

Alan Kennedy

This proposal is not appropriate for the location and can have a massive structure of up to 9 m high with no limit on FSR? It is opportunistic for the developer to think that this would be acceptable to adjoining residents not to mention bringing more traffic into the town center which still has to cater for west byron . The offset of the new bypass did not consider this traffic generating development

Sidney Allen

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[SCANNED, FILE SAFE]

Submission re REZONING PROPOSAL of 158 JONSON STREET

By Sidney B Allen

Of Byron Bay

Having read the documents attached to the

"application to rezone land located at the southern end of Jonson Street to permit the land to be used for a car park"

I have the following concerns:-

- The "Planit Traffic Report" is based on traffic data gathered before September 2020, the date of the report. Traffic conditions have changed drastically in Browning Street, Jonson Street and Butler Street since the commissioning of the Butler Street Bypass. Vehicle movements are much greater than before the bypass was opened. The tabled traffic report is obsolete and needs to be resurveyed.
- Further, the Traffic Report states that a single loading dock will be provided to **accommodate a MRV, HRV and, if managed adequately, an AV;** This area of Jonson Street is totally unsuitable for Articulated Vehicles.
- The "Gateway Determination" gives approval for the rezoning with minor provisions. Are we wasting our time going through this submission process?

Should the rezoning application be successful the following should be addressed in any subsequent DA submission:-

Most probably an access will be required from the paper road to service the car park, just how much is unclear until the DA is submitted. We need to have this limited to the smallest area possible and maintain the locked gate even if it is shifted south. Note that the paper road provides an emergency exit for Seadrift residents in the case of emergency.

Further we need to request that a fence (minimum 1.7 metre chain wire) be established along the eastern boundary of 158 Jonson Street to separate the carpark from the paper road to prevent access from the carpark to the paper road. This would close off the paper road to camping and dumping.

The carpark developers should be required to:-

- 1) As a minimum, provide selected trees to the paper road to screen the carpark from Seadrift Apartments, this screen to be on the western boundary of the paper road to lessen the risk of FIRE to Seadrift..
- 2) Develop the existing carpark in front of Mitre 10 - Singh's Tyre Service to Council standard with compensating drainage to the wetlands.
- 3) Limit hours of operation
- 4) Detail the proposed lighting of the carpark
- 5) Explain just what will be in place to prevent after hours access (eg locked gates, security patrols, fencing on western and southern boundaries).

This application appears to be stage 1 of a much larger and more complex redevelopment of 156-158 Jonson Street. I, as an adjacent owner, want to see a “final” plan of the overall development.

Megan Hoult

Dear Sam,

I strongly oppose the rezoning of this lot of land for use as a carpark. My submission is attached, and of course, do not hesitate to contact me

Warm regards

Megan

3\1217412\Lot 51 DP 844054 and Part Lot 4729 DP 1228104 Submission Letter.pdf
[SCANNED, FILE SAFE]

05-06-2021

Dear Sam Tanner,

Re: Lot 51 DP 844054 and Part Lot 4729 DP 1228104

I refer to the DA currently on exhibition with BSC for the development of a Private Carpark at 158 Jonson Street.

I live with my children in the Seadrift Apartment Complex on Browning Street which shares a boundary line with this land.

Objections

I object to the development of the private carpark for the following reasons:

The proposal for a car park on the subject land and the access road reserve runs the entire length of the Seadrift Apartment Complex western boundary. This number of car parking spaces has the potential to generate over 1000 vehicle movements (arrivals and departures) per day which would result in significant noise from both the vehicles themselves and the people using them. This noise would most likely impact on a number of units in the Seadrift complex.

Following, the exhaust fumes from this kind of usage will flow directly into the outdoor shared spaces (such as the swimming pool area) and into residents' properties. Our complex has a recreational lawn area on the western boundary that would be negatively impacted by such fumes.

Vehicles idling while passengers are packing/unpacking and inevitable queuing to enter and exit will be problematic. Furthermore, with the increased traffic flow with the new roundabout close by, at busy traffic times, car park users will be idling at the roundabout while they wait to exit onto Jonson or Browning Street. All creating fumes and noise that would impact our residents and the business operators and clientele alike in the near vicinity.

The very real potential for the proposed development to become a popular site for overnight camping is also concerning. The noise, rubbish, food preparation cooking, anti social behaviour and security issues are of serious concern. It is to be noted that being a private carpark the BSC, police and the successful Holiday Letting Security Patrol will have little or no jurisdiction in respect to this issue.

Car parks attract thieves looking for cars to break into and given the plan is to have the carpark set back out of sight of Jonson Street, it will be isolated enough for thieves to be able to break and enter with little exposure to passers-by.

Under-utilised Existing Car Park

The two levels of the Mercato Complex Car Park are rarely used to their capacity. Despite the parking fees being waived during Covid19 and the recent re-introduction of a reduced rate of fees has not resulted in a popular use of this private car park. It is hard to foresee, therefore, that another privately run, public carpark is a constructive contribution to this town.

New Developments that include Car Parking

Since the original application for a carpark in the subject land was proposed in 2020, there are two developments that will begin construction on Jonson Street in the near future – both closer to the retail, beach and restaurant precinct as well as the regular weekend and monthly beach markets.

It is assumed that both these developments will be required to include car parking for tenants and visitors alike as has the Jonson Lane development with 120 car park spaces on site.

Issues in the current private parking area on Byron Street

My place of employment is in the Aldi building on Byron Street. This has a private carpark underneath and I have had first hand experience of the issues that I have raised above. These include, but are certainly not limited to examples such as:-

The electronic barrier is only functional for around 15% of the time. This means that for around 85% of the year, the barrier is raised at either the entrance, exit or both, which allows people to park for unlimited time - including overnight camping for more than one night.

The carpark is used by many people (who are not vehicle owners) to sleep overnight behind and under vehicles, out of sight, particularly in wet weather. Many of these people defecate, urinate and vomit close to where they are sleeping.

Drug use and drug dealing occurs regularly, and not just when the barrier is not functioning. People congregate in corners of the carpark and engage in these behaviours.

I have been accosted by intoxicated people on occasions as well as coming face to face with one fully naked couple having sex on the ground.

People also congregate with multiple vehicles in the car park to "pre-load" by having their drinks on site so as to avoid buying drinks in a more expensive licensed venue. They make noise, play music and leave their empty cans, bottles and cigarette butts on the ground after they have vacated.

So many car park users exit the car park and leave behind their rubbish - whether it is food, plastics, clothing, towels, blankets and even used nappies.

Skateboarders favour carparks to practise their skills and tricks and play loud music and bring in timber, crates and other items to build ramps etc, and then leave without taking their props with them.

Car alarms are a nuisance often blaring for hours. Many residents at Seadrift are retirees or work from home and this would be very problematic for them.

All these incidents occur regularly despite male staff who are employed to caretake and oversee the use of the carpark. Repairs, clean ups and moving people on occur slowly and with continual delays as the private consortium of owners take their time to approve the process and finances of carrying out the required clean up actions.

Conclusion

As a resident and a parent I have serious concerns about a privately operated car park being developed in an area that borders our property, and is also set back from the main road (and hence is relatively isolated) lending itself to be used inappropriately and for purposes other than parking a car. Furthermore, when it is used as a car park, the noise, pollution, and inevitable traffic that it will generate, is objectionable.

In addition, we have an existing car park two blocks away that is rarely used by vehicle owners who are not attending the cinema or shopping at Woolworths. To have a carpark built further away from the shopping precinct, the beach area and the regular markets seems to be a futile business. Furthermore, with the Jonson Lane development, there will be 120 parking spaces available across the road from the proposed site.

Please do not hesitate to contact me with any questions you may have concerning the points I have raised here.

