under the proposal. Buildings, driveways and parking take up 4,496m² – which does not include an owner or manager's dwelling, landscaping, ponds, contaminated dams, or the planned SSI Disposal Unit. There is no space for the required Buffer Zone (200m) between Horticulture and buildings. There is no provision for irrigation. The site has not been assessed for contamination for purposes of growing food for human consumption, and only built-up areas have been sampled at all. A failure to identify Horticulture as a land use, and the complete absence of agriculture from the proposal, further demonstrates that agriculture is not an activity on the land.

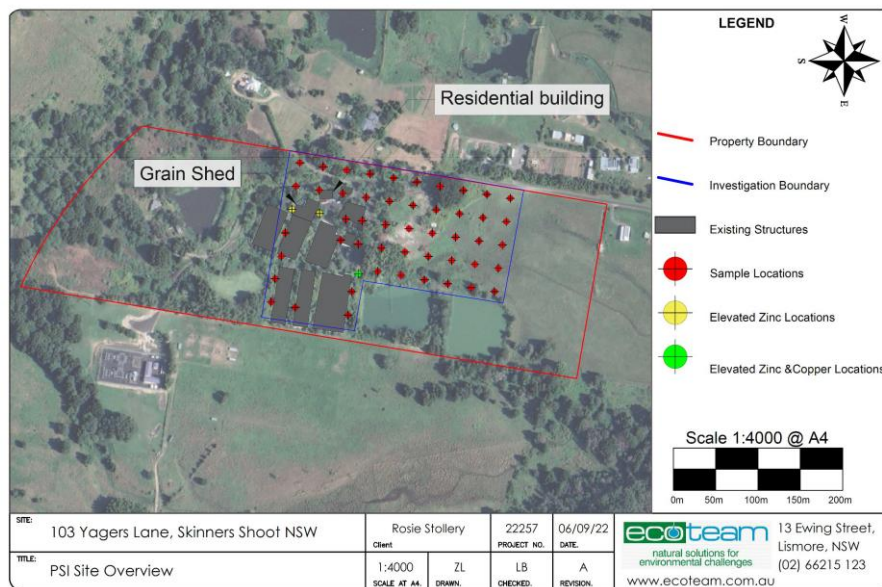
Furthermore, there is no request to amalgamate Lot 7 and 8, which risks severing the Restaurant in a Rural Area from its land.

The list of fruits, vegetables, elixirs, powders, botanicals, grains, nuts, spices, and bespoke ingredients mentioned (in one section only of the proposal) at Section 3 *Statement of Environmental Effects*, is extensive. **Where will this extraordinary range of produce to supply the Restaurant in a Rural Area be grown?**

The small areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal Unit). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.

The Preliminary Site Investigation states "It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required". **The recommendation, however, is irrelevant, because the scoped "proposed land use" does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.**

Section 4.2 of the *Contamination Report – Adopted Assessment Criteria* states "The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for **Low Density Residential** (HIL-A) and Generic EILs for **Urban Residential** and **Public Open Space** (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (**home grown produce** <10% fruit and vegetable intake, (no poultry).



This suggests agriculture cannot be conducted on the site without posing a potential health hazard to consumers.

The proponent's lack of commitment to agricultural activities is further demonstrated by its absence from the proposal. Only in the following sections of the *Statement of Environmental Effects* is agriculture alluded to: Clause 3.3 *Proposed Artisan Food Industry* and 3.4 *Proposed Farm Building* use phrases such as "grown on the property", "from the property", "on the property" and "vegetable and flower beds on site". Clause 3.2 *Proposed Restaurant* mentions "heirloom produce which will be produced on site in dedicated horticultural areas". Clause 2.3 *Zone Objectives and Land Use Table* and 4.3.13 *Commercial and Retail Development* refer to "a range of horticultural plantings" (also heirloom).

Only when it provides a pathway to approval is agricultural activity mentioned in the DA. Neither is agriculture mentioned in any of the minutes, communications with residents or websites. **The following sections of the DA do not refer to agriculture:**

Executive Summary, Development Application, Site Details, Pre-lodgement Consultations, Site Analysis, Description of Proposal, Site Analysis, Environmental Considerations, Flood Emergency Advice, Preliminary Site Investigation (for contamination), Summary of Proposal, Environmental & Architectural Vision, Earthworks, Vegetation Management Works, Vehicular Access & Services, Architectural Design Plans, Landscape Design Plans, Business Identification Signage, Operational Management, and Statutory Assessment.

The following Consultants' Reports do not refer to agriculture:

The Acoustic Report, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Site Plans, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.

The *Water Management Plan* has not mentioned or measured water for agricultural use such as irrigation. The *Bushfire Report* does not mention horticultural vegetation. The *LUCRA Report* does not identify Horticulture as a land use or propose a Buffer Zone. The *Noise Impact Statement* undertakes no investigation of impacts from farm machinery, pumps, forklifts or tractors.

This failure to identify or demonstrate agriculture as a land use shows that the Restaurant in a Rural area is not complementary to agricultural activities on the land.

Chapter D4.2.9 *Objectives* (4), states the following objective: "To provide an avenue for supplementary income on rural holdings".

How can income from this \$22 million dollar development be supplementary to other income on the rural holding? There is no other income on the rural holding.

The Restaurant in a Rural Area is not complementary to the principal agricultural activities on the land. Considering the size, layout, topography, infrastructure and contamination of the site, there is no evidence of how Lots 7 and 8 can sustain any agriculture and no agriculture is proposed. **The income from a \$22 million dollar Tourism Development cannot be supplementary to the other income generated from this rural holding.** The Restaurant/Tourism Development is therefore not a permitted land use in an RU2 Zone.

2. A DA is required to conduct Horticulture, a type of Intensive Plant Agriculture, in an RU2 Zone

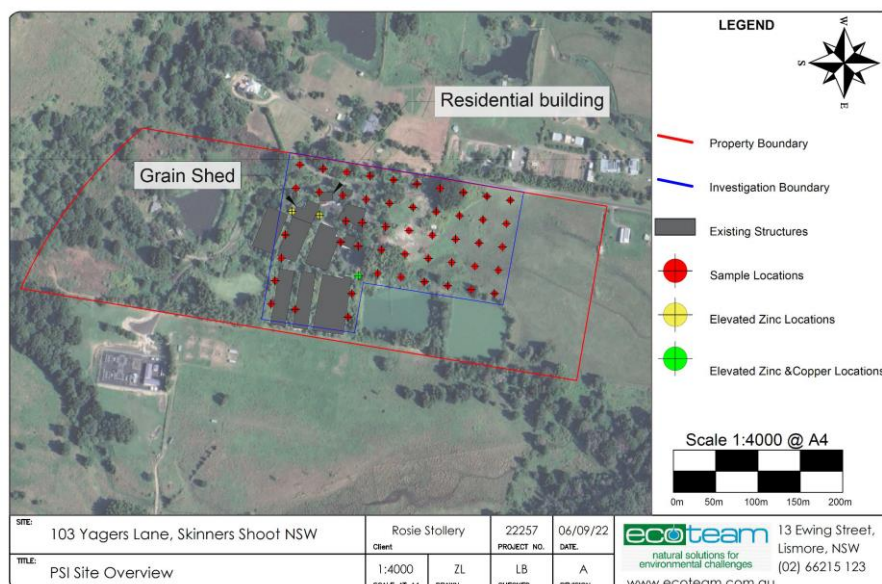
There is no DA submitted for the new land use of Horticulture (a type of Intensive Plant Agriculture) in the RU2 Zone, as required by *Table B6.1* and the *Land Use Matrix* of the LEP.

There is no space or provision on the site for the Buffer Zone of 200m which would be required for approval of Horticulture. There is no provision for irrigation. There is no assessment of impacts of Horticulture. The land has not been tested for contamination for purposes of growing food for human consumption, and only built-up areas have been sampled at all.

The areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal Unit). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.

The Preliminary Site Investigation states "It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required". **The recommendation, however, is irrelevant, because the scoped "proposed land use" does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.**

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This suggests agriculture cannot be conducted on the site without posing a potential health hazard to consumers, requiring any application for Horticulture to be rejected.

3. The Tourism Development/Restaurant in a Rural Area is not of a small or low scale and is not low impact; and is thereby prohibited by Part 6.8 of the LEP, Part 2.3 of the LEP and Chapter D4.2.9 of the DCP

Part 6.8 (3) of the LEP - *Rural and nature-based tourism development*, states: "Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that – ...

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

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

(6) **small scale** means a scale that is small enough to be generally managed and operated by the principal owner living on the property".

Part 2.3 (1) of the LEP – *Zone Objectives and Land Use Table – RU2* states the following Zone Objective: "To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural character of the locality"

Similarly, Chapter D4.2.9 of the DCP - *Restaurants/ Cafes in Rural Areas* at (2) states "The development is to be low scale and able to be generally managed and operated by the principle owners(s)/ manager living on the property".

IS THE TOURISM DEVELOPMENT/USE SMALL SCALE OR LOW SCALE?

At 4,496m², including space for 71 cars, **the proposed Rural Tourism Development/Restaurant in a Rural Area is over half the size of the proposed Woolworths redevelopment** in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². The proponents attempt to measure scale merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring scale for the application of Part 6.8 of the LEP, Part 2.3 of the LEP or Chapter D4.2.9 of the DCP. The Tourism Development is enormous in scale – physical, operational and economic scale.

Why is an SSI Disposal Unit needed for a small or low scale Tourism Development/Restaurant in a Rural Area?

Is the Scale Small enough to be generally managed and operated by the principal owner living on the property?

The proponents attempt to characterise the operational scale of the enterprise as merely managing a few bookings, which Maggie herself has volunteered to do, while living on the property. **Managing and operating a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than attending to patron bookings.**

Management and Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI Disposal Unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping, maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.

And where on Lot 8 will the owner or manager live, while managing and operating the enterprise? Very special treatment seems to have been provided in order for a Dwelling to be approvable on this Lot, with its own section inserted into the LEP. However no provision has been made for the owner or manager's dwelling on Lot 8.

No person, whether principal owner or manager, could be expected to be capable of managing and operating this enormous Rural Tourism Development/Restaurant in a Rural Area while living on the property. There is no provision for the owner or manager's dwelling on Lot 8.

IS THE DEVELOPMENT LOW IMPACT, WITHOUT SIGNIFICANT ADVERSE IMPACT ON AMENITY OR SIGNIFICANT FEATURES OF THE NATURAL ENVIROMNENT?

A Tourism and Manufacturing facility half the size of the proposed Byron CBD Woolworths redevelopment cannot be characterised as *low impact*. A 63% increase in traffic along Skinners Shoot Road is not low impact. An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skinners Shoot Road to an unacceptable degree. Other adverse impacts on Services, Amenity and Environment are misrepresented by the proponents, with Horticultural and Manufacturing activities not accounted for.

Skinners Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.

Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.

The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:

- Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff
- Arrival and departure of restaurant patrons
- Truck deliveries of farm equipment and supplies
- Inwards and outwards goods deliveries by truck for manufacturing
- Trucks collecting waste from the SSI Disposal Unit
- Deliveries of artisan products to the post office or to customers by courier from online sales
- Pedestrians and cyclists

Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.

The proponents' *Traffic Report* has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. **The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal Unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.**

Instead, the proponents' *Traffic Report* states “For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a “sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee”.

This *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts. **Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the *Traffic Peer Review* instead.**

Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the *Local Strategic Statement*. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.

Other impacts on Services, Amenity and Environment have been misrepresented in the DA, with Horticulture and Manufacturing impacts entirely unassessed. The following reports cannot be relied upon to suggest the proposed Tourism Development is low-impact:

The Acoustic Report, Noise Impact Assessment, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.

The *Water Management Report* does not reference the primary uses of water – Horticulture and Manufacturing. Rather its scope encompasses water that will be used for “Food preparation” and “Outdoor use such as garden watering”. It does however state that the dams are contaminated. Can it be confirmed that Rous Water are aware of this proposed Manufacturing and horticultural use?

Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. **The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone.** Agricultural and manufacturing impacts are not investigated in the *LUCRA Report* including from the SSI Disposal Unit.

The Flora and Fauna Assessment does not investigate impacts of Horticulture or Manufacturing.

The *Bushfire Report* does not assess impacts of Horticulture (eg a change in vegetation) or stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal Unit, or stored after processing.

The Noise Impact Assessment makes no mention or assessment of the SSI Disposal Unit or trucks collecting waste. Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The *Noise Impact Assessment* merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.

Does the *Waste Management Report* assess impacts of the SSI Disposal Unit?

The natural environment of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, garbage being munched, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the natural environment.

The proposed 4,496m², \$22 million dollar Tourist Development/Restaurant in a Rural Area is not small or low scale – either physically, operationally or economically. Operation of the enormous enterprise, which proposes to grow, manufacture, pack, mail, sell and serve a huge range of products, cannot be conducted by an owner or manager living on the property. There is not even a house on Lot 8 for an owner or manager to live. The proponents fail to demonstrate the Tourist Development/Restaurant in a Rural Area is low-impact, and have left out impacts of Horticulture and Manufacturing from their proposal. The land use is not a small-scale tourism use consistent with the rural character of the locality, and residents are alarmed at the enormous impact this development will have on their amenity and the natural environment. It is therefore prohibited by Part 6.8 of the LEP, Part 2.3 of the LEP and Chapter D4.2.9 of the DCP.

4. The Farm Building is not ancillary to an agricultural use of the landholding and therefore cannot meet the definition of Farm Building under the LEP

The *Byron Local Environment Plan 2014 - Dictionary* states that “farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling”.

Agriculture, however, is not conducted, proposed to be conducted or able to be conducted on the landholding. Site Plans, aerial photos and Architectural Plans clearly show there is no space for agriculture under the proposal. Buildings, driveways and parking take up 4,496m² – which does not include an owner or manager’s dwelling, landscaping, ponds, contaminated dams, or the planned SSI Disposal Unit. There is no space for the required Buffer Zone (200m) between Horticulture and buildings. There is no provision for irrigation. The site has not been assessed for contamination for purposes of growing food for human consumption, and only built-up areas have been sampled at all. **A failure to identify Horticulture as a land use, and the complete absence of agriculture from the proposal, further demonstrates that agriculture is not a use of the landholding.**

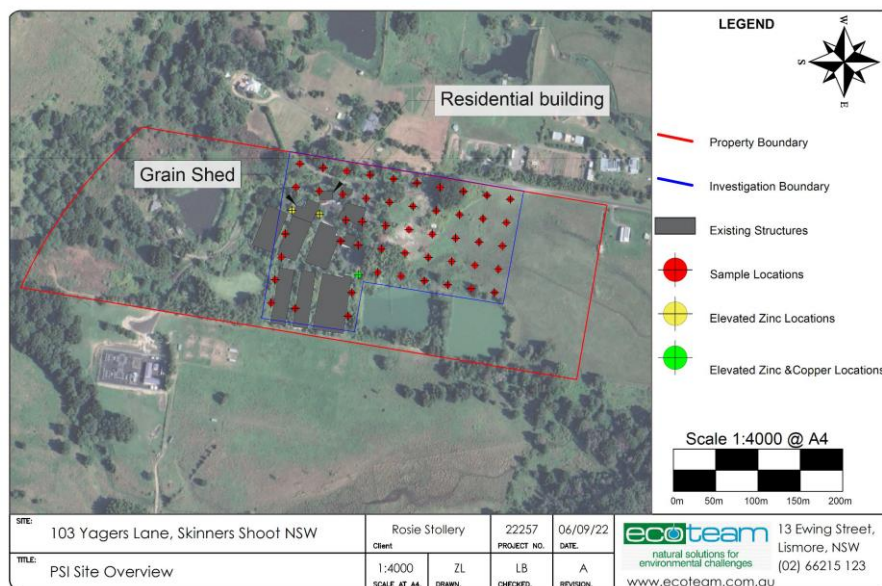
Furthermore, there is no request to amalgamate Lot 7 and 8, which risks severing the Farm Building from its farm.

The list of fruits, vegetables, elixirs, powders, botanicals, grains, nuts, spices, and bespoke ingredients mentioned (in one section only of the proposal) at Section 3 *Statement of Environmental Effects*, is extensive. **Where will this extraordinary range of produce be grown?**

The small areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal Unit). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.

The Preliminary Site Investigation states "It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required". **The recommendation, however, is irrelevant, because the scoped "proposed land use" does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.**

Section 4.2 of the *Contamination Report – Adopted Assessment Criteria* states "The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for **Low Density Residential** (HIL-A) and Generic EILs for **Urban Residential** and **Public Open Space** (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (**home grown produce** <10% fruit and vegetable intake, (no poultry)).



This suggests agriculture cannot be conducted on the site without posing a potential health hazard to consumers.

The proponent's lack of commitment to agricultural uses is further demonstrated by its absence from the proposal. Only in the following sections of the *Statement of Environmental Effects* is agriculture alluded to: Clause 3.3 *Proposed Artisan Food Industry* and 3.4 *Proposed Farm Building* use phrases such as "grown on the property", "from the property", "on the property" and "vegetable and flower beds on site". Clause 3.2 *Proposed Restaurant* mentions "heirloom produce which will be produced on site in dedicated horticultural areas". Clause 2.3 *Zone Objectives and Land Use Table* and 4.3.13 *Commercial and Retail Development* refer to "a range of horticultural plantings" (also heirloom).

Only when it provides a pathway to approval is agricultural activity mentioned in the DA. Neither is agriculture mentioned in any of the minutes, communications with residents or websites. **The following sections of the DA do not refer to agriculture:**

Executive Summary, Development Application, Site Details, Pre-lodgement Consultations, Site Analysis, Description of Proposal, Site Analysis, Environmental Considerations, Flood Emergency Advice, Preliminary Site Investigation (for contamination), Summary of Proposal, Environmental & Architectural Vision, Earthworks, Vegetation Management Works, Vehicular Access & Services, Architectural Design Plans, Landscape Design Plans, Business Identification Signage, Operational Management, and Statutory Assessment.

The following Consultants' Reports do not refer to agriculture:

The Acoustic Report, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Site Plans, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.

The *Water Management Plan* has not mentioned or measured water for agricultural use such as irrigation. The *Bushfire Report* does not mention horticultural vegetation. The *LUCRA Report* does not identify Horticulture as a land use or propose a Buffer Zone. The *Noise Impact Statement* undertakes no investigation of impacts from farm machinery, pumps, forklifts or tractors.

Clearly the proposed Farm Building is not actually a Farm Building since there is no farm.

Considering the size, layout, topography, infrastructure and contamination of the site, there is no evidence of how Lots 7 and 8 can sustain any agriculture and no agriculture is proposed. The building is not ancillary to an agricultural use of the landholding, and cannot be defined as a Farm Building under the LEP in order to become a permitted use in an RU2 Zone.

5. The Principle Purpose of the Artisan Food and Drink Industry area is not Making or Manufacturing and therefore cannot meet the Definition of this Land Use under the LEP.

The *Byron Local Environment Plan 2014 – Dictionary* states that “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....”

The small floor area and small staff numbers dedicated to manufacturing activities, and the layout of the Artisan Food and Drink Industry area clearly demonstrates a lack of commitment to the purpose of Making or Manufacturing. Details of on-line sales activities, including where multiple small orders of high-end products will be packaged for mailing or courier delivery, are entirely absent from the proposal. Manufacturing activities are inadequately specified, with significant impacts not assessed. Consultant’s Reports describe the Manufacturing Facility as a Café, or sometimes “Commercial Kitchen”. This is further evidence that Making and Manufacturing is not the principle purpose of the building or place.

The list of fruits, vegetables, elixirs, powders, botanicals, grains, nuts, spices, and bespoke ingredients proposed to be transformed into artisan products is extensive. But how will all these products be picked, manufactured, packed, bottled, stored and prepared for mailing in the 61m² “Commercial Kitchen” by 5 staff? Anyone who has sold retail products on-line is aware how much space and time is required for preparing multiple high-end small orders for mailing. The “Commercial Kitchen” is the only area allocated to Making or Manufacturing – the remainder of the space is devoted to sales, tastings, workshops, meet the maker and the café.

The Artisan Food and Drink Industry area provides the proponents with a pathway for their Commercial Kitchen, Café and Sales Area to be approved. **Details of Manufacturing Operations and Manufacturing Impacts, however, are virtually absent from the proposal including Consultants’ Reports.** Only in the following sections of the *Statement of Environmental Effects* are such operations described with phrases such as “creating elixirs and tinctures”, “creating our own unique tea infusions”, “Making our own spice cupboard”, “Creating seasonal granolas”, “exploring” other products. Clause 3.2 *Proposed Restaurant* mentions “heirloom produce which will be produced on site in dedicated horticultural areas”. No details of how these products will be mailed or delivered are provided.

This is hardly sufficient detail for a commercial enterprise. Impacts are not adequately assessed, with the following Consultants’ Reports not measuring impacts of Manufacturing:

Noise Impact Assessment, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Traffic Report, Waste Management Plan, Pre lodgement community engagement report.

The proponents’ *Traffic Report* has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. **The report fails to assess Impacts of Manufacturing such as: generation of trips from staff for the commercial kitchen, manufacturing or maintenance, deliveries of goods for the commercial kitchen, deliveries of goods inwards and outwards for manufacturing operations and trucks collecting waste from the SSI Disposal Unit. Neither are trips to deliver products to the post office or customers by courier for mailing of on-line sales.**

Instead, the proponents' *Traffic Report* states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".

This *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the *Traffic Peer Review* instead.

The OSMS Report describes the Artisan Food and Drink Industry area as a "café and commercial kitchen".

The *Water Management Report* does not reference Manufacturing as a water use. Rather its scope encompasses water that will be used for "**Food preparation**" and "Outdoor use such as garden watering".

Does the *Waste Management Plan* assess Impacts of the SSI Disposal Unit?

The LUCRA Report does not investigate Manufacturing impacts including from the SSI Disposal Unit.

The *Noise Impact Assessment* makes no mention or assessment of the SSI Disposal Unit or trucks collecting waste.

The *Bushfire Report* does not assess impacts of Industry for example stock stored for manufacturing or piles of waste waiting to be munched in the Unit, or stored after processing.

The *Flood Risk Management Report* does however mention "ancillary operations", while referring to closing the Restaurant in the case of emergency. **Presumably the phrase "ancillary operations" is intended to describe the activities of Horticulture and Manufacturing.**

Making or Manufacturing is clearly not the primary purpose of this building or place. Details of Manufacturing and on-line sales are inadequately specified, and Impacts are missing from key reports, with no mention of the SSI Disposal Unit and no assessment of traffic generated farm staff, manufacturing staff, restaurant staff or maintenance staff, or from mail and courier trips for on-line sales.

A Café with a Commercial Kitchen cannot be characterised as an Artisan Food and Drink Industry Area merely to become a permitted Land Use in an RU2 Zone under the LEP.

Part B

THE DEVELOPMENT CONTRAVENES AIMS OF THE DCP – *Commercial and Retail Development*

Chapter D4.1.2 of the DCP *Commercial and Retail Development* 1. states as its first Aim “ To ensure that the bulk, scale, character and operation of business, commercial, retail and associated development are compatible with the character and amenity of development in the locality and in the Shire.”

The character and amenity of development in Skinners Shoot is rural dwellings and the odd resident-managed BnB. The Arts Factory Lodge is medium-scale tourist accommodation, located on the border of the town centre. The Yoga Centre is a small primitive camping development located towards the town centre, a long way before the residential locality of Skinners Shoot. Traffic generated from these establishments does not significantly affect amenity of residents as they are located before the residential area of Skinners Shoot.

At 4,496m², including space for 71 cars and an SSI Disposal Unit, the proposed Commercial and Retail Development is **over half the size of the proposed Woolworths redevelopment** in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². **The proponents attempt to measure the bulk and scale of the development merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring bulk or scale for the application of Chapter D4.1.2 of the DCP.** The Tourism and Commercial Development is enormous in bulk and scale, and is completely out of character with development in the locality. There are no plans for future large scale Tourist, Industrial or Commercial Developments in the locality.

The proponents attempt to characterise operations of the enterprise as merely managing a few bookings. Operations of a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than patron bookings.

Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI Disposal Unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping , maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.

The character of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the neighbourhood.

Traffic generation of 552 vehicle trips per day, representing a 63% increase in traffic along Skinners Shoot Road is not compatible with rural dwellings and resident-managed BnBs.

How many other private SSI Disposal Units are operated by Commercial and Retail facilities in Byron Shire?

The bulk, scale and operations of the proposed 4,496m², \$22 million dollar Commercial and Retail Facility is not remotely compatible with the character and amenity of current or future rural residential development at Skinners Shoot.

Part C

THE DA IS EITHER A SHAM OR MANIFESTLY DEFICIENT

Land uses are mischaracterised by the proponents, with Horticulture not identified and Manufacturing inadequately specified. **What does this demonstrate? Either the proposal is a sham, or the DA is manifestly deficient.** If approval is granted, and subsequently contested in the *Land and Environment Court*, it is likely that the complete absence of agriculture from the proposal will be sufficient evidence that the Restaurant in a Rural Area is not complementary to agricultural activity on the land, and that the Farm Building is not ancillary to agriculture. Similarly, lack of information and failure to consider the impacts of Manufacturing in the DA or Consultants' Reports demonstrate that Making and Manufacturing is not the principal purpose of the Artisan Food and Drink Industry area.

1. No application has been made for Horticulture, a type of Intensive Plant Agriculture, in the RU2 Zone, as required under the LEP Land Use Matrix and Table B6.1.

There is no provision or space for the 200m Buffer Zone required for Horticulture approval. No impacts of Horticulture have been assessed. The land available for growing produce has not been assessed for contamination, and testing (of built-up areas only) was not conducted using methodologies for growing food for human consumption. Therefore approval for Horticulture cannot be granted.

2. Horticulture, the principle land use, is completely absent from the proposal.

The entire premise of the approvability of this development rests on the Restaurant in a Rural Area, Artisan Food and Drink Industry area and Farm Building being complementary to Horticulture – and yet this land use has not been identified or specified in the proposal.

There is no provision or space for the 200m Buffer Zone required for Horticulture approval. No impacts of Horticulture have been assessed. The land available for growing produce has not been assessed for contamination, and testing (of built-up areas only) was not conducted using methodologies for growing food for human consumption. Therefore approval for Horticulture cannot be granted.

3. Agricultural activities are not identified or described in the proposal (*Statement of Environmental Effects*) or Consultant's Reports. Only in Sections 3.3 *Proposed Artisan Food Industry* and 3.4 *Proposed Farm Building* is agriculture alluded to with phrases such as "grown on the property", "from the property", "on the property" and "vegetable and flower beds on site". Section 3.2 *Proposed Restaurant* mentions "heirloom produce which will be produced on site in dedicated horticultural areas". Clause 2.3 *Zone Objectives and Land Use Table* and 4.3.13 *Commercial and Retail Development* refer to "a range of horticultural plantings" (also heirloom).

This is hardly sufficient detail for a commercial enterprise. Impacts are not assessed at all, and no provision for conducting agriculture on the land has been made.

Only when it provides a pathway to approval is agricultural activity mentioned in the DA. Neither is agriculture mentioned in any of the minutes, communications with residents or websites. **The following sections of DA do not refer to agriculture:**

Executive Summary, Development Application, Site Details, Pre-lodgement Consultations, Site Analysis, Description of Proposal, Site Analysis, Environmental Considerations, Flood Emergency Advice, Preliminary Site Investigation (for contamination), Summary of Proposal, Environmental & Architectural Vision, Earthworks, Vegetation Management Works, Vehicular Access & Services, Architectural Design Plans, Landscape Design Plans, Business Identification Signage, Operational Management, and Statutory Assessment.

The following Consultants' Reports do not refer to agriculture or its impacts:

The Acoustic Report, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Site Plans, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.

The Water Management Report does not reference the major use of water – Horticulture. Rather its scope encompasses water that will be used for "Outdoor use such as garden watering". Can it be confirmed that Rous Water are aware of this proposed horticultural use?

The *Bushfire Report* does not assess impacts of Horticulture – that is, horticultural vegetation without a buffer zone between this land use and buildings.

The *LUCRA Report* does not identify Horticulture as a land use, propose a buffer zone or investigate impacts of chemicals, noise or farm operations on residents.

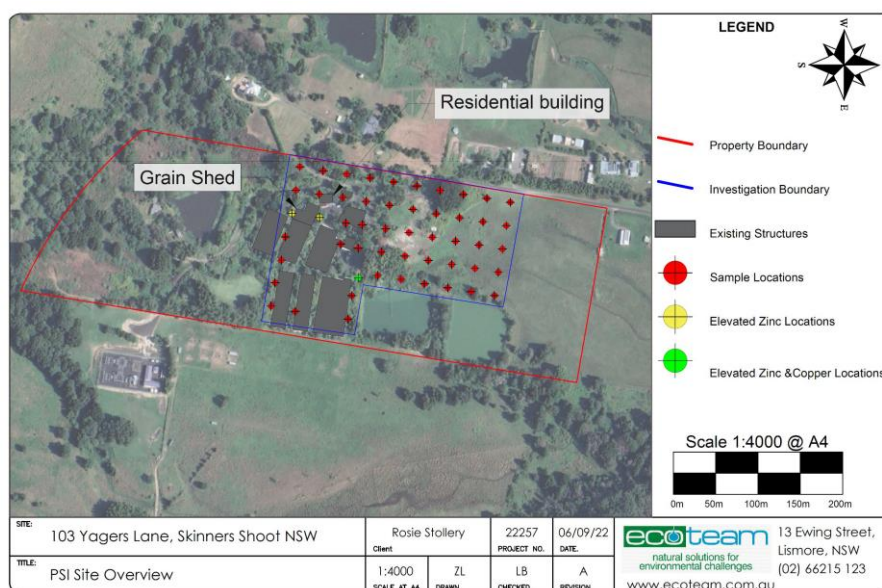
The *Traffic Report* does not reference or measure impacts from agricultural operations such as farm workers, truck deliveries of farm supplies, or forklift and tractor operations.

4. The Contamination Report and Preliminary Site Investigation are not fit for purpose and must be disregarded.

The areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal Unit). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.

The *Preliminary Site Investigation* states “It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required”. **The recommendation, however, is irrelevant, because the scoped “proposed land use” does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.**

Section 4.2 of the *Contamination Report – Adopted Assessment Criteria* states “The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for **Low Density Residential** (HIL-A) and Generic EILs for **Urban Residential** and **Public Open Space** (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (**home grown produce** <10% fruit and vegetable intake, (no poultry)).



5. The proponents' *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts.

The proponents' *Traffic Report* has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. **The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal Unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.**

Instead, the proponents' *Traffic Report* states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".

This *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts. **Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the *Traffic Peer Review* instead.**

6. No application has been made to amalgamate Lots 7 and 8, risking severance of agriculture from the Restaurant and Farm Building, rendering any misguided approval invalid.

7. Details of manufacturing operations are virtually absent from the proposal including Consultants' Reports. Section 3.3 of the *Statement of Environmental Effects* is one of the few places in the proposal which describes such operations, using phrases such as "creating elixirs and tinctures", "creating our own unique tea infusions", "Making our own spice cupboard", "Creating seasonal granolas", "exploring" other products. Section 3.2 *Proposed Restaurant* mentions "heirloom produce which will be produced on site in dedicated horticultural areas".

This is hardly sufficient detail for a commercial enterprise. Impacts are not adequately assessed, and it shows that Making and Manufacturing is not the principle purpose of the development.

Details of the SSI Disposal Unit are completely absent from the proposal. Are they included in the *Waste Management Plan*?

The *Traffic Report* does not reference or measure impacts from manufacturing operations such as staff trips for the commercial kitchen, staff trips for packing and mailing products, staff trips for maintenance staff, truck deliveries for inwards and outwards goods, forklift operations, disposal of waste from the SSI Disposal Unit; Or deliveries of products to the post office or customers by courier for on-line sales.

Instead, the proponents' *Traffic Report* states **"For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee"**.

This *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts. **Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the *Traffic Peer Review* instead.**

The LUCRA Report does not investigate impacts of Manufacturing operations. The SSI Disposal Unit is not referred to anywhere in the report.

The Flora and Fauna Assessment does not investigate impacts of Manufacturing.

The *Noise Impact Assessment* makes no mention or assessment of the SSI Disposal Unit or trucks collecting waste. The report merely identifies a number of Manufacturing issues needing to be addressed, but does nothing to assess them or address them.

The *Bushfire Report* does not assess impacts of Manufacturing such as storage of stock and packaging or piles of waste waiting to be munched in the SSI Disposal Unit, or stored after processing.

The *Flood Risk Management Report* does however mention "ancillary operations", while referring to closing the Restaurant in the case of emergency. **Presumably the phrase "ancillary operations" is intended to describe the activities of Horticulture and Manufacturing.**

The *OSMS Report* describes the Artisan Food and Drink Industry area as a "café and commercial kitchen".

The *Water Management Report* does not reference the primary uses of water – Horticulture and Manufacturing. Rather its scope encompasses water that will be used for "Food preparation".

Are the Council and residents expected to swallow the mischaracterisation of this enormous development? Can a few vegetable and flower beds and art works and references to existing pig pen footprints really get this over the line? The true Land Uses and their Impacts are absent from the DA, Consultants' Reports and any history of communication with residents or council. Cases heard in the *Land and Environment Court of NSW* refer to this as a sham DA.

