

# MINUTES OF THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT MULLUMBIMBY EX-SERVICES CLUB ON THURSDAY 15 DECEMBER 2011 AT 12.00PM

## PRESENT:

Garry West	Chair
Pamela Westing	Panel Member
John Griffin	Panel Member

## IN ATTENDANCE

Joe Davidson	Team Leader Planning, Byron Shire Council (BSC)
Jeff Begovic	Senior Development Engineer, BSC
Lara Gallagher	Senior Environmental Health Officer, BSC
Noreen Scott	Executive Assistant Environment & Planning, BSC (Minute Taker)

## APOLOGY: NIL

1. The meeting commenced at 12.00pm.

## 2. Declarations of Interest -

Nil

## 3. Business Items

***ITEM 1 - ITEM 1 - 2011NTH017 – Byron Shire Council - 10.2011.162.1 - Mixed Use development comprising 68 residential dwellings, plus commercial and creative industry and ancillary works, plus subdivision - Lot 3 DP 1004514, Bayshore Drive, Byron Bay***

## 5. Public Submission -

Dominic Finlay-Jones	Addressed the panel on behalf of the applicant
Stephen Connelly	Addressed the panel on behalf of the applicant

## 6. Business Item Recommendations

***ITEM 1 - 2011NTH017 – Byron Shire Council - 10.2011.162.1 - Mixed Use development comprising 68 residential dwellings, plus commercial and creative industry and ancillary works, plus subdivision - Lot 3 DP 1004514, Bayshore Drive, Byron Bay***

## Motion:

That ITEM 1 - 2011NTH017 be deferred to allow the applicant to undertake further discussion with Council on matters discussed today, based on the letter from Geolink dated 13 December (ref 291036) (attached).

**Moved** John Griffin, seconded Pamela Westing

**MOTION CARRIED UNANIMOUSLY**

The meeting concluded at 1.30pm.

Endorsed by

Garry West  
Chair, Northern Joint Regional Planning Panel  
19 December 2011

13 December 2011  
Ref No: 291036

Panel Secretariat  
Northern Joint Regional Planning Panel  
GPO Box 3415  
SYDNEY NSW 2001

Dear Sir / Madam

**2011NTH017 – Byron Shire Council – 10.2011.162.1 Bayshore Village**

We are pleased to see that Council have recommended approval for the Bayshore Village project. In general, we are comfortable with the report and the recommended conditions.

However, it appears that Council has not fully grasped the concept of the proposed creative industry hub, which is translated into some conditions that we would seek to challenge.

Bayshore Village will provide a purpose-built, interconnected digital workplace that will allow people to live where they work; to share a range of technological and recreational facilities; and to be part of a larger like-minded community.

This is not a 'standard' residential development with a few shops; and this distinction will be critical to its success.

Council specifically zoned this site to be different to every other urban area within the Shire, specifically to facilitate such a community. More recently, Council crafted a site-specific Development Control Plan, recognising the unique opportunity to provide a new form of live / work community.

The majority of Council's suggested conditions are conducive to achieving this new form of development. However, there are a smaller number of conditions that would impede the ability to provide a fully functional digital workplace.

**Condition 62(b):**

*The Industrial Precinct GF Plan, numbered 0291 AR 18B, dated 04/11/2011, is to be amended such that no approval is provided for the "Meeting Room" shown on the ground floor.*

The meeting room is proposed to provide a shared business facility for occupiers of the light industry precinct. In accordance with Council's original vision for this site, the industrial precinct is designed to provide an incubator for local business. In keeping with the overall theme of a creative village hub, shared facilities are important and will assist in creating the community.

Use of the meeting room will clearly be ancillary to the light industrial uses within the complex and is therefore permissible. We see no planning reason why this shared facility should not be permitted.

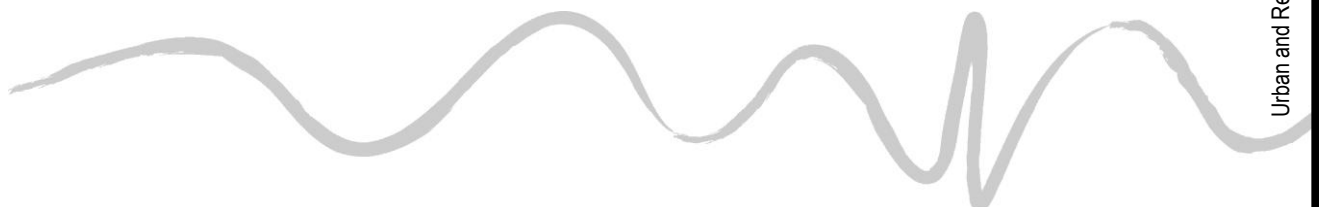
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**Condition 62(g):**

*To achieve a minimum 4.0 metre setback for mixed use development from the Sewage Treatment Plant Road, the building shown on the 'Masterplan' numbered 0291 AR 01 D, dated 04/11/2011, as comprising Dwelling Types A4, A2, A2, A2 and A5, is to be replaced with a building comprises Dwelling Types A1, A2, A2, A3.*

It would appear that Council have misread the development plans in this regard. The Masterplan, Plan number 0291 AR 01 D, shows a 4.0 m setback from the Sewage Treatment Plant Road to the northern side of the adjoining building, within Site No. 59 (Terrace Type A5).