Yours sincerely

Megan Hoult

Vivienne Swann

Browning Street,
Byron Bay NSW 2481

6 June, 2021

Sir/Madam

Objection to rezoning due to possibility of two storey parking lot

First let me make clear that I do not object in principle to the proposed rezoning (LZN_003CC) of this land. I am by no means hostile to progress and development, indeed quite the reverse, and were it not for the spectre of a double storey car park to be erected in an area which is essentially CBD, I might not have objected at all.

My number one concern is what the developer intends to do with this prime land? The necessity for a 200 car, two-storey parking lot suggests a supermarket like Coles going into the Wicked Weasel factory rather than a more moderately sized upmarket Harris Farms which would be welcomed by most residents. Byron Bay already has one of the best Woolworths in the country and certainly does not need a Coles.

Retrograde 1960s Style Concept

Residents can only speculate as to what the developer is proposing to do with this prime CBD site, which adjoins residential properties and the by-pass. Jonson Lane project is just opposite which is a very desirable development comprising boutique shops and apartments. The residents/retailers in this area classify ourselves as CBD so the suggestion of a two-storey car park appears to be particularly inappropriate and is a retrograde 1960s style concept.

A two storey, above ground parking lot, purportedly 150 metres long x 40 metre high constructed in what is currently woodland is hardly progressive. No doubt it is argued that a below ground car park is not feasible because of the water tables/and/or flooding. I don't accept this argument at all: underground parking has been achieved in multiple sites around town so I'm certain it can be done on this site too but not where it is currently proposed.

Everyone knows that underground parking is more expensive to build than a two-storey above ground.

Future Proofing Byron Bay

I alerted ***the Echo*** in the hope of urging all residents to raise their objections before submissions close on 7 June.

The parking lot, if approved, will sit like a carbuncle among expensive residential property and retail, and, if DA is granted then I believe that other DAs for other similar monstrosities will not be far behind. For whom precisely is the multi-level car park? Could it be for the convenience of the two million odd tourists who visit us every year and don't even pay a bed/tourist tax or a shopping Mall? How will 200 spaces alleviate their problem? Whatever it is, the parking must be below ground not above.

Surely the purpose of town planners is to consider the needs of the people who live here and **pay their rates** and not the demands of certain developers who may not necessarily have the best interests of our community at heart? A cheap above ground parking lot, instead of a more-costly underground facility suggests that whoever might submit this DA has no concern for the aesthetics of Byron Bay.

The possibility of such a behemoth in these so called "environmentally enlightened" times is a disgrace and an insult to our community.

Brisbane banned multi-level parking lots some time ago. Byron Bay must never be allowed to build them anywhere in town. We simply cannot allow this to happen because it will set a precedent. **This is retrograde 1960s tunnel vision thinking which has no place in future-proofing Byron Bay.**

Spaghetti Junction

The by-pass is undoubtedly a success but try crossing over from Jasmine House, past Mitre 10 towards the RSL. It's extremely dangerous and requires concentration to first look **RIGHT** to avoid cars turning from Browning Street, look **RIGHT** again to avoid cars turning from roundabout, look **LEFT** to miss cars pulling out of Repco, Singh, Mitre 10, look **RIGHT** to avoid cars from roundabout turning into by-pass, then look **LEFT** for cars speeding along the by-pass to the roundabout.

That's FIVE potential impact points within 65 metres where an unwary pedestrian can be knocked flying. It's OK for us locals who know the crossing, but I worry about tourist parents with kids on bikes and prams. There are no warning signs on the sidewalk alerting people to **Watch Out Before Stepping Out** which Kingscliff has painted on far less dangerous crossings. Someone is going to get killed.

A multi-level car park combined with the redevelopment of Mitre 10/Singh/Repco site plus all the traffic from the Jonson Lane development opposite will turn this area into: **a messy, congested spaghetti junction, more-worthy of a 4 million populated city than a picturesque seaside town of around 15,000 permanent residents.**

Desirable Global Suburb

Even the contemplation of an above ground two-storey car park suggests mismanagement and retrograde lack of planning not to mention complete contempt for the locals who live here. It also illustrates the abject arrogance shown by certain developers who couldn't care less about Byron Bay's unique position as a "**desirable global suburb.**" That's what we are - everyone has heard of our town, we are famed for many wonderful things, not least of which is keeping infamous fast food chains, high-rise, and, hopefully, multi-storey parking lots outside our city walls.

Byron Bay, as we all know, is always at a crossroads and a “turning point” as we juggle the vexing conundrum of who or what we are or want to be in the future.

Do we want to cling to the 1960s idyll of a small seaside town locked in nostalgia and hippy dreams or shall we accept what we already are – an expensive, desirable place to live with a vibrant community theatre, college, great medical facilities, gyms, good shops, transport links, super restaurants, Palace cinema, easy access to airports, a fast evolving Arts & Industry Estate and bike tracks to mention just a few gems.

The present Council has turned this town around by accepting the need to change and evolve.

Byron Bay looked pretty tired and neglected a few years ago, the infrastructure was steadily deteriorating, the CBD was losing its appeal, the parks were a mess and the Old Woolworths site was ready for redevelopment, as indeed are several other significant sites including the Old Backpackers Joint on Jonson. Byron was going downhill.

Council can be congratulated for the by-pass, Mercado (despite its exterior and interior design faults – the architect clearly had a screw loose) the new coach station, the upcoming Jonson Lane, not to mention Council’s vision for the future, which involves removing the ridiculous car park outside Fish-heads and opening up that entire area to the people: you and I, kids on bikes, mothers with prams: NOT a hideous parking lot right next to the beach. Talk about 1950s style town planning. **NO CAR PARK** should be next to the beach – especially in the middle of town.

Embrace the reality that Byron Bay is an expensive “**International Global Suburb.**” Councillors and the community all have a duty of care to approve the **beneficial major DAs** which will ensure we go more upmarket, create more wealth & jobs, make more money so we can maintain the beaches, the roads, the infrastructure and the parks. This is better than going down-market is it not?

The increasing interest of big city developers who swan into town intoxicated by the smell of money and celebs building multi-million dollar houses less than 2000 metres from CBD is a testament to the desirability of this unique place. All we need do as councillors, town planners and the community is to ask ourselves three key questions when major DA applications are submitted:

1. Will this project benefit the community materially and enhance their living experience as residents/ratepayers?
2. Is this project in keeping with our values, environmental integrity, sustainability & practical beautification of our town?
3. Can this project be seamlessly absorbed into our town yet be futuristic enough to be future proof?

In the case of a proposed Parking Lot the answer to all three questions is a resounding NO.

Prime CBD site

The rezoning will be approved which is inevitable, and, not necessarily a bad thing because many residents would prefer Mitre 10, Repco and Singh relocated to the Arts & Industry Estate and replaced with a combination of apartments and smart upmarket retail/restaurants much in the style of the Jonson Lane development or the upcoming futuristic and environmentally friendly DA for Jonson Street Back Packers Joint. If the Cheeky Monkey can change hands and go posh surely this site can?

If the Mitre 10 petrol station site is contaminated and cannot be used for residential or retail turn it into a public park, or are their plans afoot to turn Mitre 10 into a mega, multi-function petrol station, BP style?

This is a prime CBD site and should be used for smart, boutique style retail, restaurants, apartments, Harris Farm would be an asset but with the parking at the FRONT of Wicked Weasel, or underground, not next door to residential properties or the by-pass. We don't want or need a mega-city style spaghetti junction.

Finally, if an above ground parking lot is built it will destroy the right to peaceful enjoyment of the eighty or more private dwellings nearby extending from the Buttery, Seadrift and Jonson Lane. If this parking lot ever goes ahead, I predict that within 3 months it will be covered in graffiti, it will attract crime, party raves, hippy camper vans and used as a public toilet and dumping ground.