Part D

COMMUNITY CONSULTATION REQUIREMENTS HAVE NOT BEEN MET

(Please refer also to the email from me dated 28/4/24 to Patricia Docherty attached to this Objection)

The Community was largely made aware of the proposal through the efforts of a resident who was out walking. Upon picking up what he thought to be litter, a letter describing the proposal was discovered. This resident, who did not receive the letter, then requested information from the proponent, and initiated communication.

Despite the proponent's assertions, requirements for community consultation have not been met for this Community Significant Development. Since I was not aware of the proposal prior to being recently advised by a neighbour (as is the position of many residents) I rely for this section on the *Pre lodgement Community Engagement Report* and copies of letters provided by neighbours.

1. No facilitated community meeting or workshop has taken place

As per my email dated 28/4/24 to Patricia Docherty attached to this Objection, discussion regarding DA 10.2024.24.1 took place in the Planning Meeting on 10 August 2023. At this meeting, it was categorically stated by the proponent and their town planner that the resident-initiated meeting on 16 October 2022 was not a pre lodgement meeting.

"Discussion from about 37:10 to 49:15 of the recording refers to the Restaurant, Artisan Food Industry Area and Roadside Stall proposal - 10.2024.24.1.

Although the Minutes describe the discussion as relating to the dwelling applications, the discussion shifted to 10.2024.24.1 due to concern that the dwelling entitlement was being pursued as a necessary pre-condition of the Restaurant/Tourism Development. It is worth noting there would be no reason for a pre-lodgement community meeting in relation to 26.2021.6.1. as it is not Community Significant Development."

A meeting initiated by a Skinners Shoot resident did take place on 16 October 2022, at which some Concepts were presented to a handful of residents by Maggie and an architect. This cannot be considered a facilitated community meeting or workshop because:

- The meeting was not facilitated or initiated by the proponent
- **It has been categorically stated by the proponent and their town planner that the resident-initiated meeting on 16 October 2022 was not a pre lodgement meeting.** This statement was made at a council meeting on 10 August 2023 in front of Councillors and Staff and is a matter of public record on Council's website. Times in the recording are 37:10 to 49:15. Please refer to my email dated 28/4/24 to Patricia Docherty as above.
- Adjoining and surrounding landowners and known community groups were not notified of any meeting
- The press advertisement as shown in *Appendix 3 of the Pre Lodgement Community Engagement Report* does not mention a date for a meeting, a location for a meeting, or in fact any meeting at all. There is a vague reference to "workshops by appointment" and a Gardenhouse website.
- Correspondence as shown in *Appendix 7* on 20th October states that "the community engagement period is over". This is 4 days after the resident-initiated meeting

2. The community has not had adequate time to consider and comment on the proposal

Section 3.0 Engagement Process states there was a letter drop on 28th September 2022 – only Yagers Lane residents received this letter.

- The Letterdrop as shown in *Appendix 1* does not provide notice of any meeting, but merely advises that an appointment can be made for a Workshop. It also says the closing date for comments is the 12th October, which is prior to the resident-initiated meeting which the proponent is attempting to disguise as a facilitated community meeting or workshop. There is no indication of who this letter was dropped to. No residents other than on Yagers Lane received this letter.
- The Response from Maggie Schreiber on 20th October 2022 as shown in *Appendix 7* states that “the community engagement period is over”. This is 4 days after the resident-initiated meeting. At this point, only residents who attended the resident-initiated meeting on 16 October are aware of the proposal. The community engagement period closed before the community was even aware of the proposal.

3. The applicant has not, as a minimum, given at least 10 days' notice of the above community consultation meeting or workshop, for community significant development as follows:

- Letter To Known Community Groups – No letter was sent to Skinners Shoot Residents Group or Butler Street Residents Group
- Newspaper Notice – The press advertisement as shown in *Appendix 3 of the Pre Lodgement Community Engagement Report* does not mention a date for a meeting, a location for a meeting, or in fact any meeting at all. There is a vague reference to “workshops by appointment” and a Gardenhouse website.
- Site Notice – From the Report, this appears to have been done
- Social Media – Apparently the President of the Skinners Shoot Residents Group posted a comment on Facebook, however since this was not done by the applicant, there is no record of it

The notice must include the following information as a minimum, which it did not include:

- An explanation of the proposed application, noting that it has not yet been lodged with Council – This explanation was not provided on letters dropped to Yagers Lane residents or the press advertisement
- Details of where further information can be found - Website and contact details were provided, but only on letters dropped to Yagers Lane residents and the press advertisement
- **Information, including the date and time, of the arranged community meeting or workshop – There was no arranged community workshop. No Information, Date or Time was provided anywhere including the press advertisement for a community meeting.** References to workshops only appeared on the website, as shown by the proponents, not in letters or the press advertisement.
- Alternative avenues for feedback to be shared – email, telephone etc – A website and contact details were provided, but only on letters dropped to Yagers Lane residents and the press advertisement
- Final date feedback will be received and considered – This was only provided by letters dropped to Yagers Lane residents and in the press advertisement. Feedback closed 4 days after the resident-initiated meeting and before the Community was even aware of the proposal

Part E

THE DA AND PROPOSED LAND USES DO NOT COMPLY WITH STATUTORY PROVISIONS

Compliance with *Environmental Planning and Assessment Act 1979 (EPA Act)* – *Liability in respect of contaminated land*

Schedule 6 of the *EPA Act* provides that planning authorities who act substantially in accordance with the Contaminated Land Guidelines are taken to have acted in good faith and thereby can avoid incurring any liability in so far as it relates to contaminated land. This includes during “the processing and determination of a development application and any application under Part 3A or Division 5.2”

In this schedule, “contaminated land means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment: contaminated land means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment”.

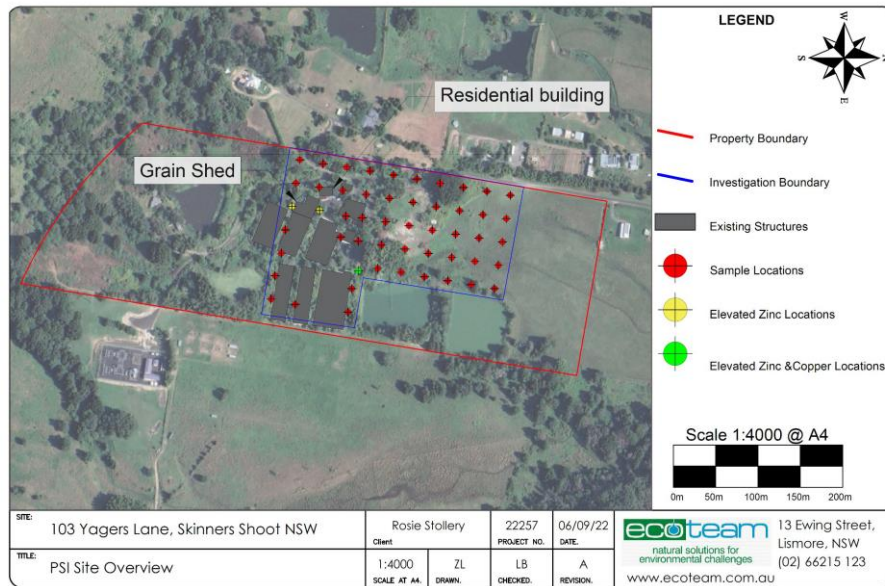
In order to act in good faith, a “planning authority needs to be satisfied that a site is suitable for its proposed use or can and will be made suitable, based on what they know of the site. This will involve an evaluation or review of the information submitted by the proponent” [3.5 Evaluation of the Information Provided by the Proponent, *Managing Land Contamination Planning Guidelines*].

EVALUATION OR REVIEW OF INFORMATION SUBMITTED BY THE PROPONENT

The areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal Unit). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.

The Preliminary Site Investigation states “It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required”. **The recommendation, however, is irrelevant, because the scoped “proposed land use” does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.**

Section 4.2 of the *Contamination Report – Adopted Assessment Criteria* states “The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for **Low Density Residential** (HIL-A) and Generic EILs for **Urban Residential** and **Public Open Space** (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (**home grown produce** <10% fruit and vegetable intake, (no poultry).



The Information submitted by the Proponent is not fit for purpose. The planning authority cannot be satisfied that the site is suitable for its proposed use or can and will be made suitable, based on what they know of the site.

CONTRAVENTION OF SEPP PROVISIONS

<u>Contravention of SEPP Requirements Chapter 4.4</u>		
SEPP Requirement	Proponent Comment	Non-compliance
4.4.2 Biodiversity and Conservation 2021	<p>The application involves the removal of two planted trees to facilitate the development as proposed.</p> <p>Reference should be made to the assessment provided against Chapter B1 of the DCP for further information in this regard, as well as the Ecological Assessment provided at Attachment 3.</p>	<p>Impacts of Horticultural and Manufacturing activities have not been referenced or accounted for in the proposal or in the <i>Ecological Assessment</i>.</p> <p>Compliance is not demonstrated.</p>
4.4.5 Resilience and Hazards 2021 – Chapter 4 Remediation of Land	<p>The objective of Chapter 4 of SEPP (Resilience and Hazards) 2021 is to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.</p> <p>Clause 4.6 of the SEPP relates to contamination and remediation that should be considered in determining a development Application. A consent authority must firstly consider whether a site is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state, or it will be suitable after remediation, for the proposed development.</p> <p>Reference should be made to Preliminary Site Investigation prepared by Ecoteam provided within Attachment 7 of this report. The report concludes that “<i>given the nature of the proposed development and the results of laboratory analysis, the risk of soil contamination to human health and environmental receptors is deemed low across the site at this time</i>”.</p>	<p>There is a high risk of harm to human health and other aspects of the environment as agriculture has not been identified as a land use or assessed in the <i>Statement of Environmental Effects</i>, <i>Preliminary Site Investigation</i> or the <i>Contamination Report</i>.</p> <p>The consent authority cannot be satisfied that the land is suitable for the proposed development. Contamination has not been investigated in areas available for growing produce. Methodologies for purposes of growing of food for human consumption are not adopted.</p> <p>The areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal Unit). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.</p>

Contravention of SEPP Requirements Chapter 4.4

SEPP Requirement	Proponent Comment	Non-compliance
		<p><i>The Preliminary Site Investigation</i> states "It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required". The recommendation, however, is irrelevant, because the scoped "proposed land use" does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.</p> <p>Section 4.2 of the <i>Contamination Report – Adopted Assessment Criteria</i> states "The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for Low Density Residential (HIL-A) and Generic EILs for Urban Residential and Public Open Space (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (home grown produce <10% fruit and vegetable intake, (no poultry).</p> <p>Compliance is not demonstrated.</p>

<u>Contravention of SEPP Requirements Chapter 4.5</u>		
SEPP Requirement	Proponent Comment	Non-compliance
4.5 Noise Impact Assessment	<p><i>"Following an assessment of the background noise levels, attended noise measurements and noise modelling it is our view that the proposed development can be adequately managed through:</i></p> <ul style="list-style-type: none"> <i>• The implementation of a Noise Management Plan for venue operations to ensure adequate measures, roles and responsibilities are in place to achieve the project specific noise criteria.</i> <p><i>The Noise Management Plan should detail the methods that will be implemented for the whole project to minimise operational noise.</i></p>	<p>The <i>Noise Impact Assessment</i> does not assess or mitigate any impacts, it merely suggests that everything be assessed and mitigated in the Noise Management Plan.</p> <p>Since there is no Noise Management Plan, the following has not been achieved:</p> <ul style="list-style-type: none"> <i>a) identification of nearby residences and other sensitive land uses;</i> <i>b) assessment of expected noise impacts;</i> <i>c) detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;</i> <i>d) clear and defined acceptable rules of behaviour for patrons;</i> <i>e) adherence to responsible service of alcohol regulations;</i> <i>f) strategies to promptly deal with and address noise complaints;</i> <i>g) details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);</i> <i>h) procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and reference to relevant consent conditions.</i> <p>Noise from farm staff coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, and pumps may have significant impact on the amenity of residents, and has not been assessed because agriculture was not identified as a land use.</p> <p>Noise impacts of the SSI Disposal Unit and trucks removing this waste has not been assessed.</p> <p>The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p> <p>Compliance is not demonstrated.</p>

<u>Contravention of SEPP Requirements Chapter 4.5</u>		
SEPP Requirement	Proponent Comment	Non-compliance
	<i>A detailed assessment of the mechanical plant is required. As final plant selection has not been completed, an assessment of plant should be conducted during the design phase.</i>	<p>No such detailed assessment of the mechanical plant has been conducted.</p> <p>In particular the SSI Disposal Unit has not been identified in the Report.</p> <p>The <i>Noise Impact Assessment</i> has merely identified issues of concern and these issues have not been addressed.</p> <p>Compliance is not demonstrated.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

"In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of this application"

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;

<u>Contravention of SEPP Requirements Chapter 4.15 Evaluation</u> (b)		
SEPP Requirement	Proponent Comment	Non-compliance
Context and Setting	<p>The surrounding land uses comprise a combination of rural, rural lifestyle and tourism related activities. The development site represents a heavily modified built form comprising a former intensive piggery.</p> <p>The Land Use Conflict Risk Assessment provided at Attachment 13 confirms that the proposed development is able to satisfactorily co-exist with surrounding land uses.</p>	<p>The character and amenity of development in Skinners Shoot is rural dwellings and the odd resident-managed BnB. The Arts Factory Lodge is medium-scale tourist accommodation, located on the border of the town centre. The Yoga Centre is a small primitive camping development located towards the town centre, a long way before the residential locality of Skinners Shoot. Traffic generated from these establishments does not significantly affect amenity of residents as they are located before the residential area of Skinners Shoot.</p> <p>The proposed Development is completely out of character with development in the locality. There are no plans for future large scale Tourist, Industrial or Commercial Developments in the locality.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation		
(b)		
SEPP Requirement	Proponent Comment	Non-compliance
		<p>A Manufacturing and Tourism facility of this scale is out of context with the natural environment of Skinners Shoot, which is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy industrial and tourist complex with staff and patrons coming and going, products being manufactured, sales being made, workshops being held, and parcels being rushed to the post-office or customers is not in context with the surrounds.</p> <p>Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone. Agricultural and manufacturing impacts are not investigated in the LUCRA Report including from the SSI Disposal Unit.</p> <p>Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them. The <i>Noise Impact Assessment</i> makes no mention or assessment of the SSI Disposal Unit or trucks collecting waste.</p> <p>The chapter is contravened.</p>
Access, transport and traffic	The proposal is consistent with the scale of development foreshadowed in Council's planning policies and is not expected to adversely impact on the function of the local road network.	<p>What evidence has been presented to show the proposal is consistent with the scale of development foreshadowed in Council's planning policies?</p> <p>There are no plans for future Tourist, Industrial or Commercial Developments to be serviced by Skinners Shoot Road, let alone with such an enormous impact.</p>

<u>Contravention of SEPP Requirements Chapter 4.15 Evaluation</u> (b)		
SEPP Requirement	Proponent Comment	Non-compliance
		<p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal Unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>A Manufacturing and Tourism facility half the size of the proposed Byron CBD Woolworths redevelopment is not consistent with the scale of Council's planning policies and will indeed adversely impact the local road network.</p> <p>A 63% increase in traffic along Skinners Shoot Road is an adverse impact on Amenity and the road network. An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skinners Shoot Road to an unacceptable degree. Other adverse impacts on Services, Amenity and Environment are misrepresented by the proponents, with Horticultural and Manufacturing activities not accounted for.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(b)

SEPP Requirement	Proponent Comment	Non-compliance
		<p>Skidders Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p> <p>Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skidders Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal Unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(b)

SEPP Requirement	Proponent Comment	Non-compliance
		<p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from "by appointment only" to access by the general public.</p> <p>Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the <i>Local Strategic Statement</i>. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.</p> <p>The chapter is contravened.</p>
Flora and fauna	<p>The proposal involves the removal of 2 x planted native trees. The large mature Fig and associated understorey will be retained as a key landscape feature of the development. does not require the removal of any significant vegetation. An Ecological Assessment is provided at Attachment 3 which confirms that the project is not expected to result in significant adverse ecological impacts.</p>	<p>Horticultural and Manufacturing activities have not been referenced or accounted for in the proposal, the <i>Ecological Assessment</i>, the <i>Biodiversity Assessment</i> or the <i>Flora and Fauna Assessment</i>.</p> <p>I was not able to find the <i>Ecological Assessment</i>.</p> <p>Compliance is not demonstrated.</p>
Natural Hazards	<p>The site is mapped as being affected by bushfire prone vegetation. A Bushfire Hazard Assessment is provided within Attachment 4 with the recommendations incorporated within the project design. Whilst the site is not mapped as being flood prone, both Skinners Shoot Road and</p>	<p>The <i>Bushfire Report</i> does not assess impacts of Industry for example stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal Unit, or stored after processing. Horticultural and Manufacturing activities have not been referenced or accounted for in the <i>Bushfire Report</i>.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(b)

SEPP Requirement	Proponent Comment	Non-compliance
	Yagers Lane do experience occasional inundation. As outlined in the assessment within Attachment a formal Flood Emergency Evacuation Plan (FERP) will be adopted for the premises relating to both local and regional flood events. This approach involves a combination of 'avoidance' (closure) in the case of forecast regional flood events and 'shelter in place' for local storm events.	The <i>Flood Emergency Evacuation Plan</i> makes reference to Horticulture and Manufacturing merely as "ancillary activities" to the Restaurant. Compliance is not demonstrated.

Contravention of SEPP Requirements Chapter 4.15 Evaluation

"In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of this application"

(c) The suitability of the site for the development:

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(c)

Requirement	Proponent Comment	Non-Compliance
Does the proposal fit within the locality	<p>The current application is accompanied by a wide range of technical assessments which confirm that the proposal represents a suitable addition to the locality.</p> <p>Particular reference should be made to the Noise Impact Assessment (Attachment 14), Land Use Conflict Risk Assessment (Attachment 13) and Traffic Impact Assessment (Attachment 8).</p> <p>The proposed development will be largely hidden from</p>	<p>None of the wide range of technical assessments mention or measure agriculture or manufacturing, and so cannot be relied upon to confirm the proposal is a suitable addition to the locality.</p> <p>The character and amenity of development in Skinners Shoot is rural dwellings and the odd resident-managed BnB. The Arts Factory Lodge is medium-scale tourist accommodation, located on the border of the town centre. The Yoga Centre is a small primitive camping development located towards the town centre, a long way before the residential locality of Skinners Shoot. Traffic generated from these establishments does not significantly affect amenity of residents as they are located before the residential area of Skinners Shoot.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(c)

Requirement	Proponent Comment	Non-Compliance
	<p>view by virtue of the location of the site, topography and existing and proposed landscaping.</p>	<p>At 4,496m², including space for 71 cars and an SSI Disposal Unit, the proposed Development is over half the size of the proposed Woolworths redevelopment in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m².</p> <p>The proponents attempt to measure the bulk and scale of the development merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring bulk or scale for the application of Chapter D4.1.2 of the DCP.</p> <p>The Development is enormous in bulk and scale, and is completely out of character with development in the locality. There are no plans for future large scale Tourist, Industrial or Commercial Developments in the locality.</p> <p>The proponents attempt to characterise operations of the enterprise as merely managing a few bookings. Operations of a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than patron bookings.</p> <p>Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI Disposal Unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping, maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation		
(c)		
Requirement	Proponent Comment	Non-Compliance
		<p>The character of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the neighbourhood.</p> <p>Traffic generation of 552 vehicle trips per day, representing a 63% increase in traffic along Skinners Shoot Road is not compatible with rural dwellings and resident-managed BnBs.</p> <p>How many other private SSI Disposal Units are operated by Commercial and Retail facilities in Byron Shire?</p> <p>The bulk, scale and operations of the proposed 4,496m², \$22 million dollar Commercial and Retail Facility is not remotely compatible with the character and amenity of current or future rural residential development at Skinners Shoot.</p> <p>The Provision is contravened.</p>
Site attributes conducive to the development?	The subject lands are mapped as bushfire prone land. The development will be undertaken in accordance with the relevant standards contained within PfBP2019.	<p>Site Plans, aerial photos and Architectural Plans clearly show there is no space for agriculture under the proposal. Buildings, driveways and parking take up 4,496m² – which does not include an owner or manager's dwelling, landscaping, ponds, contaminated dams, or the planned SSI Disposal Unit. There is no space for the required Buffer Zone (200m) between Horticulture and buildings.</p> <p>The land is not conducive to horticulture as there is no space and no water source for irrigation as the dams are contaminated.</p> <p>The land has not been cleared of contamination in areas available for growing produce, and methodologies for purposes of growing food for human consumption are not used.</p>

Contravention of SEPP Requirements Chapter 4.15 Evaluation

(c)

Requirement	Proponent Comment	Non-Compliance
		<p>Being situated in a quiet rural area, the site is not conducive to a 4,496m², manufacturing and tourism complex which is over half the size of the proposed Woolworths redevelopment in the Byron CBD.</p> <p>Being situated on a narrow dead-end road the site is not conducive to the development due to the unacceptably high level of traffic it will generate.</p> <p>The Provision is contravened.</p>

CONTRAVENTION OF LEP PROVISIONS

Contravention of Zone Land Uses and Impermissibility under the LEP

The *Statement of Environmental Effects* fails to identify Horticulture as a Land Use. This endangers the entire premise of the proposal, which is that produce grown on the land will be served at the Restaurant in a Rural Area in support of the agricultural activities on the land, then manufactured into artisan products in the Artisan Food and Drink Industry, and be supported by a Farm Building ancillary to agriculture on the land.

The Proponents conveniently leave out of this section the definition of a Restaurant in Rural Area, under which the proposed restaurant is not permissible in an RU2 zone. They do not mention how the proposed Farm Building can be defined as a Farm Building without a farm or how the Commercial Kitchen and Café can be defined as Artisan Food and Drink Industry area without having Making or Manufacturing as its Principal Purpose.

Contravention of Zone Land Uses and Impermissibility under the LEP

LEP Requirement	Proponent Comment	Non-compliance
<p>Horticulture is permitted with consent in RU2.</p> <p>LEP Table B6.1 and Land Use Matrix</p>	None	<p>There is no space or provision on the site for the Buffer Zone of 200m which would be required for approval of Horticulture. There is no provision for irrigation. There is no assessment of impacts of Horticulture. The land has not been tested for contamination for purposes of growing food for human consumption, and only built-up areas have been sampled at all.</p>

Contravention of Zone Land Uses and Impermissibility under the LEP

LEP Requirement	Proponent Comment	Non-compliance
		<p>The areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal Unit). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.</p> <p><i>The Preliminary Site Investigation</i> states "It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required". The recommendation, however, is irrelevant, because the scoped "proposed land use" does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.</p> <p>Section 4.2 of the <i>Contamination Report – Adopted Assessment Criteria</i> states "The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for Low Density Residential (HIL-A) and Generic EILs for Urban Residential and Public Open Space (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (home grown produce <10% fruit and vegetable intake, (no poultry).</p> <div data-bbox="679 1442 1324 1865" data-label="Figure"> <p>LEGEND</p> <ul style="list-style-type: none"> Property Boundary Investigation Boundary Existing Structures Sample Locations Elevated Zinc Locations Elevated Zinc & Copper Locations <p>Scale 1:4000 @ A4</p> <p>0m 50m 100m 150m 200m</p> <p>103 Yagers Lane, Skinners Shoot NSW</p> <p>13 Ewing Street, Lismore, NSW</p> <p>ecoteam natural solutions for environmental challenges (02) 66215 123 www.ecoteam.com.au</p> <p>PSI Site Overview</p> <p>1:4000 SCALE AT A4</p> <p>22257 PROJECT NO.</p> <p>06/09/22 DATE</p> <p>1/8 A</p> <p>DESIGNED CHECKED REVISION</p> </div> <p>This suggests agriculture cannot be conducted on the site without posing a potential health hazard to consumers, requiring any application for Horticulture to be rejected.</p> <p>The Provision is contravened.</p>

<u>Contravention of Zone Land Uses and Impermissibility under the LEP</u>		
LEP Requirement	Proponent Comment	Non-compliance
Restaurants are permitted in the RU2 Zone	<p>Defined Land Use The proposed development is defined as a 'restaurant', 'artisan food and drink industry' and 'farm building' pursuant to the Byron Local Environmental Plan 2014. A copy of the relevant definitions, together with their parent definitions, are reproduced below. <i>[Restaurant, Food and Drink Premises, Retail Premises, Commercial Premises, Artisan Food and Drink Industry, Light Industry, Industry, Farm Building are reproduced]</i></p> <p>Permissibility Restaurants, artisan food and drink industries and farm buildings are all permissible with development consent in the RU2 Rural Landscape zone. We note that the proposed farm building is not able to proceed as 'exempt development' due to the total area of other existing farm structures on the land.</p>	<p>Since Skinners Shoot is a rural area:</p> <ul style="list-style-type: none"> - The Restaurant is not a permitted Land Use under the LEP as it does not meet definitions of being a Restaurant in a Rural Area under Chapter D4.2.9 of the DCP. - The Restaurant cannot be Rural and Nature-based Tourism under Part 6.8(3) of the LEP. <p>See Part A <i>The Development is Not a Permitted Land Use in an RU2 Zone</i> for further details.</p> <p>The Provision is contravened.</p>
The Byron Local Environment Plan 2014 - Dictionary states that "farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling".		<p>The Farm Building is not ancillary to an agricultural use of the landholding and therefore cannot meet the definition of Farm Building under the LEP.</p> <p>Agriculture is not conducted, proposed to be conducted or able to be conducted on the landholding. Site Plans, aerial photos and Architectural Plans clearly show there is no space for agriculture under the proposal. Buildings, driveways and parking take up 4,496m² – which does not include an owner or manager's dwelling, landscaping, ponds, contaminated dams, or the planned SSI Disposal Unit. There is no space for the required Buffer Zone (200m) between Horticulture and buildings. There is no provision for irrigation. The site has not been assessed for contamination for purposes of growing food for human consumption, and only built-up areas have been sampled at all. A failure to identify Horticulture as a land use, and the complete absence of agriculture from the proposal, further demonstrates that agriculture is not a use of the landholding.</p> <p>Furthermore, there is no request to amalgamate Lot 7 and 8, which risks severing the Farm Building from its farm.</p> <p>The list of fruits, vegetables, elixirs, powders, botanicals, grains, nuts, spices, and bespoke ingredients mentioned (in one section only of the proposal) at Section 3 <i>Statement of Environmental Effects</i>, is extensive. Where will this extraordinary range of produce be grown?</p>

Contravention of Zone Land Uses and Impermissibility under the LEP

LEP Requirement	Proponent Comment	Non-compliance																
		<p>The small areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal Unit). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.</p> <p><i>The Preliminary Site Investigation</i> states “It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required”. The recommendation, however, is irrelevant, because the scoped “proposed land use” does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.</p> <p>Section 4.2 of the <i>Contamination Report – Adopted Assessment Criteria</i> states “The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for Low Density Residential (HIL-A) and Generic EILs for Urban Residential and Public Open Space (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (home grown produce <10% fruit and vegetable intake, (no poultry).</p> <div><table><tr><td>103 Yagers Lane, Skinners Shoot NSW</td><td>Rosie Stollery</td><td>22257</td><td>06/09/22</td></tr><tr><td>Client</td><td>Project No.</td><td>Date</td><td></td></tr><tr><td>PSI Site Overview</td><td>1:4000</td><td>ZL</td><td>LB</td></tr><tr><td>SCALE AT A4</td><td>DRAWN</td><td>CHECKED</td><td>REVISION</td></tr></table><p>ecoteam natural solutions for environmental challenges www.ecoteam.com.au</p><p>13 Ewing Street, Lismore, NSW (02) 66215 123</p></div> <p>This suggests agriculture cannot be conducted on the site without posing a potential health hazard to consumers.</p>	103 Yagers Lane, Skinners Shoot NSW	Rosie Stollery	22257	06/09/22	Client	Project No.	Date		PSI Site Overview	1:4000	ZL	LB	SCALE AT A4	DRAWN	CHECKED	REVISION
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Contravention of Zone Land Uses and Impermissibility under the LEP

LEP Requirement	Proponent Comment	Non-compliance
		<p>The proponent's lack of commitment to agricultural uses is further demonstrated by its absence from the proposal. Only in the following sections of the <i>Statement of Environmental Effects</i> is agriculture alluded to: Clause 3.3 <i>Proposed Artisan Food Industry</i> and 3.4 <i>Proposed Farm Building</i> use phrases such as "grown on the property", "from the property", "on the property" and "vegetable and flower beds on site". Clause 3.2 <i>Proposed Restaurant</i> mentions "heirloom produce which will be produced on site in dedicated horticultural areas". Clause 2.3 <i>Zone Objectives and Land Use Table</i> and 4.3.13 <i>Commercial and Retail Development</i> refer to "a range of horticultural plantings" (also heirloom).</p> <p>Only when it provides a pathway to approval is agricultural activity mentioned in the DA. Neither is agriculture mentioned in any of the minutes, communications with residents or websites. The following sections of the DA do not refer to agriculture:</p> <p><i>Executive Summary, Development Application, Site Details, Pre-lodgement Consultations, Site Analysis, Description of Proposal, Site Analysis, Environmental Considerations, Flood Emergency Advice, Preliminary Site Investigation (for contamination), Summary of Proposal, Environmental & Architectural Vision, Earthworks, Vegetation Management Works, Vehicular Access & Services, Architectural Design Plans, Landscape Design Plans, Business Identification Signage, Operational Management, and Statutory Assessment.</i></p> <p>The following Consultants' Reports do not refer to agriculture:</p> <p><i>The Acoustic Report, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Site Plans, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.</i></p>

<u>Contravention of Zone Land Uses and Impermissibility under the LEP</u>		
LEP Requirement	Proponent Comment	Non-compliance
		<p>The <i>Water Management Plan</i> has not mentioned or measured water for agricultural use such as irrigation. The <i>Bushfire Report</i> does not mention horticultural vegetation. The <i>LUCRA Report</i> does not identify Horticulture as a land use or propose a Buffer Zone. The <i>Noise Impact Statement</i> undertakes no investigation of impacts from farm machinery, pumps, forklifts or tractors.</p> <p>Clearly the proposed Farm Building is not actually a Farm Building since there is no farm. Considering the size, layout, topography, infrastructure and contamination of the site, there is no evidence of how Lots 7 and 8 can sustain any agriculture and no agriculture is proposed. The building is not ancillary to an agricultural use of the landholding, and cannot be defined as a Farm Building under the LEP in order to become a permitted use in an RU2 Zone.</p> <p>The Provision is contravened.</p>

<u>Contravention of Aims of the LEP Part 1.2</u>		
Aim of the LEP	Proponent Comment	Non-compliance
<p>The <i>Byron Local Environment Plan 2014 – Dictionary</i> states that “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....”</p>		<p>The Principle Purpose of the Artisan Food and Drink Industry area is not Making or Manufacturing and therefore cannot meet the Definition of this Land Use under the LEP.</p> <p>The small floor area and small staff numbers dedicated to manufacturing activities, and the layout of the Artisan Food and Drink Industry area clearly demonstrates a lack of commitment to the purpose of Making or Manufacturing. Details of on-line sales activities, including where multiple small orders of high-end products will be packaged for mailing or courier delivery, are entirely absent from the proposal. Manufacturing activities are inadequately specified, with significant impacts not assessed. Consultant’s Reports describe the Manufacturing Facility as a Café, or sometimes “Commercial Kitchen”. This is further evidence that Making and Manufacturing is not the principle purpose of the building or place.</p>

Contravention of Aims of the LEP Part 1.2

Aim of the LEP	Proponent Comment	Non-compliance
		<p>The list of fruits, vegetables, elixirs, powders, botanicals, grains, nuts, spices, and bespoke ingredients proposed to be transformed into artisan products is extensive. But how will all these products be picked, manufactured, packed, bottled, stored and prepared for mailing in the 61m² "Commercial Kitchen" by 5 staff? Anyone who has sold retail products on-line is aware how much space and time is required for preparing multiple high-end small orders for mailing. The "Commercial Kitchen" is the only area allocated to Making or Manufacturing – the remainder of the space is devoted to sales, tastings, workshops, meet the maker and the café.</p> <p>The Artisan Food and Drink Industry area provides the proponents with a pathway for their Commercial Kitchen, Café and Sales Area to be approved. Details of Manufacturing Operations and Manufacturing Impacts, however, are virtually absent from the proposal including Consultants' Reports.</p> <p>Only in the following sections of the <i>Statement of Environmental Effects</i> are such operations described with phrases such as "creating elixirs and tinctures", "creating our own unique tea infusions", "Making our own spice cupboard", "Creating seasonal granolas", "exploring" other products. Clause 3.2 <i>Proposed Restaurant</i> mentions "heirloom produce which will be produced on site in dedicated horticultural areas". No details of how these products will be mailed or delivered are provided.</p> <p>This is hardly sufficient detail for a commercial enterprise. Impacts are not adequately assessed, with the following Consultants' Reports not measuring impacts of Manufacturing:</p> <p><i>Noise Impact Assessment, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Traffic Report, Waste Management Plan, Pre lodgement community engagement report.</i></p>