For clarity, and to ensure that this setback is provided, we would be happy to accept a condition to the effect that:

*A minimum 4.0 metre setback from the Sewage Treatment Plant Road is to be provided for the mixed use development building shown on the 'Masterplan' (numbered 0291 AR 01 D, dated 04/11/2011), as comprising Dwelling Types A4, A2, A2, A2 and A5.*

**Condition 62(m):**

*The café and adjacent outdoor seating shown within Building IND 3 on the Masterplan, Drawing No. 0291 AR 01, dated 04/11/2011, must be removed from the approved plans.*

Similar to the meeting room discussed above, the café within the light industry precinct is meant to provide amenity / services for the occupiers of this part of the site. It is not designed as, nor will it be, a restaurant. Rather, it is another element, like the meeting room, that will instill the community aspects of the development, allowing occupiers to meet and share.

We would suggest a condition to the effect that:

*The café and adjacent outdoor seating shown within Building IND 3 on the Masterplan, Drawing No. 0291 AR 01, dated 04/11/2011, shall be used in conjunction with the light industry buildings only. The café is not permitted to operate for the general public outside of Bayshore Village.*

**Condition 62(n):**

*To reduce the ability of the dwellings within the proposed development to be used for dual occupancy purposes, no workspace or home office that adjoins a dwelling is to be provided with its own kitchen or shower*

The workspaces are not 'home offices'. The Village zoning for the site specifically provides for commercial operations to occur in tandem with residential uses.

The design of the residential precinct provides opportunities for residents to conduct business within the creative industry theme. This can involve employees in addition to the residents of the dwellings. Shower facilities are proposed to encourage employees to cycle or walk to work.

Kitchens are not proposed. However, *kitchenettes* are provided to allow for minimal facilities for employees – a microwave, toaster, kettle etc.

Owners running a creative business from their workspace / homes should not be expected to allow employees to use their private facilities.

We understand Council's concern about the potential for illegal dual occupancy use, given the situation in some other urban areas of Byron Bay. However, we note that Bayshore Village will have an internal governance mechanism, in addition to the development consent, in the form of the Neighbourhood Management Statement that can control future uses.

Again, we must stress that this proposal is not a conventional residential project. It will facilitate a new model of live / work, within an interconnected digital community. Shower and kitchenettes are very basic facilities for workers.

To acknowledge Council's concerns, we would accept a condition to the effect that:

*Workspaces within the development, particularly in the residential and live / work precincts, are not to be used as dwellings.*

**Condition 62(o):**

*Details must be provided of the internal walls of the light industrial buildings IND 1, IND 2, IND 3 and IND 4, such that the ground floors of each building contain not more than 5 individual units and the first floors of each building contain not more than 10 individual units.*

Within both the site-specific DCP and the Byron Shire DCP, light industrial controls relate to floor space. Council's report acknowledges that the proposed light industrial component of the development complies with all relevant controls.

There is no control that would limit the number of individual units within a building.

These creative industry buildings are purposely designed to have flexible internal arrangements that can allow a business to grow and contract over time. This ability to incubator businesses through their growth was also an important part of Council's vision for the site.

We can see no valid reason why the number of units should be controlled.

**Condition 9 Development consent No. 10.2008.360 to be surrendered**

We suggest that the heading of this condition contains a typographic error, as the condition itself requires the consent to be formally modified rather than surrendered.

To avoid future confusion, it might be advantageous to correct this minor error.

**Condition 151 Hours of operation**

We make two suggestions for this propose condition:

- The hours suggested for the canteen within building C3 should be the same as those for the retail and commercial uses in the mixed-use precinct – i.e. 8am to 6pm Monday to Friday and 8am to 1pm Saturday. This is consistent with the requirements suggested in Condition 150(a); and
- It would be better for the condition to refer to 'opening hours' rather than 'hours of operation'. This is particularly relevant to the workspaces in the residential and live / work precincts, where residents should be able to work at any hour, subject of course to no noise emissions etc. Limiting opening hours will control employees and clients coming to the site 'after hours', which is the key amenity concern.

We trust that the panel will understand the complexities of this project. As indicated, we are appreciative of Council's positive recommendations, but we suggest that the amendments discussed above will provide for a better overall development.

Yours sincerely

**GeoLINK**



**Rob van Iersel**

Director / Senior Planner

CC: Byron Shire Council