Within a year it will be a slum. A two-storey parking lot will attract the camper van brigade, the very same ferals, who, 8 years ago, used to park in the middle of Byron Bay and defecate in the gutters outside the Art Gallery Bim Bam which went bust so in disgust the owners moved to Queensland. Skate boarders will congregate - unless the proposed new one is built by then - and the local drug dealers will ply their trade all within shouting distance of prime residential real estate and retail property.

What really fuels my objection is **that no-one currently knows for sure** what the developer has planned for the Mitre 10, Repco, Singh, Wicked Weasel site, but rest assured it won't be anything that the residents, locals, ratepayers want or need. We can only speculate as to what is planned, but I fear the worst.

The proposed two storey parking lot is a sinister Trojan Horse.

Now, let's look at the myriad possibilities for this site: Helicopter landing pad for the exclusive use of developers and celebs with private key-card access to a David Jones food-hall and spa underneath? Multi-storey McDonalds & Kentucky Fried combined? Bowling alley? Go-Kart track? Boarding houses? City-dump? Nuclear power plant? Drug Addict Rehabilitation Centre?

Or perhaps something that would line the most ambitious developer's pockets? A prison. Very lucrative I believe.

Evan Banfield

The proposal to rezone land from its current state to the proposed :

SP2 (Car Park)

E2 Environmental Conservation

E3 Environmental Management zones.

Should not be allowed because, due to the current town bypass and paid parking there is an abundance of paid parking spots in town and its position does not allow easy walking access to the town. It does not fit in the landscape and design of our town placed in a quiet undeveloped part and it should zoned MG market gardens.

Lisa Wentworth

The land should not be rezoned to permit a car park.

Selling off assets to private owners who then think they can bend the rules to make a quick profit at the expense of the community should be prevented wherever possible.

With the new bypass and paid parking, there are now plenty of car spaces in town.

I am unconvinced that this car park will lead to town being more pedestrian friendly.

Firstly, since the carpark will be privately owned, is there a guarantee that parking will not be exorbitantly priced anyway? Or used for workers rather than people going into town?

Secondly, it is very unlikely to affect the town centre as people will wish to park closer to town. They will not walk from such a distance (otherwise they could park in Woolworths carpark anyway).

We do not need any more open space being used for cars.

It should not be rezoned, and instead set a precedent for private buyers who do not have the community's interests in mind.

Morgan Mackey

Hello Sam

Thank you for accepting the saved PDF objection regarding the rezone of 158 Jonson Street. Should you need the document in another format, please advise.

9\1217412\Objection (MMackey Grant Dugan) - Planning Proposal to rezone 158 Jonson Street, Byron Bay to permit a car park.pdf [SCANNED, FILE SAFE]

OBJECTION

Planning Proposal to rezone 158 Jonson Street, Byron Bay to permit a car park

Byron Bay Shire Council has a huge role to play in encouraging and approving developments that dramatically impact the Shire (positively and negatively), the amenity of ratepayers and permanent residents (positively and negatively) and decisions that make Byron 'Byron'.

The Council should be supporting and approving developments that offer a broad mix of professional and manufacturing businesses to the region (beyond restaurants, food and retail outlets). This will create a more sustainable, diverse and permanent workforce.

The type and size of the development proposed for 158 Jonson Street, is not suitable. It will be detrimental to the flow of traffic, create safety issues for pedestrians, possible environmental impacts for the flora and fauna nearby and have severe impacts on nearby residential communities.

We ask the Council to consider the above and our thoughts below, before approving the rezoning of 158 Jonson Street, Byron Bay.

Is this the right site for such a large-scale retail development, especially if it needs an oversized car park? Is this solving any issue or actually creating traffic issues, difficulties for pedestrians and impacts on residential amenity?*

Is a multi-storey above ground car park for over 200 cars, appropriate for this site or anywhere in the Byron Bay Shire?

**if approval is given, an initial DA will be lodged for a multi storey above ground car park and refurbishment of what is known as the 'Wicked Weasel' site for a major food retailer tenant. A subsequent DA will likely be lodged to replace the current businesses not included in the Proposed Works/footprint under current review.*

Traffic at Browning/Jonson Round-About

Based on the previously rejected DA and other public records, the rezoning approval will allow a two storey above-ground car park for 200+ cars to support a retail food tenant.

This is completely excessive. So, what is the total plan for this site beyond this first DA, that would merit a multi-storey above ground car park? Shouldn't the Council be asking this before approving the rezoning for a car park?

The Butler Street by-pass has just opened. According to the Council's own public reporting, the number of cars using the by-pass is higher than anticipated and is working well. The Butler Street by-pass project took 30 years to get over the line.

The round-about at Browning and Jonson Streets is vital for the smooth traffic flow along the new by-pass.

The design of the Browning/Butler/Jonson round-about is already compromised. There is very little need or 'incentive' for cars to slow down when entering or exiting the round-about. We have observed several very near misses. Adding a fourth entry point onto the round-about will exacerbate this issue and defeat the objective of smooth traffic movement.

OBJECTION

Planning Proposal to rezone 158 Jonson Street, Byron Bay to permit a car park

The round-about at Browning and Tennyson Streets is also essential and has not been resolved, given the line-up of cars each morning and afternoon.

Jonson Lane, currently under construction, includes underground parking for 125 cars. All cars will enter and exit via Browning Street.

With the approval of the rezoning for a major car park to support a food retailer, this will further encourage vehicles to drive towards this site, given there are no alternatives for residents of Suffolk Park and the southern Byron precinct (not to mention, hundreds of houses approved at West Byron).

This supports again, our questioning of the suitability of a development of this type in this area.

Pedestrian Friendly .. Not

If it is Council's hope that people will park in the 158 Jonson Street car park and use this to walk to the town centre, this is very unlikely.

If the proposed Harris Farm retail tenant is correct (or a similar retail tenant), it would be safe to say that the majority of visitors to this site will use a car. This will not become a park and walk to other parts of Byron option, given the distance and likely time limitations that would be placed on parking.

Refer to Ballina Central Shopping Centre and Ballina Fair as a good example. There is a short walk between the two shopping precincts with traffic light and pedestrian crossing assistance, and yet research would highly likely confirm that very few pedestrians walk between the two.

There are no bus stops located anywhere near this proposed development at 158 Jonson. Nor is there a 'hail and ride' as there is no safe pull in area that could be created near this proposed development site.

Byron Shire Council is promoting a pedestrian and bike friendly Byron Bay, yet any added development approval increases pedestrian and rider safety issues in this area.

There are existing safety issues for pedestrians trying to walk to and from the Town Centre i.e. from the corner of Jasmine House (i.e. 4 Browning) to the western side at the Mitre 10 and then across the Butler street by-pass entry to the corner of 140 Jonson Street.

This will be very dangerous to pedestrians, if the rezoning and development is approved. Pedestrian access and safety will be just about impossible if the likely second DA follows i.e. to replace the three current tenants; Mitre 10, Repco and Singhs Tyre Service, with additional food and complementary retailers.

This seems to defeat the objectives of the Masterplan and certainly doesn't appear to be in line with the statement in the Byron Bay Town Centre Plan stating 'cars out -people in'.

OBJECTION

Planning Proposal to rezone 158 Jonson Street, Byron Bay to permit a car park

Environmental Zoning Areas

We applaud the proposed new environmental zones. We encourage Council to designate a larger portion of the development land to E2 zoning (and the current proposal of the E3 to become E2), regardless of the rezoning outcome.

A huge range of wildlife such as kangaroos, wallabies, snakes and a variety of birdlife has been observed regularly in the proposed E zones. The Council has already noted during the by-pass construction, the possibility of higher numbers of the Mitchell Rainforest Snail in this area.

At some point in recent history, Lot 51 was cleared of paperbarks and other indigenous vegetation (with or without permission??). We would like to see Byron Shire Council take the lead or insist this area be reinstated with indigenous flora in the E zones to regenerate the cleared land.