<u>Contravention of Aims of the LEP Part 1.2</u>		
Aim of the LEP	Proponent Comment	Non-compliance
		<p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report fails to assess Impacts of Manufacturing such as: generation of trips from staff for the commercial kitchen, manufacturing or maintenance, deliveries of goods for the commercial kitchen, deliveries of goods inwards and outwards for manufacturing operations and trucks collecting waste from the SSI Disposal Unit. Neither are trips to deliver products to the post office or customers by courier for mailing of on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>The OSMS Report describes the Artisan Food and Drink Industry area as a "café and commercial kitchen".</p> <p>The <i>Water Management Report</i> does not reference Manufacturing as a water use. Rather its scope encompasses water that will be used for "Food preparation" and "Outdoor use such as garden watering".</p> <p>Does the <i>Waste Management Plan</i> assess Impacts of the SSI Disposal Unit?</p> <p>The <i>LUCRA Report</i> does not investigate Manufacturing impacts including from the SSI Disposal Unit.</p> <p>The <i>Noise Impact Assessment</i> makes no mention or assessment of the SSI Disposal Unit or trucks collecting waste.</p>

<u>Contravention of Aims of the LEP Part 1.2</u>		
Aim of the LEP	Proponent Comment	Non-compliance
		<p>The <i>Bushfire Report</i> does not assess impacts of Industry for example stock stored for manufacturing or piles of waste waiting to be munched in the Unit, or stored after processing.</p> <p>The <i>Flood Risk Management Report</i> does however mention “ancillary operations”, while referring to closing the Restaurant in the case of emergency. Presumably the phrase “ancillary operations” is intended to describe the activities of Horticulture and Manufacturing.</p> <p>Making or Manufacturing is clearly not the primary purpose of this building or place. Details of Manufacturing and on-line sales are inadequately specified, and Impacts are missing from key reports, with no mention of the SSI Disposal Unit and no assessment of traffic generated from mail and courier trips for on-line sales.</p> <p>A Café with a Commercial Kitchen cannot be characterised as an Artisan Food and Drink Industry Area merely to become a permitted Land Use in an RU2 Zone under the LEP.</p> <p>The Provision is contravened.</p>
“the principle of providing credible information in open and accountable processes to encourage and assist the effective participation of local communities in decision making”.	This property contains a large number of substantial rural buildings, dams and tanks associated with the historic use of the land as a very large intensive piggery. The current application seeks to adaptively reuse some of these structures to	<p>The DA is incomplete and manifestly deficient as the Land Uses of agriculture and Horticulture have not been identified and are entirely absent in the <i>Statement of Environmental Effects</i> and in the Consultants’ Reports.</p> <p>Details of Manufacturing are inadequately specified and impacts of Manufacturing are inadequately measured in <i>Statement of Environmental Effects</i> and in the Consultants’ Reports. For example, the SSI Disposal Unit is not mentioned in anywhere in the proposal or reports other than in the <i>Site Plans</i> and <i>Architectural Drawings</i>. Required consultation for Community Significant Development has not occurred.</p> <p>Please see Part C “The DA is Either a Sham or Manifestly Deficient” and Part D “Community Consultation Requirements Have not Been Met” of this Objection for further information.</p>

<u>Contravention of Aims of the LEP Part 1.2</u>		
Aim of the LEP	Proponent Comment	Non-compliance
	<p>provide a restaurant and associated uses on the land. The application is accompanied by a range of technical reporting which confirms that the development as proposed is able to satisfactorily co-exist with the surrounding locality.</p> <p>220322 Statement of Environmental Effects Page 32</p> <p>The land uses are each permissible with development consent in the RU2 zone and, as outlined below, the project is consistent with the applicable zone objectives for the land.</p>	<p>Are the Council and residents expected to swallow the mischaracterisation of this enormous development? Can a few vegetable and flower beds and art works and references to existing pig pen footprints really get this over the line? The true Land Uses and their Impacts are absent from the DA, Consultants' Reports and any history of communication with residents or council. Cases heard in the <i>Land and Environment Court of NSW</i> refer to this a sham DA.</p> <p>This Aim is contravened.</p>

<u>Contravention of Aims of the LEP Part 1.2</u>		
Aim of the LEP	Proponent Comment	Non-compliance
"to minimise conflict between land uses within a zone and adjoining zones and ensure minimal impact of development on the amenity of adjoining and nearby land uses".	None	<p>The Land Uses of agriculture and Horticulture have not been identified or described in the DA or Consultants' Reports.</p> <p>The Required Buffer Zone to mitigate impacts of Horticulture such as chemical spraying, operation of farm machinery and noise cannot fit on the land.</p> <p>Details of Manufacturing are inadequately specified and impacts of Manufacturing are inadequately measured in <i>Statement of Environmental Effects</i> and in the Consultants' Reports.</p> <p>Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours.</p> <p>Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. Noise from SSI Disposal Unit and trucks collecting waste could be significant.</p> <p>The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone. Agricultural and Manufacturing impacts are not investigated in the <i>LUCRA Report</i> including from the SSI Disposal Unit or trucks collecting waste.</p> <p>The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them. There is no mention or assessment of the SSI Disposal Unit or trucks collecting waste.</p> <p>This Aim is contravened.</p>

Contravention of LEP Zone Objectives Part 2.3		
Zone Objectives	Proponent Comment	Non-compliance
<p>To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural character of the locality.</p>	<p>The subject application seeks to adaptively re-use part of the former Yager's Piggery for the purpose of a small restaurant and associated uses. The proposed restaurant component involves the repurposing of part of a former piggery building which is intended to preserve the existing rural landscape of the site. The proposed new buildings to be constructed on the land are each relatively small (and clearly subservient to the large former piggery buildings. Material selection, form and height each seek to complement the existing rural development on the land and the surrounding rural character. The development as a whole has been restricted in size to accommodate a limited (and defined) number of patrons. The premises will be exclusively 'by appointment only' with 'drop in' customers or access by the general public. The application is supported by a range of reports which confirm that the application as proposed is able to satisfactorily co-exist with the surrounding rural locality without causing adverse impacts. The objective of the development is to produce high quality foods using organic produce grown onsite within dedicated horticulture areas. As such, the premise of the development is centred on the primary production capabilities of the land to support horticulture production. The proposed development will showcase gourmet food products utilising seasonal heirloom and organic produce grown on site and surrounding district. Based on the above, the development is considered to comply with the RU2 zone objectives.</p>	<p>At 4,496m², including space for 71 cars, and its own SSI Disposal Unit, the proposed Tourism Use is over half the size of the proposed Woolworths redevelopment in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². The proponents attempt to measure scale merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring scale for the application of Part 6.8 of the LEP, Part 2.3 of the LEP or Chapter D4.2.9 of the DCP. The Tourism Development is enormous in scale – physical, operational and economic scale.</p> <p>There is no guarantee that the premises will not change from "by appointment only" to access by the general public.</p> <p>Why is an SSI Disposal Unit needed for a small scale Tourism Use?</p> <p>The natural environment of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, garbage being munched, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the natural environment.</p>

Contravention of LEP Zone Objectives Part 2.3

Zone Objectives	Proponent Comment	Non-compliance
		<p>The land use is not a small-scale tourism use consistent with the rural character of the locality, and residents are alarmed at the enormous impact this development will have on their amenity and the natural environment.</p> <p>Please see Part A "The Development is Not a Permitted Land Use in an RU2 Zone", Part B "The Development Contravenes Aims of the DCP – Commercial and Retail Development" for further information regarding contravention of Zone Objectives and Adverse Impacts.</p> <p>This Objective is contravened.</p>

Contravention of LEP Part 6.8 Rural and Nature Based tourism Development

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

<u>Contravention of LEP Part 6.8 Rural and Nature Based tourism Development</u>		
(3)		
LEP Standard	Proponent Comment	Non-compliance
(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	"The development seeks to utilise the existing driveway crossover connecting to Yagers Lane. Reference should be made to proposed access arrangements outlined within the Traffic Impact Assessment provided within Attachment 8. This assessment confirms that the surrounding road network has the capacity to accommodate the development as proposed."	<p>Vehicular access for Horticultural and Manufacturing activities on the site has not been accounted for either in the proposal or in the proponents' <i>Traffic Report</i>. Access for heavy vehicles including trucks, forklifts, tractors and trucks has not been considered.</p> <p>Vehicle access as follows has not been measured:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal Unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Compliance has not been demonstrated.</p>

Contravention of LEP Part 6.8 Rural and Nature Based tourism Development

(3)

LEP Standard	Proponent Comment	Non-compliance
<p>STANDARD:</p> <p>(3b) the development is small scale and low impact; small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.</p>	<p>PROPONENT COMMENT:</p> <p>"The proposed development is the vision of our client, Ms Maggie Schreiber, who is a relative of the owner of the land. Ms Schreiber as lived on the land for approximately 20 years and will manage and oversee the operation of the premises. The activities on the site will be guided by a clear and defined Operational Management Plan to ensure that all requirements of the development are implemented in accordance with applicable conditions of consent to minimise impact (both onsite and offsite).</p> <p>The proposed activities have been carefully curated by our client to ensure that the overarching vision of the premises is achieved in a manner which is respectful to the site, compatible with the surrounds and capable of being overseen and managed by her. All guests attending the premises will need to have a prior reservation, with no access to the site for the general public on a 'drop-in' basis.</p> <p>The reservation only nature of the proposal will enable Ms Schreiber to manage attendance at the site to ensure that the customer experience matches the vision for the site.</p> <p>The proposal provides for an exclusive and intimate experience for a relatively small number of diners in the 45 seat restaurant. An experienced chef will manage the 'day to day' of the restaurant, with such operations occurring in accordance with the development consent and operational management plan for the site. It is noted that a relatively large number of FTE staff will be engaged within the restaurant. However, this is typical for premises which provide high end, fine dining experiences. In this regard, by their very nature, such premises require a significantly higher staff to guest ratio than typical restaurants so as to deliver the desired quality of food and service.</p> <p>Not more than 75 guests will be on site at any time (maximum of 60 in the restaurant / lounge and 15 in the Artisan Area). The 75 maximum guest capacity occurs only 15 hours per week in the middle of the day (when the artisan area and restaurant are operational at the same time220322 Statement of Environmental Effects Page 39.</p> <p>In the evening, the artisan area will be non-operational, resulting in a maximum of 60 guests on site (in both the restaurant and lounge area).</p> <p>The small number of restaurant guests attending the site are such that it's reasonable to conclude that the development is small scale.</p> <p>We also note that whilst the restaurant occupies a relatively generous footprint, this needs to be considered in the context of the existing scale of buildings on the land (which are substantial) and the desire to provide an exclusive, private and generously proportioned space. The number of guests accommodated on site remains small notwithstanding the size of the building.</p> <p>The application is supported by a range of assessments which confirm that the project will be able to satisfactorily co-exist with surrounding uses and can reasonably considered 'low impact' including a Noise Impact Assessment, Land Use Conflict Risk Assessment, Ecological Assessment and Waste Water Assessment.</p>	

NON COMPLIANCE:**THE TOURISM DEVELOPMENT/USE IS NOT SMALL SCALE OR LOW SCALE**

At 4,496m², including space for 71 cars, and its own SSI Disposal Unit, **the proposed Rural Tourism Development/Restaurant in a Rural Area is over half the size of the proposed Woolworths redevelopment** in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². The proponents attempt to measure scale merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring scale for the application of Part 6.8 of the LEP, Part 2.3 of the LEP or Chapter D4.2.9 of the DCP. The Tourism Development is enormous in scale – physical, operational and economic scale.

Why is an SSI Disposal Unit needed for a small or low scale Tourism Development/Restaurant in a Rural Area?

The Scale is not Small enough to be generally managed and operated by the principal owner living on the property

The proponents attempt to characterise the operational scale of the enterprise as merely managing a few bookings, which Maggie herself has volunteered to do, while living on the property.

Managing and operating a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than attending to patron bookings.

Management and Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI Disposal Unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping, maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.

And where on Lot 8 will the owner or manager live, while managing and operating the enterprise? Very special treatment seems to have been provided in order for a Dwelling to be approvable on this Lot, with its own section inserted into the LEP. However no provision has been made for the owner or manager's dwelling on Lot 8.

No person, whether principal owner or manager, could be expected to be capable of managing and operating this enormous Rural Tourism Development/Restaurant in a Rural Area while living on the property. There is no provision for the owner or manager's dwelling on Lot 8.

NON COMPLIANCE:

THE DEVELOPMENT IS NOT LOW IMPACT

A Manufacturing and Tourism facility half the size of the proposed Byron CBD Woolworths redevelopment cannot be characterised as *low impact*. A 63% increase in traffic along Skinners Shoot Road is not low impact. An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skinners Shoot Road to an unacceptable degree. Other adverse impacts on Services, Amenity and Environment are misrepresented by the proponents, with Horticultural and Manufacturing activities not accounted for.

Skinners Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.

Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.

The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:

- Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff
- Arrival and departure of restaurant patrons
- Truck deliveries of farm equipment and supplies
- Inwards and outwards goods deliveries by truck for manufacturing
- Trucks collecting waste from the SSI Disposal Unit
- Deliveries of artisan products to the post office or to customers by courier from online sales
- Pedestrians and cyclists

Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.

The proponents' *Traffic Report* has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. **The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal Unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.**

NON-COMPLIANCE

Instead, the proponents' *Traffic Report* states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".

This *Traffic Report* has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 *Traffic Impact* of the DCP and severely underreporting impacts. **Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the *Traffic Peer Review* instead.**

Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the *Local Strategic Statement*. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.

Other impacts on Services, Amenity and Environment have been misrepresented in the DA, with Horticulture and Manufacturing impacts entirely unassessed. The following reports cannot be relied upon to suggest the proposed Tourism Development is low-impact:

The Acoustic Report, Noise Impact Assessment, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.

The *Water Management Report* does not reference the primary uses of water – Horticulture and Manufacturing. Rather its scope encompasses water that will be used for "Food preparation" and "Outdoor use such as garden watering". It does however state that the dams are contaminated. Can it be confirmed that Rous Water are aware of this proposed Manufacturing and horticultural use?

Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. **The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone.** Agricultural and Manufacturing impacts are not investigated in the *LUCRA Report* including from the SSI Disposal Unit.

The Flora and Fauna Assessment does not investigate impacts of Horticulture or Manufacturing.

Contravention of LEP Part 6.8 Rural and Nature Based tourism Development

(3)

LEP Standard	Proponent Comment	Non-compliance
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NON-COMPLIANCE

The *Bushfire Report* does not assess impacts of Horticulture (eg a change in vegetation) or stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal Unit, or stored after processing.

The *Noise Impact Assessment* makes no mention or assessment of the SSI Disposal Unit or trucks collecting waste. Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The *Noise Impact Assessment* merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.

Does the *Waste Management Report* assess impacts of the SSI Disposal Unit?

The natural environment of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, garbage being munched, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the natural environment.

The proposed 4,496m², \$22 million dollar Tourist Development/Restaurant in a Rural Area is not small or low scale – either physically, operationally or economically. Operation of the enormous enterprise, which proposes to grow, manufacture, pack, mail, sell and serve a huge range of products, cannot be conducted by an owner or manager living on the property. There is not even a house on Lot 8 for an owner or manager to live. The proponents fail to demonstrate the Tourist Development/Restaurant in a Rural Area is low-impact, and have left out impacts of Horticulture and Manufacturing from their proposal. The land use is not a small-scale tourism use consistent with the rural character of the locality, and residents are alarmed at the enormous impact this development will have on their amenity and the natural environment. It is therefore prohibited by Part 6.8 of the LEP, Part 2.3 of the LEP and Chapter D4.2.9 of the DCP.

The Provision is contravened.

LEP STANDARD	PROPONENT COMMENT	NON-COMPLIANCE
<p>(d) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment.</p>	<p>"A significant area of the site will be retained for horticultural purposes. These areas will be utilised for growing fruit, vegetables, herbs and flowers for the proposed restaurant and artisan food and drink industry. The development involves the adaptive re-use of an existing agricultural building (former piggery) to reduce the physical impact of the development and preserve the rural amenity of the locality. The development will not have any significant adverse impacts on the surrounding environment. Reference should be made to the various environmental assessments referred to throughout this report."</p>	<p>At 4,496m², including space for 71 cars, and its own SSI Disposal Unit, the proposed Tourism Use is over half the size of the proposed Woolworths redevelopment in the Byron CBD.</p> <p>The proponents suggest adaptive re-use of the existing pig pens will somehow reduce the impact of the development. There is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring impact for the application of LEP or DCP. This will not reduce the impacts of traffic, noise, manufacturing or horticulture on residents or Council.</p> <p>The proponents do not dispute here the significant impact on Amenity.</p> <p>An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skinners Shoot Road to an unacceptable degree. Other adverse impacts on Services, Amenity and Environment are misrepresented by the proponents, with Horticultural and Manufacturing activities not accounted for. For example the SSI Disposal Unit is not mentioned or measured in the <i>Statement of Environmental Effects</i> or <i>Consultants' Reports</i>.</p> <p>Skinners Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p>

		<p>Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit.</p> <p>Traffic will be generated by:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal Unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.</p> <p>The proponents’ <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons.</p>
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		<p>The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal Unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the <i>Local Strategic Statement</i>. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips on the Amenity and Natural Environment of Skinners Shoot will be huge, for both Council or residents.</p> <p>Other impacts on Services, Amenity and Environment have been misrepresented in the DA, with Horticulture and Manufacturing impacts entirely unassessed.</p>
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		<p>Amenity will be disrupted due to conflicts between land uses which will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. The <i>LUCRA Report</i> does not identify Horticulture as a land use and does not propose a Buffer Zone. Agricultural and Manufacturing impacts are not investigated in the <i>LUCRA Report</i> including from the SSI Disposal Unit.</p> <p>The Flora and Fauna Assessment does not investigate impacts of Horticulture or Manufacturing.</p> <p>The <i>Noise Impact Assessment</i> makes no mention or assessment of the SSI Disposal Unit or trucks collecting waste. Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p> <p>The natural environment of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, garbage being munched, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the natural environment.</p> <p>The Provision is contravened.</p>
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<u>Contravention of LEP Part 6.6 Essential Services</u>		
LEP Standard	Proponent Comment	Non-compliance
Supply of Water	<p>The property has a connection to the Rous Water reticulated supply. Notwithstanding this, the development proposes to be a sustainable, closed system and therefore proposes to use rain water tanks for collection of roof water, which will then supply potable and nonpotable water. No roof water collection is to be made from any existing roofs due to the potential of contamination and given that they may contain asbestos. Only new roofs installed as part of this development are to be used for the collection of potable water.</p> <p>Water will be pumped from the rainwater storage tank in order to service the potable water requirements.</p> <p>It is intended that the rainwater storage tanks will sized to be utilised to service all the water demands of the proposed development, not just potable requirements. The sizing of water tanks will be as per the hydraulic engineers requirements and would be done as part of the construction certificate application.</p> <p>A Water Management Plan prepared by Greg Alderson and Associated is provided at Attachment 10.</p>	<p>Arrangements have not been made for the provision of water to the farm, which potentially includes horticultural irrigation, or the Manufacturing facility for artisan food and drink production. It is not clear whether Rous Water has been consulted about the agricultural and industrial activities.</p> <p>Rainwater tanks are highly unlikely to be sufficient for irrigation and food processing, and other sources of water such as the dams on the property have been stated as unusable due to contamination.</p> <p><i>The Water Management Report</i> does not reference the major use of water – Horticulture and Manufacturing. Rather its scope encompasses water that will be used for “Food preparation” and “Outdoor use such as garden watering”. It also mentions that the dams are contaminated.</p> <p>Compliance is not demonstrated.</p>

<u>Contravention of LEP Part 6.6 Essential Services</u>		
LEP Standard	Proponent Comment	Non-compliance
Stormwater Management	<p>Greg Alderson and Associates have prepared a Stormwater Management Plan for the proposal which is provided at Attachment 12. The report advises that:</p> <ul style="list-style-type: none"> • <i>Runoff from the existing developed areas on site will generally utilise existing drainage paths, ultimately flowing to the north via an existing open channel.</i> • <i>A new underground pipe system will be provided for the proposed new development areas (new vehicular and landscaping areas) which will convey runoff to the existing open channel. Overland flow paths will be provided to direct runoff in excess of the underground system to the channel.</i> • <i>On-Site Detention has been proposed by way of a 6.0m(W) x 13.2(L) x 0.9m(H) Ausdrain Enviromodule underground tank. Provision of this tank ensures site discharges do not exceed existing levels.</i> • <i>Site runoff will be treated by a multi-faceted treatment train utilising, vegetated swales, buffer strips, and bioretention. MUSIC modelling of the proposed measures has calculated that the treatment train pollutant reduction exceeds Council's requirements.</i> 	<p>Horticultural and Manufacturing activities have not been referenced or accounted for either in the proposal or in the <i>Stormwater Management Plan</i>.</p> <p>Irrigation of fruit trees, vegetables and grain would be expected to result in significant run-off. Use of chemicals and fertilizers may cause this run-off to have adverse impacts.</p> <p>Details of farm structures such as netting and shade cloth have not been provided.</p> <p>No details of horticultural operations have been provided.</p> <p>Compliance has not been demonstrated.</p>

<u>Contravention of LEP Part 6.6 Essential Services</u>		
LEP Standard	Proponent Comment	Non-compliance
Vehicular Access	Vehicular access will be achieved via the upgrade of the existing driveway crossover connecting to Yagers Lane. New internal driveways will be constructed within the property providing access to a formal carparking area, a dedicated guest drop off area, staff parking and deliveries. Reference should be made to the Traffic Impact Assessment at Attachment 8 .	<p>Vehicular access for Horticultural and Manufacturing activities on the site has not been accounted for either in the proposal or in the proponents' <i>Traffic Report</i>. Access for heavy vehicles including trucks, forklifts, tractors and trucks has not been considered.</p> <p>Vehicle access as follows has not been measured:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal Unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Compliance has not been demonstrated.</p>

CONTRAVENTION OF DCP PROVISIONS

<u>Contravention of DCP Section B1</u>		
Requirement	Proponent Comment	Compliance is not Demonstrated
4.3.2 Biodiversity	Refer to Section 7.2 of the Ecological Assessment provided at Attachment 3 , which incorporates a full assessment against Chapter B1 of the Byron DCP. In short, the assessment did not identify adverse impacts on significant flora or fauna species.	<p>Horticultural and Manufacturing activities have not been referenced or accounted for either in the proposal or in the <i>Ecological Assessment</i>.</p> <p>The findings that there are no adverse impacts on flora or fauna are irrelevant as the scope of the Report is inadequate.</p> <p>Compliance is not demonstrated.</p>

Contravention of DCP Section B3.2.1 Provision of Services

DCP Requirement	Proponent Comment	Evidence of Non-compliance
<p>Water Supply</p> <p>Development shall be provided with an adequate water supply connection or have suitable arrangements in place for the provision of an adequate water supply service.</p>	<p>Complies Refer to the Water Management Plan provided at Attachment 10</p>	<p>Arrangements have not been made for the provision of water to the farm, which potentially includes horticultural irrigation, or the manufacturing facility for food product production. It is not clear whether Rous Water has been consulted about the agricultural and industrial activities, as the Water Management Plan does not mention requirements for agriculture or manufacturing.</p> <p>Rainwater tanks are highly unlikely to be sufficient for irrigation and food processing, and other sources of water such as the dams on the property have been stated as unusable due to contamination.</p> <p>The <i>Water Management Plan</i> does not mention, measure or make any conclusions regarding the water for Horticulture or Manufacturing. The <i>Contamination Report</i> states that the dams are contaminated.</p> <p>Compliance is not demonstrated.</p>
<p>Stormwater and Drainage</p> <p>Development must comply with the requirements set out in Sections B3.2.3 and B3.2.4 relating to stormwater management and erosion and sedimentation control</p>	<p>Complies. Refer to the Stormwater Management Plan provided at Attachment 12</p>	<p>Run-off, erosion and sedimentation control in regards to Horticultural and Industrial activities is not mentioned in the <i>Stormwater Management Plan</i>.</p> <p>Irrigation of fruit trees, vegetables and grain would be expected to result in significant run-off. Use of chemicals and fertilizers may cause this run-off to have adverse impacts.</p> <p>Details of farm structures such as netting and shade cloth have not been provided.</p> <p>Details of horticultural operations have not been provided.</p> <p>Compliance is not demonstrated</p>

DCP Requirement	Proponent Comment	Evidence of Non-compliance
<p>Road access – General Development must comply with road access requirements contained in Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access, and the Northern Rivers Development & Design Manual</p> <p>Road access – Bushfire Prone On bushfire prone land, road access may need to be improved to facilitate access by the NSW Rural Fire Service. For specific requirements please refer to the current version of the NSW RFS Planning for Bushfire Protection and any additional design information included in "Practice Notes or Fast Facts Sheets".</p> <p>Road access – Council controlled roads Where development is proposed with frontage to a Council controlled road, or where access to a development site relies on a Council controlled road, road construction and upgrading may be required.</p>	<p>Complies Refer to the Traffic Impact Assessment provided at Attachment 8</p> <p>Applicable RFS requirements have been incorporated into the design, including compliant turning circles for RFS vehicles and access to a static water supply.</p> <p>As outlined in the Traffic Impact assessment at Attachment 8, two passing bays are to be provided in Yagers Lane.</p>	<p>Skidders Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p> <p>Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>Traffic generative by this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skidders Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit.</p>

DCP Requirement	Proponent Comment	Evidence of Non-compliance
		<p>Traffic will be generated by:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal Unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from "by appointment only" to access by the general public.</p> <p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal Unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p>

DCP Requirement	Proponent Comment	Evidence of Non-compliance
		<p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the <i>Local Strategic Statement</i>. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.</p> <p>The <i>Bushfire Report</i> does not assess impacts of Horticulture (eg a change in vegetation) or stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal Unit, or stored after processing.</p> <p>Compliance not demonstrated.</p>

Contravention of DCP Section B3.2.3 Stormwater Management

DCP Requirement	Proponent Comment	Non-compliance
An applicant may lodge detailed stormwater management plans with the development application for concurrent approval under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993, as necessary. Alternatively stormwater management concept plans must be lodged with the development application and a condition of consent will require the relevant approvals prior to issue of the Construction Certificate.	Complies A Stormwater Management Plan is provided at Attachment 12.	Horticultural and agricultural activities have not been referenced or accounted for either in the proposal or in the <i>Stormwater Management Plan</i> . Compliance not demonstrated.

Contravention of DCP Section B4 Traffic planning, vehicle parking, circulation and access

B4.1.2 Aims of this Chapter 1. To ensure that all relevant traffic impacts relating to development are identified, assessed and mitigated		
B4.1.2 Aims of this Chapter 1. To ensure that all relevant traffic impacts relating to development are identified, assessed and mitigated	None	<p>The only way to mitigate the traffic impacts is to reject the application.</p> <p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal Unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p>

B4.1.2 Aims of this Chapter 1. To ensure that all relevant traffic impacts relating to development are identified, assessed and mitigated		
		<p>A 63% increase in traffic along Skinners Shoot Road is predicted. An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skinners Shoot Road to an unacceptable degree.</p> <p>Skinners Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p> <p>Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal Unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.</p>

B4.1.2 Aims of this Chapter 1. To ensure that all relevant traffic impacts relating to development are identified, assessed and mitigated		
		<p>Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the <i>Local Strategic Statement</i>. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.</p> <p>The Chapter is contravened.</p>

DCP Requirement	Proponent Comment	Non-compliance
<p>B4.2.1 Traffic Impact A Traffic Impact Study should follow the standard format and structure described in the Roads and Maritime Authority's (RMS) 'Guide to Traffic Generating Developments' (as amended from time to time by a superseding document prepared by RMS).</p>	<p>Complies A Traffic Impact Assessment is provided at Attachment 8.</p>	<p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal Unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p>

DCP Requirement	Proponent Comment	Non-compliance
		<p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>Compliance is not demonstrated.</p>
<p>B4.2.2 Parking Layout Standards Car parking requirements, parking layout, driveway widths and vehicle manoeuvring areas are to be in accordance with the relevant sections of the current editions of Australian Standard 2890.</p>	<p>Complies Refer to the Traffic Impact Assessment provided at Attachment 8.</p>	<p>Arrangements for parking, layout, driveway widths and vehicle manoeuvring have not been made with consideration of agricultural or manufacturing activities.</p> <p>Traffic will be generated by:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff
<p>B4.2.3 Vehicle Access and Manoeuvring Driveways and manoeuvring areas are to be designed and constructed in accordance with the requirements of the current editions of Australian Standard 2890, Austroads and the Northern Rivers Local Government Development & Design Manual.</p>	<p>Complies Refer to the Traffic Impact Assessment provided at Attachment 8.</p>	<ul style="list-style-type: none"> - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal Unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists
<p>B4.2.3 Vehicle Access and Manoeuvring Designs for manoeuvring areas are to be in accordance with the current editions of Australian Standard 2890 and must include a swept path analysis for the relevant design vehicle.</p>	<p>Complies Refer to the Traffic Impact Assessment provided at Attachment 8.</p>	

DCP Requirement	Proponent Comment	Non-compliance
<p>B4.2.3 Vehicle Access and Manoeuvring</p> <p>Driveways, manoeuvring areas and parking areas, including loading & unloading areas, should be sealed with an all weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment.</p> <p>Porous paving should be provided, where soils are capable of high infiltration rates, for parking spaces (other than those for people with disabilities) and domestic driveways. Gravel surfaces are generally not acceptable in urban locations and some rural situations (issues such as noise, dust, and erosion need to be considered).</p>	<p>The driveways will be constructed on coloured exposed aggregate and paving.</p>	<p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal Unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p>
<p>B4.2.8 Bicycle Parking</p> <p>Development Proposals must make provision for bicycle parking in accordance with Table B4.1. The Bicycle parking is also to be designed in accordance with the current editions of AS 2890 Parking Facilities, Austroads and the NSW RTA Bicycle Guideline 2005 as appropriate and as nominated under Chapter B5 Providing for Cycling.</p>	<p>Ample informal space is available on site for bicycle parking.</p>	<p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts.</p>

DCP Requirement	Proponent Comment	Non-compliance
B4.2.9 Loading Bays All developments have a need for a safe loading and unloading area (service area) which does not obstruct the passage of vehicles or pedestrians. Unless designed specifically for a nominated vehicle type or types appropriate to the use of the proposed development, loading bays should be provided in accordance with the schedule contained in Table B4.2	Refer to the Traffic Impact Assessment provided at Attachment 8. The assessment confirms that suitable areas are available for both SRV & MRV parking	Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.

Contravention of DCP Section B6 Buffers and Minimising Land Use Conflict

DCP Requirement	Proponent Comment	Non-compliance
B6.2.1 Responsibility for Managing Land Use Conflict Performance Criteria 1. It is the responsibility of applicants for development consent to ensure that potential land use conflicts are identified and managed appropriately. 2. Development applications must identify potential land use conflicts and must be designed to avoid those conflicts, or to reduce them to acceptable levels.	None	The Land Use of Horticulture has not been identified. Land use conflicts have not been adequately identified or managed. There is no provision or space for the 200m Buffer Zone required for Horticulture approval. No impacts of Horticulture or agriculture have been assessed. . The <i>Noise Impact Assessment</i> makes no mention or assessment of the SSI Disposal Unit or trucks collecting waste.
B6.2.2 Conflict Risk Assessment All development applications must identify any potential for land use conflicts and the means proposed to address those conflicts. In cases where potential for conflict is evident, development applications must be accompanied by a formal Conflict Risk Assessment and associated mapping.	Complies Refer to the Land Use Conflict Risk Assessment (LUCRA) provided at Attachment 13 . The assessment did not identify any unacceptable land use conflicts with surrounding rural land uses.	Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will be significant. The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.