Seadrift Residential Impact

The constant large-scale development approvals, residential houses changing from one house to two (or often more) and the encroachment into residential areas is stressful. The constant worry about 'what next', the impacts from Short Term Holiday Letting and the concern about safety and loss of amenity for permanent residents should be considered by Byron Shire Council.

The every-day impact on nearby residents is lasting. The rezoning approval will open a DA that will create lighting spill, noise from cars and delivery trucks, security concerns, illegal parking on the paper road, the visual impact of an above-ground car park, the loss of natural habitat and difficult and unsafe pedestrian access near this site for all ages and abilities.

Summary

Change should result in positive outcomes that improves a problem and adds value. Change should consider the future prosperity of the region. We applaud the Council for the by-pass and the bus interchange. We applaud the proposed environmental zoning on SP2 land.

Change shouldn't create a problem. Approving the rezoning and any subsequent development inclusive of a multi-storey above ground car park, will impact in the ways outlined in our objection. Any approval will also disregard the regional feel that people love and the unique points about Byron for ever.

This development on this site, is totally out of character for the Byron Bay Shire and fails many of the desired outcomes set out by the Council.

We ask Council again to consider this rezoning change very carefully. It will be permanent.

**Morgan Mackey & Grant Dugan
Browning Street
Byron Bay NSW 2481**

Pamela Adams

Objection to Rezoning from SP2 Infrastructure to SP2 Carpark

Proposed New Carpark – Private

Lot 51 DP 844054

158 Jonson St, Byron Bay

I am a resident/owner of one of 35 townhouses at (SP 78115) Seadrift, 6-8 Browning St, Byron Bay. Seadrift is situated to the east of the Proposed New Carpark site across a 20 metre wide unmade Jonson St road reserve. My concerns are that the Proposed Rezoning will permit a large multi-level above-ground Carpark alongside our low-rise residential complex with negative outcomes for the people who live at Seadrift, for the surrounding residential area, and for the native wildlife and natural treed and wetland areas south and west of the Carpark site. My concerns are listed below.

Impact on Seadrift Residential Complex

As we are the nearest residences to the Proposed Carpark, our quality of life will be greatly affected if the Proposed Carpark goes ahead. I am concerned about:

Lightspill - Carpark lighting at night

Lightspill - Vehicle headlights when parking at night

Noise - Constant noise of vehicles and people coming and going, particularly at night

Pollution - Increased pollution from vehicle emissions

Safety and Security - Illicit overnight camping of vehicles

Carpark Security - Onsite security at the Proposed Carpark

Flooding – that flood prevention measures are taken to ensure a flood-free Seadrift

Bushfire – that adequate bushfire protection measures are taken

Seadrift Emergency Access

There is an emergency exit from the Seadrift Complex and emergency vehicle access for Fire/Police/Ambulance is via the Jonson St road reserve between the Proposed Carpark and Seadrift Complex. It is vital that this access and exit always remains clear and unobstructed, and that any proposed development is aware of this.

Visual Impact

A multilevel above-ground Carpark providing 200+ parking spaces adjacent to an established residential area will be a visible eyesore not in keeping with Byron Bay's attractive low-rise development and character. Permitting one multilevel above-ground carpark in Byron will set a precedent for other applications.

If the Proposed Carpark is permitted, the developer should provide adequate fencing/walls and tree plantings to screen the Carpark from the Seadrift complex.

Hours of Operation

There should be restrictions on the hours the Proposed Carpark operates. If the Carpark were to operate 24/7, the impact of constant lighting, constant vehicle noise, constant vehicle emissions, security and safety issues, etc. would seriously disrupt the nature of this primarily residential neighbourhood, as well as affect the wildlife habitat around the Proposed Carpark.

Traffic Volume

Underground parking for 125 cars is already underway at the Jonson Lane development on the opposite side of the Bypass Roundabout at Browning and Jonson St. Two large carparks in the same area will generate a high volume of additional traffic which is likely to cause congestion. This is counter-productive to the recent and successful Bypass streamlining of traffic flow in and out of Byron, particularly at the Browning/Jonson Roundabout.

Pedestrian Safety

There is no pedestrian right of way over traffic near the Roundabout at Browning/Jonson which makes crossing the road unsafe, particularly for the elderly, children, and for people who are differently abled. Additional traffic from the Proposed Carpark with 200+ vehicle spaces will exacerbate this situation.

Conclusion

A multi-level Carpark is inappropriate at this location for reasons of safety, security, noise, light and vehicle emission pollution, effects on wildlife habitat, effects on residential neighbourhood, traffic congestion and, if permitted at all, the Proposed Carpark should be ground level only for the reasons stated above.

Submitted by:

Pamela Adams

7 June 2021



Manentia Ubicumque

BYRON BAY PLANNING

and
PROPERTY CONSULTANTS

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3 June, 2021

Objection to Rezoning Proposed New Carpark - Private. Change of Zoning from Zone SP2 Infrastructure to SP2 Carpark

Previous DA 10.2020.14.1 (Refused)

**Lot 51 DP 844054
Nos. 158 Jonson St. Byron Bay.**

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1 INTRODUCTION

This submission has been commissioned by the owners SP 78115, being proximate residential properties to the east of Lot 51 DP 844054 Nos. 158 Jonson St. Byron Bay, whereon DA 10.2020.14.1 was submitted and refused for the proposed "New Carpark – Private", based on it being a prohibited landuse within the current SP2 Infrastructure (Railways Zoning).

The Private parking spaces are again proposed over these lands via a Planning Proposal currently on Exhibition with Byron Shire Council, seeking to change the Zoning to SP2 Car Park under the provisions of Byron LEP 2014I.

The Objectors' properties are located to the east of the Proposed Development, and the residents of this Medium Density Residential Development are concerned that the proposed rezoning will permit a Multi Storey Carpark, which will significantly detract from the residential amenity of the area due to its incongruous bulk and scale, and the need to have this space lit at night. This night lighting will causing significant light spill at night, and this will have a significant adverse impact on the residential amenity of properties to the east, and importantly on wildlife visitation and use of wetland areas to the south and west of this site.

In addition to these adverse impacts, the elevation of parking above ground level will also increase noise dispersal from engine and tyre noise, and this will also significantly detract from residential amenity and environmental quality.

These are wetlands protected by International Treaty, and it is totally contrary to the Objectives of the EPA Act, and the Byron LEP to permit such a development so close to significant wildlife habitat areas.

The Planning Proposal indicates at least 200 car spaces plus ancillary parking and loading area, and such numbers are only possible in a two storey configuration.

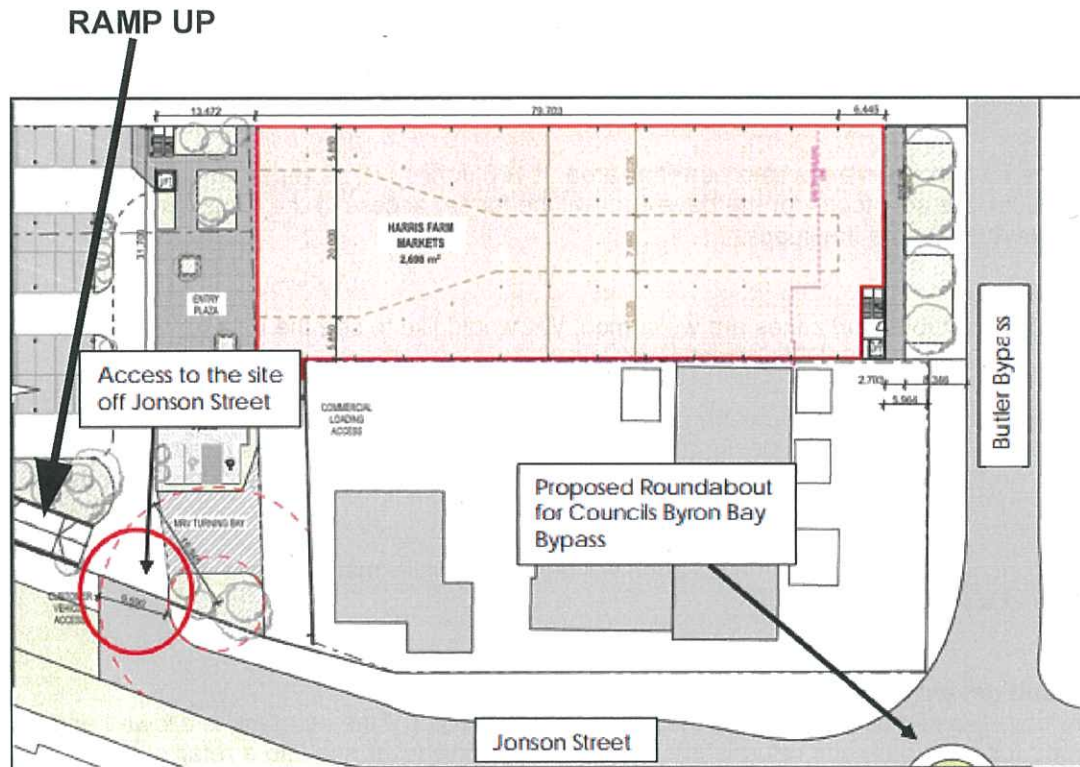
If the Planning Proposal is supported, the LEP needs to specify that only a single level parking area is permitted, with only bollard lighting proposed to reduce light spill, and that even these lights be turned off after 9pm and the site then secured.

Table 11 | Geometric requirements

Item	Minimum Required	Relevant user classes	Dimensions
Regular parking spaces	200	1A,2,3	5.4 x 2.6m spaces with 5.8m aisle width.
Accessible parking spaces	5	4	5.4 x 2.5m spaces with 2.4m shared between 2 spaces
Bicycle spaces	23	-	-
Motorbike spaces	16	-	2.5 x 1.2m
Staff parking spaces	0	-	-
SRV loading bay	N/A	-	3.5 X 6.4m bay with 3.5m vertical clearance
MRV loading bays	2	-	3.5 x 8.8m bay with 4.5m vertical clearance



The parking indicated in the Traffic Study which accompanies the Planning Proposal shows an access ramp to a Second Level of Parking, and this would result in a totally inappropriate development on this site, as previously indicated.



It is likely that this large carpark will be available for use by proximate commercial and tourist accommodation developments on a 24 hours, 7 days a week basis. This will further exacerbate previously flagged adverse amenity and environmental quality impacts.

The residents of Seadrift, 6-8 Browning Street, Byron Bay, have strong objections to this type of development next to a residential complex. Their views on this have been outlined in this submission.

Should the rezoning be approved by Council and a DA lodged, they have included the following comments relating to the visual impact, noise, light spill and traffic congestion that will directly affect their complex :-

1) Traffic & Pedestrian Impacts

The Butler Street by-pass has just opened. According to the Council's own public reporting, the number of cars using the by-pass is higher than anticipated.

1a) A key link for the effective flow of traffic is the round-about at Browning/Jonson Streets.

There is an existing development under construction i.e. *Jonson Lane*. This is a mix of retail and commercial space with an underground carpark of approx. 125 cars. This will impact traffic at the 'Browning Street/Jonson' round-about and onto the by-pass.



A further development such as 158 Jonson Street (and future development of the existing Mitre 10, Repco, Singhs), with a substantial car park as part of the DA, will also significantly impact traffic at this round-about.

Future large scale developments such as West Byron will also attract cars along the by-pass.

1b) Pedestrian safety is a major concern. It is already difficult as a pedestrian, to cross from the Browning Street 'Jasmine House' corner to the 'Mitre 10' corner. There is no clear pedestrian crossing and if 158 Jonson Street is approved, pedestrian access will be very difficult and dangerous.

1c) There are no bus stops anywhere near this area. If 158 Jonson is, as reported, to become a retail food outlet, the sole focus for the developer will be for car access to the retail vendor (Harris Farm or whoever takes up the space).

2) Environmental

The environmental protection zones are welcomed. We would like to see the E3 proposed zoning change to a E2 Environmental Conservation category.

This land has been the subject of clearing in recent years.

The proposed E3 zone should be designated E2 and replanted with indigenous trees and reinstated to protect the birdlife in this area and kangaroos/wallabies that are frequently spotted on this land.

Otherwise, concerns are held that the E3 zone will be left with little 'management' and become overgrown and a fire danger.

3) Proposed development

These are points raised by residents as the 'wish list' for inclusion if the rezoning is allowed and a DA is lodged for a car park and refurbishment of the 'Wicked Weasel' site into a retail outlet:

3a) Design:

comment summary:

Development of the existing car park in front of Mitre 10, Repco, Singh's Tyre Service to Council standard with compensating drainage to the wetlands.

Developer to advise what is planned for the existing site of Mitre 10, Singh's and Repco businesses.

The scale and height of the car park to be reviewed carefully by Council. Approval should be limited to the number of car spaces reasonable for the proposed use as a retail food outlet. The SP2 car park diagram in Byron Bay Council letter to residents dated 10 May 2021 appears to reflect an excessive car park for the likely use.

Design of the car park should minimise the visual impact to Seadrift residents such as a green or solid easterly facing car park wall.

The design to consider the impact of lighting spill onto Seadrift, to avoid impact from spot lights and other required development lighting.

On this basis only bollard lighting should be permitted.

Car Park entrance:

That any future car park entrance should be located to be immediately after the existing rear access to the old Wicked Weasel building.



The gate to be installed immediately south of any proposed car park entry point to prevent access by camper vans and the like, using the Jonson Street 'paper road', and to prevent people from entering this carpark after hours to ensure that it does not become a de-facto Camping Area, or late night meeting area, or a place where burnouts can occur in the early hours of the morning.

It is therefore ESSENTIAL that a locked gate be installed at Jonson Street 'paper road', accessible by only Emergency Services, Council, Essential Energy and Seadrift residents, in the event of an emergency evacuation, being required.

3b) Security:

comment summary:

Retail Outlet: Hours of operation should be limited to ensure that late night trading does not impact on the amenity of proximate residences.

Car park: That car park access be limited to normal trading hours, not 24 hours and be locked and secured at all other times to prevent access by camper vans and the like and other unauthorised access.

Security of Site: Developer to advise what will be in place to prevent after hours access (eg locked gates, security patrols, fencing on western and southern boundaries).

3c) Screening (trees and fencing)

comment summary:

As a minimum, provide selected trees to the paper road to screen the car park from Seadrift Apartments, this screen to be on the eastern boundary of the paper road to lessen the risk of FIRE to Seadrift

Additional screening trees planted along the eastern boundary of Lot 158 Jonson Street, i.e., on the western side of the paper road.

That a fence or other infrastructure be constructed on the eastern side of any future car park to prevent access to the paper road by camper vans and the like.

Fence to be erected on the southern boundary of the car park, with a lockable gate to allow access to the environmental zones to allow maintenance. This will seal the car park from the paper road.

This private parking area, combined with the dead end street parking, proposed in conjunction with the development, places a large area of parking at a location remote from casual surveillance areas within the town, and as such it has an increased propensity of use by overnight campers, and the inherent problems associated with people who live in their cars and park in isolated locations about the town.

Not the least of which is the use of adjacent garden and private yard areas as toilets.

In addition to these social problems, the additional vehicular traffic generated by the Proposed Development will create significant congestion with associated noise and air quality degradation which will cause significant amenity detriments to all residents of proximate residential properties.

Again, it is considered that a Multi Storey Carpark will significantly detract from the residential amenity of the area due to its incongruous bulk and scale, and the need to have this space lit at night.