DCP Requirement	Proponent Comment	Non-compliance
<p>B6.2.3 Planning Principles to Minimise Land use Conflict Performance Criteria</p> <p>1 c) It is the responsibility of the encroaching development to provide the necessary setback and buffer to incompatible land uses</p>	None	<p>Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone. The LUCRA Report does not investigate the impacts of Manufacturing operations. The SSI Disposal Unit is not referred to anywhere in the report.</p>
<p>2. Environmental Protection</p> <p>B) The potential for land use conflict and development of mitigation measures should be assessed as part of any proposed intensification of use</p>	None	<p>The findings that there were no unacceptable land use conflicts are irrelevant as the scope of the Report is totally inadequate.</p> <p>Compliance is not demonstrated</p>
<p>3. Community engagement</p> <p>a) Community engagement, including consultation with adjoining landowners and operators of 'scheduled activities'... should be part of the development planning process to identify and avoid land use conflict</p>	None	<p>Please also refer to my email dated 28/4/24 to Patricia Docherty attached to this Objection.</p> <p>Since the proposal does not identify Horticulture as a land use, community engagement has not been part of the planning process. Details of Manufacturing operations in the proposal are not sufficient to identify and avoid land use conflict.</p> <p>Engagement Requirements for Community Significant Development have not been met.</p> <p>The Community was largely made aware of the proposal through the efforts of a resident who was out walking. Upon picking up what he thought to be litter, a letter describing the proposal was discovered. This resident, who did not receive the letter, then requested information from the proponent, and initiated communication.</p>

DCP Requirement	Proponent Comment	Non-compliance
		<p>Despite the proponent's assertions, requirements for community consultation have not been met for this Community Significant Development. Since I was not aware of the proposal prior to being recently advised by a neighbour (as is the position of many residents) I rely for this section on the <i>Pre lodgement Community Engagement Report</i> and copies of letters provided by neighbours.</p> <p><u>1. No facilitated community meeting or workshop has taken place</u></p> <p>As per my email dated 28/4/24 to Patricia Docherty attached to this Objection, discussion regarding DA 10.2024.24.1 took place in the Planning Meeting on 10 August 2023. At this meeting, it was categorically stated by the proponent and their town planner that the resident-initiated meeting on 16 October 2022 was not a pre lodgement meeting.</p> <p>“Discussion from about 37:10 to 49:15 of the recording refers to the Restaurant, Artisan Food Industry Area and Roadside Stall proposal - 10.2024.24.1.</p> <p>Although the Minutes describe the discussion as relating to the dwelling applications, the discussion shifted to 10.2024.24.1 due to concern that the dwelling entitlement was being pursued as a necessary pre-condition of the Restaurant/Tourism Development. It is worth noting there would be no reason for a pre-lodgement community meeting in relation to 26.2021.6.1. as it is not Community Significant Development.”</p>

DCP Requirement	Proponent Comment	Non-compliance
		<p>A meeting initiated by a Skinners Shoot resident did take place on 16 October 2022, at which some Concepts were presented to a handful of residents by Maggie and an architect. This cannot be considered a facilitated community meeting or workshop because:</p> <ul style="list-style-type: none"> • The meeting was not facilitated or initiated by the proponent • It has been categorically stated by the proponent and their town planner that the resident-initiated meeting on 16 October 2022 was not a pre lodgement meeting. This statement was made at a council meeting on 10 August 2023 in front of Councillors and Staff and is a matter of public record on Council's website. Times in the recording are 37:10 to 49:15. Please refer to my email dated 28/4/24 to Patricia Docherty as above. • Adjoining and surrounding landowners and known community groups were not notified of any meeting • The press advertisement as shown in <i>Appendix 3 of the Pre Lodgement Community Engagement Report</i> does not mention a date for a meeting, a location for a meeting, or in fact any meeting at all. There is a vague reference to "workshops by appointment" and a Gardenhouse website. • Correspondence as shown in <i>Appendix 7</i> on 20th October states that "the community engagement period is over". This is 4 days after the resident-initiated meeting

DCP Requirement	Proponent Comment	Non-compliance
		<p><u>2. The community has not had adequate time to consider and comment on the proposal</u></p> <p><i>Section 3.0 Engagement Process</i> states there was a letter drop on 28th September 2022 – only Yagers Lane residents received this letter.</p> <p>The Letterdrop as shown in <i>Appendix 1</i> does not provide notice of any meeting, but merely advises that an appointment can be made for a Workshop. It also says the closing date for comments is the 12th October, which is prior to the resident-initiated meeting which the proponent is attempting to disguise as a facilitated community meeting or workshop. There is no indication of who this letter was dropped to. No residents other than on Yagers Lane received this letter.</p> <p>The Response from Maggie Schreiber on 20th October 2022 as shown in <i>Appendix 7</i> states that “the community engagement period is over”. This is 4 days after the resident-initiated meeting. At this point, only residents who attended the resident-initiated meeting on 16 October are aware of the proposal. The community engagement period closed before the community was even aware of the proposal.</p>

DCP Requirement	Proponent Comment	Non-compliance
		<p><u>3. The applicant has not, as a minimum, given at least 10 days' notice of the above community consultation meeting or workshop, for community significant development as follows:</u></p> <ul style="list-style-type: none"> • Letter To Known Community Groups – No letter was sent to Skinners Shoot Residents Group or Butler Street Residents Group • Newspaper Notice – The press advertisement as shown in <i>Appendix 3 of the Pre Lodgement Community Engagement Report</i> does not mention a date for a meeting, a location for a meeting, or in fact any meeting at all. There is a vague reference to “workshops by appointment” and a Gardenhouse website. • Site Notice – From the Report, this appears to have been done • Social Media – Apparently the President of the Skinners Shoot Residents Group posted a comment on Facebook, however since this was not done by the applicant, there is no record of it

DCP Requirement	Proponent Comment	Non-compliance
		<p><u>The notice must include the following information as a minimum, which it did not include:</u></p> <ul style="list-style-type: none"> • An explanation of the proposed application, noting that it has not yet been lodged with Council – This explanation was not provided on letters dropped to Yagers Lane residents or the press advertisement • Details of where further information can be found - Website and contact details were provided, but only on letters dropped to Yagers Lane residents and the press advertisement • Information, including the date and time, of the arranged community meeting or workshop – There was no arranged community workshop. No Information, Date or Time was provided anywhere including the press advertisement for a community meeting. References to workshops only appeared on the website, as shown by the proponents, not in letters or the press advertisement. • Alternative avenues for feedback to be shared – email, telephone etc – A website and contact details were provided, but only on letters dropped to Yagers Lane residents and the press advertisement • Final date feedback will be received and considered – This was only provided by letters dropped to Yagers Lane residents and in the press advertisement. Feedback closed 4 days after the resident-initiated meeting and before the Community was even aware of the proposal <p>REQUIREMENTS HAVE NOT BEEN MET</p>

DCP Requirement	Proponent Comment	Non-compliance
B6.2.4 Buffers Prescriptive Measures The buffer distances in Tables B6.1... apply generally to development.	"Noted"	The <i>Land Use Matrix</i> and <i>Table B6.1</i> recommends a minimum of 200m between Horticulture and rural dwellings. No Buffer is proposed for the development and a 200m buffer cannot fit on the land.

Contravention of DCP Section B8 Waste Minimisation and Management

The Proponent seeks to rely on the *Operational Waste Management Plan* for compliance with this section. However Horticultural activities have not been referenced or accounted for either in the proposal or in the *Operational Waste Management Plan*. Details regarding Manufacturing have been inadequately specified.

Has the planned SSI Disposal Unit and the trucks required to collect waste been accounted for in the *Operational Waste Management Plan* ?

Contravention of DCP Chapter D4 – Commercial and Retail Development

DCP Aim	Proponent Comment	Non-compliance
D4.1.2 Aims 1. To ensure that the bulk, scale, character and operation of business, commercial retail and associated development are compatible with the character and amenity of development in the locality and in the Shire	None	<p>The character and amenity of development in Skinners Shoot is rural dwellings and the odd resident-managed BnB. The Arts Factory Lodge is medium-scale tourist accommodation, located on the border of the town centre. The Yoga Centre is a small primitive camping development located towards the town centre, a long way before the residential locality of Skinners Shoot. Traffic generated from these establishments does not significantly affect amenity of residents as they are located before the residential area of Skinners Shoot.</p> <p>At 4,496m², including space for 71 cars and an SSI Disposal Unit, the proposed Commercial and Retail Development is over half the size of the proposed Woolworths redevelopment in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². The proponents attempt to measure the bulk and scale of the development merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring bulk or scale for the application of Chapter D4.1.2 of the DCP. The Tourism and Commercial Development is enormous in bulk and scale, and is completely out of character with development in the locality. There are no plans for future large scale Tourist, Industrial or Commercial Developments in the locality.</p>

DCP Aim	Proponent Comment	Non-compliance
		<p>The proponents attempt to characterise operations of the enterprise as merely managing a few bookings. Operations of a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than patron bookings.</p> <p>Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI Disposal Unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping , maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.</p> <p>The character of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the neighbourhood.</p> <p>Traffic generation of 552 vehicle trips per day, representing a 63% increase in traffic along Skinners Shoot Road is not compatible with rural dwellings and resident-managed BnBs.</p> <p>How many other private SSI Disposal Units are operated by Commercial and Retail facilities in Byron Shire?</p>
7. To promote reduction in motor vehicle trips, and to encourage pedestrian and bicycle access, usage and mobility	None	<p>The development will generate the following extra motor vehicle trips:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of machinery and irrigation equipment and other farm supplies - Inwards and outwards goods deliveries by truck for Manufacturing - Deliveries of artisan products to the post office or to customers by courier for online sales

DCP Aim	Proponent Comment	Non-compliance
		<p>Skidders Shoot Road is not suitable for pedestrians or cyclists. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them. Early morning (6am) and late night (11pm) traffic, which is currently minimal along Skidders Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.</p> <p>The Aim is contravened.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas		
DCP Requirement	Proponent Comment	Non-Compliance
Objectives 2. To mitigate and manage any land use conflicts	None	<p>Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. The LUCRA Report does not identify Horticulture as a land use and does not propose a Buffer Zone. Agricultural and Manufacturing impacts are not investigated in the <i>LUCRA Report</i> including from the SSI Disposal Unit.</p>
Objectives 3. To limit the impacts of a restaurant or café on the broader environment	None	<p>The proposal, which includes a Manufacturing and Tourism facility half the size of the proposed Byron CBD Woolworths redevelopment does not limit the impacts of a restaurant or café on the broader environment. A 63% increase in traffic along Skidders Shoot Road is predicted. An extra 552 vehicle trips per day will shatter the amenity of a quiet, rural community, and degrade Skidders Shoot Road to an unacceptable degree. Other adverse impacts on Services, Amenity and Environment are misrepresented by the proponents, with Horticultural and Manufacturing activities not accounted for.</p> <p>Skidders Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p>

<u>Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas</u>		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skinners Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal Unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists <p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.</p> <p>The proponents’ <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal Unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p>

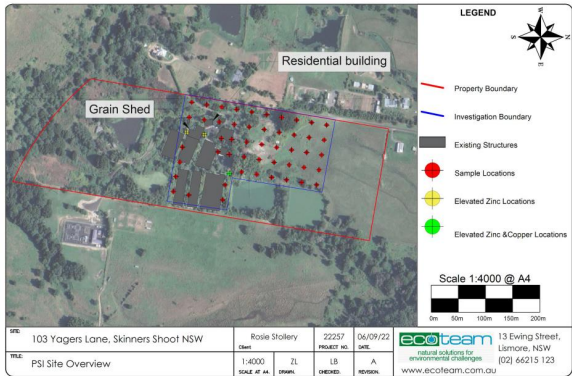
<u>Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas</u>		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the <i>Local Strategic Statement</i>. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.</p> <p>Other impacts on Services, Amenity and Environment have been misrepresented in the DA, with Horticulture and Manufacturing impacts entirely unassessed. The following reports cannot be relied upon to suggest the proposed Tourism Development is low-impact:</p> <p><i>The Acoustic Report, Noise Impact Assessment, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.</i></p>

<u>Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas</u>		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>The <i>Water Management Report</i> does not reference the primary uses of water – Horticulture and Manufacturing. Rather its scope encompasses water that will be used for “Food preparation” and “Outdoor use such as garden watering”. It does however state that the dams are contaminated. Can it be confirmed that Rous Water are aware of this proposed Manufacturing and horticultural use?</p> <p>Conflicts between land uses will arise from increased traffic, noise, chemical spraying, waste management, industrial and tourism activities and operating hours. The <i>LUCRA Report</i> does not identify Horticulture as a land use and does not propose a Buffer Zone. Agricultural and Manufacturing impacts are not investigated in the <i>LUCRA Report</i> including from the SSI Disposal Unit.</p> <p>The Flora and Fauna Assessment does not investigate impacts of Horticulture or Manufacturing.</p> <p>The <i>Bushfire Report</i> does not assess impacts of Horticulture (eg a change in vegetation) or stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal Unit, or stored after processing.</p> <p>The <i>Noise Impact Assessment</i> makes no mention or assessment of the SSI Disposal Unit or trucks collecting waste. Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p> <p>Does the <i>Waste Management Report</i> assess impacts of the SSI Disposal Unit?</p> <p>The natural environment of Skinners Shoot is peaceful, quiet, with a relaxed atmosphere for human and non-human residents to live. It does not have the character of a busy commercial centre or place of work. A busy Manufacturing and Tourism facility with staff and patrons coming and going, products being manufactured, garbage being munched, produce being delivered, sales being made, workshops being held, and parcels being rushed to the post office, will ruin the amenity of the natural environment.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>The proposed 4,496m², \$22 million dollar Tourist Development/Restaurant in a Rural Area is not small or low scale – either physically, operationally or economically. Operation of the enormous enterprise, which proposes to grow, manufacture, pack, mail, sell and serve a huge range of products, cannot be conducted by an owner or manager living on the property. There is not even a house on Lot 8 for an owner or manager to live.</p> <p>The proponents fail to demonstrate the Tourist Development/Restaurant in a Rural Area is low-impact, and have left out impacts of Horticulture and Manufacturing from their proposal. The land use is not a small-scale tourism use consistent with the rural character of the locality, and residents are alarmed at the enormous impact this development will have on their amenity and the natural environment. It is therefore prohibited by Part 6.8 of the LEP, Part 2.3 of the LEP and Chapter D4.2.9 of the DCP.</p> <p>This Objective is contravened.</p>
Objectives 4. To provide an avenue for supplementary income on rural holdings	None	<p>The income from a \$22 million dollar Tourism Development cannot be supplementary to the other income generated from this rural holding, as there is no other income generated from this rural holding.</p> <p>This Objective is contravened.</p>
Performance Criteria 2. The development is to be low scale and able to be generally managed and operated by the principle owners(s)/ manager living on the property.	Refer to assessment against Clause 6.8 of the BLEP.	<p>At 4,496m², including space for 71 cars, and its own SSI Disposal Unit, the proposed Rural Tourism Development/Restaurant in a Rural Area is over half the size of the proposed Woolworths redevelopment in the Byron CBD. The restaurant is 995m². Could this be the largest function building in the shire? The A&I Hall in Bangalow is 600m². The proponents attempt to measure scale merely by comparing its footprint with that of abandoned pig pens on site. However there is nothing in the NSW Planning Framework or Case Law to suggest this is an adequate method of measuring scale for the application of Part 6.8 of the LEP, Part 2.3 of the LEP or Chapter D4.2.9 of the DCP. The Tourism Development is enormous in scale – physical, operational and economic scale.</p> <p>The proponents attempt to characterise the operational scale of the enterprise as merely managing a few bookings, which Maggie herself has volunteered to do, while living on the property.</p> <p>Managing and operating a \$22 million dollar Restaurant, Artisan Food and Drink Industry area, Farm Building and farm, however, encompasses more than attending to patron bookings.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>Management and Operations of the enterprise would at least include: Growing, manufacturing, packing, mailing, selling and serving produce and products; managing a large pool of staff, 25 of whom at any one time are on shift (not including staff involved in growing), managing customers, organising deliveries in and out, managing product inventory, managing advertising and promotions, managing bookings (as stated by the proponent), managing the finances, maintaining the buildings, maintaining farm infrastructure, operating and maintaining the SSI Disposal Unit, health and safety compliance, food hygiene and licencing, organising the EV bus, meeting the makers, organising workshops, regenerating the land, attending to the artwork, maintaining the landscaping, maintaining the garden house, not to mention dealing with complaints from unhappy neighbours.</p> <p>And where on Lot 8 will the owner or manager live, while managing and operating the enterprise? Very special treatment seems to have been provided in order for a Dwelling to be approvable on this Lot, with its own section inserted into the LEP. However no provision has been made for the owner or manager's dwelling on Lot 8.</p> <p>No person, whether principal owner or manager, could be expected to be capable of managing and operating this enormous Rural Tourism Development/Restaurant in a Rural Area while living on the property. There is no provision for the owner or manager's dwelling on Lot 8.</p> <p>The Chapter is contravened.</p>
<p>Performance Criteria</p> <p>3. The restaurant or café shall be complementary to the principal agricultural or environmental activities on the land in the RU1 or RU2 Zone</p>	<p>A range of horticultural plantings including heirloom vegetables and fruits, herbs and flowers will be grown on site and served at the restaurant.</p>	<p>Agriculture is not conducted, proposed to be conducted or able to be conducted on the land. Site Plans, aerial photos and Architectural Plans clearly show there is no space for agriculture under the proposal. Buildings, driveways and parking take up 4,496m² – which does not include an owner or manager's dwelling, landscaping, ponds, contaminated dams, or the planned SSI Disposal Unit. There is no space for the required Buffer Zone (200m) between Horticulture and buildings. There is no provision for irrigation. The site has not been assessed for contamination for purposes of growing food for human consumption, and only built-up areas have been sampled at all. A failure to identify Horticulture as a land use, and the complete absence of agriculture from the proposal, further demonstrates that agriculture is not an activity on the land.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas

DCP Requirement	Proponent Comment	Non-Compliance
and where possible, value add to produce either harvested or manufactured on the property or from the local region to reduce food miles and to limit the carbon footprint of the development.		<p>Furthermore, there is no request to amalgamate Lot 7 and 8, which risks severing the Restaurant in a Rural Area from its land.</p> <p>The list of fruits, vegetables, elixirs, powders, botanicals, grains, nuts, spices, and bespoke ingredients mentioned (in one section only of the proposal) at Section 3 <i>Statement of Environmental Effects</i>, is extensive. Where will this extraordinary range of produce to supply the Restaurant in a Rural Area be grown?</p> <p>The small areas available for growing produce have not been tested for contamination. NO SAMPLES have been taken from sites OUTSIDE THE PROPOSED BUILT-UP AREAS (which include the planned SSI Disposal Unit). Testing has been conducted using methodologies and standards for residential use and public open space, rather than for growing food for human consumption.</p> <p><i>The Preliminary Site Investigation</i> states "It is considered that the AEC [Area of Concern] is suitable for the proposed land use. It is recommended that no further soil investigation or remediation activities are required". The recommendation, however, is irrelevant, because the scoped "proposed land use" does not include Agriculture or Manufacturing. The investigation area does not include areas where produce can be grown.</p> <p>Section 4.2 of the <i>Contamination Report – Adopted Assessment Criteria</i> states "The assessment criteria are sourced from NEPM Schedule B1 (NEPC, 2013a). Assessment criteria are based on HILs for Low Density Residential (HIL-A) and Generic EILs for Urban Residential and Public Open Space (EIL-URPOS) (Table 8). HIL-A includes residential land use with garden/accessible soil (home grown produce <10% fruit and vegetable intake, (no poultry)).</p>  <p>This suggests agriculture cannot be conducted on the site without posing a potential health hazard to consumers.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>The proponent's lack of commitment to agricultural activities is further demonstrated by its absence from the proposal. Only in the following sections of the <i>Statement of Environmental Effects</i> is agriculture alluded to: Clause 3.3 <i>Proposed Artisan Food Industry</i> and 3.4 <i>Proposed Farm Building</i> use phrases such as "grown on the property", "from the property", "on the property" and "vegetable and flower beds on site". Clause 3.2 <i>Proposed Restaurant</i> mentions "heirloom produce which will be produced on site in dedicated horticultural areas". Clause 2.3 <i>Zone Objectives and Land Use Table</i> and 4.3.13 <i>Commercial and Retail Development</i> refer to "a range of horticultural plantings" (also heirloom).</p> <p>Only when it provides a pathway to approval is agricultural activity mentioned in the DA. Neither is agriculture mentioned in any of the minutes, communications with residents or websites. The following sections of the DA do not refer to agriculture:</p> <p><i>Executive Summary, Development Application, Site Details, Pre-lodgement Consultations, Site Analysis, Description of Proposal, Site Analysis, Environmental Considerations, Flood Emergency Advice, Preliminary Site Investigation (for contamination), Summary of Proposal, Environmental & Architectural Vision, Earthworks, Vegetation Management Works, Vehicular Access & Services, Architectural Design Plans, Landscape Design Plans, Business Identification Signage, Operational Management, and Statutory Assessment.</i></p> <p>The following Consultants' Reports do not refer to agriculture:</p> <p><i>The Acoustic Report, Arborists Report, Bushfire Report, Flood Risk Management Report, Flora and Fauna Assessment, Landscape Plan, Biodiversity Assessment, OSMS Report, Water Quality Management Plan, LUCRA Report, Contamination Report Summary Table, Sustainability Design Elements, Garden House Details, Preliminary Public Art Plan, Site Plans, Stormwater Drainage Plan, Stormwater Management Plan, Traffic Report, Waste Management Plan, Wastewater Management Plan, Water Management Plan, Architectural Plans, Pre lodgement community engagement report.</i></p> <p>The <i>Water Management Plan</i> has not mentioned or measured water for agricultural use such as irrigation. The <i>Bushfire Report</i> does not mention horticultural vegetation. The <i>LUCRA Report</i> does not identify Horticulture as a land use or propose a Buffer Zone. The <i>Noise Impact Statement</i> undertakes no investigation of impacts from farm machinery, pumps, forklifts or tractors.</p>

Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>This failure to identify or demonstrate agriculture as a land use shows that the Restaurant in a Rural area is not complementary to agricultural activities on the land.</p> <p>This Chapter is contravened.</p>
<p>Prescriptive Measures b) The development to be located so that it may benefit from existing road and physical infrastructure. (Note. Restaurants or cafes on no-through roads have an increased potential to generate undesirable traffic noise which could disrupt the local amenity. Such roads if unsealed or narrow may need to be upgraded if increased traffic volumes generated by the development creates a nexus for such works to be carried out at the applicants' expense</p>	None	<p>Skidders Shoot Road is a narrow, dead-end road designed to service approximately 30 dwellings. It is poorly built and poorly maintained, with crumbly edges, no shoulders and no line markings. The widening by Country Energy resulted in two longitudinal seams, due to the narrow strips of bitumen added along each edge. These seams make a river and crack – growing grass and potholes. The road passes through low lying land along Cumbebin Swamp and is at times completely submerged, and depressions remain filled with water for long periods. Significant extra traffic would make the road virtually impassible without substantial extra expenditure and maintenance by Council.</p> <p>Another issue is bikes, skateboarders and pedestrians from the Arts Factory Lodge and the Yoga Centre. All manner of craft and persons might at anytime be travelling down the road, on the left, right or in the middle, often from both directions at once. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>The traffic impact of this development is predicted to be up to 552 trips per day – a staggering 63% increase for Skidders Shoot Road. This does not include trips for delivering artisan products to customers by post or courier for on-line sales. Neither does it include truck movements for collecting waste from the SSI Disposal Unit. Traffic will be generated by:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal Unit - Deliveries of artisan products to the post office or to customers by courier from online sales - Pedestrians and cyclists

<u>Contravention of DCP Section D4.2.9 Restaurants and cafes in rural areas</u>		
DCP Requirement	Proponent Comment	Non-Compliance
		<p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from "by appointment only" to access by the general public.</p> <p>The proponents' <i>Traffic Report</i> has used flawed methodology to predict traffic generation and states staff have been excluded, measuring only impacts from restaurant patrons. The report does not assess generation of trips from staff for the farm, restaurant, manufacturing or maintenance. Deliveries of farm supplies, forklift and tractor operations, deliveries of goods for the restaurant, deliveries of goods inwards and outwards for manufacturing operations, disposal of waste from the SSI Disposal Unit are not counted. Neither are trips to deliver products to the post office or customers by courier for on-line sales.</p> <p>Instead, the proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee".</p> <p>This <i>Traffic Report</i> has been peer reviewed by InGen Consulting and found to be completely inadequate, not meeting requirements of Chapter B4.2.1 <i>Traffic Impact</i> of the DCP and severely underreporting impacts. Findings of the proponents' report are rejected by Skinners Shoot residents, who put forward the <i>Traffic Peer Review</i> instead.</p> <p>Renewal of roads is the number one priority for the Byron Shire community according feedback provided during the planning process of the <i>Local Strategic Statement</i>. Council already struggles to maintain Skinners Shoot Road to a usable standard, with four-wheel drives being virtually a necessity when the road is in particular disrepair. As I write this, two-wheel drivers are driving on the wrong side of the road for the duration of the straight on Cumbebin Swamp, to avoid damage to their vehicles from potholes and road degradation. The impact of 552 extra vehicle trips will not be low, either for Council or residents.</p>

DCP Requirement	Proponent Comment	Non-Compliance
<p>Prescriptive Measures d) Applications that propose to open during the evening hours (6 pm onwards) to be accompanied by a detailed noise assessment report prepared by a suitably qualified and experienced acoustic engineer. The report shall assess whether the proposed development is capable of complying with the requirements of the NSW Industrial Noise Policy (NSW Environment Protection Authority, 2000). The generation of 'offensive noise' as defined under the <i>Protection of the Environment Operations Act 1997</i> is prohibited.</p>	<p><i>"Following an assessment of the background noise levels, attended noise measurements and noise modelling it is our view that the proposed development can be adequately managed through:</i></p> <ul style="list-style-type: none"> <i>• The implementation of a Noise Management Plan for venue operations to ensure adequate measures, roles and responsibilities are in place to achieve the project specific noise criteria.</i> <p><i>The Noise Management Plan should detail the methods that will be implemented for the whole project to minimise operational noise.</i></p>	<p>The <i>Noise Impact Assessment</i> does not assess or mitigate any impacts, it merely suggests that everything be assessed and mitigated in the Noise Management Plan.</p> <p>Since there is no Noise Management Plan, the following has not been achieved:</p> <ul style="list-style-type: none"> <i>a) identification of nearby residences and other sensitive land uses;</i> <i>b) assessment of expected noise impacts;</i> <i>c) detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;</i> <i>d) clear and defined acceptable rules of behaviour for patrons;</i> <i>e) adherence to responsible service of alcohol regulations;</i> <i>f) strategies to promptly deal with and address noise complaints;</i> <i>g) details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);</i> <i>h) procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and reference to relevant consent conditions.</i> <p>Noise from farm staff coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, and pumps may have significant impact on the amenity of residents, and has not been assessed because agriculture was not identified as a land use.</p> <p>Noise impacts of the SSI Disposal Unit and trucks removing this waste has not been assessed.</p> <p>The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p>

DCP Requirement	Proponent Comment	Non-Compliance
	<i>A detailed assessment of the mechanical plant is required. As final plant selection has not been completed, an assessment of plant should be conducted during the design phase.</i>	<p>No such detailed assessment of the mechanical plant has been conducted.</p> <p>Noise impacts of the SSI Disposal Unit and trucks removing this waste has not been assessed.</p> <p>The <i>Noise Impact Assessment</i> has merely identified issues of concern and these issues have not been addressed.</p> <p>Compliance is not demonstrated.</p>

Contravention of DCP Chapter D5 – Industrial Development

DCP Aim	Proponent Comment	Non-compliance
<p>Chapter D5.1.1</p> <p>Aims of this Chapter</p> <p>5. to promote reduction in motor vehicle trips, and to encourage pedestrian and bicycle access, usage and mobility</p>	None	<p>The development will generate the following extra motor vehicle trips:</p> <ul style="list-style-type: none"> - Arrival and departure of farm staff, manufacturing staff, restaurant staff and maintenance staff - Arrival and departure of restaurant patrons - Truck deliveries of farm equipment and supplies - Inwards and outwards goods deliveries by truck for manufacturing - Trucks collecting waste from the SSI Disposal Unit - Deliveries of artisan products to the post office or to customers by courier from online sales <p>No provision for Pedestrians and cyclists along Skinners Shoot Road has been made. Due to the narrowness of the road and lack of line markings it is not possible for pedestrians, bikes or skateboards to get out of the path of vehicles – the driver must swerve to avoid them.</p> <p>Early morning (6am) and late night (11pm) traffic, currently minimal along Skinners Shoot Road, will increase dramatically. There is no guarantee that the premises will not change from “by appointment only” to access by the general public.</p> <p>The Aim is contravened.</p>

DCP Aim	Proponent Comment	Non-compliance
<p>Chapter D5.1.1 Aims of this Chapter 6. To limit potential conflicts between residents and industrial activities</p>	<p>None</p>	<p>Conflicts between land uses will arise from increased traffic, noise, waste management and industrial activities and operating hours. Manufacturing impacts are not investigated in the <i>LUCRA Report</i> including from the SSI Disposal Unit.</p> <p>The <i>Noise Impact Assessment</i> makes no mention or assessment of the SSI Disposal Unit or trucks collecting waste. Noise from staff and patrons coming and going, trucks loading and unloading, forklifts, tractors, farm machinery, pumps and manufacturing processes will have significant impact on the amenity of the neighbourhood. The <i>Noise Impact Assessment</i> merely identifies a number of issues needing to be addressed, but does nothing to assess them or address them.</p> <p>The proponents' <i>Traffic Report</i> states "For the Food & Drink Facility (Artisan), this establishment is expected to function as a small café/takeaway for the occasional visitor to the area, a "sharing space between maker and visitor to taste artisan products and enjoy an accompanying coffee". This is how manufacturing activities are described.</p> <p>The <i>OSMS Report</i> describes the Artisan Food and Drink Industry area as a "café and commercial kitchen".</p> <p>The <i>Bushfire Report</i> does not assess impacts of Industry for example stock stored for manufacturing or piles of waste waiting to be munched in the SSI Disposal Unit, or stored after processing.</p> <p>The <i>Flood Risk Management Report</i> does however mention "ancillary operations", while referring to closing the Restaurant in the case of emergency. Presumably the phrase "ancillary operations" is intended to describe the activities of Horticulture and Manufacturing.</p>

Contravention of DCP Section D5.2.5 Water Sensitive Urban Design and Industrial Development

DCP Requirement	Proponent Comment	Non-compliance
<p>Performance Criteria</p> <p>3. Stormwater run-off originating from development must be of a quality that will protect or enhance the environmental quality of receiving water</p>	None	<p>Horticultural and Manufacturing activities have not been referenced or accounted for either in the proposal or in the <i>Stormwater Management Plan</i>.</p> <p>Irrigation of fruit trees, vegetables and grain would be expected to result in significant run-off. Use of chemicals and fertilizers may cause this run-off to have adverse impacts.</p> <p>Details of farm structures such as netting and shade cloth have not been provided.</p> <p>No details of horticultural operations have been provided.</p>
<p>4. Development shall integrate and allow for water sensitive urban design (WSUD) measures to be implemented into lot layouts and drainage systems.</p>	None	<p>Industrial uses have not been accounted for in the proposal or <i>Stormwater Management Plan</i>.</p> <p>The following suggestions under WSUD have not been taken up:</p> <ul style="list-style-type: none"> a) storage rather than conveyance of stormwater b) maintenance and enhancement of water quality c) permeable surfaces, soakwells and landscaped swales in site layout to increase onsite infiltration and treatment e) localised water supply for irrigation

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	29/04/2024 01:38 AM
Type of submission	Object

Grounds for Submission

My name is

My family live here and use Skinners Shoot Rd, a dead-end road, to get to and from town. I love where I live and yes there is a growing demand to share it. I do not want the proposed mega restaurant facility at the end of the no-through road. It would cause Skinners Shoot residents a lot of grief from increased traffic.

This road is not safe to use for a number of reasons one being the increasing amount of potholes. It is currently under stress from the number of cars and will become very hazardous due to the dramatic increase in traffic if this development is approved. Cars are currently driving on the opposite side of the road to avoid potholes. When two cars and a pedestrian or bicyclist are using the road at one time it is dangerous for all parties.

Being a former Chef of 15 years in Byron, one other large concern is how can this establishment make enough money for a \$22 million development. It is not easy to make a restaurant a success. NOMA, which the owner talked about, is closing due to it being too much hard work. And this was with mostly free labour (interns and work experience staff.). There are a lot of staff in the proposal. Not working for free in Byron as it costs too much for living. So then the problem will be what to do with the big big building set up for dining? It has lots of car-parks.

W-E-D-D-I-N-G-S and F-U-N-C-T-I-O-N-S day in and day out.

This development may or may not be sold, and it will very easily be a function centre. Then Skinners Shoot will really be in trouble.

Also I can't work how 1 person (in-house) will run the largest dining establishment the Byron Shire, really this is ridiculous. I don't think they know it is hard work and takes a lot of hours. It is very hard to get staff in Byron meaning the manager has to do a lot of shifts.

I am AGAINST.

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DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	30/04/2024 04:40 PM
Type of submission	Object

Grounds for Submission

1/ Current Roads system cannot support (see inGen traffic assessment 2/ The proposal is way too big (945sq m footprint) for restaurant alone is questionable for 45 seat restaurant Applicant say it is based on NOMA in Denmark, NOMA went broke 3/ The rural lifestyle will irrevocably change with a intrusive commercial venture such as proposed. Please save Skinners Shoot and reject this Development application in its entirety

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	30/04/2024 05:08 PM
Type of submission	Object

Grounds for Submission

I have read the submission by President of Skinners Shoot Resident group and wish the issues presented in that letter to be acknowledged as my own views

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	30/04/2024 05:15 PM
Type of submission	Object

Grounds for Submission

I firmly oppose this d/a/ as it will ruin the quiet rural retreat of the Skinners Neighbourhood. A large commercial development will be a burden on the Skinners Shoot road and Yagers Lane . There is no net positive economic benefit to the residents of skinners shoot . The proposal will not be low key It is designed to attract huge visitor numbers . Please register my objection

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	30/04/2024 05:22 PM
Type of submission	Object

Grounds for Submission

As a child I spent a lot of time at Skinners Shoot and its beauty is the chilled rural vibe along a country road ,yet so close to the CBD You often saw wildlife and people wave as you pass. A big commercial tourist development does not fit into this genteel neighbourhood The size of the restaurant being 945 sq meters truly shows it is intended to be more like a function centre . Please register my vehement opposition to this d/a

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	30/04/2024 05:29 PM
Type of submission	Object

Grounds for Submission

This Application does not represent the intention of a low impact, small scale development . I agree with the submission of Anthony Pangallo and agree that the important data and summations in the InGen road peer review report be given the full assessment when deciding that Skinners Shoot Rd and Yagers Lane cannot sustain the traffic that this proposal will generate. I object to this proposal

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	30/04/2024 05:36 PM
Type of submission	Object

Grounds for Submission

I support all the Skinners Shoot residents who are very against this D/A because of road issues, increased traffic over longer periods, Light and noise late at night . I have been a visitor to my friends at Skinners for many years and understand the discontent at this large commercial development proposed at the end of a dead end road .