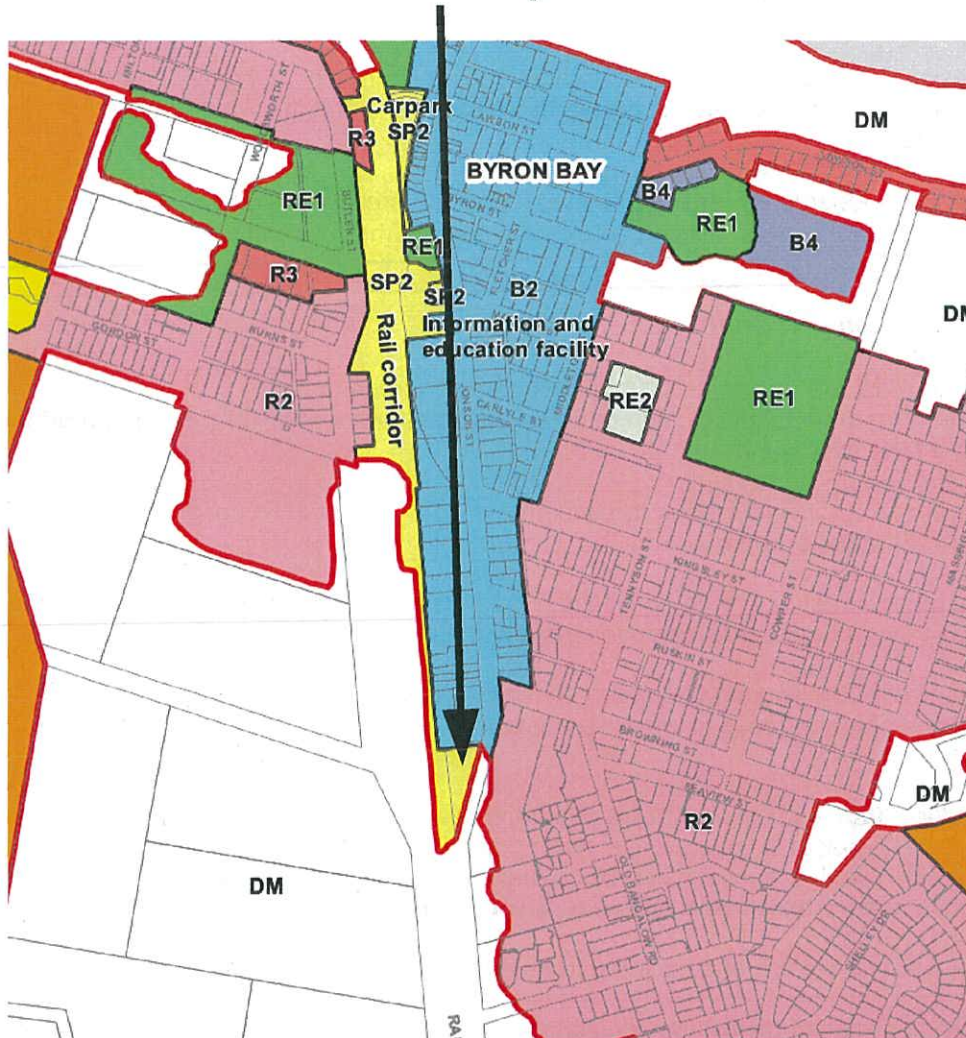
This night lighting will causing significant light spill at night, and this will have a significant adverse impact on the residential amenity of properties to the east, and importantly on wildlife visitation and use of wetland areas to the south and west of this site.



In addition to these adverse impacts, the elevation of parking above ground level will also increase noise dispersal from engine and tyre noise, and this will also significantly detract from residential amenity and environmental quality.

The Private parking spaces are proposed over lands proposed to be Zoned SP2 Car Park under the provisions of Byron LEP 2014 vi a Planning Proposal currently on Exhibition with Byron Shire Council.

Change of Zoning from Zone SP2 Infrastructure to SP2 Carpark



This spatially isolated parking area cannot meet the tests set by the objectives of the EPA Act to ensure that development does not have a negative social, visual, aural and environmental impact, as previously detailed, and on this basis the proposal should be rejected.



2. Sec. 4.15(1)(a) ZONING – SP2 Carpark Zone

Although the proposed Car Park is ordinarily permissible within the adjacent B2 Zone, specifically identifying the site for a carpark could lead to a multi-storey carpark being developed, which would drastically increase potential adverse impacts.

Any rezoning should also include limits on height to ensure that above ground parking levels are not permitted in the future.

2.1 Aims of the Byron LEP 2014, Clause 1.2

1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in Byron in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows—

(a) to progressively respond to changes in the natural, social and economic environment in a way that is consistent with the following principles of ecologically sustainable development—

(i) the precautionary principle—this principle means that where there are threats of serious or irreversible damage to the community's ecological, social or economic systems, a lack of complete scientific evidence should not be used as a reason for postponing measures to prevent environmental degradation (In some circumstances this will mean actions will need to be taken to prevent damage even when it is not certain that damage will occur.),

The proposal is at odds with this aim, as previously detailed, in that it will result in a development which will totally and adversely detract from the amenity of the residential area to the east, particularly in relation to amenity, noise, local traffic safety, streetscape, potential for use by people camping in their cars, tree removal, drainage and the environment in general.

A Multi Storey Carpark will significantly detract from the residential amenity of the area due to its incongruous bulk and scale, and the need to have this space lit at night.

This night lighting will causing significant light spill at night, and this will have a significant adverse impact on the residential amenity of properties to the east, and importantly on wildlife visitation and use of wetland areas to the south and west of this site.

In addition to these adverse impacts, the elevation of parking above ground level will also increase noise dispersal from engine and tyre noise, and this will also significantly detract from residential amenity and environmental quality.

(ii) the principle of intergenerational equity—this principle means that the present generation must ensure that the health, integrity, ecological diversity, and productivity of the environment is at least maintained or preferably enhanced for the benefit of future generations,

(iii) the principle of conserving biological diversity and ecological integrity—this principle aims to protect, restore and conserve the native biological diversity and enhance or repair ecological processes and systems,

(iv) the principle of improving the valuation and pricing of social and ecological resources—this principle means that users of goods and services should pay prices based on the full life cycle costs (including the use of natural resources at their replacement value, the ultimate disposal of any wastes and the repair of any consequent damage),

(v) the principle of eliminating or reducing to harmless levels any discharge into the air, water or land of substances or other effects arising from human activities that are likely to cause harm to the environment,

(vi) the principle of encouraging a strong, growing and diversified economy that promotes local self reliance, and recognises and strengthens the local community and its social capital in ways that safeguard the quality of life of future generations,

The proposal is at odds with this aim, as previously detailed, in that it will result in a development which will totally and adversely detract from the amenity of the residential area to the east, particularly in relation to amenity, noise, local traffic safety, streetscape,



potential for use by people camping in their cars, tree removal, drainage and the environment in general.

(vii) the principle of providing credible information in open and accountable processes to encourage and assist the effective participation of local communities in decision making,
The proposal is also at odds with this aim.

As such the proposal will result in a development which will totally and adversely detract from the amenity of the residential area to the east, particularly in relation to amenity, noise, local traffic safety, streetscape, and the environment in general.

(b) to integrate local planning provisions with applicable regional and State planning controls and policies,

(c) to provide a framework for land use management in Byron,

(d) to promote and coordinate the orderly and economic use and development of land,

The proposal is at odds with this aim, as previously detailed, in that it will result in a development which will totally and adversely detract from the amenity of the residential area to the east, particularly in relation to amenity, noise, local traffic safety, streetscape, potential for use by people camping in their cars, tree removal, drainage and the environment in general.

(e) to build and sustain community resilience by encouraging a diversity of housing choice and affordable housing in appropriate localities,

The proposal is at odds with this aim, as it will result in a development which will totally and adversely detract from the amenity of the residential area to the east, particularly in relation to amenity, noise, local traffic safety, streetscape, and the environment in general. This does not foster community resilience.