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	30/04/2024 06:26 PM
Type of submission	Object

Grounds for Submission

I grew up in Skinners Shoot and agree with majority of residents that the road infrastructure cannot handle a tourism enterprise at the end of a dead end lane Everyone know this will expand as it succeeds leaving small rural community negatively impacted both in losing quiet amenity and heavy traffic increases Say no to this it is not LOW impact as rural guidelines require

DA No.	10.2024.24.1
Development Proposal	Restaurant, Artisan Food and Drink Industry, Farm Building, Tree Removal 1 x Umbrella Cheese Tree and 1 x Guioa and Associated Works
Subject Property	103 Yagers Lane SKINNERS SHOOT
Date received	30/04/2024 12:32 PM
Type of submission	Support

Grounds for Submission

I frequently holiday in the area and appreciate good food options.

From: [REDACTED]
To: [council](#)
Subject: D/A 10.2024.24.1 (103 Yagers Lane Skinners Shoot)
Date: Tuesday, 30 April 2024 2:56:04 PM

Attn: The General Manager
Byron Shire Council

Dear Mr Arnold,

I strongly oppose the DA (10.2024.24.1) due to several factors that have not been addressed properly in the application and should be a cause for concern for Council. [REDACTED]

As such I'm extremely concerned about the existing asbestos at the property in question. I would have thought that this highly toxic substance would need to be removed by professionals prior to any thought of development. The potential health risks involved should have the Council as concerned as the local residents. There are children living next door to this proposed development and their health & happiness should be of paramount importance.

The residents of Skinners Shoot & Yagers Lane and the local wildlife will be directly affected by the consequences of this development. This is an area of Byron Bay that is not suited to cope with increased traffic. The roads are pitted with potholes as it is without the added stress of increased traffic. Excessive rainfall aggravates the problem...we don't need increased amounts of trucks & cars making it even worse.

The traffic assessment doesn't adequately consider the full impact of vehicle movement along this route associated with the proposed commercial activities as it fails to include trips for essential farm staff required to run the daily operations ie: administrative staff, field workers, and supervisors.

It also fails to consider delivery vehicles, transportation needs for online sales, cafe patrons, and produce transportation. All hospitality, administration & farm staff will require regular transport to and from the farm and will most likely cause the largest increase to overall traffic in the area.

Deliveries of farm supplies essential for the agricultural/horticultural operations have also been neglected in the traffic assessment. Shipments of seeds, fertilizers, equipment, and packaging materials for example will necessitate the use of trucks and vehicles entering and leaving the property on a regular basis.

Another grave concern is that according to the restaurant plan a cellar is planned. This would require granting a liquor license to the applicants which raises concerns about the likelihood for patrons to engage in drink-driving on our small, winding rural roads, posing a potential risk to neighbourhood safety.

Noise and light pollution are a further concern for the closest neighbours and will have a negative impact on their life, as undoubtedly events would extend into the late night. Car lights and the sound of motors being started, as well as outdoor lighting for the car park and walkways plus increased late night traffic would significantly disturb the natural patterns of nocturnal wildlife and intrude upon the peaceful nighttime ambiance of the Skinners Shoot community. The closest neighbours to this development are entitled to quiet enjoyment of their home and this proposed development is set to destroy this.

The influx of traffic from the commercial development would obliterate the rural neighbourhood's recreational amenity, depriving residents of the peaceful enjoyment of activities such as cycling, horse riding, jogging, and walking along our scenic lanes. The proposed commencement of picking staff as early as 6 am would subject residents to disruptive traffic noise well before daybreak, further

infringing upon their right to a peaceful living environment.

The lack of detail about designated pick-up/drop-off areas, off-site parking arrangements for clients, frequency and operational logistics of the proposed bus service raises concerns about the management of transportation associated with the development.

In light of the abovementioned issues rejection of the DA should be urgently considered. Byron Bay has more than enough hospitality venues. We have 'The Farm' and several fine dining outlets in town and the surrounding hinterland. It is crucial to prioritize the preservation of our community's well-being, environmental integrity, and rural character over the pursuit of commercial interests.

Thank you for taking the time to consider my objections. I trust that you have the best intentions for our community, the environment and the sustainability of our town.

[REDACTED]

[REDACTED]

Attachments: Traffic Peer Review Report provided in earlier submissions

From: [REDACTED]
To: [council](#)
Subject: D/A 10.2024.24.1 (103 Yagers Lane Skinners Shoot)
Date: Monday, 29 April 2024 1:53:11 PM
Attachments: [Traffic Peer Review report Skinners Shoot..pdf](#)

Attn: The General Manager
Byron Shire Council

Dear Mr Arnold,

I am very much concerned about the proposed commercial development on 103 Yagers Lane in Skinners Shoot. [REDACTED]

[REDACTED] As such we use Skinners Shoot & Yagers Lane frequently and know the pitfalls of overly increasing the traffic flow through the area in question.

The residents of Skinners Shoot & Yagers Lane and the local wildlife will be directly affected by the consequences of this development. This is an area of Byron Bay that is not suited to cope with increased traffic. I strongly oppose the DA (10.2024.24.1) due to several factors that have not been addressed properly in the application and should be a cause for concern for Council.

The traffic assessment doesn't adequately consider the full impact of vehicle movement along this route associated with the proposed commercial activities as it fails to include trips for essential farm staff required to run the daily operations ie: administrative staff, field workers, and supervisors.

It also fails to consider delivery vehicles, transportation needs for online sales, cafe patrons, and produce transportation. All hospitality, administration & farm staff will require regular transport to and from the farm and will most likely cause the largest increase to overall traffic in the area.

Deliveries of farm supplies essential for the agricultural/horticultural operations have also been neglected in the traffic assessment. Shipments of seeds, fertilizers, equipment, and packaging materials for example will necessitate the use of trucks and vehicles entering and leaving the property on a regular basis.

The blind spot at the junction of Yagers and Skinners Lane is already a safety concern. The expected increase in traffic from the development will only contribute in making this intersection more hazardous for both pedestrians and motorists.

The roads to & including Yagers Lane are already in a bad state of repair with potholes everywhere increasing significantly after periods of increased rainfall. An increase in traffic due to the new development would also significantly increase the likelihood of potholes developing. This poses a threat to road users, especially when also negotiating blind corners as well, and undermines the safety and usability of our local infrastructure

Furthermore, the proposed development and the related rise in traffic makes the increase of incidents of roadkill much more likely. This area is home to wildlife species such as potoroos, koalas, echidnas, and swamp wallabies. From my own experience, careful driving along Skinners Shoot road is paramount, having encountered most of the beforementioned species and even stray cattle standing in the middle of the road at night. Attached is a traffic peer review report for your consideration.

A big concern is the proposed restaurant's excessive size and scale which show a blatant disregard for local standards and community values, posing a severe threat to the rural landscape's integrity and character. The proposed restaurant's size, with its up to 9 mtr height, seems excessive and is out of proportion with the surrounding area. A building of this magnitude cannot be considered a small-scale commercial operation, as defined by the Council's rural tourism guidelines.

Moreover, the sheer size of the establishment suggests intentions beyond a typical restaurant, particularly with its capacity to host large functions such as weddings and special events.

Another grave concern is that according to the restaurant plan a cellar is planned. This would require granting a liquor license to the applicants which raises concerns about the likelihood for patrons to engage in drink-driving on our small, winding rural roads, posing a potential risk to neighbourhood safety.

Noise and light pollution are a further concern for the closest neighbours and will have a negative impact on their life, as undoubtedly events would extend into the late night. Car lights and the sound of motors being started, as well as outdoor lighting for the car park and walkways plus increased late night traffic would significantly disturb the natural patterns of nocturnal wildlife and intrude upon the peaceful nighttime ambiance of the Skinners Shoot community. The closest neighbours to this development are entitled to quiet enjoyment of their home and this proposed development is set to destroy this.

The influx of traffic from the commercial development would obliterate the rural neighbourhood's recreational amenity, depriving residents of the peaceful enjoyment of activities such as cycling, horse riding, jogging, and walking along our scenic lanes. The proposed commencement of picking staff as early as 6 am would subject residents to disruptive traffic noise well before daybreak, further infringing upon their right to a peaceful living environment.

The lack of detail about designated pick-up/drop-off areas, off-site parking arrangements for clients, frequency and operational logistics of the proposed bus service raises concerns about the management of transportation associated with the development.

In light of the abovementioned issues rejection of the DA should be urgently considered. Byron Bay has more than enough hospitality venues. We have 'The Farm' and several fine dining outlets in town and the surrounding hinterland. It is crucial to prioritize the preservation of our community's well-being, environmental integrity, and rural character over the pursuit of commercial interests.

Thank you for taking the time to consider my objections. I trust that you have the best intentions for our community, the environment and the sustainability of our town.

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: D/A 10.2024.24.1 (103 Yagers Lane Skinners Shoot)
Date: Tuesday, 30 April 2024 3:37:19 PM

To whom it may concern:

I am writing to object to the above DA.

Whilst my understanding of the entire project is limited, I feel the need to comment due to the development being explicitly modelled on NOMA in Denmark.

A high-end dining experience charging upwards of \$800 per head at Skinners Shoot? The business model relying on 'unpaid interns'?

Meanwhile Byron Bay continues to have a significant homeless population along with most of the 'regular' people struggling to get by and put any sort of food on the table.

This seems like the wrong way to go and not congruent with the future of the town.

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: D/A 10.2024.24.1 103 Yagers Lane Skinners Shoot
Date: Wednesday, 17 April 2024 4:42:20 AM

To the General Manager
Byron Shire Council

Dear Mr Arnold,

I write to you today with a deep concern regarding the proposed commercial development in our neighbourhood. As a near neighbour directly affected by the potential consequences of this project, I feel compelled to express my strong objection against this DA (10.2024.24.1) based on several critical issues that have not been adequately addressed.

Strong Opposition to Inappropriate Scale and Bulk:

- Excessive Size and Scale:** The proposed restaurant's excessive size and scale represent a blatant disregard for local standards and community values, posing a severe threat to the rural landscape's integrity and character. Firstly, the scale and size of the proposed restaurant are excessive and out of proportion with the surrounding area. A building of this magnitude, standing up to 9 meters in height, cannot be considered a small-scale commercial operation, as defined by the Council's rural tourism guidelines. Moreover, the sheer size of the establishment suggests intentions beyond a typical restaurant, particularly with its capacity to host large functions such as weddings and special events.
- Noise and Light Pollution:** The proposed commercial activities would undoubtedly result in increased noise and light pollution, disrupting the tranquillity of our rural surroundings. With the planned development's operating hours extending late into the night, the incessant noise and glaring lights from headlights departing the property and the overhead lights in the car parking areas would significantly disturb the natural patterns of nocturnal wildlife and intrude upon the peaceful nighttime ambiance of our community.
- Safety Hazards:** The junction of Yagers and Skinners Lane presents a serious safety concern due to its blind spot issue. The anticipated surge in traffic from the development would only exacerbate this problem, posing a risk to both pedestrians and motorists navigating the area.
- Road Conditions:** The already dire state of our roads, plagued by potholes that develop rapidly after rainfall, would be further deteriorated by the increased traffic associated with the proposed development. This poses a threat to road users and undermines the safety and usability of our local infrastructure.
- Wildlife Impact:** The proposed development threatens the delicate balance of our local ecosystem, with the potential for increased roadkill incidents involving precious wildlife species such as potoroos, koalas, echidnas, swamp wallabies, and even stray cattle. The disruption to their natural habitats could have negative consequences for biodiversity in our area.
- Recreational Amenity:** The influx of traffic from the commercial development

would obliterate the rural neighbourhood's recreational amenity, depriving residents of the peaceful enjoyment of activities such as cycling, horse riding, jogging, and walking along our scenic lanes.

7. **Early Morning Disturbance:** The proposed commencement of picking staff as early as 6 am would subject residents to disruptive traffic noise well before daybreak, further infringing upon their right to a peaceful living environment.

8. **Late Night Disturbance:** the site location is not suitable for all proposed commercial activities with the massive 945 sq meters restaurant operating till 11pm (staff nightly pack up will be departing up until midnight), traversing a small rural lane with no street lighting. Skinners Shoot and Yagers Lane are both Dead End roads, so are very quiet late at night because there is no through traffic.

9. **Liquor License Concerns:** The restaurant plan denotes a cellar. Granting a liquor license for the proposed establishment raises significant concerns about the potential for patrons to engage in drink-driving on our small, winding rural roads, posing a potential risk to neighbourhood safety.

10. **Traffic Assessment Oversight:** The current traffic assessment report fails to adequately consider the full scope of vehicle movements associated with the proposed commercial activities. It overlooks crucial factors such as transportation needs for online sales, cafe patrons, and staff involved in produce transportation. The report also fails to include trips for essential farm staff involved in daily operations, such as field workers, supervisors, and administrative personnel. These staff members require regular transportation to and from the farm, contributing to overall traffic in the area. Additionally, the report neglects to include deliveries of farm supplies essential for the agricultural/horticultural operations. This encompasses shipments of seeds, fertilizers, equipment, and packaging materials, which necessitate the use of trucks and vehicles entering and leaving the property. The omission of these delivery trips skews the accuracy of the traffic impact assessment.

11. **Light Pollution:** The installation of lights for the development would contribute to light pollution, disrupting wildlife behaviour, disturbing human sleep patterns, and obscuring the night sky, thus detracting from our rural ambiance.

12. **Bus Service Concerns:** The lack of clarity regarding designated pick-up/drop-off areas, off-site parking arrangements for clients, frequency and operational logistics of the proposed bus service raises concerns about the management of transportation associated with the development. In addition to these concerns, the absence of a lawfully erected dwelling on the land and the inappropriate scale and bulk of the commercial proposal further calls into question the suitability of the site for the proposed activities.

Given the multitude of issues outlined above, I urge you to reject the development proposal. It is imperative to prioritize the preservation of our community's well-being, environmental integrity, and rural character over the pursuit of commercial interests.


Thank you for considering my objections. I trust that you will make the responsible decision in the best interests of our community and its future.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



The General Manager
Mr Mark Arnold
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Subject: Concern Regarding Development Application 10.2024.24.1 - Koala Safety on Quiet Rural Roads

Dear Mark Arnold

I am writing to raise a significant concern regarding Development Application 10.2024.24.1, which proposes the operation of a restaurant until 11pm in an area that requires all traffic to traverse a quiet rural zone inclusive of a mapped wildlife corridor. This area serves as a vital haven for koalas and other wildlife. Over the past 8 years we have recorded 17 koala sightings reported by the public. Our worry is that the proposed restaurant's operating hours coincide with peak koala activity, significantly increasing the risk of vehicle-related injuries to these vulnerable marsupials.

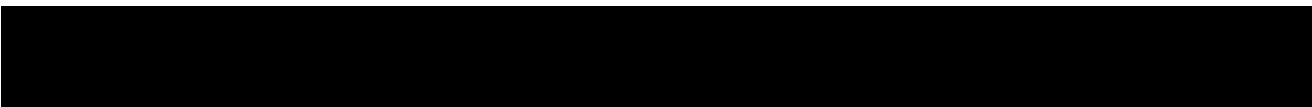
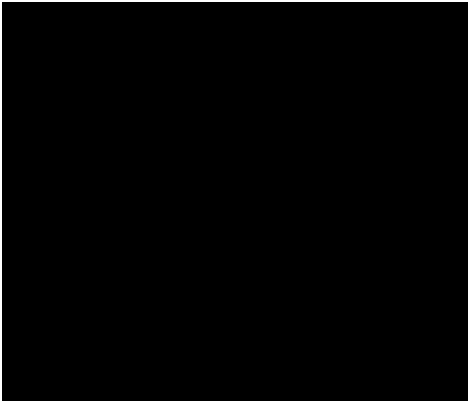
Noise, dogs, light and human interactions are also issues that will arise for wildlife if this restaurant proceeds. For example koalas along with other nocturnal animals are more active at night, unfortunately aligning with increased vehicle movements near this restaurant. They already face challenges negotiating fragmented habitats. Adding a commercial venture of this size decreases their movements further. Furthermore, adding street lighting (one of the fastest growing pollutants) in a rural setting like Skinners Shoot exacerbates the risk of accidents for all wildlife. Artificial light is known for changing whole ecosystems.

To safeguard our local wildlife, I strongly recommend minimising any commercial enterprise that significantly increases night-time traffic in dead-end rural areas like Skinners Shoot. This measure is crucial to the connectivity of the region by preserving these areas as safe spaces supporting the growth of coastal koala populations.

Your support is vital in ensuring the safety and wellbeing of our local koala population.

Thank you for considering this important matter during the assessment of this development application.

If interested, please do not hesitate to contact me for further information.



From: [REDACTED]
To: [council](#)
Subject: DA No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoot
Date: Sunday, 28 April 2024 9:00:54 PM

Attention: General Manager
Byron Shire Council
Mr Mark Arnold
By email council@byron.nsw.gov.au

Re: Objection to Development Application No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoot

Dear Sir,

I am writing to express my objection to the proposed Development Application (D/A) number 10.2024.24.1. This proposal would negatively impact the community's quiet rural lifestyle by introducing a commercial venture that will result in inevitable increases in traffic and a negative impact on the ecology of the area.

The most significant concern is with the extra volume of traffic that will be generated from this development. Skinners Shoot Road and Yagers Lane are ill equipped for the current traffic load, let alone the additional traffic from a restaurant that operates from midday to 11pm **five days a week** and a cafe that operates 10am to 3pm **every day**. The traffic report prepared by TTM and submitted as a part of the DA is woefully inadequate. The report prepared by Ingen Consulting on behalf of the Skinners Shoot residents group highlights a number of inconsistencies and inaccuracies in the TTM report. The validity of a report that omits important data must be questioned. The Ingen report asserts that the roads are already operating **beyond their capacity**, and extra traffic generated by the proposed development would push these levels further.

As a person who uses the road as a driver but also as a cyclist and pedestrian I have concerns for my safety should this development go ahead. The current width of Skinners Shoot Rd does not allow for two cars to pass each other safely when a person is cycling, walking or running along the road verge. There are no footpaths at any point along the road - even in the section leading from the Art Factory to the Yoga Centre where there is very frequent foot traffic. With increased traffic the chances of 2 cars encountering pedestrian traffic would inevitably also increase and thus the chances of an accident become more likely.

As an Ecologist I also have concerns for the wildlife and habitat of Skinners Shoot. The Ingen traffic report indicates that the development would trigger road widening. This would mean the removal of many trees on both sides of Skinners Shoot Rd. These trees are important habitat for wildlife, particularly Koalas, that are often seen on Skinners Shoot Rd. In addition, Skinners Shoot is a Wildlife Corridor and the likelihood of increased roadkill from traffic not familiar with the area must be considered.

I strongly urge you to reject this submission. Thank you for your time and for considering the concerns outlined by the many residents who stand united in opposition to D/A 10.2024.24.1.

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: DA No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoot.
Date: Monday, 29 April 2024 6:40:00 PM

Attention: General Manager
Byron Shire Council
Mr Mark Arnold
By email council@byron.nsw.gov.au

Re: Objection to Development Application No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoot

Dear Sir,

I am writing to express my objection to the proposed Development Application (D/A) number 10.2024.24.1. This proposal would negatively impact the community as a result of the inevitable increases in traffic.

The most significant concern is with the extra volume of traffic that will be generated from this development, for which Skinners Shoot Road is not suitable. It is currently in very poor condition, with many potholes along its length, especially the 'flat' that extends from the Arts Factory to towards the Yoga Centre and beyond to the first bend leading up the hill. The only way to avoid the holes driving into town at the moment is to drive on the wrong side of the road. The road is regularly in this condition as the 'repairs' made by Council extend to filling in the holes only and last a very short time. Additional traffic that will be generated from this proposed development will see this decline happen even more rapidly. According to the report prepared by Ingen Consulting on behalf of the Skinners Shoot residents group the roads (Skinners Shoot Rd and Yagers Lane) are already operating **beyond their capacity**, and extra traffic generated by the proposed development would only exacerbate this issue.

I use Skinners Shoot Rd as a driver but also as a pedestrian, regularly jogging from Raywards Lane to town and back. I have concerns for my safety should this development go ahead. The current width of Skinners Shoot Rd does not allow for two cars to pass each other safely when a person is cycling, walking or running along the road verge. There are no footpaths at any point along the road - even in the section leading from the Art Factory to the Yoga Centre where there is very frequent foot traffic. With increased traffic the chances of 2 cars encountering pedestrian traffic would inevitably also increase and thus the chances of an accident become more likely.

I strongly urge you to reject this submission. Thank you for your time and for considering the concerns outlined by the many residents who stand united in opposition to D/A 10.2024.24.1.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



To General Manager
Byron Shire Council

Dear Mr Mark Norris
subject: Development Application (10.2024.24.1), (103 Yagers Lane Skinners Shoot

Please register my objections to the aforementioned Development application for the following reasons ;

1. **Contamination Assessment Report**

 •The contamination report’s reliance on residential standards necessitates a thorough review to align with commercial horticulture contamination assessments, ensuring accuracy for the proposed activities.

 2. **Need for Separate Horticulture DA:**

 •The extensive nature of commercial fruit and vegetable cultivation warrants a distinct Development Application (DA) to adequately address the unique requirements and potential impacts.

 3. **Critical Deficiencies in Traffic Assessment:**

 •The failure to consider essential vehicle movements associated with various commercial activities, such as online sales and cafe traffic, staff and restaurant food and beverage deliveries, renders the traffic assessment report incomplete and unsuitable for council approval.

 4. **Lack of Clarity in Busing Clients Logistics:**

 •The absence of detailed plans for designated pick-up/drop-off areas, off-site parking arrangements, and operational logistics for the proposed bus service raises significant concerns regarding transportation management and safety.

 5. **Violation of Byron LEP Rural Tourism Clause:**

 •The absence of a lawfully erected dwelling on the land directly contravenes Byron LEP rural tourism clause requirements, indicating a fundamental flaw in the proposed development’s legality and suitability.

 6. **Questionable Reliance on Previous Approval:**

 •The reliance on a previous Development Approval (DA) without proper certification casts doubt on the project’s compliance with environmental regulations and raises concerns about its operational history.

 7. **Strong Opposition to Inappropriate Scale and Bulk:**

 •The proposed restaurant’s excessive size and scale represent a blatant disregard for local rural planning standards and community values, posing a severe threat to the rural amenities integrity and character.

 8. **Concerns Over Energy infrastructure:**

 •The installation of a massive solar and battery system signals potentially expanded commercial activities, raising significant questions as to why such a huge energy infrastructure is required for a the proposed commercial operation. Artisan food and drink industry that packages tea, juices and bottles horticultural produce, a 45 seat restaurant and 15 seat cafe and 15 seat bar waiting area.

 9. **Urgent Call to Reject Proposal:**

 •The Development consent statement of environmental effects is economically implausible. To construct a 945 sq meter restaurant to dine forty five guests is at best a ridiculous business plan at worst untruthful as to the real plans for the commercial ventures.
- All the environmental, social, and economic impacts are poorly addressed, and the suitability of the site for such extensive commercial development and operations needs to be rigorously evaluated. The proposed project’s scale and bulk are wholly incompatible with the surrounding neighborhood and pose an unwanted changes to its rural charm and wildlife ecological balance.

[Redacted signature block]

[Redacted footer information]

From: [REDACTED]
To: [council](#)
Subject: Development Application (10.2024.24.1), (103 Yagers Lane Skinners Shoot)
Date: Monday, 29 April 2024 5:18:53 PM
Attachments: [Traffic Peer Review report Skinners Shoot \(2\).pdf](#)

Please note our **objection** to the development (DA 10.2024.24.1), (103 Yagers Lane Skinners Shoot), for the following reasons:

- Change in community culture based upon the scale of the development;
- Commercialisation of an area that is largely rural/residential;
- Increased Traffic count on a narrow country road (Noting: Byron Shire Council in their Ordinary (Planning) Meeting Agenda, October 2022, have reported that, **“The current road formation does not comply with Council’s standards...”**.) (Refer, **Ingen Consulting** report, herewith);
- Traffic impact on the already-deteriorated condition of Skinners Shoot Road (Refer, **Ingen Consulting** report, herewith);
- Evidence of regular flooding in the wetland area (Cumbebin Swamp) on Skinners Shoot Road (Refer, **Ingen Consulting** report, herewith);
- Increased traffic/crash risk on poorly lit road at night (Refer, **Ingen Consulting** report, herewith);
- Increased traffic will add risk for backpacker pedestrians using Gordon and Burns Streets, which is already a dangerous precinct.

We therefore, urge council to reject the proposed development.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Development Application 10.2024.24.1 - 103 Yagers Lane Skinners Shoot
Date: Wednesday, 10 April 2024 7:17:53 PM

Byron Shire Council
General Manager

Subject: Objection to Development Application 10.2024.24.1 - 103 Yagers Lane Skinners Shoot

Dear Mr. Mark Arnold,

I am writing to object to the proposed Development Application (10.2024.24.1) for a 945 sq meter restaurant at 103 Yagers Lane, Skinners Shoot. Here are my concerns:

- **Scale and Nature of Operation:** The size of the restaurant and the number of parking spaces contradict the definition of small-scale commercial operation.
- **Operating Hours and Traffic Impact:** The late operating hours and potential for large events will disturb the quiet rural neighborhood and worsen traffic issues.
- **Financial Viability and Functionality:** The massive investment for limited seating raises doubts about the project's viability.
- **Traffic Assessment and Management:** The traffic report lacks consideration for various activities and relies on outdated data.
- **Noise Impact and Management:** The proposed noise plan is insufficient for the rural setting.

I urge the Council to reject this application as it goes against rural tourism guidelines and poses risks to the community and environment.
Thank you for considering my objections.

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Fwd: Subject Development Application (10.2024.24.1), (103 Yagers Lane Skinners Shoot)
Date: Wednesday, 17 April 2024 12:44:28 PM

Dear Councillors,

[REDACTED] I wish to place the following submission opposing the above DA at 103 Yagers Lane Skinners Shoot

My reasons for a submission against this DA are as follows;

1. It is my understanding that the Contamination report was completed based on standards for "residential " therefore needs to be redone using the contamination assessments for commercial horticulture

2. Horticulture proposal (growing fruit and vegetables for commercial purposes) is a form of extensive agriculture which needs a separate DA

3. The traffic assessment report substantially fails to capture vehicle movement for each aspect of the proposed commercial venture including;
Fulfilment of Online sales
Overflow harvest sales
Cafe client traffic
Employees required for growing/cultivating produce including vehicle movements and the restaurant alcohol/coffee and food supply trucks.
This should be rejected by council as it fails to utilise the most recent traffic data, traffic generation rates in accordance with RMS Guide to Traffic Generating Development.

Traffic movement during construction - a \$22,000,000 Development of this size will generate a large volume of traffic and heavy vehicles over a period of approximately one to two years during construction - this is not accounted for in the DA or traffic assessment report

TTM report prepared by the proponents only refers to very minor additions on Yagers lane (no mention of Skinners shoot Rd). It also fails to reference that the road does not meet current engineering standards as stated in council's own records when the proponents were obtaining a building entitlement for the property in 2023.

4. Busing clients logistics The proponent development application fails to explain;
What area in the township will be the designated pick-up drop-off

for clientele?

Where is the designated parking for clients cars off-site in the township area

Bookings at 15 minute intervals means at least 8 bus vehicle movements per hour

Bus to operate from 10 am to 11pm Wed-Sat 11- 10pm Sunday

Fails to say how many seats the bus holds (size of bus)

Fails to expound how the proponent will stop clientele from using uber/taxi or personal vehicles from arriving when there is 72 car parks on site

5. There is no lawfully erected dwelling on the land

Byron LEP rural tourism clause states;

(4) Development consent must not be granted to development for the purpose of tourism development on land to which this clause applies unless—

(a) a lawfully erected dwelling house or dual occupancy (attached) is situated on the land. Therefore they do not have approval for the dual occupancy. Council would need to explain as to how can this current DA be accepted. They need to obtain approval for the dual occupancy prior to any other DA's being lodged for the site.

6. Reliance on a commencement DA 10.2010.208

2.1 of the Statement of Environmental effects (page 7) states; In October 2010, DA 10.2010.208 approved the use of one of the nursery buildings as a Place of Assembly (limited to a maximum of 25 persons, 4 times per week, daylight hours only. Various works were completed associated with implementing this approval, including carparking and installation of the toilets and associated wastewater systems. As such, it is assumed that this consent has been formally commenced.

StarSeed Nursery and Lotus Tearooms commenced operations in Dec 2011 appearing without first obtaining a construction certificate and Final occupation certificate.

Many locals attended the premises during that period of operation.

The business remained in operation for 7 years. The business announced its closure in 20th August 2018.

Under ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 4.66 Continuance of and limitations on existing use.

(2)(e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.

7. Scale Bulk and Height of the commercial proposal is inappropriate and unacceptable given the context of the locality.

Statement of environmental effects

Table 8: Key development statistics (Restaurant)

Shows the Total floor area of the restaurant proposed is large salce of 945 sq meters with opening hours 12-11pm Wed -Sat 12 -10 pm Sun

Requiring 72 carparks that includes 25 allocated staff carparks

This will be the largest restaurant in our Byron Shire and indeed larger than the majority of all restaurants.

(as a comparison Bonito restaurant in town is 180 sq meters -50 seat restaurant)

The enormous size of the restaurant cannot by any means comply with Council definition of small scale which states;
'small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.'

As the proposal has commercial structures to be constructed on rural land which are much higher than the existing dilapidated pig pens.

the development is not small scale and low impact;

the development is not complementary to the rural or environmental attributes of the land and its surrounds;

the development a significant will have adverse impact on, amenity or significant features of the natural environment

8. Skinners Shoot Road contains a wildlife corridor. At the start of the Road it intersects the Cumbebin Nature Reserve. A substantial part of the Reserve is located within the Skinners Shoot area, a total area of 91 hectares, established in 1999 to protect a significant component of the Belongil-Cumbebin wetland.

Reference: Office of Environment and Heritage

1 December 2012

Publication, Plan of management, Final

According to this publication;

Cumbebin Swamp Nature Reserve is an important part of Country to the Bundjalung of Byron Bay (Arakwal) people and is subject to an Indigenous Land Use Agreement (ILUA), signed in 2008, which more than doubled the size of Cumbebin Swamp Nature Reserve from its original 40 hectares. Under the ILUA the reserve will be jointly managed with the Bundjalung of Byron Bay (Arakwal) people through a management committee.

*Cumbebin Swamp Nature Reserve also conserves **wetlands of state significance**, sensitive coastal dunes, coastal swamp forests and riparian areas. **It contains three endangered ecological communities, which provide habitat for a wide range of native animals including threatened species.***

These factors have not been addressed adequately in the environmental impact statement and if anything there appears to be little or no realistic regard to the devastating impact, destruction and possible elimination of wildlife.

9. Energy Grid

The roof of the restaurant will be fitted with a 99.54 kW solar system involving 237 roof mounted solar panels and battery storage which is a substantial energy infrastructure and perhaps gives a more accurate insight into the true intentions of the future expanded commercial activities planned for the site.

In Conclusion, Council must not grant development consent unless it is satisfied;

1. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
2. the suitability of the site for the development,

The applicant has not adequately addressed the social and economic impacts affecting the Skinners Shoot neighbourhood.

The site location is not suitable for all the buildings (9M height) proposed for commercial activities with the enormous 945 sq metre, restaurant operating until 11pm (staff nightly pack up will be departing up until midnight), traversing through a wildlife corridor road with no street lighting in a rural neighbourhood.

Skidders Shoot and Yagers Lane are both dead end rural roads and are very quiet at night because there is no through traffic, further noting that sections of Skidders Shoot Road allow only one vehicle to pass at a time. If there is bicycle or foot traffic two cars can not pass safely in opposite directions in most parts of the Road. Should council approve the scale of the DA proposed will it plan to substantially upgrade the roads to include widening of the road and bicycle lanes?



General Manager
Byron Shire Council
council@byron.nsw.gov.au

Subject: Objection to Development Application (10.2024.24.1) - 103 Yagers Lane Skinners Shoot

Dear Mr. Mark Arnold,

I am writing to formally object to the proposed Development Application (10.2024.24.1) concerning the establishment of a 945 sq meter restaurant at 103 Yagers Lane, Skinners Shoot. After thorough consideration, I find several significant concerns with the proposal, which I believe should prompt the Council to reject it.

1. **Scale and Nature of Operation**: The proposed 945 sq meter restaurant, along with 25 staff car parks and 72 visitor parks, contradicts the definition of small-scale commercial operation outlined by the Council's rural tourism guidelines. The sheer size and capacity of the establishment suggest a commercial venture far beyond what is deemed 'small-scale'.
2. **Operating Hours and Traffic Impact**: The operation of the restaurant until 11 pm, with staff departing and traversing through a wildlife corridor road with inadequate lighting, poses significant concerns for the tranquility and safety of the rural neighbourhood. Moreover, the potential for late-night functions such as weddings and special events will further exacerbate traffic and noise issues in the area.
3. **Financial Viability and Functionality**: It is questionable whether such a massive investment, totalling over \$22,000,000, for a restaurant with only 45 seats and 15 waiting rooms, would be financially viable. Additionally, the lack of clarity on other potential commercial activities such as online sales, overflow harvest sales, or café operations raises doubts about the true nature and scale of the proposed development.
4. **Traffic Assessment and Management**: The traffic assessment report fails to account for various aspects such as online sales, vehicle movements related to produce cultivation, and potential use of the 72 on-site car parks by drop in clientele. The reliance on outdated traffic data from 2008 is inadequate and does not reflect the current traffic conditions and infrastructure requirements of Skinners Shoot Road and Yagers Lane.
5. **Noise Impact and Management**: The proposed noise management plan is deemed unacceptable for residents of Yagers Valley, considering the significant distance noise travels in a quiet rural setting. Late-night activities, including music and chatter, will undoubtedly disturb the tranquility of the area and negatively impact the quality of life for nearby residents.

In light of these concerns, I urge the Council to reject Development Application (10.2024.24.1) as it does not align with the principles of small-scale, low-impact development outlined by the rural tourism guidelines. The proposed development's scale, operational hours, traffic impact, and noise management measures pose significant risks to the rural and environmental attributes of the land and its surrounding community.

Thank you for considering my objections to this development application.

Regards,

From: [REDACTED]
To: [council](#)
Subject: OBJECTION TO D/A 10.2024.24.1 103 Yagers Lane Skinners Shoot
Date: Tuesday, 30 April 2024 12:17:38 PM
Attachments: [Traffic Peer Review report Skinners Shoot \(2\).pdf](#)

Byron Shire General Manager
Mr Mark Arnold

Dear Sir,

OBJECTION TO D/A 10.2024.24.1 103 Yagers Lane Skinners Shoot

I have been a resident of Skinners Shoot Road for 15 years. I bought a property in this location due to the rural, quiet nature of the area. I am supportive of change in the area, however I am concerned about the excessively large and out of scale development proposed at 103 Yagers Lane Skinners Shoot. A development of this statue will dramatically increase the amount of traffic on Skinners Shoot Road. With a young family this increase in traffic on the tight and poorly kept road and the safety concerns it raises is the main reason I object to this development.

As a community we have also come up with a list of further concerns that this development proposes:

- The proposed development at 103 Yagers Lane exceeds the small-scale requirements for rural tourism as defined by the Byron Local Environmental Plan (BLEP).
- The Traffic and Transport Liaison (TTL) report inadequately addresses the anticipated increase in traffic, failing to thoroughly analyse flow, capacity, and safety.
- Maximum client capacity per day remains unspecified, leading to potential underestimations of traffic, noise, and environmental impacts.
- The presence of 72 car parks contradicts the proposed reservation-only and client busing model, suggesting an expectation of higher client turnover.
- Busing of clients the applicant fails to provide logistics of off-site pick-up, drop-off and off-site parking.
- Economic viability relies on increasing client numbers, which contradicts sustainable rural tourism principles and would increase traffic.
- According to the 2020-2021 council traffic report, Skinners Shoot Road is already at capacity, and the development's traffic impacts are not sufficiently addressed in the report and requires updated data.
- Increased night-time traffic will significantly disturb local residents with vehicle noise and headlights, as most houses are close to the road.

- Concerns about asbestos management are heightened by observations of asbestos removal operations and the absence of an Asbestos Contamination Report for the old pig sheds in the development application.

- The proposed development's scale, and the inconsistencies in the planning documents suggest a lack of consideration for community input and local regulations.

In addition, the Skinners Shoot community recently funded a Traffic Peer Review report for 103 Yagers Lane (Please see attachment). It found that both Skinners Shoot and Yagers Lane are already carrying beyond their capacity. With increased traffic generated by the proposed development, both roads would be even more unsafe.

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: OBJECTION TO D/A 10.2024.24.1 103 Yagers Lane Skinners Shoot
Date: Tuesday, 30 April 2024 12:23:09 PM

Byron Shire General Manager
Mr Mark Arnold

Dear Sir,

OBJECTION TO D/A 10.2024.24.1 103 Yagers Lane Skinners Shoot

I have been a resident of Skinners Shoot Road for many years. I love this area due to its rural, quiet nature of the area. I am supportive of change in the area, however I am concerned about the excessively large and out of scale development proposed at 103 Yagers Lane Skinners Shoot. A development of this statue will dramatically increase the amount of traffic on Skinners Shoot Road. With a young family this increase in traffic on the tight and poorly kept road and the safety concerns it raises is the main reason I object to this development.

As a community we have also come up with a list of further concerns that this development proposes:

- The proposed development at 103 Yagers Lane exceeds the small-scale requirements for rural tourism as defined by the Byron Local Environmental Plan (BLEP).
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asbestos removal operations and the absence of an Asbestos Contamination Report for the old pig sheds in the development application.

- The proposed development's scale, and the inconsistencies in the planning documents suggest a lack of consideration for community input and local regulations.

In addition, the Skinners Shoot community recently funded a Traffic Peer Review report for 103 Yagers Lane (Please see attachment). It found that both Skinners Shoot and Yagers Lane are already carrying beyond their capacity. With increased traffic generated by the proposed development, both roads would be even more unsafe.

[REDACTED]

[REDACTED]

General Manager

BYRON SHIRE COUNCIL

council@byron.nsw.gov.au

To Whom It May Concern,

D/A 10.2024.24.1 (103 Yagers Lane Skinners Shoot)

I am writing to formally lodge my objection to Development Application (D/A) number 10.2024.24.1 currently on exhibition.

Firstly, I am deeply concerned about the scale and nature of the proposed development. The size of the proposed restaurant and the extensive provision for parking appears disproportionate to the surrounding rural landscape, raising questions whether it is small scale and compatible with the local rural suburb.

The proposed operating hours from 6 am to 11 pm, particularly for the restaurant until 11 pm, raise concerns about potential disruptions to the traffic flow, increased noise levels, and the frequency of activity in Skinners Shoot. This is especially concerning given the lack of street lighting along a dark, rural winding road.

Additionally, the financial viability of the project seems questionable, considering the substantial investment required and the limited seating capacity outlined in the proposal. This lack of clarity regarding the project's economic feasibility adds to my reservations about its suitability.

Moreover, the inadequacies in the traffic assessment and management plan are troubling. The failure to account for essential factors such as online sales, deliveries of farm supplies, and the current state of the damaged, potholed road pavement raises doubts about the comprehensiveness of the assessment. Please refer to the attached Traffic Peer review report.

Finally, the absence of specific maximum clientele numbers for only reservations on any given day raises concerns about the transparency and credibility of the proposed development application. Without definitive maximum projected numbers on expected daily patronage levels, then to assess the applicants true impact on the community and infrastructure remains unknown.

In light of these concerns, I urge the council to refuse to the proposed development 10.2024.24.1. It is crucial that any large commercial development in our community be undertaken with careful consideration for the local environment, infrastructure, and quality of life for all residents.

Regards

General Manager

BYRON SHIRE COUNCIL

council@byron.nsw.gov.au

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Thank [REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: OBJECTION to DA submission. Subject Development Application (10.2024.24.1), (103 Yagers Lane Skinners Shoot)
Date: Sunday, 28 April 2024 3:29:37 PM

Mr Mark Arnold
General Manager
Byron Shire Council
council@byron.nsw.gov.au

Dr Mr Arnold,

SUBJECT: OPPOSITION TO D.A. 10.2024.24.1 - 103 Yagers Lane, SKINNERS SHOOT

I have been a resident of Skinners Shoot for over 35 years, and strongly oppose plans for development of a \$22 million restaurant and artisan food industry at 103 Yagers Lane for the following reasons:

SCALE OF DEVELOPMENT

The scale of the proposed development is excessively large, inappropriate, and unacceptable given the context of the locality and the roads that serve it. Skinners Shoot is a quiet and predominantly residential community of mostly small acreages or single homes on larger acreages. There are a few long term farming families that still continue to farm on their properties.

It is not suitable for rural tourism and **does not adhere to the small-scale requirement specified in the Byron Local Environmental Plan (BLEP) for rural tourism.** The scale of the infrastructure and the services being proposed far exceed what is typically permissible under the current rural tourism guidelines.

TRAFFIC & ROAD SAFETY CONCERNS

The number of vehicles using the road will increase significantly, during the development, construction and ongoing business phases; once trading, the traffic will be impacted by increased staff driving to work, delivery trucks etcetera on a daily basis, not just diners at the restaurant. The road is barely able to meet the current demands of existing residents vehicles

This development is a large-scale, commercial venture with several business units which will significantly increase traffic in this quiet, rural community with no-through road access. There is **one way in and one way out**, requiring all traffic to travel along Skinners Shoot Rd and Yagers Lane. The road is widely acknowledged to be inadequate and has a demonstrated history of car accidents including fatalities at night.

The quality of Skinners Shoot Rd is not conducive to a steady flow of visitor and commercial traffic, as it does not meet engineering standards, is subject to flooding during heavy rains, and is frequently covered in large and dangerous potholes that can take weeks to repair. **It is unlit, unsafe, hazardous to drive along and relies upon some local knowledge to safely navigate at night and during times of inclement weather.** Over the years I have lived in Skinners Shoot I have seen a significant increase in flooding. It is not uncommon now for the road to flood every year, and now often more than once, including times where we are unable to pass for sometimes up to 4 days, and at such times visitors have been stuck unable to leave. Yagers Lane is part of the head water of the Belongil creek, and flooding occurs firstly on the floodplains that line Yagers Lane leading up to the proposed development.

WILDLIFE IMPACT

The Skinners Shoot area is home to abundant native wildlife. In the time I have been living in

Skinner's Shoot I have seen a return of koalas to the area increase significantly. When I first moved here in the early 1980s I rarely saw or heard koalas. We have planted between 50-100 local trees for wildlife including koala food trees which, alongside other residents, to create corridors for koalas to move between adjacent forest areas to support their growing population. We now hear and see koalas often, I can sit and look at them in trees, including mother and babies, that the community has cared enough to plant, allowing koalas to move safely between areas of forest. Skinners Shoot is one of the local areas where koalas are released back into the wild. We also regularly sight wallabies, potoroos, possums, and echidnas. We have had a resident echidna population on our property and take great care to give most of our land over to wildlife.

WILDLIFE AND TRAFFIC CONCERNS

The additional traffic generated by this significant commercial development threatens this delicate habitat and puts wildlife at risk. I have called WIRES for wildlife rescues on multiple occasions to care for animals injured on the road, varying from tiny kingfishers ,to possums, wallabies; I once stood in the middle of the road flagging down cars so they would not hit a koala too sick to even crawl off the road. This koala sadly did not survive.

It is clear that the proponents of Yager's development would greatly change our community's quiet rural lifestyle by introducing an intrusive commercial venture to line their own pockets at the expense of the entire community. It also risks harming the environment of an area we cherish. Our community has flourished as we developed neighbourly friendships, and this proposed development threatens to tear the fabric we've worked hard over time to weave.

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Objection to Development Application No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoot
Date: Sunday, 28 April 2024 1:19:46 PM

General Manager
Byron Shire Council
Mr. Mark Arnold
council@byron.nsw.gov.au

Re: Objection to Development Application No. 10.2024.24.1 at 103 Yagers Lane,
Skinners Shoot

Dear Sir,

I am writing to express my opposition to the proposed Development Application (D/A) number 10.2024.24.1. This proposal not only undermines the intrinsic rural character of Skinners Shoot but also demonstrates a blatant disregard for the well-being of its residents and environmental sanctity.

The sheer magnitude of the proposed development—a 945 sq meter restaurant, along with a 110 sq meter factory and a farm shed—is starkly incongruous with the modest scale of rural enterprise that our community cherishes. It's an affront to the Byron Local Environmental Plan (BLEP) guidelines, which advocate for low-impact, small-scale rural tourism. By its design, this proposal is poised to shatter the pastoral peace with its jarring scale and operational intensity.

The stipulated operational hours extending to the wee hours of the night (11pm) threaten to impose unprecedented traffic, noise, and disruption along the ill-equipped and dimly-lit rural roadways. The traffic assessment provided with this application is woefully inadequate, lacking in thoroughness, and fails to reflect the complexity and reality of the proposed commercial activities, including online sales and deliveries. One cannot help but question the validity of an assessment that omits such critical factors.

Of utmost concern is the underhanded approach to asbestos management at the development site. The cursory removal activities witnessed, and the absence of a comprehensive Asbestos Contamination Report for the pig sheds within the development area, is a grave dereliction that endangers public health and erodes trust in the due processes that are supposed to protect us.

Furthermore, the proposal blatantly overlooks the pivotal issue of wildlife conservation. Our local ecosystem, a sanctuary for species such as potoroos, koalas, and echidnas, is at severe risk of disruption. The development's potential to catalyse roadkill incidents and disturb wildlife habitats is both distressing and unacceptable.

In conjunction with the above, the anticipated economic viability of this enterprise is shrouded in doubt. The projected client capacity, parking provisions, and the associated traffic and noise implications point to a mismatch between the operational model and infrastructure—an error that not only threatens to overwhelm the community but also casts skepticism on the project's financial projections.

I urge you, in the strongest terms, to recognize the irreversible damage this development would inflict upon the fabric of Skinners Shoot. It is a development that is fundamentally at odds with the principles of sustainability, rural compatibility, and legal compliance with

regard to rural tourism.

The development application is an egregious overstep that fails to align with the small-scale, low-impact ethos of our community. It is my sincere hope that the Council will act decisively to refuse this application and safeguard the rural and environmental integrity of our beloved locality.

Thank you for your time and for considering the manifold concerns outlined by the many residents who stand united in opposition to D/A 10.2024.24.1.

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Objection to Development Application No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoot
Date: Sunday, 28 April 2024 12:12:38 PM

General Manager
Byron Shire Council
Mr. Mark Arnold
council@byron.nsw.gov.au

Re: Objection to Development Application No. 10.2024.24.1 at 103 Yagers Lane,
Skinners Shoot

Dear Sir,

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[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Objection to Development Application No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoot
Date: Saturday, 27 April 2024 10:41:59 AM

General Manager
Byron Shire Council
Mr. Mark Arnold
council@byron.nsw.gov.au

Re: Objection to Development Application No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoot

Dear Sir,

I am writing **to express my opposition to the proposed Development Application (D/A) number 10.2024.24.1**. This proposal not only undermines the intrinsic rural character of Skinners Shoot but also demonstrates a blatant disregard for the well-being of its residents and environmental sanctity.

The sheer magnitude of the proposed development—a 945 sq meter restaurant, along with a 110 sq meter factory and a farm shed—is starkly incongruous with the modest scale of rural enterprise that our community cherishes. It's an affront to the Byron Local Environmental Plan (BLEP) guidelines, which advocate for low-impact, small-scale rural tourism. By its design, this proposal is poised to shatter the pastoral peace with its jarring scale and operational intensity.

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Furthermore, the proposal blatantly overlooks the pivotal issue of wildlife conservation. Our local ecosystem, a sanctuary for species such as potoroos, koalas, and echidnas, is at severe risk of disruption. The development's potential to catalyse roadkill incidents and disturb wildlife habitats is both distressing and unacceptable.

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The development application is an egregious overstep that fails to align with the small-scale, low-impact ethos of our community. It is my sincere hope that the Council will act decisively to refuse this application and safeguard the rural and environmental integrity of our beloved locality.

Thank you for your time and for considering the manifold concerns outlined by the many residents who stand united in opposition to D/A 10.2024.24.1.

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [REDACTED] No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoo
Date: Friday, 26 April 2024 4:50:38 PM
Attachments: [Traffic Peer Review report Skinners Shoot \(3\).pdf](#)
[SkinnersShoot_2024 \(1\) \(1\).pdf](#)

General Manager
Byron Shire Council
Mr. Mark Arnold
council@byron.nsw.gov.au

26th April 2024

Re: Objection to Development Application No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoot

Dear Sir,

I am a resident of Skinners Shoot and strongly oppose plans for development of a \$22 million restaurant and artisan food industry at 103 Yagers Lane for the following reasons:

- **SCALE OF DEVELOPMENT**

The scale of the development is excessively large, inappropriate, and unacceptable given the context of the locality and the roads that serve it.

It is not suitable for rural tourism and does not adhere to the small-scale requirement specified in the Byron Local Environmental Plan (BLEP) for rural tourism. The scale of the infrastructure and the services being proposed far exceed what is typically permissible under the current rural tourism guidelines.

- Restaurant floor area is 945 square metres, including back of house and lounge
- Restaurant opening hours 12 pm - 11pm Wed to Sat and 12 pm - 10 pm Sun
- Restaurant will accommodate 60 guests, 45 in the restaurant proper and up to another 15 in the lounge area, and 25 staff
- Artisan Food Area adds another 110 square metres and will accommodate 15 guests and 5 staff, including café sales, packing, and picking staff
- 53 car parking spaces allocated for the restaurant and artisan food area combined
- 29 car parking spaces dedicated to staff across the restaurant and artisan food area
- Total 82 spaces for car parking
- Building heights up to 9 metres

This **will be the largest restaurant in Byron Shire** and indeed larger than most other restaurants. As a comparison, Bonito restaurant seats 50 guests and is 180 square metres in size.

The significant size of the restaurant cannot by any means comply with Council definition of small scale which states, *"small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property"*.

The roof of the restaurant will be fitted with a 99.54 kW solar system involving 237 roof mounted solar panels and battery storage which is a **massive energy infrastructure**, enabling potential future expanded commercial activities.

TRAFFIC PEER REVIEW REPORT & ROAD ANALYSIS

As a community we committed funds to hire a traffic engineer to critically assess and

challenge the inadequate TTL traffic assessment report associated with the D/A. **(see attached Traffic peer review report in this email by Ingen Consulting that was prepared on behalf of the Skinners Shoot residents group)**

Observations

Traffic Analysis

The Ingen Consulting peer review of the traffic impact analysis for the Yagers Piggery Development Application (D/A 10.2024.24.1) provides a crucial independent evaluation of the traffic conditions expected if the proposed development proceeds. This review was conducted in response to significant concerns raised by members of the Skinners Shoot Residents Group about the sufficiency of the original traffic assessment attached to the development application.

Key Aspects of the Ingen Peer Review

1. Comprehensive Traffic Volume Assessment:

Ingen Consulting conducted a detailed analysis of current traffic volumes on Skinners Shoot Road and Yagers Lane, using data collected in April 2024. Their findings indicate significantly higher traffic volumes than those reported in previous assessments by the Byron Shire Council and the original TTM Traffic Report. For instance, Ingen found an average of 882 vehicle trips per day on Skinners Shoot Road, whereas council data indicated only 781 trips.

2. Road Capacity and Safety Evaluation:

The review critically assessed the capacity of the existing road infrastructure. Ingen Consulting highlighted that both roads are currently operating beyond their designed capacities. For example, Yagers Lane, with a current sealing width of 4-5 meters, is rated for a maximum of 150 vehicle trips per day, yet current usage far exceeds this, with measured volumes indicating 165 trips. The proposed development would exacerbate this discrepancy, pushing usage to potentially dangerous levels.

3. Impact of Development on Traffic Flow:

Ingen Consulting projected the traffic increases resulting from the development, analyzing both best-case and worst-case scenarios. In the worst-case scenario, they estimated an increase of up to 552 additional trips per day on each road, which would lead to unsustainable traffic levels and necessitate substantial roadway expansions.

4. Road Widening Requirements:

The peer review also included an assessment of the necessary road widening to accommodate the forecasted traffic. For instance, it suggested widening Skinners Shoot Road to a 7m seal with 1m shoulders to handle the increased vehicle load safely. Such changes would have significant environmental and community impacts, including the removal of roadside vegetation and potential loss of koala habitats.

5. Inconsistencies in Original Traffic Reports:

Ingen Consulting identified several inconsistencies and potential underestimations within the TTM Traffic Report. The discrepancies concerning traffic volumes, road capacity, and safety standards raise doubts about the reliability of the forecasts provided in the developer's submission.

6. Recommendations for Traffic Management:

The peer review concluded with recommendations for more robust traffic management

strategies and infrastructure improvements that must be considered before any development approval. These include revising the traffic impact study with accurate, up-to-date traffic data and ensuring any road modifications are in line with national safety standards.

The Ingen Consulting peer review serves as a critical document in substantiating the community's concerns about the proposed development's impact on local infrastructure. It underscores the need for a thorough and cautious approach to planning and development approvals to preserve the safety and quality of life for the residents of Skinners Shoot.

Farm Building is not ancillary to an agricultural use of the landholding and therefore cannot meet the definition of Farm Building in the LEP

For comparison "the Farm" at Ewingsdale a **farming precinct** was the primary source of use and any associated businesses there must source the bulk of their inputs in manufacture from the property. see this description in the Byron LEP:

Prescriptive Measures: 1. An artisan food and drink industry, being a bakery, must be located within an existing building, and used for the preparation and sale of bread and other bakery goods, Page 35 Byron Shire Council – Planning Proposal The Farm, Ewingsdale Road, Byron Bay provided that a majority of the products contain ingredients sourced directly from the property;

The *Byron Local Environment Plan 2014 - Dictionary* states that "farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling".

Agriculture, however, is not conducted, proposed to be conducted or able to be conducted on the landholding at 103 Yagers lane. Site Plans, aerial photos and Architectural Plans clearly show there is no space for agriculture under the proposal. Buildings, driveways and parking take up 4,496m² – which does not include an owner or manager's dwelling, landscaping, ponds, contaminated dams, or the planned SSI disposal.

There is no space for the required Buffer Zone (200m) between Horticulture and buildings. There is no provision for irrigation. The site has not been assessed for contamination for purposes of growing food for human consumption. A failure to identify Horticulture as a land use, and the complete absence of agriculture from the proposal, further demonstrates that agriculture is not a use of the landholding.

WILDLIFE IMPACT

The Skinners Shoot area is home to abundant native wildlife. It contains significant koala habitat. Koala's have been observed in the trees overhanging the road along various parts of Skinners Shoot Rd. We also understand that koalas are released into the wild here in Skinners Shoot after rehabilitation. Also, there are regular sightings of wallabies, potoroos, possums, and echidnas. **See attached Friends of the koala submission**

Critical Asbestos Management Issues

The disregard for serious health concerns associated with the asbestos in existing structures is unacceptable (given the former pig sheds will remain metres from the proposed

restaurant). The lack of a comprehensive Asbestos and soil Contamination Report in relation to the former piggery activities in the development application is a glaring oversight that jeopardises public health and safety.

Lifestyle, Safety, and Amenity

The anticipated increase in traffic endangers the rural character of our area and poses significant risks to non-motorized road users like cyclists, horse riders, and pedestrians. Moreover, the expected increase in early morning and late-night traffic threatens the peace and safety of our community, increasing the likelihood of disturbances and accidents.

Conclusion

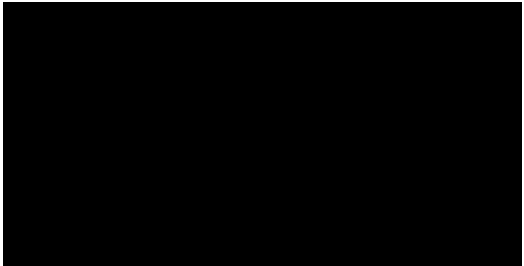
The development as planned contradicts several key aspects of local planning regulations and poses substantial risks to the quality of life of residents and the environmental integrity of the area. There is a lack of detailed information and commitment to agriculture, manufacturing, staffing and general activities in the Plans, DA, Consultants Reports, and Communications with Residents.

There is no commitment from the proponents regarding any upgrades to public infrastructure, therefore there is **no net benefit** to our community in approving this development. I therefore, strongly oppose this development.

Attached:

Traffic peer review by Ingen Consulting (prepared on behalf of Skinners Shoot Residents Group)
Friends of the koala submission





The General Manager
Mr Mark Arnold
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Subject: Concern Regarding Development Application 10.2024.24.1 - Koala Safety on Quiet Rural Roads

Dear Mark Arnold

I am writing to raise a significant concern regarding Development Application 10.2024.24.1, which proposes the operation of a restaurant until 11pm in an area that requires all traffic to traverse a quiet rural zone inclusive of a mapped wildlife corridor. This area serves as a vital haven for koalas and other wildlife. Over the past 8 years we have recorded 17 koala sightings reported by the public. Our worry is that the proposed restaurant's operating hours coincide with peak koala activity, significantly increasing the risk of vehicle-related injuries to these vulnerable marsupials.

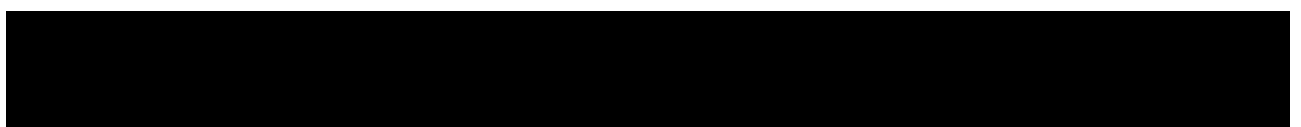
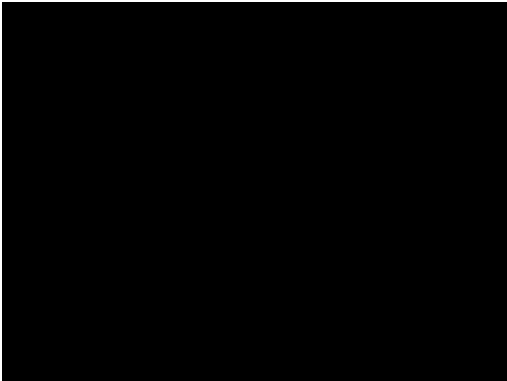
Noise, dogs, light and human interactions are also issues that will arise for wildlife if this restaurant proceeds. For example koalas along with other nocturnal animals are more active at night, unfortunately aligning with increased vehicle movements near this restaurant. They already face challenges negotiating fragmented habitats. Adding a commercial venture of this size decreases their movements further. Furthermore, adding street lighting (one of the fastest growing pollutants) in a rural setting like Skinners Shoot exacerbates the risk of accidents for all wildlife. Artificial light is known for changing whole ecosystems.

To safeguard our local wildlife, I strongly recommend minimising any commercial enterprise that significantly increases night-time traffic in dead-end rural areas like Skinners Shoot. This measure is crucial to the connectivity of the region by preserving these areas as safe spaces supporting the growth of coastal koala populations.

Your support is vital in ensuring the safety and wellbeing of our local koala population.

Thank you for considering this important matter during the assessment of this development application.

If interested, please do not hesitate to contact me for further information.



From: [REDACTED]
To: [council](#)
Subject: Objection to Development Application No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoot
Date: Sunday, 28 April 2024 1:47:53 PM
Attachments: [A document with text on it Description automatically generated.png](#)

Objection to Development Application No. 10.2024.24.1 at 103 Yagers Lane, Skinners Shoot

Written: April 27, 2024

To: General Manager, Byron Shire Council: Mr. Mark Arnold

Sent Via Email: council@byron.nsw.gov.au

[REDACTED]

[REDACTED]

My submission profoundly objects to the 103 Yagers Lane Development Application and all other development applications that have and will be submitted to council in all fractal subversive means to achieve this or any other development at this site. This development if allowed will come at a heavy cost to the Byron Shire at extreme expense to ALL tax payers.

Council has very few chances to look at this development for what it is and the impact on the Skinners Shoot Community at large/Yagers Valley-collective: along Cemetery Road as well as other neighbouring subdivisions along Old Byron Road and St. Helena's Hill Road.

Specifically, this or any other allowed development [REDACTED] an eastern facing location within the bowl/basin shaped Yagers Valley, Western Rim, directly faces the "Old Yagers Piggery site at a marginally higher elevation. [REDACTED]

[REDACTED] from Yagers Lane bounces against the Skinners Shoot eastern ridge amplifying the sound straight into the house, predominately the bedroom.

Since start of construction at the development site, earth moving and ground clearing, trucking of first phase asbestos removal and operation

of a rural agricultural generator which operates a well 24 hours a day over summer months and intermittently now into Autumn. The humming sound of the generator as well as earth moving machinery starting well before council designated hours of operation and well after is beyond frustration and annoyance.

This intrusive pattern will be in place for many years to come IF this development or any other development is approved as well as accompanied COMPLAINTS THAT THE COLLECTIVE SKINNERS SHOOT COMMUNITY HAS PRESENTED TO COUNCIL FOR SCRUTINY, CONSIDERATION AND CONSCIOUS INTEGRITY FOR NON-APPROVAL. Further noise ie. traffic, music, late night drunken laughter, language; everything associated with entertainment venues and the type of behaviours humans engage in while at these types of businesses will encroach/trespass into my quality of life and residence on Skinners Shoot.

“Not all that glitters is Gold”. The council may see the DOLLAR \$ize of this development as an enticing economic boost to the shire economy and infrastructure along with the prestige of the wealthy reputation of those involved as money backers. Yes, the council stands to financially gain a large dollar opportunity gaining a large cash enrichment to the shire but at what cost?

This development needs all the future foresight and conscience that council can muster. Has council considered the magnitude of the impact demands of sewage management for the size of this development? Are they demanding the most hygienic and quality septic system to run this venue? Everything drains to Belongil. Yagers Valley is a direct tributary into the Cumbebin Swamp wet lands which then crosses the flats of Skinners Shoot road into the Belongil.

At present heavy weather/flooding conditions bring untreated sewage across the flats of Skinners Shoot Road. Proof is in the smell of Ecoli and high acidity soil during and after such weather conditions. It stands to reason that the effluent stemming from a development of this size and nature will intensify the current levels faced and inevitably compound this situation.

It is my opinion future effluent will eventually reach our shorelines especially effecting the swimming for families using the dog beach at Belongil. Council will inevitably face future demands to rectify as the

impact of Byron West Community Subdivision once homes are built. The problem will compound when the future effluent from Yagers East development combines at the upper west side of the Skinners Shoot Road wet land flats where the Byron West effluent will meet the Yagers development effluent.

As deals get done and development applications get negotiated and changed as evidenced by subdivision Byron West, this particular development perhaps could be a farce. Perhaps the true intention is truly not a hugely ridiculous farm restaurant founded on a failed model in Denmark but a shoe in for a lesser development equating to a housing development based on the model of a Kibbutz, a development at their heart, kibbutzim are **small towns — typically with somewhere between 100 and 1,000 residents — historically centered around collective farms.**

The NSW government has opened the door and put Eco-Rural Tourism into place with recent changes in law to allow tourism development as long as rural income equates to 60% of profits and land use.

Regardless of what council allows for “THIS DEVELOPMENT SIGHT” my question to council: Is council prepared to accept the future monetary impact of the human use of this development site that today's decisions are dependent upon?

This submission of protest for this development is based on noise, human impact mentioned in all submissions echoed by Skinners Shoot residents that this size development will bring forth, the type of entertainment venue this development seeks with its compounded impact on the environment stemming from effluent and noise effecting the entire Yagers Valley.

I adamantly disagree with this proposed development application and wish that my voice be extended to recognize and stand behind all those submissions that favor DISAPPROVAL OF THE THIS DEVELOPMENT

[REDACTED]



General Manager
Byron Shire Council
Mr. Mark Arnold
council@byron.nsw.gov.au

Re: Objection to Development Application No. 10.2024.24.1 at 103
Yagers Lane, Skinners Shoot

Dear Sir,

I am writing to express my opposition to the proposed Development Application (D/A) number 10.2024.24.1. This proposal not only undermines the intrinsic rural character of Skinners Shoot but also demonstrates a blatant disregard for the well-being of its residents and environmental sanctity.

The sheer magnitude of the proposed development—a 945 sq meter restaurant, along with a 110 sq meter factory and a farm shed—is starkly incongruous with the modest scale of rural enterprise that our community cherishes. It's an affront to the Byron Local Environmental Plan (BLEP) guidelines, which advocate for low-impact, small-scale rural tourism. By its design, this proposal is poised to shatter the pastoral peace with its jarring scale and operational intensity.

The stipulated operational hours extending to the wee hours of the night (11pm) threaten to impose unprecedented traffic, noise, and disruption along the ill-equipped and dimly-lit rural roadways. The traffic assessment provided with this application is woefully inadequate, lacking in thoroughness, and fails to reflect the complexity and reality of the proposed commercial activities, including online sales and deliveries. One cannot help but question the validity of an assessment that omits such critical factors.

Of utmost concern is the underhanded approach to asbestos

management at the development site. The cursory removal activities witnessed, and the absence of a comprehensive Asbestos Contamination Report for the pig sheds within the development area, is a grave dereliction that endangers public health and erodes trust in the due processes that are supposed to protect us.

Furthermore, the proposal blatantly overlooks the pivotal issue of wildlife conservation. Our local ecosystem, a sanctuary for species such as potoroos, koalas, and echidnas, is at severe risk of disruption. The development's potential to catalyse roadkill incidents and disturb wildlife habitats is both distressing and unacceptable.

In conjunction with the above, the anticipated economic viability of this enterprise is shrouded in doubt. The projected client capacity, parking provisions, and the associated traffic and noise implications point to a mismatch between the operational model and infrastructure—an error that not only threatens to overwhelm the community but also casts skepticism on the project's financial projections.

I urge you, in the strongest terms, to recognize the irreversible damage this development would inflict upon the fabric of Skinners Shoot. It is a development that is fundamentally at odds with the principles of sustainability, rural compatibility, and legal compliance with regard to rural tourism.

The development application is an egregious overstep that fails to align with the small-scale, low-impact ethos of our community. It is my sincere hope that the Council will act decisively to refuse this application and safeguard the rural and environmental integrity of our beloved locality.