(f) to encourage development that contributes to a vibrant, socially-diverse community,

The proposal is at odds with this aim, as previously detailed, as it will result in a development which will totally and adversely detract from the amenity of the residential area to the east, particularly in relation to amenity, noise, local traffic safety, streetscape, and the environment in general. This does not add to the vibrant nature of a residential area.

(g) to encourage development that contributes to a strong, growing and diversified economy,

The proposal is at odds with this aim, as previously detailed, as it will result in a development which will totally and adversely detract from the amenity of the residential area to the east, particularly in relation to amenity, noise, local traffic safety, streetscape, and the environment in general. Further the degradation of the economic and social value of adjacent residences to the east will most likely occur as isolated carparks foster antisocial behaviour and incidental overnight camping.

(h) to ensure the timely provision and coordination of community services and facilities,

(i) to protect, manage and restore the natural environment and biodiversity of Byron,

(j) to protect the cultural heritage of Byron, including the conservation of built heritage and Aboriginal heritage,

(k) to provide for public involvement and participation in environmental planning and assessment,

(l) 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.

The proposal is totally at odds with this aim, as previously detailed, as it will result in a development which will totally and adversely detract from the amenity of the residential area to the east, particularly in relation to amenity, noise, local traffic safety, streetscape, and the environment in general.

This design MAXIMISES, rather than minimises conflict between land uses within a zone and adjoining zones, and it EXACERBATES, rather than minimising impact of the development on the amenity of adjoining and nearby land uses.

As such it is totally at odds with this Aim of Byron LEP 2014.



As the development fails to meet a large number of the fundamental Aims of the Local Planning Scheme, then it must be refused by Council.

2.2 D.C.P. No. 2014 Part D4 “Commercial and Retail”

This D.C.P. for Byron Shire generally sets controls for all forms of Commercial development. As detailed in earlier, and following sections of this report, the proposed development fails to achieve these design criteria in a satisfactory way.

D4.2 Development Controls

D4.2.1 Design & Character of Retail / Business Areas Objectives

1. promote pedestrian and cycle usage & reduced vehicle dependency in business, commercial and retail areas.
2. encourage safety, accessibility and human scale.
3. encourage diverse, multi-functional business, commercial and retail centres - compatible range of commercial, recreational and community activities appropriate to climate, environment, social fabric and scenic character.
4. ensure development reinforces role of centres within the Shire's commercial centres hierarchy.
5. ensure new development contributes to and does not detract from the social and economic robustness, diversity and vitality of precincts.

Performance Criteria

1. promote and encourage safe, convenient pedestrian and cycle access to and from the development itself and the surrounding precinct. Integrate well with the locality's pedestrian and cycle network, contribute to aesthetics, landscape design and usage of adjoining streets.
 2. design compatible with diversity and multi-functional character of locality. retail areas - promote visual interest, shopfront window access, minimise blank walls to street.
 3. respect subtropical climate, make provision for winter sunlight, summer shade and weather protection.
 4. compatible with and reinforce role of the centre in the commercial centres hierarchy. Development in coastal centres reflect a low- scale, tourist-beach image. In rural localities - compatible with character of centre or locality.
 5. Pedestrian areas, community spaces, vehicle parking and manoeuvring areas must be paved, furnished and landscaped to accord with provisions of Chapter B9 Landscaping, and with any landscape and streetscape themes adopted by Council for the locality.
 6. must demonstrate establishment and operation of the proposed development will not adversely affect:
 7. a) social & economic robustness, diversity and vitality of retail, business and community areas and precincts.
 - b) social amenity of the precinct in which it is located.
- Must demonstrate consistency with requirements DCP, including (but not limited to) Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access, B8 Waste Minimisation and Management, B10 Signage and B11 Planning for Crime Prevention.

Prescriptive Measures – Nil.

D4.2.2 Design Detail and Appearance

The proposal fails to blend with adjacent residential properties to the east, and proposes a design which maximises adverse impact on these people rather than minimising it.

The proposal will result in a development which will totally and adversely detract from the amenity of the residential area to the east, particularly in relation to amenity, noise, local traffic safety, streetscape, and the environment in general. Further the degradation of the economic and social value of adjacent residences to the east will most likely occur as isolated carparks foster antisocial behaviour and incidental overnight camping.

A Multi Storey Carpark will significantly detract from the residential amenity of the area due to its incongruous bulk and scale, and the need to have this space lit at night.

This night lighting will causing significant light spill at night, and this will have a significant adverse impact on the residential amenity of properties to the east, and importantly on wildlife visitation and use of wetland areas to the south and west of this site. In addition to these adverse impacts, the elevation of parking above ground level will also increase noise dispersal from engine and tyre noise, and this will also significantly detract from residential amenity and environmental quality.

The removal of native vegetation,



<p>Objectives - ensure that development is compatible with the design and amenity of development in the locality.</p> <p>Performance Criteria</p> <ol style="list-style-type: none"> 1. design of new buildings reflect and enhance the existing character of the precinct, streetscape, aesthetics, function and amenity of development in the locality. 2. Building design, roof profile, detailing, colours, materials and the like that are visible from the street and from adjoining properties must be compatible with any dominant design themes in the surrounding locality. 3. pattern of windows in retail areas must provide visual interest and variation and relate to those of adjacent buildings. Building materials relate to the context of buildings within the area to achieve continuity and harmony. Contrasting materials may be used but materials and colour should not dominate streetscape. 4. Special emphasis must be given to the design of corner buildings, including consideration of: <ol style="list-style-type: none"> a) How building addresses neighbouring buildings, its dual frontage and its turning of the corner. b) Stepping up at the corner and creating a perceived height greater than neighbouring buildings. c) Incorporate distinctive features to enhance street scape, e.g. stepped parapet, turrets, towers, clocks etc. d) Create splayed or recessed corner to give form to intersection & provide circulation space for pedestrians. <p>Prescriptive Measures - Nil</p>	<p>and the propensity for the proposed development to detract from the general amenity of the area, and indeed exacerbate current social problems associated with overnight camping within vehicles parked in isolated parking areas, are just a symptom of a prohibited development proposed in an inappropriate location.</p> <p>Lighting of this parking area is also likely to result in light spill which will not only impact on the residential areas to the east, but will detract from the environmental integrity of the protected Wetlands to the west, causing disruption to bat and bird species which inhabit the protected western wetlands. This will be exacerbated if a multi-level car park is permitted.</p> <p>On this basis, the cumulative impact of all of these breaches is a development which is too large, poorly located, and too poorly designed to be permitted on this isolated allotment at the southern end of the CBD.</p> <p><i>As such there can be no justification of compounding the adverse impacts of this development by permitting this landuse.</i></p>
<p>D4.2.3 Vehicle Access and Parking</p> <p>Objectives - provide safe/effective access, parking.</p> <p>Performance Criteria</p> <ol style="list-style-type: none"> 1. driveways, parking, loading area, designed to minimise disturbance to flow of pedestrians, provide convenience & safety to customers, staff & service vehicles. 2. vehicular access across pedestrian areas must give priority to pedestrian amenity, accessibility and safety whilst ensuring vehicle & traffic safety achieved. 3. Underground car parks must exclude entry of stormwater and/or groundwater to the basement (See Chapter B4 Traffic Planning, Parking, Circulation, Access. <p>Prescriptive Measures - access & parking consistent with Ch B4 Traffic Planning, Vehicle Parking, Circulation and Access. 1 / 20m2 Com / Retail / Restaurant GFA.</p>	<p>This proposal will result in a significant loss of urban character for the adjacent residential properties, particularly in terms of traffic noise, from vehicles using the carpark, the potential for overnight camping, light spill to adjoining residential and Wetland areas, and increased traffic volumes in this quite section of Jonson Street.</p> <p>A Multi Storey Carpark will significantly detract from the residential amenity of the area due to its incongruous bulk and scale, and the need to have this space lit at night.</p> <p>This night lighting will causing significant light spill at night, and this will have a significant adverse impact on the residential amenity of properties to the east, and importantly on wildlife visitation</p>



	and use of wetland areas to the south and west of this site. In addition to these adverse impacts, the elevation of parking above ground level will also increase noise dispersal from engine and tyre noise, and this will also significantly detract from residential amenity and environmental quality.
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Summary Viewed in total, the approval of the proposed Planning Proposal and future Multi-Level Car Park development will significantly prejudice the proper future planning of the area, particularly in relation to the residential amenity of adjacent R2 Zoned lands to the east, and Environmental Zones to the west, and it clearly does not meet Zoning, Zone Objective, or DCP 2014 requirements.