Thank you for your time and for considering the manifold concerns outlined by the many residents who stand united in opposition to D/A 10.2024.24.1.

[REDACTED]

[REDACTED]



Submission; DA 10.2024.24.1 103 Yagers Lane, Skinners Shoot
council@byron.nsw.gov.au

Re; Lot7 and Lot 8 DP:8385 103 Yagers Lane, Skinners Shoot

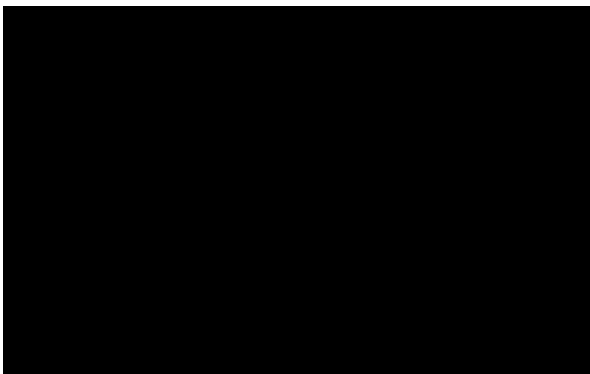
I formally object to abovenamed development application on the following basis;

- 1 . Development is in a RU2 Zone LEP2014, it is classified as Tourist Development not small scale. As such in this zone a tourist development must fit the landscape setting, used for extensive agriculture and in character of this zone. Given the scale bulk and heights of this development (restaurant 945sq.m.) it is unacceptable in this environment. Partly surrounded by a ridge line extending from Bangalow Road to Hayters Hill forming a natural amphitheater, its noise impact is substantial. Frequent "doof parties" are a testament to this already.
- 2 There is no lawfully erected dwelling on the land currently. Reliance on the "zombie" DA 10.2010.208 cannot be justified as no construction certificate nor final occupation was issued. Additionally, based on building scale size shown on plans it should have a car park capacity of 160 vehicles!
- 3 Soil testing; The property was used as a commercial piggery for many years. Effluent was regularly sprayed on the property and contaminates such a dips were utilized. Soil testing for these has not been conducted
- 4 Horticulture; The intention of the applicants is the growing of fruit and vegetables which is a form of extensive agriculture and would require a separate DA to be lodged.
- 5 Traffic Report;
 - a. This report is flawed from the beginning when it stated "recent improvements to Skinners Shoot Road". In 2008 due to construction of the substation part of the road was widened particularly along the swamp area but since that date there has been a rapid deterioration of the road edges due to traffic impact and weather conditions. The only upgrades have been

on two corners, a small section of road (one because of a fatality). Blind, pot hole infested corners, narrow lanes pertain.

- b. The report fails to mention tragically two deaths on Skinners Shoot at least one attributed to the condition of the road that I am aware of.
- c. No provision for street lighting and passing bays.
- d. Construction phase would entail numerous movements of vans/trucks up to cement trucks causing considerable road damage and providing an unsafe environment for other roads users, for example moving off the road shoulder is required to allow passing. It is not possible to count the number of movements accurately.
- e. Busing clients utilizing 8 seater will be virtually continuous operation during peak periods with a similar impact to commercial vehicles.
- f. There is no cycleways or footpaths on Skinners Shoot Road. It is used by numerous walkers, joggers and cyclists. It is a dangerous road for these users already particularly during "tradie hours" who are known for speeding.

We assert that this development has not addressed the social and economic consequences affecting the Skinners Shoot neighborhood. The site location is not suitable for commercial activities surrounded by ridge lines creating a natural amphitheater with large scale buildings (restaurant 9m height, 945sq.m. operating until 11 pm for public) transversing through a wildlife corridor (koalas transverse road nightly) with no street lighting in a rural neighborhood threatens to destroy the fabric of the area.



From: [REDACTED]
To: [council](#)
Subject: Objection to Proposed Development -10.2024.24.1
Date: Saturday, 27 April 2024 10:53:14 AM

Byron Shire Council
General Manager
Mr Mark Arnold
council@byron.nsw.gov.au

Subject: Strong Objection to Proposed Development -10.2024.24.1

Dear Mr Arnold,

[REDACTED]

The beauty of Skinners Shoot, is that it has managed to maintain its rural and agricultural roots even though it is close to town.

1. Noise: The proposed commercial activities would undoubtedly result in increased noise and light pollution, disrupting the tranquility of our rural surroundings. With the planned development's operating hours extending to 11pm at night, the noise and lights would significantly intrude upon the peaceful nighttime ambiance.
2. Road Conditions: The already dire state of our roads, plagued by potholes that develop rapidly after rainfall, would be further deteriorated by the increased traffic associated with the proposed development. This poses a threat to road users and undermines the safety and usability of our local infrastructure.
3. Recreational Amenity: The influx of traffic from the commercial development would obliterate the rural neighborhood's recreational amenity, depriving residents of the peaceful enjoyment of activities such as cycling, horse riding, jogging, and walking along our scenic lanes.
4. Liquor License Concerns: Granting a liquor license for the proposed establishment raises significant concerns about the potential for patrons to engage in drink-driving on our small, winding rural roads, posing a grave risk to public safety.
5. Traffic Assessment Oversight: The current traffic assessment report fails to adequately consider the full scope of vehicle movements associated with the proposed commercial activities.
6. Bus Service: The lack of clarity regarding designated pick-up/drop-off areas, off-site parking arrangements for clients, and operational logistics of the proposed bus service raises concerns about the management of transportation associated with the development.

In addition to these concerns, the use of a Dept of Planning Gateway application to obtain a building entitlement but is not required by Council to obtain an Occupation Certificate, was as the community feared. It was a Gateway to a large commercial development costing \$22,000,000 ++ which is an inappropriate use of the Gateway policy on rural land.

Please prioritise the preservation of our community's well-being, and rural character over vested commercial interests.

Thank you for considering my objections.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: OBJECTION: D/A 10.2024.24.1 103 Yagers Lane Skinners Shoot
Date: Tuesday, 30 April 2024 10:53:30 AM

Attention: Mark Arnold

I am writing to OBJECT to the above DA for the following reasons:

1. The remnant vegetation along Skinners Shoot and Yagers Lane are documented koala corridors and the increase in vehicle traffic by customers and staff to this development if allowed to proceed would further endanger this and other threatened native wildlife.
2. A commercial business enterprise such as this restaurant in a quiet rural area is highly inappropriate.
3. Skinners Shoot & Yagers Lane are both narrow single lane dead end roads that attracts walkers, cyclists, skate boarders, joggers and horse riders and adding more traffic would be dangerous to all these users.
4. The width and structure of Skinners Shoot and Yagers Lane are unsuitable for increased traffic capacity which would be caused by approval of the above development.
5. It is not possible to widen Skinners Shoot or Yagers Lane without removing critical native vegetation required by koalas and other native fauna for food and safe movement.
6. The size and scale of this commercial development is out of character with the quiet rural residential community.
7. The proponent says the proposed restaurant will be limited to a seating capacity of 40-45 guests which on any measure for a \$22 million development is unsustainable so expansion and associated impact on local residents and wildlife as described above would be inevitable and the impact catastrophic.
8. Increased traffic along Butler & Gordon streets, Skinners Shoot and Yagers Lane would affect the amenity of all those living along all these streets that would be used to access the restaurant.
9. Skinners Shoot & Yagers Lane both being single lane dead end roads without street lighting are for this reason currently quiet at night and this development would significantly and adversely affect the nocturnal wildlife and change the amenity of all residents.

I urge Council to not approve D/A 10.2024.24.1 103 for the reasons above.

Thank you.

Sincerely

From: [REDACTED]
To: [council](#)
Subject: OPPOSITION TO D.A. 10.2024.24.1 - 103 Yagers Lane, SKINNERS SHOOT
Date: Monday, 29 April 2024 6:29:14 PM

Mr Mark Arnold
General Manager
Byron Shire Council
council@byron.nsw.gov.au

Dr Mr Arnold,

SUBJECT OPPOSITION TO D.A. 10.2024.24.1 - 103 Yagers Lane, SKINNERS SHOOT

I am a resident of Skinners Shoot and strongly oppose plans for development of a \$22 million restaurant and artisan food industry at [103 Yagers Lane](#) for the following reasons:

Size and scale of the development, inadequate access road, noise pollution, danger to endangered wildlife.

I live up the road from the development.

I object to the size and scale of it, and the hours of operation

The sound from the operations site, travels long distances over the flat country.

The road in an out is only single lane across the cattle paddocks, not suitable for trucks of builders and suppliers, and large numbers of staff and customers.

Skinners shoot Road is the only access in and out and is tiny, full of potholes that can take months to repair. Dangerous, as it is for the small number of residents, There have already been two –deaths and numerous accidents. It is totally inadequate to serve more trucks, traffic and cars from builders, suppliers, staff and clients.

Endangered koalas, echidnas and wallabies wander across the road, and will be at increased risk with more traffic,

The whole road, and surrounding paddocks regularly floods, and access is impossible. Skinners Shoot road through the swamp regularly floods and access is cut off for days.

There is no demand for it, and it will destroy the environment and amenity for the existing residents.

Please reject the application.

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: OPPOSITION TO D.A. 10.2024.24.1 - 103 Yagers Lane, SKINNERS SHOOT
Date: Tuesday, 30 April 2024 7:05:32 PM

Mr Mark Arnold
General Manager
Byron Shire Council
council@byron.nsw.gov.au

Dr Mr Arnold,

I am a resident of Skinners Shoot and strongly oppose plans for development of a \$22 million restaurant and artisan food industry at 103 Yagers Lane for the following reasons:

It is not suitable for rural tourism and does not adhere to the small-scale requirement specified in the Byron Local Environmental Plan (BLEP) for rural tourism. The scale of the infrastructure and the services being proposed far exceed what is typically permissible under the current rural tourism guidelines.

The quality of Skinners Shoot Rd is not conducive to a steady flow of visitor and commercial traffic, as it does not meet engineering standards, is subject to flooding during heavy rains, and is frequently covered in large and dangerous potholes that can take weeks to repair.

The Skinners Shoot area is home to abundant native wildlife. The additional traffic generated by this significant commercial development threatens this delicate habitat and puts wildlife at risk.

Given these significant concerns, I strongly oppose the proposed development at 103 Yagers Lane. The development as planned contradicts several key aspects of local planning regulations and poses substantial risks to the quality of life of residents and the environmental integrity of the area.

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Planning proposal PP_2020_BYRON_006_00 (PP-2020-2720) to amend Byron Local Environmental Plan 2014
Date: Monday, 15 April 2024 7:00:01 PM

Mr. Mark Arnold
General Manager
Byron Shire Council

Submission of objection 10.2024.24.1

Dear Mr. Arnold,

[REDACTED] and a concerned resident of the local community, and I am writing to express my strong objections to D/A 10.2024.24.1, particularly concerning the scale, bulk, and height of the proposed restaurant within the development. As a concerned resident of the local community, I believe that the proposed size of the restaurant is wholly inappropriate and unacceptable given the context of the locality. Yagers Lane is a narrow dead-end lane, as landholders and residents we enjoy its quiet bucolic amenity.

The Statement of Environmental Effects, specifically Table 8 outlining the key development statistics for the restaurant, indicates a total floor area of 945 square meters, with extensive opening hours from 12 pm to 11 pm Wed - Sat and 12 pm to 10 pm on Sundays. Moreover, the project requires 72 carparks, including 25 allocated staff parks. My objections to the proposed scale of the restaurant and the ancillary commercial enterprises are as follows:

- **Inadequate Traffic Assessment:**
 - The traffic report fails to adequately address the transportation needs associated with the operation of the farm activities. There is a notable absence of consideration for the trips required by essential staff, including field workers, supervisors, and administrative personnel, contributing to traffic volume in the area.
- **Neglect of Deliveries for Farm Operations:**
 - The report neglects to include deliveries of farm supplies essential for agricultural and horticultural operations, such as seeds, fertilizers, equipment, and packaging materials. This omission skews the accuracy of the traffic impact assessment.
- **Lack of Consideration for Manufacturing Transportation Needs:**
 - The transportation requirements for manufacturing the diverse range of products, including elixirs, powders, tea blends, and preserves, are not adequately accounted for in the report. Transportation needs for manufacturing staff and shipments of raw materials and finished products must be considered in assessing traffic impact accurately.
- **Disproportionate Scale of the Restaurant:**
 - The proposed restaurant is significantly larger than the majority of restaurants in Byron Shire, exceeding the council's definition of small-scale development. Such an enormous size is incompatible with the character of the locality and contradicts the council's LEP rural landscape guidelines.

Light pollution

This is a concern, as we will not know where and how high outside lights will be placed in the property to illuminate pathways, carparks and driveway . The lighting from the

restaurant proposed to open until 11 pm

Danger to native animals and domestic animals

As we are a working farm we have a variety of animals (cows, donkeys and ducks) that sometimes make their way onto Yagers Lane. There are also many native animals, echidnas, koalas etc that sit on and cross Yagers Lane. As locals we are aware of this and drive slowly. People visiting the area often speed way above the signed speed limit. This has resulted in quite a few native species being killed.

In conclusion, I urge the council to reject the scale and bulk of the proposed restaurant and ancillary factory.

Please consider in line with the principles of responsible development and community compatibility. The current proposal threatens to disrupt the peaceful character of our neighbourhood and create an unacceptable increase in both truck and vehicle traffic in a small rural four (4) meter wide Yagers lane . As a concerned resident, I implore you to prioritise the interests and well-being of the local community in your decision-making process.

Thank you for considering my objections.

Sincerely,

A large black rectangular redaction box covering the signature area.

From: [REDACTED]
To: [council](#)
Subject: Please register my opposition to D/A 10.2024.24.1.
Date: Saturday, 27 April 2024 10:55:20 AM

To The General Manager
Byron Shire Council
Mr Mark ARNOLD

Dear Mr Arnold,

Please register my opposition to D/A 10.2024.24.1.

- The proposed development at 103 Yagers Lane exceeds the small-scale requirements for rural tourism as defined by the Byron Local Environmental Plan (BLEP).
- The Traffic and Transport Liaison (TTM) report inadequately addresses the anticipated increase in traffic, failing to thoroughly analyze flow, capacity, and safety.
- Maximum client capacity per day remains unspecified, leading to potential underestimations of traffic, noise, and environmental impacts.
- The presence of 72 car parks contradicts the proposed reservation-only and client busing model, suggesting an expectation of higher client turnover.
- Economic viability relies on increasing client numbers, which contradicts sustainable rural tourism principles and would increase traffic.
- Increased night-time traffic will significantly disturb local residents with vehicle noise and headlights, as most houses are close to the road.
- Concerns about asbestos management are heightened by observations of asbestos removal operations and the absence of an Asbestos Contamination Report in the development application.
- The proposed development's scale and the inconsistencies in the planning documents suggest a lack of consideration for community input and local regulations.

Regards

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: RE: D/A 10.2024.24.1 (103 Yagers Lane Skinners Shoot)
Date: Sunday, 28 April 2024 8:58:40 PM
Attachments: [Traffic Peer Review report Skinners Shoot .pdf](#)

To the General Manager
Byron Shire Council

Dear Mr Arnold,

I am deeply concerned about the proposed commercial development on 103 Yagers Lane in Skinners Shoot. I am a long-term resident of Byron Bay with close links in the community, and object the over-development of our town.

Skinners Shoot residents and the local wildlife will be directly affected by the consequences of this development in an area of Byron Bay that is not suited to cope with increased traffic. I strongly oppose this DA (10.2024.24.1), due to several factors that haven't been addressed properly in the application and should be a cause for concern for council.

The traffic assessment doesn't adequately consider the full impact of vehicle movements associated with the proposed commercial activities as it fails to include trips for essential farm staff required to run the daily operations (e.g. administrative staff, field workers, and supervisors). It further fails to consider delivery vehicles, transportation needs for online sales, cafe patrons, and produce transportation. All hospitality, admin and farm staff will require regular transportation to and from the farm, which will most likely cause the biggest increase to overall traffic in the area. Deliveries of farm supplies essential for the agricultural/horticultural operations have also been neglected in the traffic assessment, for example shipments of seeds, fertilizers, equipment, and packaging materials, which necessitate the use of trucks and vehicles entering and leaving the property.

The blind spot at the junction of Yagers and Skinners Lane is already a safety concern and the expected increase in traffic from the development will only contribute in making this intersection more hazardous for both pedestrians and motorists.

The roads to and including Yagers Lane are already in bad repair, and cluttered with potholes, especially after periods of increased rainfall. An increase in traffic due to the new development would significantly increase the likelihood of potholes developing, which poses a threat to road users and undermines the safety and usability of our local infrastructure. Further, the proposed development and the related rise in traffic make an increase in roadkill incidents involving precious wildlife species such as potoroos, koalas, echidnas, and swamp wallabies much more likely. From my own experience, careful driving along Skinners Shoot road is paramount, having encountered most of the beforementioned species and even stray cattle standing in the middle of the road at night. Attached is a traffic peer review report for your consideration.

A big concern is the proposed restaurant's excessive size and scale which show a blatant disregard for local standards and community values, posing a severe threat to the rural landscape's integrity and character. The proposed restaurant's size with its up to 9 meters height seems excessive and is out of proportion with the surrounding area. A building of this magnitude cannot be considered a small-scale commercial operation, as defined by the Council's rural tourism guidelines. Moreover, the sheer size of the establishment suggests intentions beyond a typical restaurant, particularly with its capacity to host large functions such as weddings and special events. According to the restaurant plan a cellar is planned. This would require granting a liquor license to the applicants which raises concerns about the likelihood for patrons to engage in drink-driving on our small, winding rural roads, posing a potential risk to neighbourhood safety.

Noise and light pollution are a further concern for the closest neighbours and will have a negative impact on their life, with undoubtedly events extending into the late night. Car lights and the sound of motors being started, as well as outdoor lighting for the car park and walkways plus increased late night traffic would significantly disturb the natural

patterns of nocturnal wildlife and intrude upon the peaceful nighttime ambiance of the Skinners Shoot community.

The influx of traffic from the commercial development would obliterate the rural neighbourhood's recreational amenity, depriving residents of the peaceful enjoyment of activities such as cycling, horse riding, jogging, and walking along our scenic lanes. The proposed commencement of picking staff as early as 6 am would subject residents to disruptive traffic noise well before daybreak, further infringing upon their right to a peaceful living environment.

The lack of detail about designated pick-up/drop-off areas, off-site parking arrangements for clients, frequency and operational logistics of the proposed bus service raises concerns about the management of transportation associated with the development.

In light of the abovementioned issues a rejection the DA should be urgently considered. Byron Bay has more hospitality venues than needed, we have The Farm and several fine dining outlets in town and the surrounding hinterland. It is crucial to prioritize the preservation of our community's well-being, environmental integrity, and rural character over the pursuit of commercial interests.

Thank you for taking the time to consider my objections. I trust that you have the best intentions for our community, the environment and the sustainability of our town.

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: RE: Development Application (10.2024.24.1) 103 Yagers Lane, Skinners Shoot
Date: Friday, 12 April 2024 6:10:18 PM

Dear Council members,

RE: Development Application (10.2024.24.1) 103 Yagers Lane, Skinners Shoot

I am writing as a concerned land owner and resident of the Skinners Shoot community. [REDACTED]
[REDACTED] I would like to submit a proposal to you with our concerns against this proposed development and 103 Yagers Lane, Skinners Shoot.

Besides the points laid out below we bought in this lovely part of the world approximately 10 years ago for its blissful serenity, tranquillity, nature filled and unique fauna and flora. Having two young children, this does concern us with the large amount of traffic this development will bring. The development will mean that we will no longer feel safe letting our children ride their bikes into town. Skinners Shoot Road is no stranger to deadly traffic accidents. The road is already in a horrific state, scattered with huge and dangerous potholes.

Byron doesn't need another "Farm." We already have one in Ewingsdale. With it being right off the highway away from the community makes it is brilliant spot for locals and tourists to stop by. It works well as there are no residents close by - there is only an old quarry and a hospital and all is rather commercial in nature. In contrast, The area of this proposed development is a family community and a residential area. Skinners Shoot Road and Yagers Lane are dead end roads that do not draw traffic. The proposed development would draw unwanted traffic and congestion, and has the potential to increase crime rate for residential homes in the area. We sincerely hope the council will consider our comments and proposals and ensure that restaurants and commercial activities remain in town and not in this peaceful residential area. Our other points we would like include are:-

Points for submissions **against** this DA

- 1/ The Contamination report** was done based on standards for "residential " therefore needs to be redone using the contamination assessments for commercial horticulture.
- 2/ Horticulture proposal** (growing fruit and vegetables for commercial purposes) is a form of extensive agriculture which needs a separate DA from what we understand.
- 3/ Traffic assessment report** fails to capture vehicle movement for each commercial venture, that is:
 - a) Online sales
 - b) overflow harvest sales
 - c) cafe client traffic
 - d) staff for growing/cultivating produce vehicle movements and the restaurant alcohol/coffee and food supply trucks. This should be rejected by council as it fails to utilise the most recent traffic data, traffic generation rates in accordance with RMS Guide to Traffic Generating Development.
 - e) Traffic movement during construction - a \$22,000,000 Development of this size will generate a ton of traffic over say a one to two years of construction - this is not accounted for in the DA or traffic assessment report
 - f) The TTM report prepared by the proposers only talks about very minor additions on Yagers lane (nothing on Skinners Shoot rd). It also omits that the road does not meet current engineering standards as stated in council's own records when the proponents were obtaining a building entitlement for the property in 2023.
 - G) the roads are super narrow at certain points which is really going to put a strain on the quality of the roads as well as the ability for traffic to pass smoothly. Also creates a danger point for cyclists, walkers and joggers to which we get quite a few. Given it is a rural area we quite often get cattle that have got out and are on the roads. This is a concern for the animals but also the safety of the drivers.

Another issue is where will all the staff come from and where will they live ? putting further strain on the already strained residential community of Byron.

4/ Busing clients logistics

The proposed development application fails to explain;

- a. What area in the township will be the designated pick-up drop-off for clientele.
- b. Where the designated parking for clients cars off-site in the township area.
- c. Bookings at 15 minute intervals means 8 bus vehicle movements per hour. How will buses actually fit. The Yagers is super narrow.
- d. Bus to operate from 10 am to 11pm Wed-Sat 11- 10pm Sunday
- e. Fails to say how many seats the bus holds (size of bus)
- f. Fails to explain how the proposed will stop clientele from using uber/taxi or personal vehicles from arriving when there is 72 car parks on site

5/ Restaurant

Shows the Total floor area of the restaurant is a whopping **945 sq meters** with opening hours 12-11pm Wed - Sat 12 -10 pm Sun requiring 72 carparks that includes 25 allocated staff car parks. This is a lot larger than any normal restaurant in town and will put a lot of strain again on traffic and delivery. This will be the largest restaurant in Byron Shire and indeed larger than the majority of all restaurants. (as a comparison **Bonito restaurant is 180 sq meters -50 seat restaurant**) The enormous size of the restaurant cannot by any means comply with Council definition of small scale which states; '*small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.*' This likely needs a professional / commercial operator. As the proposal has commercial structures to be constructed on rural land which are much higher than the existing dilapidated pig pens this indicates the development is **NOT** small scale and low impact; the development is **NOT** complementary to the rural or environmental attributes of the land and its surrounds; the development **WILL HAVE** a significant adverse impact on, amenity or significant features of the natural environment.

6/ Energy Grid.

The roof of the restaurant will be fitted with a 99.54 kW solar system involving 237 roof mounted solar panels and battery storage which is a massive energy infrastructure and gives insight into the true intentions of the future expanded commercial activities planned for the site.

7/ Conclusion

Council should **not grant development consent** unless it is satisfied;

- 1/the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- 2/ the suitability of the site for the development,
- 3/ Safety of the surrounding community.

Thank you for your time and attention.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Re: OBJECTION TO D/A 10.2024.24.1 103 Yagers Lane Skinners Shoot
Date: Tuesday, 30 April 2024 12:24:57 PM
Attachments: [Traffic Peer Review report Skinners Shoot \(2\).pdf](#)

Please see attached Traffic Peer Review

[REDACTED] 12:23 PM
To: council@byron.nsw.gov.au <council@byron.nsw.gov.au>
Subject: OBJECTION TO D/A 10.2024.24.1 103 Yagers Lane Skinners Shoot

Byron Shire General Manager
Mr Mark Arnold

Dear Sir,

OBJECTION TO D/A 10.2024.24.1 103 Yagers Lane Skinners Shoot

I have been a resident of Skinners Shoot Road for many years. I love this area due to its rural, quiet nature of the area. I am supportive of change in the area, however I am concerned about the excessively large and out of scale development proposed at 103 Yagers Lane Skinners Shoot. A development of this statue will dramatically increase the amount of traffic on Skinners Shoot Road. With a young family this increase in traffic on the tight and poorly kept road and the safety concerns it raises is the main reason I object to this development.

As a community we have also come up with a list of further concerns that this development proposes:

- The proposed development at 103 Yagers Lane exceeds the small-scale requirements for rural tourism as defined by the Byron Local Environmental Plan (BLEP).
- The Traffic and Transport Liaison (TTL) report inadequately addresses the anticipated increase in traffic, failing to thoroughly analyse flow, capacity, and safety.
- Maximum client capacity per day remains unspecified, leading to potential underestimations of traffic, noise, and environmental impacts.
- The presence of 72 car parks contradicts the proposed reservation-only and client busing model, suggesting an expectation of higher client turnover.
- Busing of clients the applicant fails to provide logistics of off-site pick-up, drop-off and off-site parking.
- Economic viability relies on increasing client numbers, which contradicts sustainable rural tourism principles and would increase traffic.

- According to the 2020-2021 council traffic report, Skinners Shoot Road is already at capacity, and the development's traffic impacts are not sufficiently addressed in the report and requires updated data.

- Increased night-time traffic will significantly disturb local residents with vehicle noise and headlights, as most houses are close to the road.

- Concerns about asbestos management are heightened by observations of asbestos removal operations and the absence of an Asbestos Contamination Report for the old pig sheds in the development application.

- The proposed development's scale, and the inconsistencies in the planning documents suggest a lack of consideration for community input and local regulations.

In addition, the Skinners Shoot community recently funded a Traffic Peer Review report for 103 Yagers Lane (Please see attachment). It found that both Skinners Shoot and Yagers Lane are already carrying beyond their capacity. With increased traffic generated by the proposed development, both roads would be even more unsafe.

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Subject Development Application (10.2024.24.1), (103 Yagers Lane Skinners Shoot)
Date: Wednesday, 17 April 2024 11:51:00 AM

Dear Councillors,

[REDACTED] I wish to place the following submission opposing the above DA at 103 Yagers Lane Skinners Shoot

My reasons for a submission against this DA are as follows;

1. It is my understanding that the Contamination report was completed based on standards for "residential " therefore needs to be redone using the contamination assessments for commercial horticulture

2. Horticulture proposal (growing fruit and vegetables for commercial purposes) is a form of extensive agriculture which needs a separate DA

3. The traffic assessment report substantially fails to capture vehicle movement for each aspect of the proposed commercial venture including;
Fulfilment of Online sales
Overflow harvest sales
Cafe client traffic
Employees required for growing/cultivating produce including vehicle movements and the restaurant alcohol/coffee and food supply trucks.
This should be rejected by council as it fails to utilise the most recent traffic data, traffic generation rates in accordance with RMS Guide to Traffic Generating Development.
Traffic movement during construction - a \$22,000,000 Development of this size will generate a large volume of traffic and heavy vehicles over a period of approximately one to two years during construction - this is not accounted for in the DA or traffic assessment report
TTM report prepared by the proponents only refers to very minor additions on Yagers lane (no mention of Skinners shoot Rd). It also fails to reference that the road does not meet current engineering standards as stated in council's own records when the proponents were obtaining a building entitlement for the property in 2023.

4. Busing clients logistics The proponent development application fails to explain;

What area in the township will be the designated pick-up drop-off for clientele?

Where is the designated parking for clients cars off-site in the township area
Bookings at 15 minute intervals means at least 8 bus vehicle movements per hour

Bus to operate from 10 am to 11pm Wed-Sat 11- 10pm Sunday

Fails to say how many seats the bus holds (size of bus)

Fails to expound how the proponent will stop clientele from using uber/taxi or personal vehicles from arriving when there is 72 car parks on site

5. There is no lawfully erected dwelling on the land

Byron LEP rural tourism clause states;

(4) Development consent must not be granted to development for the purpose of tourism development on land to which this clause applies unless

—
(a) a lawfully erected dwelling house or dual occupancy (attached) is situated on the land. Therefore they do not have approval for the dual occupancy. Council would need to explain as to how can this current DA be accepted. They need to obtain approval for the dual occupancy prior to any other DA's being lodged for the site.

6. Reliance on a commencement DA 10.2010.208

2.1 of the Statement of Environmental effects (page 7) states; In October 2010, DA 10.2010.208 approved the use of one of the nursery buildings as a Place of Assembly (limited to a maximum of 25 persons, 4 times per week, daylight hours only. Various works were completed associated with implementing this approval, including carparking and installation of the toilets and associated wastewater systems. As such, it is assumed that this consent has been formally commenced.

StarSeed Nursery and Lotus Tearooms commenced operations in Dec 2011 appearing without first obtaining a construction certificate and Final occupation certificate.

Many locals attended the premises during that period of operation.

The business remained in operation for 7 years. The business announced its closure in 20th August 2018.

Under ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 -

SECT 4.66 Continuance of and limitations on existing use.

(2)(e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.

7. Scale Bulk and Height of the commercial proposal is inappropriate and unacceptable given the context of the locality.

Statement of environmental effects

Table 8: Key development statistics (Restaurant)

Shows the Total floor area of the restaurant proposed is large salce of 945 sq meters with opening hours 12-11pm Wed -Sat 12 -10 pm Sun

Requiring 72 carparks that includes 25 allocated staff carparks

This will be the largest restaurant in our Byron Shire and indeed larger than the majority of all restaurants.

(as a comparison Bonito restaurant in town is 180 sq meters -50 seat restaurant)

The enormous size of the restaurant cannot by any means comply with Council definition of small scale which states;

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

As the proposal has commercial structures to be constructed on rural land which are much higher than the existing dilapidated pig pens.

the development is not small scale and low impact;

the development is not complementary to the rural or environmental attributes of the land and its surrounds;

the development a significant will have adverse impact on, amenity or significant features of the natural environment

8. Skinners Shoot Road contains a wildlife corridor. At the start of the Road it intersects the Cumbebin Nature Reserve. A substantial part of the Reserve is located within the Skinners Shoot area, a total area of 91 hectares, established in 1999 to protect a significant component of the Belongil-Cumbebin wetland.

Reference: Office of Environment and Heritage

1 December 2012

Publication, Plan of management, Final

According to this publication;

Cumbebin Swamp Nature Reserve is an important part of Country to the Bundjalung of Byron Bay (Arakwal) people and is subject to an Indigenous Land Use Agreement (ILUA), signed in 2008, which more than doubled the size of Cumbebin Swamp Nature Reserve from its original 40 hectares.

Under the ILUA the reserve will be jointly managed with the Bundjalung of Byron Bay (Arakwal) people through a management committee.

*Cumbebin Swamp Nature Reserve also conserves **wetlands of state significance**, sensitive coastal dunes, coastal swamp forests and riparian areas. **It contains three endangered ecological communities, which provide habitat for a wide range of native animals including threatened species.***

These factors have not been addressed adequately in the environmental impact statement and if anything there appears to be little or no realistic regard to the devastating impact, destruction and possible elimination of wildlife.

9. Energy Grid

The roof of the restaurant will be fitted with a 99.54 kW solar system involving 237 roof mounted solar panels and battery storage which is a substantial energy infrastructure and perhaps gives a more accurate insight into the true intentions of the future expanded commercial activities planned for the site.

In Conclusion, Council must not grant development consent unless it is satisfied;

1. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
2. the suitability of the site for the development,

The applicant has not adequately addressed the social and economic impacts affecting the Skinners Shoot neighbourhood.

The site location is not suitable for all the buildings (9M height) proposed for commercial activities with the enormous 945 sq metre, restaurant operating until 11pm (staff nightly pack up will be departing up until midnight), traversing through a wildlife corridor road with no street lighting in a rural neighbourhood.

Skinners Shoot and Yagers Lane are both dead end rural roads and are very quiet at night because there is no through traffic, further noting that sections of Skinners Shoot Road allow only one vehicle to pass at a time. If there is bicycle or foot traffic two cars can not pass safely in opposite directions in most parts of the Road. Should council approve the scale of the DA proposed will it plan to substantially upgrade the roads to include widening of the road and bicycle lanes?

Kind regards

[Redacted signature block]

From: [REDACTED]
To: [council](#)
Subject: Subject Development Application (10.2024.24.1), (103 Yagers Lane Skinners Shoot)
Date: Sunday, 14 April 2024 3:19:03 PM

To the General Manager
Mr Mark Arnold
Byron Shire Council

Subject Development Application (10.2024.24.1), (103 Yagers Lane Skinners Shoot)

I am writing to object to this development application for the following reasons.

1/ This proposes a **945 sq meter restaurant**. A building of this scale bulk and height (9 meters) is not small-scale commercial operation .

Council rural tourism definition is 'small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.'

This proposal will have 25 staff car parks plus 72 visitor parks . Clearly this is not intended to be a commercial operation of small scale.