3 Sec. 4.15(1)(b) IMPACT ON ENVIRONMENT

The development involves massive site works associated with the installation of roads, driveways, services, and drainage. All of these works will result in the loss of native vegetation which acts as a buffer between existing residential development and the protected wetlands to the west.

The construction of the road extension and the car park is likely to result in soil movement, vibration, dust and noise adversely impacting on the adjacent residential properties to the east.

In addition to this, as previously detailed, the design will maximise rather than minimise traffic generation impacts, in terms of road safety, vehicle emission, headlight intrusion, and noise onto these adjacent residential properties to the east.

A Multi Storey Carpark will significantly detract from the residential amenity of the area due to its incongruous bulk and scale, and the need to have this space lit at night. This night lighting will causing significant light spill at night, and this will have a significant adverse impact on the residential amenity of properties to the east, and importantly on wildlife visitation and use of wetland areas to the south and west of this site. In addition to these adverse impacts, the elevation of parking above ground level will also increase noise dispersal from engine and tyre noise, and this will also significantly detract from residential amenity and environmental quality.

The removal of native vegetation, and the propensity for the proposed development to detract from the general amenity of the area, and indeed exacerbate current social problems associated with overnight camping within vehicles parked in isolated parking areas, are just a symptom of a prohibited development proposed in an inappropriate location.

None of these outcomes meet the precautionary principle.

It is there fore considered that the Planning Proposal and the future development it will support, will have a significant adverse impact on the environment of the area, and should be refused on this basis.

4. Sec. 4.15(1)(c) SUITABILITY OF THE SITE

As stated previously in the Statutory assessment of the proposal, the design goes beyond reasonable development standards, and indicates a significant disregard to Councils obligations to adhere to the precautionary principle, and fails to assess the actual likely impacts of this significant over development of the site, particularly in terms of traffic, amenity, noise and safety. The removal of native vegetation, and the propensity for the proposed development to detract from the general amenity of the area, and indeed exacerbate current social problems associated



with overnight camping within vehicles parked in isolated parking areas, are just a symptom of a prohibited development proposed in an inappropriate location.

A Multi Storey Carpark will significantly detract from the residential amenity of the area due to its incongruous bulk and scale, and the need to have this space lit at night. This night lighting will causing significant light spill at night, and this will have a significant adverse impact on the residential amenity of properties to the east, and importantly on wildlife visitation and use of wetland areas to the south and west of this site. In addition to these adverse impacts, the elevation of parking above ground level will also increase noise dispersal from engine and tyre noise, and this will also significantly detract from residential amenity and environmental quality. In combination these impacts will detract from the environmental integrity of the protected Wetlands to the west, causing disruption to bat and bird species which inhabit the protected western wetlands.

The proposed development with its compromised access, and adverse social impacts, fails to meet the Objectives of the EPA Act, the Aims of Byron LEP 2014, or the expected Zone Objective outcomes for the adjacent Low Density Residential R2 Zone.

The proposed design is at odds with the existing and planned streetscape and the residential character of the area to its east, as detailed in the points of contention raised in the earlier sections of this submission.

On the basis of these unresolved issues, Council has no choice but to refuse this application in its entirety.

The overall proposal is thus inconsistent with the character of the area in terms of its scale, design, and lack of consideration for the precautionary principle. As such, the proposed use will detract from the character of the area, and represents an inappropriate over development of the site.

5. Sec. 4.15(1)(e) PUBLIC INTEREST

Due to the fundamental design problems raised by this submission, my clients urge Council to refuse this application.

The removal of native vegetation, and the propensity for the proposed development to detract from the general amenity of the area, and indeed exacerbate current social problems associated with overnight camping within vehicles parked in isolated parking areas, are just a symptom of a prohibited development proposed in an inappropriate location.

Lighting of this parking area is also likely to result in light spill which will not only impact on the residential areas to the east, but will detract from the environmental integrity of the protected Wetlands to the west, causing disruption to bat and bird species which inhabit the protected western wetlands.

A Multi Storey Carpark will significantly detract from the residential amenity of the area due to its incongruous bulk and scale, and the need to have this space lit at night. This night lighting will causing significant light spill at night, and this will have a significant adverse impact on the residential amenity of properties to the east, and importantly on wildlife visitation and use of wetland areas to the south and west of this site. In addition to these adverse impacts, the elevation of parking above ground level will also increase noise dispersal from engine and tyre noise, and this will also significantly detract from residential amenity and environmental quality.

The design is therefore not only contrary to the public interest, but it also represents an over development of this site.

The development as proposed is one which fails to meet the privacy, and amenity needs of the adjacent dwellings, and fails to meet reasonable servicing and environmental outcomes.



The outcome of this proposal as presented, not only threatens traffic safety and adjacent residential character, but the combination of all the preceding factors, will result in a significant loss of amenity and environmental integrity, particularly if noise and night lighting impact on the protected wetlands to the west.

The proposed carpark is totally at odds with the Objectives of the EPA Act, the Aims of Byron LEP 2014, and the expected Zone Objective outcomes for the adjacent Low Density Residential R2 Zone, and western E2 Environmental Protection Zones.

As such public interest will not be served by the approval of this development which cannot be supported.

6. CONCLUSIONS

As previously stated, the design will have a significant adverse impact on all adjacent dwellings and wetlands to the west.

The removal of native vegetation, and the propensity for the proposed development to detract from the general amenity of the area, and indeed exacerbate current social problems associated with overnight camping within vehicles parked in isolated parking areas, are just a symptom of a prohibited development proposed in an inappropriate location.

A Multi Storey Carpark will significantly detract from the residential amenity of the area due to its incongruous bulk and scale, and the need to have this space lit at night. This night lighting will causing significant light spill at night, and this will have a significant adverse impact on the residential amenity of properties to the east, and importantly on wildlife visitation and use of wetland areas to the south and west of this site.

In addition to these adverse impacts, the elevation of parking above ground level will also increase noise dispersal from engine and tyre noise, and this will also significantly detract from residential amenity and environmental quality.

For these reasons, this objection is made in the strongest terms as it is evident, following our assessment of the proposal, that the resultant development will totally and adversely detract from the amenity of the adjacent residential area, particularly in relation to, local traffic safety, residential amenity, and the environment in general.

On this basis the cumulative impact of the Car Park, which fails to show how it achieves any of the Objects of the EPA Act, or Byron LEP 2014, will result in compounding adverse impacts, it will be visually out of character with the area.

Further, it will compromise the environmental integrity of the locality through an increase in traffic conflict, and is likely to result in significant amenity and environmental buffer loss between residential areas and the protected Wetlands to the west.

For these reasons, this objection is made in the strongest terms as it is evident, following our assessment of the proposal, that the development will compromise traffic safety, visual amenity, and the environmental integrity of the adjacent residential and environmental areas.

My clients request that this application be refused as it fails to meet all applicable Statutory controls being; the Objectives of the EPA Act, the provisions of SEPP 2019 Coastal Management, Byron LEP 2014, and Byron DCP 2014.

CHRIS LONERGAN. B.A. (Town Planning UNE)

3rd. June 2021.