2/ The restaurant operating till 11pm (staff nightly pack up will be departing up until midnight), traversing through a wildlife corridor road with no street lighting in a rural neighbourhood. Skinners Shoot and Yagers Lane are both Dead End roads so are very quiet late at night because there is no through traffic.

3/ Restaurant can legally have functions such as weddings and special events, and this 945 sq meter edifice is clearly designed to hold large functions . I cannot be financially viable to spend \$22,000,000++ for 945 sq meter restaurant with only 45 seats +15 waiting room

4/ Other commercial activities are not mentioned within the traffic assessment ie online sales, overflow harvest sales, 15 seat cafe, staff for growing/cultivating produce vehicle movements and the restaurant alcohol/coffee and food supply trucks. How the applicant will stop clientele from using uber/taxi or personal vehicles from arriving when there is 72 car parks on site

5/ Traffic assessment report relies on a 2008 country energy commissioned for the sole purpose of transporting transformers. My concern is Skinners Shoot Road and Yagers lane is not capable of the of managing the traffic of delivery truck and additional vehicle load of the huge commercial venture proposed with a 99.54 Energy infrastructure.

This should be rejected by council as it fails to utilise the most recent traffic data and traffic generation rates in accordance with RMS Guide to Traffic Generating Development.

6/ Noise assessment contains a proposed management plan that is unacceptable for the Yagers Valley residents. Noise travels much further in quiet rural valley and late-night music and chatter will cause disturbance.

In conclusion, please register my objections to 10.2024.24.1 as the proposal has multiple commercial operations and large structures to be constructed on rural land which are much higher than the existing dilapidated pig pens.

the development is **NOT** small scale and low impact.

the development is **NOT** complementary to the rural or environmental attributes of the land and its surrounds.

the development **WILL HAVE** a significant adverse impact on, amenity or significant features of the natural environment

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Subject Development Application (10.2024.24.1), 103 Yagers Lane Skinners Shoot
Date: Monday, 29 April 2024 12:51:02 AM

Dear Sir/ Madam

We wish to submit our objection to the proposed development at 103 Yagers Lane, Skinners Shoot, unless a safe means of access can be developed.

The current state of Skinners Shoot Road is disgraceful and is hazardous to all who use it, whether by vehicle, bicycle or foot. It is non-compliant with Byron Shire Council Standards and an accident waiting to happen, even with current traffic numbers.

Should the development proceed at 103 Yagers Lane without vast improvement of roading infrastructure, humans and wildlife will become more endangered with the increased traffic, and you will see increased casualties as a result.

We ask that you please give this roading issue your urgent attention for the welfare of all people and wildlife at risk.

Kind regards

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Subject:D/A 10.2024.24.1 103 Yagers Lane Skinners Shoot
Date: Wednesday, 17 April 2024 4:39:58 AM

To the General Manager
Byron Shire Council

Dear Mr Arnold,

I write to you today with a deep concern regarding the proposed commercial development in our neighbourhood. As a near neighbour directly affected by the potential consequences of this project, I feel compelled to express my strong objection against this DA (10.2024.24.1) based on several critical issues that have not been adequately addressed.

Strong Opposition to Inappropriate Scale and Bulk:

- Excessive Size and Scale:** The proposed restaurant's excessive size and scale represent a blatant disregard for local standards and community values, posing a severe threat to the rural landscape's integrity and character. Firstly, the scale and size of the proposed restaurant are excessive and out of proportion with the surrounding area. A building of this magnitude, standing up to 9 meters in height, cannot be considered a small-scale commercial operation, as defined by the Council's rural tourism guidelines. Moreover, the sheer size of the establishment suggests intentions beyond a typical restaurant, particularly with its capacity to host large functions such as weddings and special events.
- Noise and Light Pollution:** The proposed commercial activities would undoubtedly result in increased noise and light pollution, disrupting the tranquillity of our rural surroundings. With the planned development's operating hours extending late into the night, the incessant noise and glaring lights from headlights departing the property and the overhead lights in the car parking areas would significantly disturb the natural patterns of nocturnal wildlife and intrude upon the peaceful nighttime ambiance of our community.
- Safety Hazards:** The junction of Yagers and Skinners Lane presents a serious safety concern due to its blind spot issue. The anticipated surge in traffic from the development would only exacerbate this problem, posing a risk to both pedestrians and motorists navigating the area.
- Road Conditions:** The already dire state of our roads, plagued by potholes that develop rapidly after rainfall, would be further deteriorated by the increased traffic associated with the proposed development. This poses a threat to road users and undermines the safety and usability of our local infrastructure.
- Wildlife Impact:** The proposed development threatens the delicate balance of our local ecosystem, with the potential for increased roadkill incidents involving precious wildlife species such as potoroos, koalas, echidnas, swamp wallabies, and even stray cattle. The disruption to their natural habitats could have negative consequences for biodiversity in our area.
- Recreational Amenity:** The influx of traffic from the commercial development

would obliterate the rural neighbourhood's recreational amenity, depriving residents of the peaceful enjoyment of activities such as cycling, horse riding, jogging, and walking along our scenic lanes.

7. **Early Morning Disturbance:** The proposed commencement of picking staff as early as 6 am would subject residents to disruptive traffic noise well before daybreak, further infringing upon their right to a peaceful living environment.

8. **Late Night Disturbance:** the site location is not suitable for all proposed commercial activities with the massive 945 sq meters restaurant operating till 11pm (staff nightly pack up will be departing up until midnight), traversing a small rural lane with no street lighting. Skinners Shoot and Yagers Lane are both Dead End roads, so are very quiet late at night because there is no through traffic.

9. **Liquor License Concerns:** The restaurant plan denotes a cellar. Granting a liquor license for the proposed establishment raises significant concerns about the potential for patrons to engage in drink-driving on our small, winding rural roads, posing a potential risk to neighbourhood safety.

10. **Traffic Assessment Oversight:** The current traffic assessment report fails to adequately consider the full scope of vehicle movements associated with the proposed commercial activities. It overlooks crucial factors such as transportation needs for online sales, cafe patrons, and staff involved in produce transportation. The report also fails to include trips for essential farm staff involved in daily operations, such as field workers, supervisors, and administrative personnel. These staff members require regular transportation to and from the farm, contributing to overall traffic in the area. Additionally, the report neglects to include deliveries of farm supplies essential for the agricultural/horticultural operations. This encompasses shipments of seeds, fertilizers, equipment, and packaging materials, which necessitate the use of trucks and vehicles entering and leaving the property. The omission of these delivery trips skews the accuracy of the traffic impact assessment.

11. **Light Pollution:** The installation of lights for the development would contribute to light pollution, disrupting wildlife behaviour, disturbing human sleep patterns, and obscuring the night sky, thus detracting from our rural ambiance.

12. **Bus Service Concerns:** The lack of clarity regarding designated pick-up/drop-off areas, off-site parking arrangements for clients, frequency and operational logistics of the proposed bus service raises concerns about the management of transportation associated with the development. In addition to these concerns, the absence of a lawfully erected dwelling on the land and the inappropriate scale and bulk of the commercial proposal further calls into question the suitability of the site for the proposed activities.

Given the multitude of issues outlined above, I urge you to reject the development proposal. It is imperative to prioritize the preservation of our community's well-being, environmental integrity, and rural character over the pursuit of commercial interests.

Thank you for considering my objections. I trust that you will make the responsible decision in the best interests of our community and its future.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Subject:D/A 10.2024.24.1 103 Yagers Lane Skinners Shoot
Date: Monday, 29 April 2024 8:35:38 PM
Attachments: [Traffic Peer Review report Skinners Shoot \(2\).pdf](#)

To the General Manager
Byron Shire Council

Dear Mr Arnold,

I write to you today with a deep concern regarding the proposed commercial development in our neighbourhood. As a near neighbour directly affected by the potential consequences of this project, I feel compelled to express my strong objection against this DA (10.2024.24.1) based on several critical issues that have not been adequately addressed.

Strong Opposition to Inappropriate Scale and Bulk:

- 1. Excessive Size and Scale:** The proposed restaurant's excessive size and scale represent a blatant disregard for local standards and community values, posing a severe threat to the rural landscape's integrity and character. Firstly, the scale and size of the proposed restaurant are excessive and out of proportion with the surrounding area. A building of this magnitude, standing up to 9 meters in height, cannot be considered a small-scale commercial operation, as defined by the Council's rural tourism guidelines. Moreover, the sheer size of the establishment suggests intentions beyond a typical restaurant, particularly with its capacity to host large functions such as weddings and special events.
- 2. Noise and Light Pollution:** The proposed commercial activities would undoubtedly result in increased noise and light pollution, disrupting the tranquillity of our rural surroundings. With the planned development's operating hours extending late into the night, the incessant noise and glaring lights from headlights departing the property and the overhead lights in the car parking areas would significantly disturb the natural patterns of nocturnal wildlife and intrude upon the peaceful nighttime ambiance of our community.
- 3. Safety Hazards:** The junction of Yagers and Skinners Lane presents a serious safety concern due to its blind spot issue. The anticipated surge in traffic from the development would only exacerbate this problem, posing a risk to both pedestrians and motorists navigating the area.
- 4. Road Conditions:** The already dire state of our roads, plagued by potholes that develop rapidly after rainfall, would be further deteriorated by the increased traffic associated with the proposed development. This poses a threat to road users and undermines the safety and usability of our local infrastructure.
- 5. Wildlife Impact:** The proposed development threatens the delicate balance of our local ecosystem, with the potential for increased roadkill incidents involving precious wildlife species such as potoroos, koalas, echidnas, swamp wallabies, and even stray cattle. The disruption to their natural habitats could have negative consequences for biodiversity in our area.
- 6. Recreational Amenity:** The influx of traffic from the commercial development

would obliterate the rural neighbourhood's recreational amenity, depriving residents of the peaceful enjoyment of activities such as cycling, horse riding, jogging, and walking along our scenic lanes.

7. **Early Morning Disturbance:** The proposed commencement of picking staff as early as 6 am would subject residents to disruptive traffic noise well before daybreak, further infringing upon their right to a peaceful living environment.

8. **Late Night Disturbance:** the site location is not suitable for all proposed commercial activities with the massive 945 sq meters restaurant operating till 11pm (staff nightly pack up will be departing up until midnight), traversing a small rural lane with no street lighting. Skinners Shoot and Yagers Lane are both Dead End roads, so are very quiet late at night because there is no through traffic.

9. **Liquor License Concerns:** The restaurant plan denotes a cellar. Granting a liquor license for the proposed establishment raises significant concerns about the potential for patrons to engage in drink-driving on our small, winding rural roads, posing a potential risk to neighbourhood safety.

10. **Traffic Assessment Oversight:** The current traffic assessment report fails to adequately consider the full scope of vehicle movements associated with the proposed commercial activities. It overlooks crucial factors such as transportation needs for online sales, cafe patrons, and staff involved in produce transportation. The report also fails to include trips for essential farm staff involved in daily operations, such as field workers, supervisors, and administrative personnel. These staff members require regular transportation to and from the farm, contributing to overall traffic in the area. Additionally, the report neglects to include deliveries of farm supplies essential for the agricultural/horticultural operations. This encompasses shipments of seeds, fertilizers, equipment, and packaging materials, which necessitate the use of trucks and vehicles entering and leaving the property. The omission of these delivery trips skews the accuracy of the traffic impact assessment.

11. **Light Pollution:** The installation of lights for the development would contribute to light pollution, disrupting wildlife behaviour, disturbing human sleep patterns, and obscuring the night sky, thus detracting from our rural ambiance.

12. **Bus Service Concerns:** The lack of clarity regarding designated pick-up/drop-off areas, off-site parking arrangements for clients, frequency and operational logistics of the proposed bus service raises concerns about the management of transportation associated with the development. In addition to these concerns, the absence of a lawfully erected dwelling on the land and the inappropriate scale and bulk of the commercial proposal further calls into question the suitability of the site for the proposed activities.

Given the multitude of issues outlined above, I urge you to reject the development proposal. It is imperative to prioritize the preservation of our community's well-being, environmental integrity, and rural character over the pursuit of commercial interests.

Thank you for considering my objections. I trust that you will make the responsible decision in the best interests of our community and its future.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: SUBMISSION D/A 10.2024.24.1
Date: Saturday, 27 April 2024 9:12:58 AM
Attachments: [Traffic Peer Review report Skinners Shoot .pdf](#)

Dear Mark Arnold,

Re; 103 YAGERS LANE SKINNERS SHOOT D/A 10.2024.24.1

[REDACTED] I am writing to express my objections to Development Application (D/A 10.2024.24.1) and to highlight significant issues with the traffic report provided by TTM attached to the D/A. The report reveals several critical oversights, particularly the underestimation of traffic generated by the proposed commercial restaurant, its clients, and suppliers, as well as their ancillary operations. Additionally, it fails to adequately address the current state of the roads and their overcapacity usage, which is essential for a comprehensive evaluation of the potential impact of the development.

Firstly, the traffic report fails to consider the numerous trips made by farm staff including field workers, supervisors, administrative personnel, and other essential staff who commute to and from Yagers Farm daily. This oversight results in a significant underestimation of the traffic volume.

Additionally, the report omits the traffic generated by deliveries of essential farm supplies such as seeds, fertilizers, equipment, and packaging materials. These deliveries, critical for the agricultural/horticultural operations, involve trucks and vehicles that frequent the site, yet their traffic impact is not accounted for in the current assessment.

The report also does not address the transportation needs associated with the manufacturing of various farm products like elixirs, powders, teas, flours, spices, jams, preserves, ferments, oats, nuts, grains (granola), and bespoke ingredients . These operations require a substantial number of trips for both raw materials and finished goods, which are overlooked in the traffic analysis.

Moreover, the impact of traffic generated by deliveries associated with online sales is neglected. The applicant states there will be a high demand for products including overflow harvest boxes, smoked and cured items, freeze-dried goods, coffee, and cold-pressed juices, all of which will necessitate frequent deliveries that have not been included in the traffic projections.

Our community has commissioned a peer review by Ingen , and an updated traffic assessment, so council engineers can better be informed of real potential adverse effects on local traffic conditions in Skinners Shoot Rd and Yagers Lane . (see attached)

Additionally, I have grave concerns about the proposed 945 sq meter restaurant and cellar open until 11pm. The sheer size of the restaurant and its potential function capabilities, such as hosting large events, vastly exceed what is typically considered small-scale under the Council's rural tourism guidelines. The financial viability and intended use of such a substantial investment are also questionable.

In conclusion, I urge the Council to reject this Development Application due to its incompatibility with the principles of small-scale, low-impact development and the substantial adverse impacts it could have on the local roads, community and environment. If an approval is considered by Council then a condition of consent that operations are restricted to daylight hours only.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED] use Skinners Shoot Rd, a dead-end road, to get to and from town. I love where I live and yes there is a growing demand to share it. I do not want the proposed mega restaurant facility at the end of the no-through road. It would cause Skinners Shoot residents a lot of grief from increased traffic.

This road is not safe to use for a number of reasons one being the increasing amount of potholes. It is currently under stress from the number of cars and will become very hazardous due to the dramatic increase in traffic if this development is approved. Cars are currently driving on the opposite side of the road to avoid potholes. When two cars and a pedestrian or bicyclist are using the road at one time it is dangerous for all parties.

Being a former Chef of 15 years in Byron, one other large concern is how can this establishment make enough money for a \$22 million development. It is not easy to make a restaurant a success. NOMA, which the owner talked about, is closing due to it being too much hard work. And this was with mostly free labour (interns and work experience staff.). There are a lot of staff in the proposal. Not working for free in Byron as it costs too much for living. So then the problem will be what to do with the big big building set up for dining? It has lots of car-parks.

W-E-D-D-I-N-G-S and F-U-N-C-T-I-O-N-S day in and day out.

This development may or may not be sold, and it will very easily be a function centre. Then Skinners Shoot will really be in trouble.

Also I can't work how 1 person (in-house) will run the largest dining establishment the Byron Shire, really this is ridiculous. I don't think they know it is hard work and takes a lot of hours. It is very hard to get staff in Byron meaning the manager has to do a lot of shifts.

I am AGAINST.

[REDACTED]
[REDACTED]

From: [RESIDENTS](#)
To: [council](#)
Subject: Submission Against Proposed Development Application No. 10.2024.24.1
Date: Wednesday, 17 April 2024 1:09:33 PM

To the General Manager
Mr Mark Arnold
Byron Shire Council
PO Box 219
Mullumbimby
NSW 2480,

Dear Mr Mark Arnold,

Submission Against Proposed **Development Application No. 10.2024.24.1** at 103 Yagers Lane, Skinners Shoot

As a resident of Skinners Shoot, living on the corner of Yagers Lane and Skinners Shoot Road, I wish to lodge a formal objection against the proposed development at 103 Yagers Lane. The development poses significant concerns related to environmental impact, community character, traffic and infrastructure, and economic viability. These concerns are outlined below:

1. Environmental and Health Concerns:

Asbestos Risk: The proposed reuse of former piggery buildings, known locally to contain asbestos, is alarming. No asbestos contamination report has been provided, raising serious health concerns for construction workers and future visitors.

Inadequate Environmental Assessment The statement of environmental effects lacks a thorough environmental impact assessment for the nursery and piggery buildings being left in-situ at the development site posing unknown environmental hazards.

2. Traffic and Safety Concerns:

Increased Traffic Noise and Light : [REDACTED], and the increase in traffic will bring noise from early morning delivery vehicles, nighttime bus braking and headlights directly into my living space. The additional noise and light pollution will disrupt the tranquil rural amenity currently enjoyed.

Road Conditions: The presence of a blind spot at the top of Yagers Lane hill, where several minor accidents have occurred, will only be exacerbated by increased traffic from the development.

Extract from the Ingen Traffic report states; The majority of Skinners Shoot Road, being west of the Arts Factory, is a rural road with a varying pavement width.

The minimum pavement widths on straights that we measured is 5m seal with 1m shoulders and no verge on the approach to Yagers Lane (see Figure 12).

At the traffic survey location, we measured a 6m seal with minimal verge and no visible shoulders (Figure 10).

Based on Table T1.27 from the NRLG Development Design Specification D1 – Geometric Road Design, the roadway capacity of Skinners Shoot is no more than 500 AADT.

This means that Skinners Shoot is already over capacity by at least 382 vehicles per day. Based on the traffic survey data we measured, Skinners Shoot Road should have at least a 7m seal with 1m shoulders.

However, after addition of the development traffic, the post-development 7-day ADT on Skinners Shoot Road may increase to at least $882 + 155 = 1037$ and up to $882 + 552 = 1434$ trips per day.

This is an increase of 18% to 63%. If Council were to upgrade Skinners Shoot Road to a

7m seal width plus 1m shoulders, then the development would trigger an additional widening to 7.5m seal with 1.5m shoulders.

3. Impact on Rural Character and Community Lifestyle:

Scale of Development: The proposed 945 sq meter building along side two other proposed buildings far exceeds the small-scale rural developments typical to our area. This scale is inappropriate for our rural setting and contradicts the objectives of the RU 2 zone to maintain the rural landscape character.

Potential for Large Functions : The layout suggests accommodations for large functions and events, which could lead to significant disturbances in our quiet community.

4. Economic Concerns and Operational Viability:

Questionable Economic Feasibility: The significant investment required, estimated at over \$22 million, for a restaurant operating only four nights a week with limited covers does not seem economically feasible without a high turnover of guests, which contradicts the small-scale rural operation intended by local guidelines.

Owner running the Operations and Management: The proposal does not clarify whether the principal owner, who lacks experience in agriculture, horticulture, or restaurant management, will be directly involved in the day-to-day running of the operations or if the operations will be leased out, raising concerns about compliance to the intent of the rural tourism clause 6.8.

5. Planning and Legal Compliance:

Conflict with Local Planning Objectives : The development does not align with BLEP 2014 Clause 6.8, which specifies that rural and nature-based tourism should be small enough to be managed by the principal owners living on the property.

Lack of Detailed Operational Plan : The statement of environmental effects does not adequately address the maximum client numbers at the property any given time, nor does it provide a clear business plan outlining the operations of the restaurant, retail outlet, and workshop facilities.

6 Amalgamate titles

3.1 Summary of proposal states Lots 7 & 8 will be amalgamated to facilitate proposal.

Bus Service Concerns: The lack of clarity regarding designated pick-up/drop-off areas in the township, off-site parking arrangements for clients, frequency and operational logistics of the proposed bus service raises concerns about the functionality and management of transportation associated with the development.

Conclusion:

The proposed development at 103 Yagers Lane is not only out of character with the rural setting of Skinners Shoot but also poses significant environmental, safety risks. Given the scale of the proposal and the numerous unresolved issues outlined, I strongly urge the Council to refuse the development application. Such a development would irrevocably change the landscape and lifestyle of this community, which is highly valued by its residents.

Sincerely,

A large black rectangular redaction box covering the signature and name of the official.

General Manager

BYRON SHIRE COUNCIL

council@byron.nsw.gov.au

D/A 10.2024.24.1 (103 yagers lane skimmers shoot)

To Whom It May Concern,

I am writing to formally lodge my objection to Development Application (D/A) number 10.2024.24.1 currently on exhibition..

Firstly, the scale and nature of the proposed development a 945 sq m proposed restaurant 110sqm factory and a farm shed , along with the extensive provision for parking, is disproportionate to small scale development , raising questions whether it is compatible with the local rural suburb.


The proposed operating hours from 6 am to 11 pm, particularly for the restaurant until 11 pm, raise concerns about potential disruptions to the traffic flow, increased noise levels, and the frequency of activity in Skinner Shoot. This is especially concerning given the lack of street lighting along a dark, rural winding road..

The traffic assessment is without merit. The failure to account for many of the commercial activities proposed, such as online sales, deliveries of farm supplies, and the current state of the damaged, potholed road pavement raises doubts about the comprehensiveness of the assessment.

Finally, there is no data or projections on the customers number or maximum capacity of only reservations on any given day raises, this concerns about the transparency and credibility of the proposed development application. Without definitive maximum projected numbers on expected daily patronage levels, then to assess the applicants true impact on the community and infrastructure remains unknown.

, In light of these concerns, I urge the council to refuse to the proposed development 10.2024.24.1 to preserve the quality of life for all residents of the skimmers Shoot suburb.

Please register my objection and thank you for your attention to this matter.



d/a.10.2024.24.1 objection
to Byron shire council general manager

Dear Mr. Arnold ,

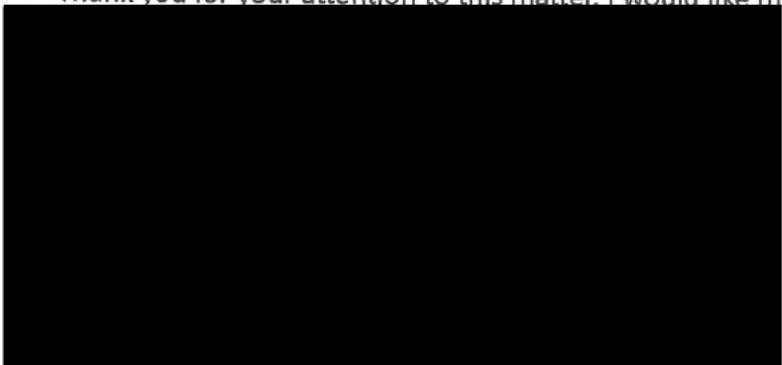
I am siding with the majority of Skinners Shoot residents and objecting to the proposed development. A 945 sq m restaurant building along side a 110sq m artisan food factory and a farm shed with 73 car parks, is not small scale.

Upon reviewing the details provided in the Statement of Environmental Effects, I have observed a lack of clarity regarding the actual client numbers for reservations. The discrepancy between the proposed seating arrangements and the unspecified number of guests on-site at any given time raises doubts about the veracity of the business plan.

Specifically, while the proposal outlines 45 seats, 15 waiting, private dining, lounge and a back of house area larger than the seating areas, with guests spread across various other areas such as the artisan area, cafe area, farm shed and art area, there is no indication of the total number of guests expected to be present simultaneously. This lack of specificity regarding guest numbers poses a significant concern regards increased traffic generation and types of functions planned.

Given the importance of ensuring that the proposed development adheres to fair and realistic seating arrangement. Clarifying the actual client numbers for reservations will not only enhance transparency but also contribute to the overall integrity and credibility of the project.

Thank you for your attention to this matter. I would like my submission recorded as request



From: [REDACTED]
To: [council](#)
Subject: Submission DA 10.2024.24.1 103 Yagers Lane Skinners Shoot
Date: Tuesday, 16 April 2024 11:19:08 AM
Attachments: [103 Yagers Lane Sub\(a\).docx](#)

Please find enclosed my submission relating to the above named DA. As a resident strongly object to large scale commercial development in this valley.

Please confirm receipt.

[REDACTED]

15/4/2024

Submission; DA 10.2024.24.1 103 Yagers Lane, Skinners Shoot
council@byron.nsw.gov.au

Re; Lot7 and Lot 8 DP:8385 103 Yagers Lane, Skinners Shoot

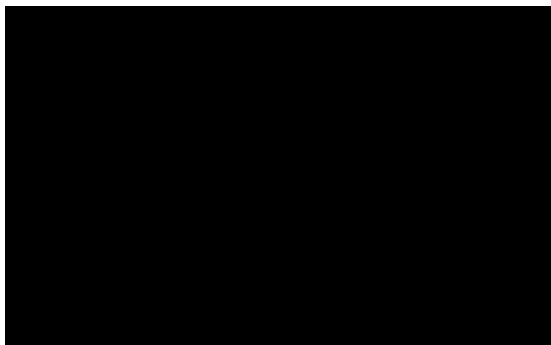
I formally object to abovenamed development application on the following basis;

- 1 . Development is in a RU2 Zone LEP2014, it is classified as Tourist Development not small scale. As such in this zone a tourist development must fit the landscape setting, used for extensive agriculture and in character of this zone. Given the scale bulk and heights of this development (restaurant 945sq.m.) it is unacceptable in this environment. Partly surrounded by a ridge line extending from Bangalow Road to Hayters Hill forming a natural amphitheater, its noise impact is substantial. Frequent "doof parties" are a testament to this already.
- 2 There is no lawfully erected dwelling on the land currently. Reliance on the "zombie" DA 10.2010.208 cannot be justified as no construction certificate nor final occupation was issued. Additionally, based on building scale size shown on plans it should have a car park capacity of 160 vehicles!
- 3 Soil testing; The property was used as a commercial piggery for many years. Effluent was regularly sprayed on the property and contaminates such a dips were utilized. Soil testing for these has not been conducted
- 4 Horticulture; The intention of the applicants is the growing of fruit and vegetables which is a form of extensive agriculture and would require a separate DA to be lodged.
- 5 Traffic Report;
 - a. This report is flawed from the beginning when it stated "recent improvements to Skinners Shoot Road". In 2008 due to construction of the substation part of the road was widened particularly along the swamp area but since that date there has been a rapid deterioration of the road edges due to traffic impact and weather conditions. The only upgrades have been

on two corners, a small section of road (one because of a fatality). Blind, pot hole infested corners, narrow lanes pertain.

- b. The report fails to mention tragically two deaths on Skinners Shoot at least one attributed to the condition of the road that I am aware of.
- c. No provision for street lighting and passing bays.
- d. Construction phase would entail numerous movements of vans/trucks up to cement trucks causing considerable road damage and providing an unsafe environment for other roads users, for example moving off the road shoulder is required to allow passing. It is not possible to count the number of movements accurately.
- e. Busing clients utilizing 8 seater will be virtually continuous operation during peak periods with a similar impact to commercial vehicles.
- f. There is no cycleways or footpaths on Skinners Shoot Road. It is used by numerous walkers, joggers and cyclists. It is a dangerous road for these users already particularly during "tradie hours" who are known for speeding.

We assert that this development has not addressed the social and economic consequences affecting the Skinners Shoot neighborhood. The site location is not suitable for commercial activities surrounded by ridge lines creating a natural amphitheater with large scale buildings (restaurant 9m height, 945sq.m. operating until 11 pm for public) transversing through a wildlife corridor (koalas transverse road nightly) with no street lighting in a rural neighborhood threatens to destroy the fabric of the area.



From: [REDACTED]
To: [council](#)
Subject: Submission opposing DA 10.2024.24.1 at 103 Yagers Lane Skinners Shoot
Date: Friday, 26 April 2024 3:20:24 PM
Attachments: [JULIE BROWN SUBMISSION.pdf](#)
[Ingen Consulting Report.pdf](#)

To whom it may concern,

Please find attached a submission opposing the development application DA 10.2024.24.1 at 103 Yagers Lane Skinners Shoot.

Please also find attached a report commissioned by residents of Skinners Shoot by Ingen Consulting which relates directly to this development application and the submission.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [council](#)
Subject: Submission: DA 10.2024.24.1 1-3 Yagers Lane, Skinners Shoot
Date: Monday, 15 April 2024 2:49:17 PM

15/4/2024

[REDACTED]

Submission: DA 10.2024.24.1 103 Yagers Lane, Skinners Shoot.

I am strongly against the DA (10.2024.24.1)

Listed below are points of reason why I object:

1/ Skinners Shoot Road is an extremely dangerous and narrow road with frequent potholes and blind corners.

It is extremely difficult to walk as a pedestrian but is used daily by walkers, joggers and cyclists.

[REDACTED]

Foreigners have been observed taking corners on the wrong side of the road.

There have already been deaths on Skinners Shoot Road and additional traffic will exacerbate these problems.

2/ The DA has not taken into account the movement of heavy vehicles for 1 - 2 years of construction and tradesmen that will

add to further deterioration of the road and add further to the danger.

The DA omits that the road does not meet current Australian State standards as stated in Council's own records from 2023.

3/ The contamination report was not done based on extensive commercial horticulture and sewerage recycling for a restaurant.

The horticultural proposal of extensive agricultural for commercial purposes requires a separate DA.

The waterways here go into Belongil Creek.

There is no mention of soil testing for contaminants of the previous piggery and dip site.

4/ Approval for dual occupancy has not been granted prior to any other DAs being lodged for the site.

There is no lawfully erected dwelling on the land as required by Byron LEP rural tourism, therefore no DA should be granted.

5/ There is insufficient space for off road parking for what would be the largest restaurant in Byron Shire and would require

parking for 50 patrons and 25 staff. Yagers Lane is a one lane road and could not take any street parking at all.

Late night departing from a rural area without street lighting will affect wildlife (koalas and wallabies etc).

They propose a bus (of unknown size) from town for clients which would amount to 8 bus movements an hour at 15 minute

intervals (for an unknown number of clients).

Clients are also likely to travel using personal vehicles, taxi/Uber.

6/ Noise is already a problem from this site which sits below the residents of Skinners Shoot Road and travels up from this valley

from late night parties etc and is likely to increase at least until midnight with this DA proposal.

7/ This restaurant, being a massive 945 square meters and 9 meters in height is not small scale and would impact the social and

economic effects of the cherished, quiet and rural aspect of Skinners Shoot neighbourhood, both natural and built.

This proposal is affront to a quiet rural neighbourhood and should not proceed.



From: [REDACTED]
To: [council](#)
Subject: Yagers lane
Date: Wednesday, 10 April 2024 11:39:51 AM

To the General Manager
Mr Mark Arnold
Byron Shire Council

Subject Development Application (10.2024.24.1), (103 Yagers Lane Skinners Shoot)

I am writing to object to this development application for the following reasons.

1/ This proposes a **945 sq meter restaurant**. A building of this scale bulk and height (9 meters) is not small-scale commercial operation.

Council rural tourism definition is 'small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.'

This proposal will have 25 staff car parks plus 72 visitor parks. Clearly this is not intended to be a commercial operation of small scale.

2/ The restaurant operating till 11pm (staff nightly pack up will be departing up until midnight), traversing through a wildlife corridor road with no street lighting in a rural neighbourhood. Skinners Shoot and Yagers Lane are both Dead End roads so are very quiet late at night because there is no through traffic.

3/ Restaurant can legally have functions such as weddings and special events, and this 945 sq meter edifice is clearly designed to hold large functions. I cannot be financially viable to spend \$22,000,000++ for 945 sq meter restaurant with only 45 seats +15 waiting room

4/ Other commercial activities are not mentioned within the traffic assessment ie online sales, overflow harvest sales, 15 seat cafe, staff for growing/cultivating produce vehicle movements and the restaurant alcohol/coffee and food supply trucks. How the applicant will stop clientele from using uber/taxi or personal vehicles from arriving when there is 72 car parks on site

5/ Traffic assessment report relies on a 2008 country energy commissioned for the sole purpose of transporting transformers. My concern is Skinners Shoot Road and Yagers lane is not capable of the of managing the traffic of delivery truck and additional vehicle load of the huge commercial venture proposed with a 99.54 Energy infrastructure.

This should be rejected by council as it fails to utilise the most recent traffic data and traffic generation rates in accordance with RMS Guide to Traffic Generating Development.

6/ Noise assessment contains a proposed management plan that is unacceptable for the Yagers Valley residents. Noise travels much further in quiet rural valley and late-night music and chatter will cause disturbance.

In conclusion, please register my objections to 10.2024.24.1 as the proposal has multiple commercial operations and large structures to be constructed on rural land which are much higher than the existing dilapidated pig pens.

the development is **NOT** small scale and low impact.

the development is **NOT** complementary to the rural or environmental attributes of the land and its surrounds.

the development **WILL HAVE** a significant adverse impact on, amenity or significant features of the natural environment